

STATEMENT OF CASE (ECOLOGY) ON BEHALF OF READING BOROUGH COUNCIL: 55 VASTERN ROAD, READING



Planning inspectorate case ref: APP/E0345/W/21/3276463

Reading Borough Council Ref: 200188

Report Date: 12 August 2021

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1 Author's details

- 1.1.1 My name is Giles Sutton. I am a member of the Chartered Institute of Ecology and Environmental Management (CIEEM) and a Chartered Environmentalist. I hold a Bachelor of Science (BSc Hons) in Agriculture and Environmental Science from the University of Newcastle upon Tyne and a Master of Science (MSc) in Ecological Management from Imperial College London.
- 1.1.2 I am the owner and director of GS Ecology Ltd. I advise planning authorities, developers, and others on the ecological implications of planning applications and land use change.
- 1.1.3 I have more than 20 years' experience working as a professional ecologist. I hold and have held numerous Natural England protected species survey, mitigation, and conservation licences.
- 1.1.4 I have advised Reading Borough Council on ecology related matters since 2008 and have extensive experience and knowledge of dealing with biodiversity and planning issues. I wrote Reading Council's Biodiversity Action Plan.
- 1.1.5 I know the appeal site and have viewed it from public footpaths and roads. I know Christchurch Meadow well.
- 1.1.6 I confirm that the evidence that I have prepared and provided for this appeal is true to the best of my knowledge and belief. I confirm that the opinions expressed are my true and professional opinions.

2 **Background**

2.1.1 A planning application for the

“Demolition of existing structures and erection of a series of buildings ranging in height from 1 to 11 storeys, including residential dwellings (C3 use class) and retail floorspace (A3 use class), together with a new north-south pedestrian link, connecting Christchurch Bridge to Vastern Road.”

at 55 Vastern Road was refused by Reading Borough Council on 9 April 2021. Reading Borough Council’s Planning Application reference is 200188.

2.1.2 There were 7 reasons for refusal (RFR), one of which, RFR 3, is directly related to ecology. This read:

“3. By virtue of its height, massing and proximity to the river, the development will shade the River Thames and impact on its marginal habitats with a lack of appropriate mitigation being demonstrated. There would also not be sufficient space within the riverside buffer for a sustainable long-term relationship between the riverside buildings and the required large canopy trees. The proposed development is therefore contrary to Policy EN11 in particular, and also Policies EN12, EN13, EN14, CC7, CR2, CR3, CR4 and CR11 of the Reading Borough Local Plan (2019), paragraph 175 of the National Planning Policy Framework (2019) and objectives of the adopted Reading Borough Council Tree Strategy (2021) and Reading Biodiversity Action Plan (2021).”

2.1.3 In particular, this Statement of Case will focus on the element in bold above relating primarily to the River Thames and marginal habitats. The remaining element of the reason for refusal is separately discussed within the Natural Environment Statement of Case by Sarah Hanson.

2.1.4 The appellant has submitted an ecology statement of case (Iain Corbyn dated 20/5/21). I have read this and used it to inform my comments.

3 **Planning policy**

3.1.1 The following planning policy and adopted council documents are particularly relevant to this statement:

3.2 The NPPF 2021

3.2.1 Paragraph 8:

“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

[...]

an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

3.2.2 Paragraph 174:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

[..]

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”

3.2.3 Paragraph 179

“To protect and enhance biodiversity and geodiversity, plans should:

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

3.2.4 Paragraph 180:

“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;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; **while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.**"

3.3 Reading Borough Local Plan:

3.3.1 Policy EN11: WATERSPACES

"Reading's waterspaces will be protected and enhanced, so that they can continue to contribute to local and regional biodiversity and ecology, flood mitigation, local character, heritage and visual amenity, the provision of accessible leisure and recreational opportunities and, where appropriate, navigation. There will be no adverse impact on the functions and setting of any watercourse and its associated corridor.

