



Appeal Decision

Inquiry opened on 10 March 2020

Site visits made on 9 (unaccompanied) and 10 (accompanied) March 2020

by Jonathan Manning BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25th August 2020

Appeal Ref: APP/X0360/W/19/3235572

Land East of Finchampstead Road, Wokingham, RG40 3JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Limited against the decision of Wokingham Borough Council.
 - The application ref: 190286, dated 31 January 2019, was refused by notice dated 25 April 2019.
 - The development proposed is up to 216 dwellings (including 40% affordable housing), landscaping, public open space, playing field and equipped play areas, surface water flood mitigation and attenuation, vehicular access from Finchampstead Road, pedestrian access from Luckley Road and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It came to my attention before the Inquiry was due to open on 11 December 2019 that there was disagreement between the main parties over the proposed emergency access arrangements for the site. Having regard to the views of the main parties on this matter and the documentation supporting the proposal, I found that whilst I was content that the proposed emergency access arrangements through the neighbouring Luckley House School was always intended by the appellant, this was somewhat unclear in the planning application documentation. This had led to confusion and a misunderstanding of the proposed arrangements by the Council. I considered that this may also have been the case for other interested parties.
3. Given the circumstances, I considered that the most appropriate route forward, was to allow the appellant to undertake additional consultation akin to the original planning application. I am content that this was undertaken appropriately, and I have had regard to all of the comments provided by interested parties to the additional consultation and therefore no prejudice has been caused. The additional consultation resulted in the adjournment of the start of the Inquiry from 11 December 2019 to 10 March 2020.
4. The Inquiry formally opened on 10 March 2020 sitting for four of the scheduled seven days. On the morning of Tuesday 17 March, shortly before the Inquiry was due to resume, it was necessary to adjourn the Inquiry due to government advice, given on the evening of Monday 16 March 2020, setting

out that large events should not take place due to the Covid-19 pandemic. Consequently, it was agreed with the main parties that, as the accompanied site visit had already taken place on 10 March 2020 and the Inquiry had heard from all interested parties who had informed me that they wished to speak, a change of procedure to an enhanced written representation process would be appropriate to conclude the case.

5. The enhanced written process involved the main parties providing an additional written statement addressing matters that had arisen during the first four days of the Inquiry. Interested parties were provided with the opportunity to comment upon these and have therefore not been prejudiced. Further, I provided a list of written questions to the main parties, based on the outstanding subjects not already covered at the Inquiry and the additional written statements provided by the main parties. The Inquiry was closed in writing on 23 July 2020 following the receipt of written closing submissions and an agreed and executed Section 106 Agreement.
6. For the avoidance of any doubt, I have had regard to all comments provided during the Council's determination of the planning application, the appeal consultation, the additional appeal consultation associated with the emergency access arrangements and those provided to the enhanced written representation procedure following the adjournment of the Inquiry due to the Covid-19 pandemic.
7. The application has been made in outline, with full details in relation to access. Layout, scale, appearance and landscaping are to be considered at a later date, as reserved matters.
8. The additional consultation on the emergency access arrangements resulted in some revisions to the plans. As these were consulted upon, I am not of the view that any party has been prejudiced through their acceptance.
9. Further, at the same time some minor amendments were proposed by the appellant to the main site access through proposed drawing 19-286-009 Rev A. The Council did not raise any concerns with regard to this plan and I considered that it did not materially alter the scheme to an extent that would prejudice interested parties in terms of requiring additional consultation. At this time some further landscape plans were also provided, however, as landscape is a reserved matter, I have treated these as indicative. Nonetheless, interested parties were given the opportunity to consider these plans at the Inquiry.
10. In support of the appellant's proof of evidence on arboricultural matters some additional indicative tree retention plans were also included to provide clarity, although I have also treated these as indicative. For the avoidance of doubt, I have determined the appeal based on the following plans, as discussed at the opening of the Inquiry:
 - 6221-L-04 Rev D – Location Plan
 - 19-286-009 Rev A – Proposed Development Access on Finchampstead Road
 - 19-286-002 Rev D – Proposed Footway/Cycleway/Emergency Access to Luckley Road (Sheet 1)
 - 19-286-003 Rev E - Proposed Footway/Cycleway/Emergency Access to Luckley Road (Sheet 2)

11. I have also had regard to the following indicative plans:
- 6221-L-02 Rev K - Development Framework Plan
 - 6221-L-08 Rev A - Existing Situation Access Proposals (Vegetation)
 - 6221-L-09 Rev B - Proposed Landscaping Scheme Access Proposals
 - 6221-A-08 Rev D - Tree Retention Plan Main Access (November 2019)
 - 6221-A-09 Rev K - Tree Retention Plan Emergency Access (February 2020)
 - 6221-A-10 Rev K - Tree Retention Plan Emergency Access (February 2020)
 - 6221-L-10 - Proposed Tree Planting for Access Proposals
12. On 21 July 2020, the appellant provided a copy of a Secretary of State decision letter granting permission for appeal Ref APP/R0660/A/13/2197532 & APP/R0660/A/13/2197529 at Land off Adlem Road/Broad Lane, Stapeley, Nantwich and Land off Peter De Stapeleigh Way, Stapeley, Nantwich respectively. I have added the decision letter to the Inquiry Documents list and allowed the Council the opportunity to comment and I have taken their response and the final comments from the appellant into account in reaching my decision.
13. I have received copies of an agreed and executed Section 106 Agreement (S106) dated 16 July 2020. I allowed this to be signed in counterpart due to difficulties in getting signatures, due to the Covid-19 pandemic, which constitute exceptional circumstances, in accordance with Paragraph N.5.5 of the Planning Appeals - Procedural Guide (July 2020). I am satisfied that certified copies of all the individually signed documents have been provided and therefore the S106 has been entered into by all relevant parties.
14. The S106 makes provision for: affordable housing; Thames Basin Heaths Special Protection Area (SPA) mitigation contribution; a bus service contribution; an employment skills plan contribution; on-site open space and play area along with their management; the layout, management and transfer of the separately permitted Suitable Alternative Natural Greenspace (SANG); and covenants associated with the proposed emergency access.
15. I am satisfied that the obligations meet the three tests set out in Paragraph 56 of the National Planning Policy Framework (the Framework) for planning obligations, which reflect those set out in Regulation 122 of the Community Infrastructure Levy (CIL) (2010). As a result, I have taken the S106 into account. I therefore consider that reasons for refusal 6, 7 and 8 that relate to securing affordable housing, securing an employment skills plan and providing appropriate mitigation for any potential harm to the Thames Basin Heaths SPA, have been overcome and I have not considered these matters any further in my decision.

Main Issues

16. As a result of the evidence before me and matters set out above, I consider that the main issues of the appeal are:
- whether the most important policies for determining the application are out-of-date;
 - the effect of the proposed development on the character and appearance of the area;
 - whether oak trees T1, T2, T7, T11 and T15 should be classed as veterans;

- the effect of the proposal on highway and pedestrian safety;
- whether the scheme would provide for a realistic choice in sustainable transport modes;
- whether the Council can demonstrate a five-year supply of housing land; and
- the weight to be afforded to the benefits of the proposal in the planning balance.

Reasons

Planning policy and its context

17. The parties agree that the development plan consists of: the Wokingham Borough Core Strategy Development Plan Document, 2010 (the CS); the Managing Development Delivery Local Plan, 2014 (the MDD LP); and Saved Policy NMR6 of the South East Plan, 2009 that relates to the Thames Basin Heaths SPA. Whilst there is an emerging Local Plan, this is at a relatively early stage of preparation and therefore can only be afforded little weight.

Most important policies

18. Paragraph 11 d) of the Framework sets out that for decision taking where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. The Framework does not provide a definition of what constitutes 'most important'. However, the wording makes clear that it is the policies most important to determining the application rather than the appeal that needs to be considered. Further, the word important rather than relevant is also significant. Relevant caselaw has established that the decision maker must consider whether the basket of most important policies as a whole is out-of-date.
20. The appellant and the Council are not in agreement over the extent of the most important policies. Both parties agree that Policies CP9 and CP11 of the CS and Policies CC01 and CC02 of the MDD LP are most important. The appellant also considers Policy CP17 to be most important. In addition, the Council consider that: Policies CP1, CP3, CP5, CP7 and CP8 of the CS; Policies CC03, TB05, TB08, TB21 and TB23 of the MDD LP; and Saved Policy NRM6 of the South East Plan are most important.
21. The difference between the parties is largely as a result of the appellant's view that a policy should only be considered most important if there is demonstrable conflict with that policy. However, to my mind, the most important policies for determining a planning application will depend on a number of factors, including: the nature of the scheme itself; its location; and the site's characteristics and constraints.

