

From: Giles Sutton (GS Ecology) <giles@gsecology.co.uk>
Sent: 26 October 2020 12:40
To: Markwell, Jonathan <Jonathan.Markwell@reading.gov.uk>
Subject: RE: 55 Vastern Road

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Jon,

Further to our meeting last week, please see updated comments below.

The proposals will result in an increase in shading, light pollution and built form adjacent to the River Thames. The River Thames is a “priority habitat” as per the NPPF and is of considerable importance for wildlife. Policies EN11 and EN12 refer to the importance of the River Corridors for wildlife and how these will be protected from the adverse impacts of development.

The EA have objected to the proposals because it will result in the shading of marginal vegetation along the river and their most recent correspondence (letter dated 16 October) reads:

“At this time, we would be unable to remove our objection with regard to the shading impact of the proposed development. It would not be acceptable for it to go ahead in its present form without mitigation, particularly due to the fact that there is very little marginal habitat through this section of the Thames.”

They have stated that their objection could be overcome if the buildings were set further back from the river or reduced in height (their Option 1) or to provide “additional marginal planting installed as a combination of mitigation and ecological enhancement in recognition of the impact of shading” (their Option 2).

The applicant have opted for Option 2 and provided an aerial photo showing a red line to the north of the Thames. The line is approximately the same length as area that would be shaded and the accompanying text reads:

“Proposed area between Christchurch Bridge and Caversham Bridge to create additional marginal planting which is within the ownership of Reading Borough Council.”

No further information has been provided about the type of marginal planting, how it will be installed, who will be responsible for its management etc. Furthermore, Carolyn Jenkins from the Parks Department thinks this area will be unsuitable for marginal planting as it would restrict access to the river by the boat club whose premises is located nearby.

At paragraph 175 the NPPF refers to the Mitigation Hierarchy as follows:

*“When determining planning applications, local planning authorities should apply the following principles:
a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;”*

The proposals will result in harm to the River Thames. The applicant has conceded this and hence has proposed mitigation. As the River Thames is a significant ecological asset - i.e. a “priority habitat” or Habitat of Principal Importance for the Conservation of Biodiversity in England as per Section 41 of the 2006 Natural Environment and Rural Communities (NERC) Act - the harm may be considered “significant” (although there is no definition of “significant harm” in the NPPF, or NPPG).

As such the mitigation hierarchy comes into effect, i.e. Avoid, Mitigate, Compensate.

In relation to the Mitigation Hierarchy the NPPG (<https://www.gov.uk/guidance/natural-environment>) reads:

“Avoidance - Can significant harm to wildlife species and habitats be avoided; for example by locating on an alternative site with less harmful impacts?”

It is clear from our discussions that officers feel there are better alternatives to the scheme, i.e. lower buildings that are set back from the river. As such the harm to wildlife can be avoided. The proposals therefore do not comply with the mitigation hierarchy and if you are minded to refuse the scheme then you should refer to policies EN11, EN12, the adverse impact of the proposals on the River Thames and the Mitigation Hierarchy in your reason for refusal.

Let me know if you would like advice on the wording of the reason for refusal.

Kind regards,

Giles Sutton MSc MCIEEM CEnv

Director

GS Ecology Ltd.

T: 01189 759387

M: 07949 153954

E: giles@gsecology.co.uk

W: www.gsecology.co.uk

Office address: Suite 9 Beacontree Court, Beacontree Plaza, Reading, RG2 0BS

Registered office: 119 Highgrove Street, Reading, Berks, RG1 5EJ