Where development in the vicinity of watercourses is acceptable, it will:-

- Provide appropriate, attractive uses and buildings that enhance the relationship of buildings, spaces and routes to the watercourse, including through creating or enhancing views of the watercourse, and create a high quality public realm;
- Make positive contributions to the distinct character, appearance, historic significance, landscape and amenity of the watercourses;
- **Provide a strengthened role for watercourses as important landscape features, wildlife corridors, historic features and recreation opportunities;**
- **Wherever practical and consistent with its biodiversity role,** provide good, level access to and along the waterside for all those who want to use it;
- Be set **at least ten metres back** from the watercourse wherever practicable and **appropriate to protect its biodiversity significance;**
- **Improve the quality of watercourse environment through protecting and enhancing habitats and ensuring that habitat creation is balanced with access and urban uses;** and
- Pursue opportunities for deculverting of watercourses."

3.3.2 Policy EN12: BIODIVERSITY AND THE GREEN NETWORK:

"a) The identified Green Network, the key elements of which are shown on the Proposals Map, shall be maintained, protected, consolidated, extended and enhanced. Permission

will not be granted for development that negatively affects the sites with identified interest or fragments the overall network. The Green Network comprises:

- Sites with identified biodiversity interest - Local Wildlife Sites, Local Nature Reserves, Biodiversity Opportunity Areas, protected and priority species and their habitats, **Priority and Biodiversity Action Plan habitats, and the River Thames and all its tributaries** (including the River Kennet and the Kennet & Avon Canal); and
- Areas with potential for biodiversity value and which stitch the Green Network together – designated Local Green Space and open green spaces, and existing and potential Green Links.

New development shall demonstrate how the location and type of green space, landscaping and water features provided within a scheme have been arranged such that they maintain or link into the existing Green Network and contribute to its consolidation. Such features should be designed to maximise the opportunities for enhancing this network. All new development should maximise opportunities to create new assets and links into areas where opportunities are as yet unidentified on the Proposals Map.

b) On all sites, development should not result in a net loss of biodiversity and geodiversity, and should provide a net gain for biodiversity wherever possible. Development should:

- **Protect and wherever possible enhance features of biodiversity interest on and adjacent to the application site, incorporating and integrating them into development proposals wherever practicable;** and
- **Provide new tree planting, wildlife friendly landscaping and ecological enhancements (such as wildlife ponds, bird and bat boxes) wherever practicable.**

In exceptional circumstances where the need for development clearly outweighs the need to protect the value of the site, and it is demonstrated that the impacts cannot be: 1) avoided; 2) mitigated or; 3) compensated for on-site; then new development will provide off-site compensation to ensure that there is “no net loss” of biodiversity. Provision of off-site compensation shall be calculated in accordance with nationally or locally recognised guidance and metrics. It should not replace existing alternative habitats, and should be provided prior to development.”

3.3.3 EN13: MAJOR LANDSCAPE FEATURES AND AREAS OF OUTSTANDING NATURAL BEAUTY

“Planning permission will not be granted for any development that would detract from the character or appearance of a Major Landscape Feature. The following areas, as shown on the Proposals Map, are defined as Major Landscape Features:

The Thames Valley;

- The Kennet and Holy Brook Meadows;
- The West Reading wooded ridgeline;
- The East Reading wooded ridgeline; and
- The North Reading dry valleys and Chilterns Escarpment.”

3.3.4 EN14: TREES, HEDGES AND WOODLAND:

“Individual trees, groups of trees, hedges and woodlands will be protected from damage or removal where they are of importance, and Reading’s vegetation cover will be extended.

The quality of waterside vegetation will be maintained or enhanced.

New development shall make provision for tree retention and planting within the application site, particularly on the street frontage, or off-site in appropriate situations, to improve the level of tree coverage within the Borough, to maintain and enhance the character and appearance of the area in which a site is located, to provide for biodiversity and to contribute to measures to reduce carbon and adapt to climate change. Measures must be in place to ensure that these trees are adequately maintained.”

3.3.5 CR4: LEISURE, CULTURE AND TOURISM IN CENTRAL READING

“The River Thames is a prime location for new or improved tourist attractions, and as such, this area is suitable for informal recreation and sporting uses and associated small-scale development, as well as improvements to management and access. Development or improvements in this area will be expected to add to or maintain the setting and character of the Thames and to conserve and enhance ecological value.”