22. The appellant has set out that their view is supported by the manner in which the Nine Mile Ride Inspector¹ approached this matter, particularly coming to a view whether the basket of policies, as a whole, was out-of-date at the end of the decision in the planning balance. However, firstly, the Inspector in that case had already identified what the most important policies were at the start of the decision and secondly, whether or not the scheme conflicts with a policy does not affect whether it is consistent or otherwise with the Framework. Consequently, I am not persuaded by this suggestion.
23. Turning to the most important policies for this case, the scheme is located outside of any settlement boundary, so policies that relate to this matter are clearly important (Policies CP9, CP11 and CC02), as agreed by the parties. However, it is clear from these policies that there are several underlying reasons for seeking to limit development to within settlement boundaries. These include: the protection of the countryside; protecting the separate identifies of settlements; and steering development to the most sustainable locations where there are accessible facilities and services. Consequently, I consider policies that address these matters are also most important to the determination of the application (CP1, CP3 and CP6 of the CS and Policies CC03 and TB21 of the MDD LP).
24. The appeal site is located within proximity to the Thames Basin Heaths SPA. Given the clear requirement for the decision maker to be able to conclude that there would be no significant adverse impacts on a site of European importance, this is clearly an important consideration for the scheme. Therefore, I consider that Policy CP8 of the CS and Policy NRM6 of the South East Plan are most important. In addition, the appeal site accommodates an area of Priority Habitat and would result in the removal of a significant level of trees and other vegetation. Consequently, I consider Policies CP7 of the CS and Policy TB23 of the MDD, which both relate to biodiversity, are also most important policies.
25. Finally, the proposal is for a considerable number of residential dwellings. Consequently, I agree with the Council that Policies CP5 of the CS (Affordable Housing) and Policies TB05 (Housing Mix) and TB08 (Open Space) of the MDD LP are also most important policies.
26. There is dispute whether Policy CP17 of the CS should be considered as most important. Policy CP17 sets out the housing requirement, which both parties agree is out-of-date, as it is based on the now revoked South East Plan. I am not of the view that this is a development control/management policy that plays a notable role in determining planning applications. Therefore, despite its obvious relevance to this scheme, I consider that it is not one of the most important policies. The Inspector's in the Nine Mile Ride and Hurst² appeal decisions both share my view, and this adds weight to my findings.
27. Having regard to all of the above, I consider that the most important policies to the determination of the application are: Policies CP1, CP3, CP5, CP6, CP7, CP8, CP9 and CP11 of the CS; Policies CC01, CC02, CC03, TB05, TB08, TB21 and TB23 of the MDD LP and Policy NRM6 of the South East Plan.

¹ Appeal Decision APP/X0360/W/19/3238048.

² Appeal Decision APP/X0360/W/18/3194044.

Whether the most important policies are out-of-date

28. Dealing firstly with Policies CP9 and CP11 of the CS and Policy CC02 of the MDD LP, I agree with the Nine Mile Ride Inspector that although not being one of the most important policies, Policy CP17 of the CS, nonetheless, has a bearing on whether these other policies should be considered out-of-date. As set out above, the housing requirement in Policy CP17 reflects that of the revoked South East Plan, which in itself makes it out-of-date. Further, given that the CS was adopted over 5 years ago, the Framework advises that the standard methodology for calculating Local Housing Need (LHN) should be used. This results in a need for some 844 dwellings per annum, which is markedly over the housing requirement of 723 dwellings per annum identified in Policy CP17.
29. I have found later in my decision that the Council can demonstrate a five-year housing land supply. However, despite the views of the Council, it does rely on supply that falls outside of the currently set settlement boundaries. It is therefore clear to me that delivering a sufficient supply of housing cannot be done, whilst also meeting the requirements set out in Policies CP9, CP11 of the CS and CC02 of the MDD LP. They are therefore out-of-date.
30. Policy CP5 of the CS sets out that residential proposals of at least 5 dwellings should provide 50% affordable housing where viable. This is not consistent with Paragraph 63 of the Framework and therefore is out-of-date.
31. Policy CC01 of the MDD LP sets out the presumption in favour of sustainable development. However, this does not reflect the wording in the latest version of the Framework. As a result, it is not consistent with the Framework and is out-of-date.
32. I have also had regard to whether Policies CP1, CP3, CP6, CP7 and CP8 of the CS; Policies CC03, TB05, TB08, TB21 and TB23 of the MDD LP and Policy NRM6 of the South East Plan are consistent with the Framework. Whilst there may be some minor inconsistencies, in their wording, including Policy CP3 in terms of ecology, on balance, when these policies are considered in their entirety, I am content that they are consistent with the Framework and not out-of-date.

Overall conclusion

33. I have found that 5 of the 16 most important policies to the application are out-of-date. It is therefore clear that the majority of most important policies are not out-of-date. As a result of this, I conclude that the basket of policies, as a whole, is not out-of-date.

Character and appearance

34. The appeal site is located on the southern edge of Wokingham and is approximately 15 hectares in size. There is adjoining housing to the west and school playing fields, including an area of woodland, and residential dwellings to the north. There is woodland on the southern boundary that would form part of the separately permitted SANG, with a golf course beyond. Finally, to the east there is an open area of land that would also form part of the SANG, with a railway line and open countryside beyond. A long narrow parcel of land also extends north from the main bulk of the appeal site that would form the emergency access and a foot/cycle path.

35. The appeal site itself is largely open in nature, with a mature hedgerow running through its centre. Despite this, it has enclosing boundaries due to existing development and mature vegetation, including areas of woodland. Once within the site, I observed that this creates a fairly contained character.
36. The appeal site is located adjacent to the settlement boundary of Wokingham and therefore, in policy terms, it is within the open countryside. Policies CP9, CP11 of the CS and Policy CC02 of MDD LP seek to restrict development outside settlement boundaries other than in a few limited circumstances. The scheme does not fall within any of these.

Landscape

37. The appeal site has no national, regional or local landscape designations and it is common ground that it is not within a valued landscape. The 2019 Landscape Character Assessment (LCA) identifies the appeal site as lying within Character Area N1: Holme Green Pastoral Sandy Lowland. This describes the overall landscape condition as of moderate value.
38. I consider that this is the case for the appeal site. Whilst the appeal site has an open and tranquil character being set back from the busy Finchampstead Road behind residential dwellings, there is none the less an urban influence within the site, with the long run of residential properties on the western boundary and visible built development to the north from properties in Luckley Wood and Luckley House School. It is, in my view, a clear transition point between the urban edge of Wokingham and open countryside to the south and east. The site therefore forms part of the rural setting of Wokingham.
39. The scheme would result in the removal of a significant number of protected trees, largely associated with providing the main vehicular access and the emergency access to the site, some of which represent good quality specimens that contribute positively to the character of the area. Whilst new planting is proposed by the appellant, which can be secured through reserved matters, in many cases it will take a considerable period of time to replace those that would be lost in terms of their amenity value.
40. The emergency access and foot/cycle path would run through an area of woodland. This would necessitate the loss of protected trees. However, in the large, the canopy of the woodland would remain and, in my view, the scheme would not materially alter the external appearance of the woodland.
41. The LCA sets out that the rural setting of Wokingham should be conserved. The development of the appeal site for a substantial residential development would cause harm to the rural setting of Wokingham at this point. However, the contained nature of the appeal site in the wider landscape should not be ignored. I consider that this softens the impact of the proposal on the wider landscape.

Visual impacts

42. There are no Public Rights of Way either within the appeal site or in close proximity to it. The proposal would only be visible from residential properties that are adjacent to the appeal site on Finchampstead Road, Hart Dyke Close and Luckley Wood. There will undoubtedly be visual impacts on these receptors who's views of the open and rural appeal site with further

- countryside beyond would be replaced by a significant level of built development.
43. The properties on Finchampstead Road that border the site all have very long gardens with some having mature boundary vegetation that screen views. However, I observed on my site visit that some do have a more open relationship with the appeal site and views are freely available. Due to the depth of the gardens, I consider that the visual impact on these properties would be moderate adverse in significance.
 44. Turning to the properties on Hart Dyke Close, there are numerous properties who have close range views over the appeal site, with some having fairly open boundaries and clear views. On this basis, I consider that the visual impact on these properties would be major adverse in significance.
 45. In terms of the properties within Luckley Wood, the indicative masterplan shows an area of open space adjoining these properties. However, views across the built development of the proposal would be plain to see and therefore I consider the impact would be moderate to major adverse in significance.
 46. The appellant has suggested that a landscaping scheme that would be secured at reserved matters could lessen the impact on residential receptors. However, having regard to the indicative development framework, built development is shown up to the boundaries with numerous properties along Finchampstead Road and Hart Dyke Close. The scope for additional planting appears to therefore be relatively limited and even taking into account that the gardens of the new dwellings would back onto those of the existing dwellings, the identified harm would not be reduced by any significant degree.
 47. There would be some adverse visual impacts from the proposed main vehicular access on residential receptors on the western side of Finchampstead Road and the users of the road itself. The main proposed access, with its associated footways would be significantly wider than the existing access to the golf course that it would replace. This along with its lighting and loss of mature oak trees, would create a much more urban environment at this location. Despite the proposed planting along Finchampstead Road this would, in my view, result in visual adverse impacts of moderate significance. The impact of the proposed main access on the Green Route is considered further below.
 48. The route of the emergency access and foot/cycle way would run adjacent to the grounds of Luckley House School. I observed on my site visit that the emergency access would be visible from within the school grounds. The scheme would introduce a significant urban feature that would be between 2 metres to 3.8 metres wide and would span a considerable distance. Along with the associated fencing and lighting this would change the internal character of the woodland considerably and would result in visual harm of moderate to major significance to the users of the school. The emergency footpath would not be largely visible from the properties that would back onto it along Luckley Wood due to the trees that would remain and the existing boundary treatments. Therefore, any visual impacts on these properties would be minor.

49. The appellant considers that any impacts on the users of the golf course would be minor in significance and I share this view, due to the considerable amount of vegetation that separates the two.
50. The proposal would also be visible to future users of the area of permitted SANG that would be delivered alongside the proposal to provide mitigation for potential impacts on the Thames Basin Heaths SPA. Whilst there would be some visual impacts, I am mindful that the SANG is not an existing receptor and delivery of the SANG does largely depend on this proposal being delivered. Further, the Council has not suggested that any visual impacts would result in the SANG being unable to fulfil its function in diverting recreational pressure away from the Thames Basin Heaths SPA. On this basis, I consider that any visual harm to the future occupants of the SANG would be minor.

Impact of the proposed main access on the Green Route

51. Finchampstead Road is identified as a Green Route in the MDD LP. These are defined as '*Roads into settlements that are lined with trees and other vegetation which make a significant contribution to character and environment of the area and contribute to the Borough's network of wildlife corridors*'. Policy CC03 of the MDD LP, amongst other things, sets out that proposals affecting such routes should protect and retain existing trees, hedges and landscape features.
52. It was evident from my site visit that, within the proximity of the appeal site, Finchampstead Road has a largely enclosed character with many large mature oak trees immediately adjacent to the road and its footpaths, whose canopies overhang the road creating a tunnel effect in numerous places.
53. When looking down the proposed main site access from Finchampstead Road, the proposed access would, at its closest part to Finchampstead Road, be 7.30 metres wide and flanked by a 3 metre footway/cycleway to the north and a 2 metre footway to the south. The proposed access would therefore be considerably wider than the existing access into the golf course that would be replaced. Further, it would include street lighting and this, along with its considerably greater width, would appear much more urban than the existing golf course entrance it would replace.
54. To ensure that suitable visibility splays and footpaths can be provided, three large oak trees (Ref T1, T2 and T7) would be removed, all Category A specimens, along with a smaller oak (T8) (Category B) and a stretch of existing hedgerow each side of the proposed main site access. To mitigate this loss the appellant has put forward an indicative planting scheme (Drawing 6221-L-09 Rev B) that would include the provision of 8 semi mature oak trees of approximately 5 metres in height adjacent to Finchampstead Road. It is also proposed to plant a new hedgerow each side of the proposed access to replace that which would be lost.
55. Whilst the new planting is acknowledged, I consider that it will take a considerable period of time for the semi-mature oak trees to provide the same visual amenity (particularly in terms of their canopy coverage) than would be lost from the removal of the existing oak trees (T1, T2, T7 and T8). Further, to accommodate wider footpaths and visibility splays the replacement trees and hedgerows on Finchampstead Road would be set further back than the

majority of the existing trees within the proximity of the proposed site entrance. I consider that this would not achieve the same level of enclosure that currently exists. Whilst I am mindful that further oak trees are proposed along the first stretch of the access, these would be located further away from Finchampstead Road and would not, in my view, alleviate the concerns raised above.

56. The scheme would also likely remove a section of the existing deep ditch to accommodate the proposed 2 metre pavement around the proposed main site access. This is a notable feature of the Green Route on the eastern side of Finchampstead Road and would add to the harm identified above.
57. Despite my findings above, it must also be borne in mind that the proposal would affect only a relatively small section of the Green Route along Finchampstead Road.

Separation of settlements

58. The appeal site is located on the eastern side of Finchampstead Road. There is already a continuous line of development along the western side of Finchampstead Road that joins Wokingham and Finchampstead North. The proposal would not extend built development any further south than the existing built development on the eastern side of Finchampstead Road. Further, due to existing vegetation to the south of the appeal site and that located in the permitted SANG area, there would be no or very little intervisibility between the proposed development and Finchampstead North. Consequently, I consider that there will not be any impact on the separate identities of Wokingham and Finchampstead North.

Overall conclusion

59. The scheme would result in harm to the landscape, including the rural setting of Wokingham and would result in numerous visual impacts, some of which would be moderate and major adverse. There would also be harm caused to the Green Route along Finchampstead Road, due to the increased urban appearance of the proposed main access and the loss of several protected mature oak trees. This harm would, however, be largely localised to the area immediately surrounding the appeal site. Overall, I consider that there would be a moderate level of harm caused to the character and appearance of the area.
60. The scheme therefore conflicts with Policies CP1, CP3, CP9 and CP11 of the CS, Policies CC02, CC03 and TB21 of the MDD LP and would not recognise the intrinsic character and beauty of the countryside as required by Paragraph 170 b) of the Framework.

Trees

61. I have taken into account the effect of tree loss within my findings above, in terms of the effect this would have on the character and appearance of the area. However, there are several other matters associated with trees that are of relevance to the appeal. There is dispute between the parties whether several protected trees (referenced as T1, T2, T7, T11 and T15) that would be removed by the scheme are veteran oaks and therefore benefit from the protection of Paragraph 175 c) of the Framework.

62. As set out above, several oak trees (including T1, T2 and T7) would need to be removed to facilitate the provision of the main vehicular access. These trees are listed in the Wokingham District Veteran Tree Association records (WDVTA). I understand that as such, they are also automatically listed in the Woodland Trust's Ancient Tree Inventory. However, I consider that it must be borne in mind that the entries into the inventory for these trees were in 2008, which was before the most recent guidance on this issue, namely '*Ancient and other veteran trees: further guidance on management*' by Lonsdale, 2013. I agree with the appellant that this offers the most comprehensive publication available on the subject and was produced collaboratively with contributions from relevant experts and bodies.
63. In addition, I understand that entries into the WDVTA are largely undertaken by volunteers, who although may have received training, are not qualified arboriculturists. Notwithstanding all of this, I have considered the merits of each relevant tree based on the evidence that is before me and against the most recent and relevant guidance.
64. The Framework defines ancient or veteran trees as: '*A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage*'.
65. *Ancient and other veteran trees: further guidance on management* by Lonsdale, 2013 (Section 2.2), advises that when seeking to recognise veteran or ancient oak tree surveyors should look for:
- a girth that is very large for the species, allowing for the local growing conditions;
 - extensive decay or hollowing in exposed parts of the central wood;
 - a crown structure that, for the species concerned, is characteristic of the latter stages of life; and
 - a crown that has undergone retrenchment, i.e. it has become smaller (owing to dieback and breakage) since maturity.
66. It is also advised that other key attributes (the more a tree has, the stronger the indication that it is a veteran) are: major trunk cavities or progressive hollowing; naturally forming water pools; decay holes; physical damage to trunk; bark loss; large quantity of dead wood in the canopy; Sap runs; crevices in the bark, under branches or on the rootplate sheltered from direct rainfall; fungal fruiting bodies (e.g. from heart-rotting species); high number of interdependent wildlife species; epiphytic plants (if these are abundant or include rare species); an old look; and high aesthetic interest. Attributes that can also apply are: a pollard form or other form indicating previous management; cultural/historic value; and a prominent position in the landscape.
67. In relation to girth, there was particular discussion about Fig 1.3 of '*Ancient and other veteran trees: further guidance on management*' by Lonsdale, 2013 and how it should be interpreted. The appellant is of the view that an oak tree with a girth of 4.7 metres or more is likely to be a veteran based on this guidance. However, the WDVTA disagree and consider that Fig 1.3 should be

interpreted in way that a girth of 3.7 metres results in an oak tree being considered a veteran. I accept that there is some ambiguity in Fig 1.3. However, when the guidance is read as a whole, particularly Page 27, which sets out that oak trees with a girth of 4.7 metres or more are especially valuable with respect to conservation, as opposed to girths of 3.2 metres being potentially interesting, I am more persuaded by the appellant's view.

68. Whilst I understand that David Lonsdale has seen the note provided by the WDVTA, I have not seen clear evidence that David Lonsdale fully endorses WDVTA's view on the interpretation of Fig 1.3.
69. None of the oak trees in question have girth sizes over 4.7 metres. It was, however, agreed at the Inquiry that trees T1, T2, T7, T11 and T15 are of an age and size that make them 'locally notable' and therefore could be considered as veterans depending on the condition and features of the tree itself.
70. In terms of T1 and T7, based on my observations on the site visits, I accept the appellant's assessment that these show very little features of a veteran tree, other than the presence of ivy. In relation to T2, whilst there is a knot hole that could be suitable for a bat roost identified in the Ecology Appraisal, I observed that it displays little in the way of any other veteran tree features, other than accommodating ivy. On this basis, T1, T2 and T7 are not, in my view, veterans.
71. I observed that T11 did have some crown dieback and larger quantities of dead wood in the crown than T1, T2 and T7. Further, the Ecology Appraisal does record a large branch tear out and overlapping branch cavities, although these did not appear to be major. However, in my view, it does not strongly exhibit any of the other veteran features as identified above, other than the presence of ivy. Further, the appellant has noted that T11 is located immediately opposite T14 which is sited on the western side of the golf course access road and that T14 is a dead early mature oak. I accept the appellant's view that it is plausible that both T11 and T14 were damaged sometime in the past, possibly due to construction of or modification to the golf course access which has contributed to their premature decline. For these reasons, I am also not of the view that T11 is a veteran.
72. Turning finally to T15, this does accommodate two entrances at ground level forming small basal cavities. Nonetheless, these did not appear to be significant from my own observations and not of such significance to be considered as major trunk cavities or extensive hollowing, nor do the branch socket cavities or woodpecker holes. I did observe a notable amount of deadwood in the canopy, some light ivy and some delaminating bark on the main stem at the base. However, overall, given the above and the lack of other common veteran features, I am not of the view that T15 is a veteran.
73. It should also be noted that I am not of the view that T1, T2, T7, T11 or T15 possess cultural/historic value or sit within such a prominent location in the landscape that is of sufficient significance to alter my conclusions set out above.
74. There has been dispute whether the loss of oak trees T11 and T15 has already been established by the permission for the associated SANG. It is clear from the appeal decision that no reference to the loss of these trees was made and

consequently, there remains significant doubt. On this basis, I have taken into account their loss within this decision. However, I have not found that either T11 or T15 is a veteran and therefore even if I was wrong to do so, it would not materially alter the overall outcome of the appeal.

75. Turning to other related matters, there has been some dispute in relation to whether oak tree T3, which lies along Finchampstead Road adjacent to T2 could be retained. The appellant has provided additional drawings to show that engineering works to facilitate the main site access would only encroach into the Root Protection Area (RPA) of T3 to a very limited degree (in the region of 1% of the RPA). Consequently, even if T3 was to be considered a veteran, I am satisfied that T3 would not be unacceptably affected by the scheme.
76. The appellant is proposing to construct the emergency access with low impact methods. I am content that this would ensure the retained trees and their RPAs would not be adversely harmed by the proposal, despite the minor changes in levels along its route. Further, I am also suitably satisfied that fencing and lighting posts can be placed at locations that would have minimal effect on the retained trees and their RPAs.

Highway and pedestrian safety

Modelling

77. The application was supported by a Transport Assessment (the TA), dated January 2019. The TA utilises the Wokingham Strategic Transport Model 3 (WSTM3) to model the increased traffic from the development on the surrounding local highway network. However, WSTM3 was replaced in July 2018 by the Wokingham Strategic Transport Model 4 (WSTM4). This provided updated assumptions on growth and traffic flows. The Council confirmed at the roundtable discussion that this includes updated assumptions on the traffic flows from the Strategic Development Locations (SDLs), which are significant developments.
78. The appellant has set out that there was not enough time to re-run the TA based on WSTM4 before the Inquiry was due to commence. I consider that there was a considerable period of time from the refusal of the application to the commencement of the Inquiry on 10 March 2020. This included a significant adjournment for the additional consultation set out above. It is therefore clear that the evidence in support of this appeal is not the most up-to-date available and this brings with it, significant doubts in relation to whether the impacts of the proposal on the local highway network have been appropriately assessed.
79. I acknowledge that the appellant has undertaken a 5% sensitivity test of the proposed mitigation at the Finchampstead Road / Sandhurst Road junction. However, I consider that there can be no guarantees that there would only be a 5% difference in traffic flows at the junctions between that modelled in WSTM3 and WSTM4. Further, this has only been done for one junction. The TA identifies on Page 31 that there are 3 junctions that operate above capacity, but the impact of the development is considered to be minimal. It is unclear what impact a 5% increase in traffic flows would have on these junctions and whether this might necessitate the need for junction mitigation.

80. The appellant has suggested that as a result of the Covid-19 pandemic there is a likelihood that more people will work from home and road congestion could decrease. However, at this stage, I consider that there is no firm evidence to suggest this will be the case.

Junction improvements

81. The TA proposes a junction improvement at the Finchampstead Road / Sandhurst Road junction, as set out in Appendix 9 of the TA. However, this is not supported by a Stage 1 Road Safety Audit (RSA) and therefore, I cannot be sure that the proposed mitigation would function safely or that a viable solution is available at this junction to mitigate the impacts of the development.
82. The appellant in setting out its case for the appeal, subsequently considered that mitigation is also required at another junction. This relates to the Finchampstead Road / Evendon's Lane junction. Whilst swept path analysis has been provided, a Stage 1 RSA has not and again, I cannot be sure that the proposed mitigation would function safely or that a viable solution is available at this junction to mitigate the impacts of the development.
83. It is clear that the impact of the proposal on the local highway network is an important one for local residents. Having regard to these concerns, at the roundtable discussion, I raised a matter with regard to the findings of the TA for the junction at Finchampstead Road/Molly Millars Lane. On the Finchampstead Road South arm the modelling on Page 26 of the TA shows an increase in queues of 28 vehicles (increase to 291 from 263) in the am peak as a result of the scheme. Further, for the Finchampstead Road North arm of the junction there would be an increase in queues of 24 vehicles (increase to 109 from 85) in the pm peak as a result of the scheme.
84. Given the high level of existing congestion at this junction, I consider these impacts to be material and not minimal as suggested in the TA. As a result, I am unable to conclude that without mitigation there would not be unacceptable impacts on this junction. The appellant noted that the modelling can become unstable when queue lengths are so large. Whilst this is noted, it is nonetheless the best data that is before the Inquiry.

Access arrangements

85. The access arrangements for the scheme include a main vehicular access from Finchampstead Road for future residents of the proposed dwellings, along with users of the SANG and the golf course. Further, an emergency access would be provided from the northern part of the appeal site into the car park of the adjacent Luckley House School. This would also be used as a foot/cycle path, which would then also extend up to Luckley Road.
86. Living Streets - Highways Guide for Developer's in Wokingham, 2019 at Table A1 (Page 48) sets out a street hierarchy. I consider the proposed loop arrangement (that would connect to the emergency access) within the appeal site would constitute a tertiary street. This is defined as access to dwellings with no through movements. The maximum number of houses set out in the Table A1 is 200 (or 100 max cul de sac for emergency access). Given a separate emergency access is provided, the guide suggests that a maximum

figure of 200 dwellings would be acceptable in the arrangement proposed by this scheme.

87. Whilst the proposal would be over this at 216 dwellings, I accept the appellant's view that the document is a guide and 16 additional units is unlikely to result in any harm to highway safety. This is particularly the case as the TA shows the main access junction would operate well within capacity with an RFC value of 0.58 and very minimal queues. It is also still likely to do so, even if there was a material increase in traffic flows as a result of the more recent modelling in WSTM4. Consequently, I consider the principle of the access arrangements of the scheme to be acceptable.

Main vehicular access

88. As part of this appeal the appellant has provided a revised drawing that amends the proposed main vehicular access junction. Namely, it narrows each lane of traffic and the right-hand turn lane to 3 metres from the initial 3.5 metres. This was done to try and avoid the removal or any adverse impacts on oak tree T3. This raised concerns with regard to traffic being pushed closer to the footpaths and bus stops along the road. Whilst I accept that vehicles would travel marginally closer to the edges of the road, I am not of the view that this would result in highway or pedestrian safety concerns. The appellant has also provided evidence that shows the changes would not affect the findings of the Stage 1 RSA that was conducted on the original junction layout.
89. Interested parties have raised concerns with regard to the adequacy of the visibility splays provided at the main vehicular access. At the roundtable discussion, it was raised that the speed survey data was missing from the TA. This was subsequently provided. Whilst there was some disagreement over the exact distance that should be provided, based on the evidence before me and having regard to Drawing 19-286-009 Rev A, I am content that appropriate visibility splays can be provided at the junction, without unacceptable impacts on oak tree T3 or the need to remove any other significant vegetation. This could have been secured by a planning condition if I had been minded to allow the appeal.
90. The appellant is of the view that the existing golf course access is a simple priority junction and that, as a result of the scheme, right turning vehicles will be provided with a facility to execute that manoeuvre more safely and this results in an enhancement to highway safety. However, the main vehicular access would need to serve the considerable number of future residents of the scheme, which the current golf course entrance does not. I am therefore not of the view that this represents enhancement and is not a benefit of the scheme.

Emergency access and foot/cycle way

91. The adequacy of the emergency access has received much concern, both from the Council and interested parties. The emergency access would for the most part be 3.8 metres in width, in accordance with Manual for Streets and Living Streets - Highways Guide for Developer's in Wokingham, 2019. However, there would be a section that would be 3 metres in width that would conflict with the guidance in the above documents. The appellant has provided swept path analysis that illustrates that an emergency vehicle (fire engine) would

still be able to use the 3 metre section. Therefore, whilst I accept that the 3 metre section would not meet the above guidance, this would not in my view, result in adverse highway safety impacts.

92. Given the relatively straight alignment of the emergency access route, I am satisfied that there would be sufficient visibility for any pedestrians or cyclists using the emergency access route and an emergency vehicle to see each other, avoiding safety issues. Further, it is clear from the emergency access drawings that there would be sufficient room, in the majority of places, between the hardstanding and fence/bollards for pedestrians and cyclists to step a side to let an emergency vehicle through if necessary.
93. The emergency access would also run through the neighbouring Luckley House School car park. During the accompanied site visit, we visited the school at pick-up, one of the busiest times of the day. There was nothing to suggest that inappropriate parking was commonplace and would lead to conflicts with emergency vehicles trying to access the appeal site. Further, the school has entered into a S106 Agreement, which binds them to maintain a clear path of access, free from development and obstruction for emergency vehicles at all times, along the length of the route. This also includes providing means of unlocking the gates along this route. Whilst there could be three locked gates when the school is closed, with suitable means to open these, I am not of the view that this would delay emergency vehicles to an unacceptable degree.
94. I acknowledge the concerns of potential conflicts between pupils at the school and emergency vehicles. However, it must be borne in mind that the use of the emergency access would be dependent on the main site access being obstructed. Therefore, on the vast amount of occasions emergency vehicles would not need to use the emergency route. Consequently, the emergency access route is only likely to be used on incredibly rare occasions. Further, for there to be the potential for conflict, an emergency would need to occur during times where pupils would be within the car park, which would be drop-off or pick-up and to a lesser degree, lunchtime. The chances of this occurring are remote. Even if this was to occur, I observed that pick-up time was well organised and there were not significant numbers of children along the route that would be taken by an emergency vehicle through the car park. Further, emergency operatives are trained to recognise hazards. Given all of this and my observations on the accompanied site visit, I am not of the view that there would be an unacceptable risk to pedestrian safety within the school car park.
95. Interested parties have raised concerns with regard to local people buying master keys that emergency departments use on locked gates and therefore being able to access the emergency route into the school. However, I consider that this can be suitably overcome should any concerns arise, through the changing of locks or through other arrangements. Further, I do not consider that the arrangements would lead to safeguarding issues for the children and access can be gained to the school car park during the day from the main school entrances in any event.
96. Given all of the above, I am satisfied that in terms of allowing access for emergency vehicles to the appeal site, the proposed emergency access is acceptable.

97. There is also a 2-metre wide section of foot/cycle path that leads up to Luckley Road. This would only be used by pedestrians and cyclists. I accept the Council's view that this width is inadequate for cyclists and this was picked up in the Stage 1 RSA and has not been disputed by the appellant. The solution proposed is to have signage requiring cyclists to dismount for the 2-metre section of the foot/cycle path. However, this section of the route spans a considerable distance (in the region of 80 metres) and I have significant doubts whether all cyclists would regularly dismount and given that there would be insufficient room to safely pass one another, this could result in conflicts.
98. To add to my concern, there is a section of the path close to Luckley Road that traverses through several large trees and this results in a small 'chicane' in the foot/cycle path. This would affect forward visibility for both cyclists (who have not dismounted) and pedestrians either side of this section and could result in the potential for accidents. For these reasons, I consider that there could be feasible safety conflicts between pedestrians and cyclists.

Overall conclusion

99. Based on the evidence in the TA and that in support of the appeal, I have found that it has not been suitably demonstrated that the scheme will have no significant and severe adverse impacts on the local highway network. Further, whilst I have found that the emergency access and its arrangements would provide suitable access for emergency vehicles, the 2-metre section of the route could, in my view, feasibly lead to safety conflicts between pedestrians and cyclists.
100. The scheme therefore runs contrary to Policies CP1, CP3 and CP6 of the CS. The proposal also conflicts with Paragraphs 109 and 110 c) of the Framework. The Council's reason for refusal on this matter refers to Policy CC04 of the MDD LP, however, this appears to be of limited relevance to this matter.

Whether the scheme would provide for a realistic choice in sustainable transport modes

101. The CS sets out that the Borough has one of the highest rates of car ownership in England. There are several policies in the CS that relate to this matter. Policy CP1 sets out that development should demonstrate how it would reduce the need to travel, particularly by car. Policy CP3 notes that proposals should be accessible, safe, secure and adaptable. Finally, Policy CP6 requires development to be located where there are, or will be, available modal choices to minimise the distance people need to travel. The Framework at Section 9 also seeks to promote sustainable transport and opportunities to promote walking, cycling and public transport. Of relevance is the Framework's distinction between opportunities in urban and rural areas. Whilst, the appeal site is in policy terms in the open countryside, it is not, in my view, in an isolated countryside setting. I consider that this is important when considering what opportunities are available to maximise sustainable transport options.

Walking

102. The evidence of the parties includes various references to applicable guidance on acceptable walking distances. Manual for Streets notes that walking offers

the greatest potential to replace short car journeys, particularly those under 2 km. In addition, it suggests that walkable neighbourhoods are generally those where there are a range of facilities within a 10-minute walk from home, which equates to a distance of around 800 metres (although this is not an upper limit). I am mindful that similar guidance is provided in the National Design Guide.

103. The Institute of Highways & Transportation Guidelines for Providing Journeys on Foot (IHTC) takes the view that an acceptable walking distance is 800 metres with a preferred maximum of 1.2 km. Living Streets - Highways Guide for Developer's in Wokingham, 2019 also provides relevant guidance and includes Table 1 on Page 10, which sets out the distances for various local services and facilities by which the Council will consider whether there is high, medium or low accessibility. This in broad terms follows the IHTC guidance.
104. I consider that it is important to recognise that such distances are advisory, and I accept that there is likely to be residential dwellings in the surrounding area that are located further away from some services and facilities than the guidance suggests. Of particular relevance, is the IHTC guidance, which sets out that acceptability in terms of travel distance will depend on a range of considerations, including: the quality of the experience, the safety of the route; the mobility and fitness of the individual; the purpose of the journey; and the convenience of other options. I also accept the point raised by the appellant that a longer walk to a destination where the range of facilities is extensive could be preferable to a shorter walk to a small local shop with a limited offer.
105. Turning to firstly the distances to local services and facilities, it was agreed between the parties at the roundtable discussion that Evendon Primary School is located 1.1 km from the centre of the appeal site and the Two Poplars Public House is located 1 km away.
106. The Wokingham Family Golf Course is located some 550 metres from the appeal site and the Wokingham Equestrian Centre is within approximately 1 km of the appeal site. However, I consider that these are likely to appeal to a limited number of the future residents of the site and I am not convinced that many of the future residents of the appeal site would walk to the golf course carrying or pushing their golf clubs.
107. Luckley House School is located approximately 550 metres away. Although this is a private school. There is also a theatre within the school grounds that is open to the public, although I would not class this as a day to day facility.
108. Given the above, there are limited local services and facilities that future residents would rely on, on a day to day basis available within 1.2 km of the appeal site. In addition, the nearest secondary schools are both over 3 km away.
109. The closest shop is a Tesco superstore, which was agreed to be located 1.3 km from the centre of the appeal site. I accept that this offers an attractive destination, with a large selection of goods, along with a range of other facilities within it, including a pharmacy, mobile shop, travel money, Timpson, Costa, Krispy Kreme, Photoprint (plus wifi, cash machine and toilet facilities). I do not therefore consider that the distance itself would be a deterrent to walking to this location for future residents to fulfil their day to day

convenience needs. In addition, close to the Tesco superstore is the Molly Millar Lane Industrial/Employment area, which is also approximately 1.3 km from the appeal site at its closest point. Whilst I accept that this may offer future residents potential employment opportunities, these are not likely to be particularly significant.

110. Notwithstanding the above, the nature of the walking route must also be considered. As previously set out, the scheme would provide an emergency access to the north of the site which would also be used as a foot/cycle path linking to Luckley Road. This would be through an area of existing woodland. Whilst the route would be lit, it would be relatively narrow, particularly the 2-metre section closest to Luckley Road. There would also be bollards or some sort of fencing each side of the path that, along with the canopy of trees would, in my view, create a 'hemmed in' and claustrophobic atmosphere for large parts of the route.
111. There would not be any natural surveillance of substance, due to the woodland and existing boundary treatments of the properties that back onto it. It is also important to note that the foot/cycle path is of considerable length. Numerous local residents have set out that they would not feel safe or would have a perception of feeling unsafe using the proposed path and I accept and share this concern, particularly during the hours of darkness, which in the winter includes times where future residents could be going to or returning from work. Thames Valley Police also raised concerns with regard to the safety of the path.
112. Further, I have found above that the 2-metre width of the foot/cycleway section could feasibly lead to conflicts between pedestrians and cyclists, I consider that this is a further matter that could deter its use.
113. Given all of the above, I consider that the proposed emergency access and foot/cycle path would not be an attractive environment that would encourage future residents to walk to local services and facilities.
114. The alternative route to access the local services and facilities would be to utilise the main vehicular access and walk along Finchampstead Road. The main access road into the site would have footpaths on each side and would be lit. However, it would also pass through a large area of woodland and there would be no natural surveillance. I do not consider it would be an attractive walking environment that would feel safe, again particularly during the hours of darkness. In addition, I observed that Finchampstead Road is a very busy road and is heavily trafficked. In places the footpath is narrow, with vehicles passing in close proximity. There is also only patchy lighting. It is not an attractive walking environment.
115. Consequently, I consider that neither route offers an attractive walking environment to the local services and facilities, including the local schools.
116. Given the distance to the train station (2.4 km) and the town centre, I am not of the view that walking is likely to be an attractive option, particularly given my findings above in relation to the nature of the available routes.
117. The appellant has set out that at the point at which the emergency access route and foot/cycle path meets Luckley Road, the natural desire line of walking to the north and particularly to Tesco, would be via Tanglely Drive. I

accept that this would be a more convenient, quieter and much more attractive route for pedestrians than Finchampstead Road which runs broadly parallel with it. However, it does not negate the need to first utilise the emergency access and foot/cycle path.

118. Having regard to all of the above findings, I consider that the scheme is highly unlikely to create a modal shift away from the use of a private car by future residents through walking. Further, I consider that the walking environments created by the main vehicular access and the emergency access and foot/cycle path do not represent good design.

Cycling

119. The use of a bicycle would, in solely distance terms, provide access to a much larger range of local services and facilities than on foot, including the secondary schools, the town centre, which provides parking facilities for bicycles and the train station, which also includes such facilities. The Tesco superstore would also be a 5 minute journey on a bicycle.
120. However, again the nature of the cycling environment to such facilities must be considered. I observed on my site visits, along with my journeys to and from the Inquiry, that Finchampstead Road and the roads leading into the town centre and train station are heavily trafficked at peak times, with significant congestion. For this reason, I consider that cycling to these services and facilities would only likely to be a real and feasible option for very experienced cyclists.
121. I accept that cyclists would have an alternative route via the emergency access and foot/cycle path. However, the fact that cyclists would have to dismount for an 80 metre stretch of the route would affect its convenience. The potential conflict between cyclists and pedestrians due to the narrow 2 metre section is also likely to affect the attractiveness of the route for cyclists. Further, to access the town centre and train station the use of Finchampstead Road cannot be entirely avoided, nor can the other congested roads leading into the town centre and train station.
122. The appellant is of the view that the proposal could offer a more pleasant cycling environment and allow cyclists travelling along Finchampstead Road to avoid the traffic by diverting through the appeal site. However, this would represent a sizeable detour and given the need to dismount for the 80 metre section, I consider such a scenario to be very unlikely.

Bus stops and their accessibility

123. There are bus stops located on Finchampstead Road. According to the appellant's evidence these are approximately 480 metres in distance via the main vehicular access and 580 metres via the emergency access route. IHTC guidance and the Council's Living Streets - Highways Guide for Developer's in Wokingham, 2019 both set out that 400 metres should be considered a maximum.
124. The appellant has provided an extract of a study 'How far do people walk?' by White Young Green, dated 2015. This concludes that outside of London the mean distance that people walked to a bus stop was 580 metres, and the 85th percentile walking distance was 800 metres. Whilst this is noted, the nature

of the walking route is also an important factor, along with the nature and siting of the bus stops themselves.

125. I have already found above that the walking environments of both routes that would be utilised to access the bus stops are unattractive. The bus stops at present do not have shelters and are located very close to the road on a narrow footpath southbound and a narrow verge northbound, with a large volume of passing traffic in close proximity, particularly at peak times. Both bus stops do not currently provide a pleasant place to wait for a bus.
126. During the roundtable discussion the appellant set out that shelters and improved lighting could be added to the bus stops to make them a more attractive and pleasant facility when waiting and that this could be secured by a planning condition. However, given the very narrow verge and footpath where the bus stops would be located, together with potential landownership constraints, I am not convinced that a meaningful shelter could be provided. Even if one could be, it is highly likely to still be in very close proximity to the busy road and not represent a particularly pleasant place to wait. Further, I am mindful that Finchampstead Road is a Green Route and I observed on my visit that having prominent street features such as bus shelters close to the road, would not be characteristic of the Green Route in this location.
127. The scheme would introduce a crossing point across Finchampstead Road to allow pedestrians to more easily access the northbound bus stop, which would be a welcome addition. Notwithstanding this, I consider that the unattractive nature of the walking routes and bus stops is likely to deter future residents from utilising the available bus service on Finchampstead Road.

Bus services and improvement contribution

128. The bus stops closest to the appeal site are served by the existing 125 bus service which runs between Wokingham and Crowthorne via the Finchampstead Road corridor. This currently provides two peak hour services and then two-hourly services throughout the day finishing in the early evening Monday to Friday. There is also a limited service on Saturday and no service on Sundays.
129. The CS sets out that a good public transport service is one that has 30 minute intervals during peak times, hourly intervals during off-peak hours and a service on Sundays. The existing 125 service therefore does not at the existing time constitute a good service in accordance with the CS and is not one that I consider would persuade residents to give up the use of a private motor vehicle.
130. The scheme includes a financial contribution of £500,000, secured through the S106 Agreement to improve the existing 125 service. It is anticipated that this would secure an additional hourly service, supported by the existing service at peak times for a period of up to 5 years. I am also aware that there is good potential for improvements to the bus service along Finchampstead Road as a result of the Arborfield SDL Public Transport Strategy. Although the extent of the potential improvements remains somewhat unknown.
131. The appellant's proposed improvements, as discussed with the operator, would include: a 30 minute frequency service during am and pm peak periods

(Monday to Friday); an hourly service during off peak periods Monday to Saturday finishing at 20.00 each evening, including a Saturday morning from 07.00; and an hourly service on a Sunday between 10.00 – 19.00.

132. However, there would not be a 30 minute service during the peak period on a Saturday between 07.00 and 09.00 and between 16.00 and 19.00. There would also not be a Monday to Saturday hourly service after 20.00 until 22.00. The service would not therefore meet the definition of good, as set out in the CS. However, I accept that it would come close and would be a considerable improvement on the existing 125 service.
133. The Council are of the view that it would not be appropriate to withdraw the service after 5 years and raised concerns about the longer-term viability of such improvements. However, even giving the benefit of the doubt to the appellant that this would be an appropriate amount of time and the improvements would remain viable in the long-term, including through increased usage by existing residents in the area, my concerns with regard to the nature of the walking environment to the bus stops and the nature of the bus stops themselves remain. I consider that these matters are significant deterrents to the use of the bus service by the future residents of the scheme, even if the proposed improvements are delivered to the existing bus service as proposed.

Train services

134. There are good train links available at Wokingham, with direct services to Reading and London, Waterloo. As set out above, I am not convinced that walking and cycling are attractive options to access the rail station, particularly during peak periods. The bus service is available to the train station. Again, I have already found that the walking route to the bus stops and the nature of the bus stops themselves are unlikely to be attractive to future residents.
135. There are car parking facilities available at the train station. Given this and the above, along with the increased flexibility the use of a car would have in terms of travel times, I consider that this is likely to be a much more attractive option than using the bus, even if the proposed improvements in terms of frequency were delivered and despite the costs of parking.

Other related matters

136. The appellant has noted that the lack of parking and its cost in the town centre is likely to put residents off the use of a private motor vehicle. However, this assumption is supported only by reference to an article and petition about saving one car park in the town centre. I am not of the view that this represents substantive evidence to support the view that there is a fundamental lack of parking or that it is unreasonably expensive. I am also mindful that this focuses solely on the town centre and it is important to look at the accessibility to local services and facilities as a whole.
137. I acknowledge that a Travel Plan has been provided in support of the planning application and a final version could be secured through a planning condition. This includes measures to encourage future residents of the scheme to utilise sustainable modes of transport, including the potential for subsidised public transport tickets and season tickets. However, having regard to all of my

findings above, I am not satisfied that the Travel Plan would overcome my concerns or would in itself secure a meaningful modal shift.

Overall conclusion

138. For all of the reasons above, I conclude that the scheme would not provide genuine travel alternatives to the use of a private motor vehicle to the future residents of the scheme for the majority of their journeys. As a result, the proposal runs contrary to Policies CP1, CP3 and CP6 of the CS and Section 9 of the Framework.

Five-year housing land supply

139. The housing requirement in Policy C17 of the CS was adopted more than 5 years ago and therefore the Framework establishes that housing need should be calculated using the standard method set out in national policy. The LHN for Wokingham is 4,022 dwellings. The Housing Delivery Test (HDT) shows that over the past 3 years against this requirement the Council's completions stand at 175%, resulting in the HDT being met. A 5% buffer therefore applies, resulting in an overall figure of 4,223 dwellings over the five-year period.

140. The parties agree that the relevant 5-year period is 1 April 2019 to 31 March 2024. The Council consider that it can demonstrate the delivery of 5,398 dwellings, a housing land supply of 6.39 years. In contrast, the Appellant's initial case was that the Council could only demonstrate a supply of 4.75 years.

141. I am mindful at this point that there is a highly relevant appeal decision for a proposal at Land north of Nine Mile Ride, Finchampstead³. In that Inquiry, the same witnesses were called and relied on the same or at the very least, substantially the same evidence as is before me. The Inspector in the Nine Mile appeal decision considered each aspect of the disputed supply in detail and found that notwithstanding any potential impacts of the Covid-19 pandemic, the Council's supply stood at 5.43 years. I have reviewed the findings of the Inspector in that case carefully and despite the concerns of the Council, in terms of the Nine Mile Ride Inspector's interpretation of deliverable, I see no reason to disagree with her findings.

142. The appellant in its response to my written questions following the change of procedure to enhanced written representations has accepted that, putting aside any potential impacts of the Covid-19 pandemic, the Council can demonstrate a 5.43 year housing land supply, in line with the findings of the Nine Mile Ride Inspector. However, a paper was also provided by the appellant's housing land supply witness Mr Good that considered the impacts of the Covid-19 pandemic afresh. This concluded that 404 dwellings should be removed from the supply, resulting in a housing land supply of 4.95 years.

143. Whilst noting the detailed reasons provided in the note from Mr Good, I am of the view that it is still very difficult at this stage in time to draw any firm conclusions on the potential impacts of the Covid-19 pandemic on housing land supply. This view is shared by the Nine Mile Ride Inspector and the

³ Appeal Ref: APP/X0360/W/19/3238048.

Inspector of an appeal decision at Land to the South of Lee Lane, Royston, Barnsley⁴, which has been referred to by the Council.

144. I am of the view that there can be little doubt that the Covid-19 pandemic is having, and will continue to have, an effect on housing land supply in the short term. However, I am mindful that the effects are likely to be time limited and we must look over a five-year period. It may be that some sites due to deliver in the next 6-12 months may deliver slightly later in the five-year period, but they are likely to still deliver nonetheless. Further, there is still a reasonable amount of time for sites anticipated to deliver towards the end of the five-year period to recover. As pointed out by the Nine Mile Ride Inspector (Paragraph 110) it is *'...possible that a bounce back will occur once the crisis ends. Indeed, it is reasonable to surmise that housebuilders and their suppliers will be keen to rectify losses if it is possible to do so'*.
145. The Council has also provided evidence to show that this could well be the case, with numerous construction sites associated with the SDLs now back open and operational and sales and marketing suits open. I am therefore not sufficiently convinced that the effects on supply will be as severe as set out by the appellant.
146. Given the uncertainties set out above, it is very difficult for me to establish a precise figure in terms of the Council's housing land supply. However, for the reasons given above, I consider that in all likelihood it is somewhere between 5 years and 5.43 years. As a result, I conclude that the Council can demonstrate a five-year housing land supply.
147. There was some debate whether the Council can demonstrate a five-year housing land supply without relying on sites located outside of settlement boundaries. Given the evidenced before me and my findings above, it is clear that the Council is dependent on sites located outside of existing settlement boundaries to deliver a sufficient supply of housing.

Other matters

148. Luckley Wood is identified as deciduous woodland, a priority habitat listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 as being of principal importance for the purpose of conserving biodiversity in England. At the roundtable discussion on trees, the Council raised concerns about the potential impacts of the emergency access and foot/cycle path on Luckley Wood.
149. The scheme would result in a notable number of trees being removed to facilitate the provision of the emergency access and foot/cycle path. However, in many cases these are non-native species and the native species that would be removed, could be replaced in the wider appeal site. Further, I accept that some minor clearing of the canopy could provide opportunity for glade establishment and by allowing additional light to penetrate the ground, it is possible that further species could colonise the area around the emergency access and foot/cycle path.
150. The emergency access route would be constructed via a low impact method, along an existing path which has been heavily compacted and is largely

⁴ Appeal Ref: APP/R4408/W/19/3242646.

devoid of vegetation. Whilst the emergency access and foot/cycle path would be wider, I consider that the impact on ground flora would be fairly limited.

151. I accept the appellant's view that low level directional lighting could be used to minimise potential impacts on existing fauna. In terms of disturbance, I am mindful that Luckly House School currently utilise the woodland for learning activities and I observed several tracks through the woodland on my site visit. Consequently, there is already a notable degree of disturbance within the woodland.
152. It must also be borne in mind that the emergency access and foot/cycle path would run along the very eastern edge of Luckley Wood and would therefore only affect a limited coverage of the woodland as a whole.
153. Overall, I consider that the scheme would not have any unacceptable impacts on the priority habitat or its nature conservation importance. The scheme therefore complies with Policy CP7 of the CS.
154. Interested parties have raised a large number of other concerns. However, as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have therefore not had a significant bearing on my decision.

Planning Balance

155. I have found that the Council can demonstrate a five-year housing land supply and that the basket of most important policies for the determination of the application is not out-of-date. Therefore, the 'tilted balance' set out in Paragraph 11 d) of the Framework is not engaged.

Identified harm

156. The appeal site is located outside of any settlement boundary and consequently, the scheme conflicts with Policies CP9 and CP11 of the CS and Policy CC02 of the MDD LP. I have, however, found that these policies are out-of-date. The key reason for this was that a sufficient supply of housing cannot be demonstrated whilst meeting the requirements of these policies. However, on the other hand, the Council do not need the appeal scheme to demonstrate a 5-year housing land supply. I therefore afford the conflict with these policies significant weight. This view was also taken by the Nine Mile Ride Inspector and adds weight to my findings.
157. I have also found that the scheme would cause harm to the character and appearance of the area and this carries a moderate level of weight against the scheme. I am unable to rule out that the proposal would cause significant and severe impacts on the local highway network, resulting in highway safety concerns. I have also found that there is the potential for conflicts between pedestrians and cyclists along the foot/cycle path. I consider that these together carry a significant level of weight against the proposal.
158. In addition, I consider that the scheme would not create feasible opportunities to create a modal shift away from the use of a private motor vehicle that future residents of the scheme are likely to be very reliant upon for most of their journeys. This also weighs significantly against the scheme.

159. Overall, the level of harm that would result from the scheme is very substantial.

Benefits of the scheme

160. The appeal scheme would deliver a considerable number of new market houses. The appellant has provided several appeal decisions, including some determined by the Secretary of State himself, where significant weight has been afforded to the provision of market housing even where the Council can demonstrate a 5-year housing land supply. However, I consider that it cannot be ignored that the scheme is not plan-led and notwithstanding the reliance on other sites outside of settlement boundaries, the Council are meeting their housing needs with a 5% buffer, without the need for this proposal. As a result, I afford a moderate level of weight to the benefits of the market housing.
161. The appellant has produced clear evidence to demonstrate an acute need for affordable housing. The scheme would make an important contribution to such needs that would be at the upper end of the requirement of Policy CP5 of the CS and is appropriately secured in the S106 Agreement. Whilst noting the efforts being made by the Council to address the need for affordable housing, I consider this benefit should carry very significant weight.
162. The scheme would generate some economic benefits in the form of construction jobs and expenditure from new residents that would support local jobs and businesses. I consider that these benefits carry moderate weight.
163. The appeal proposal would ensure the delivery of the separately permitted SANG adjacent to the appeal site. This would be open to existing residents as well as those that would live within the proposed dwellings. Whilst this is a benefit of the scheme, its fundamental purpose is to mitigate the impacts of the development on the Thames Basin Heaths SPA. Further, as acknowledged by the appellant, the SANG could be brought forward without the appeal scheme to offset the impacts of other new development in the area. Given this, I afford this benefit limited weight.
164. There would likely be some biodiversity enhancements within the appeal site to ensure a net gain, which carry a limited level of weight in favour of the scheme.
165. The appeal scheme would provide for on-site open space and a children's play area. However, this would be largely to serve the needs of future residents. Therefore, this benefit carries limited weight. The scheme would also provide an area of land for the adjacent Luckley House School to utilise as a playing field. However, the school is private and this would only be of benefit to a relatively limited number of people. Consequently, I afford limited weight to this benefit.

The balance

166. The scheme would conflict with numerous development plan policies, but it would also conform to many others. However, when looked at holistically, I consider that the scheme conflicts with the development plan.
167. I conclude that the benefits of the scheme do not outweigh the harm identified and the associated development plan conflict. Consequently, there

are not any material considerations that warrant a decision other than in accordance with the development plan.

168. Given that I am dismissing the appeal, there is no need to undertake an Appropriate Assessment. Nonetheless, it should be noted that a positive finding would not affect the overall planning balance or my overall conclusion.

Conclusion

169. For the reasons set out above and having regard to all other matters raised, I conclude that the proposal does not comply with the development plan as a whole and does not represent sustainable development in terms of the Framework. There are no material considerations which would warrant a decision other than in accordance with the development plan. The appeal is therefore dismissed.

Jonathan Manning

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Sasha White QC & Anjoli Foster of Counsel	Instructed by Emma Jane Brewerton of Wokingham Borough Council
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They called:

Mark Croucher	Wokingham Borough Council (Planning)
Gordon Adam	Wokingham Borough Council (Transport)
Chris Hannington	Wokingham Borough Council (Landscape, Visual Impact and Arboriculture)
Ian Church	Wokingham Borough Council (Affordable Housing, Housing Land Supply and Policy)

FOR THE APPELLANT:

John Barrett of Counsel	Instructed by Kevin Waters of Gladman Developments Ltd
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He called:

Kevin Waters	Gladman Developments Ltd (Planning)
Simon Blinkhorne	Odyssey (Transport)
Helen Kirk	FPCR Environment and Design Ltd (Arboriculture)
Timothy Jackson	FPCR Environment and Design Ltd (Landscape and Visual Impact)
David Parker	Pioneer Property Services Ltd (Affordable Housing)
Matthew Good	Pegasus Group (Housing Land Supply)

INTERESTED PARTIES

Charles Margetts	Councillor and local resident
Julian McGhee-Sumner	Councillor and local resident
Emma Crewe	Local resident
Georgette Gray	Local resident
Professor Derek Steele	Local resident
Ellie Notley	Local resident

Peter Dennis	Town Councillor and local resident
Maria Gee	Councillor and local resident
Jeremy Crewe	Save Woodcray Countryside Campaign Group
Alison Griffin	Local resident and Wokingham District Veteran Trees Association
Sarah Kerr	Councillor and local resident
Darren Notley	Local resident
Dominic Bethencourt-Smith	Local resident
Clarissa Flynn	Save Woodcray Countryside Campaign Group
Peter Dunks	Local resident
Gary Meades	Local resident
Wendy Measures	Local resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

1. Draft Section 106 Agreement.
2. Scott Schedule.
3. Appellant's opening statement.
4. Council's opening statement.
5. Statement by Charles Margetts.
6. Statement by Julian McGhee-Sumner.
7. Statement by Emma Crewe.
8. Statement by Georgette Gray.
9. Statement by Ellie Notley.
10. Statement by Jeremy Crewe.
11. Statement by Maria Gee.
12. Statement by Alison Griffin.
13. Statement by Sarah Kerr.
14. Statement by Professor Derek Steele.
15. Statement by Peter Dennis.
16. Copy of High Court Judgement – Gladman Development Limited [2020] EWHC 518 (Admin).
17. List of draft planning conditions.
18. Note on aircraft noise from Peter Dunks.
19. Full copy of the Wokingham Landscape Character Assessment, November 2019.
20. Agreed Statement of Common Ground – Arboricultural matters.
21. Agreed Statement of Common Ground – Highways.
22. Agreed Statement of Common Ground – Affordable housing.
23. Note from Appellant on Veteran Trees.
24. Ancient Tree Inventory note on oak trees.
25. Full copy of Ancient and other veteran trees: further guidance on management, by Lonsdale.

26. Veteran trees: a guide to good management.
27. Speed survey data, provided by the appellant.
28. Email associated with bus service contribution, provided by the appellant.
29. Note on highway matters and supporting bundle of documents, provided by the appellant.
30. Statement by Darren Notley.
31. Statement by Dominic Bethencourt-Smith.
32. Statement by Clarissa Flynn.

DOCUMENTS PROVIDED AFTER THE ADJOURNMENT OF THE INQUIRY THROUGH THE ENHANCED WRITTEN REPRESENTATION PROCEDURE

33. Additional written statement and appendices, provided by the appellant.
34. Additional written statement and appendices, provided by the Council.
35. Interested party comment on appellant's additional written statement from Paul King.
36. Interested party comment on appellant's additional written statement from Sarah Kerr.
37. Inspector's questions to the parties.
38. Appellant's response to Inspector's written questions.
39. Council's response to Inspector's written questions.
40. Copy of Appeal Decision - APP/R4408/W/19/3242646 - Land to the South of Lee Lane, Royston, Barnsley, provided by the Appellant.
41. Council's closing submissions.
42. Appellant's closing submissions.
43. Signed Counterpart copies of the Section 106 Agreement from the appellant.
44. Signed counterpart copy of the Section 106 Agreement from the Council.
45. Copy of a Secretary of State decision letter appeal refs APP/R0660/A/13/2197532 & APP/R0660/A/13/2197529 at Land off Adlem Road/Broad Lane, Stapeley, Nantwich and Land off Peter De Stapeleigh Way, Stapeley, Nantwich respectively, along with comments provided by the appellant.

46. Council's reply to appellant's comments on Secretary of State decision letter appeal refs APP/R0660/A/13/2197532 & APP/R0660/A/13/2197529.
47. Appellant's final comments in response to Council's reply on Secretary of State decision letter appeal refs APP/R0660/A/13/2197532 & APP/R0660/A/13/2197529.