3.3.6 CC7: DESIGN AND THE PUBLIC REALM

“All development must be of high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located. The various components of development form, including: -

- Layout: urban structure and urban grain;

- Landscape;

- Density and mix;

- Scale: height and massing; and

- Architectural detail and materials

will be assessed to ensure that the development proposed makes a positive contribution to the following urban design objectives: -

- Character - a place with its own identity and sense of place

- Continuity and enclosure

- Quality of the public realm and provision of green infrastructure and landscaping

- Ease of movement and permeability

- Legibility - clear image and easy to understand

- Adaptability – capable of adaptation over time

- Diversity – meets a wide range of needs.

Developments will also be assessed to ensure that they: -

- Respond positively to their local context and create or reinforce local character and distinctiveness, including protecting and enhancing the historic environment of the Borough and providing value to the public realm;

- Create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion;

- Address the needs of all in society and are accessible, usable and easy to understand by them, including providing suitable access to, into and within, its facilities, for all potential users, including disabled people, so that they can use them safely and easily;

- Are visually attractive as a result of good high quality built forms and spaces, the inclusion of public art and appropriate materials and landscaping.

Applications for major developments, or other relevant developments, should be accompanied by a design and access statement that deals with all the above matters.”

3.3.7 CR2: DESIGN IN CENTRAL READING

“Applications for development within Central Reading should demonstrate the following attributes:

a. Development will build on and respect the existing grid layout structure of the central area, providing continuity and enclosure through appropriate relationships between buildings and spaces, and frontages that engage with the street at lower levels, and contributing towards enhanced ease of movement through and around the central area;

b. Development will provide appropriate, well designed public spaces and other public realm, including squares, open spaces, streetscape, utilising high quality and well-maintained hard and soft landscaped areas, and public art, that provide suitable functions and interest, sense of place and safe and convenient linkages to adjoining areas;

c. **Development should consider and, where possible, include ways of providing green infrastructure designed into the development**, for instance through roof gardens, green walls and green roofs, to enhance the otherwise very urban environment;

d. The architectural details and materials used in the central area should be high quality and respect the form and quality of the detailing and materials in areas local to the development site;

e. Development and any associated public realm should contribute to the diversity of the central area, be capable of easy adaptation over time to meet changing circumstances, and be designed to enhance community safety; and

f. Development should be designed with consideration of adjacent development sites, and should not prevent or cause unreasonable burdens on the future development of those sites.”

3.3.8 CR3: PUBLIC REALM IN CENTRAL READING

“The design of developments adjacent to a watercourse, including the refurbishment of existing buildings, will be required to enhance the appearance of the watercourses and to

provide active elevations facing the watercourses. Development that turns its back on the watercourses and results in blank or mundane elevations facing the watercourses will not be permitted;”

3.3.9 And the supporting text which reads:

“5.3.12 Reading’s watercourses are also major assets which need to be built into the strategy, and their distinct characters should be respected. The Kennet generally runs through more urban higher-density areas, whilst the Thames retains its sense of tranquillity. These distinct characters have informed the Local Plan. It is essential that public access along watercourses is retained and expanded in the central area. Policy EN11 deals specifically with development close to watercourses, and applies to development across Reading, including the central area. Policy EN12 relates to biodiversity and the green network, with Reading’s watercourses forming significant ecological assets. These policies highlight the importance of development enhancing the watercourses as important habitats, and this applies equally in the centre.”

3.4 Reading Biodiversity Action Plan (February 2021)

3.4.1 Which reads:

“Reading’s watercourses are a major part of the Borough’s Green Infrastructure. The Council does not directly own the rivers but does manage the paths next to them in some locations. It also manages some of their floodplains such as Christchurch, Hills and Kings Meadows adjacent to the Thames, and Fobney Island, Waterloo Meadows and some of the farmland adjacent to the Kennet.

Development and urbanisation

The Council is also responsible for determining planning applications and those that could affect Reading’s watercourses must comply with policy EN11 in the Local Plan.

Development proposals next to a watercourse can enhance its environment. They can result in new wildlife friendly planting, the re-naturalisation of the watercourse banks, and new habitats features such as otter holts and sand martin nesting sites. **Conversely, they can adversely affect it by overshadowing** it and introducing light pollution and hard surfaces.

Urbanisation around watercourses, especially in and around the town centre, has resulted in artificial, hard river banks such as steel sheet piling, concrete or brick. Wherever possible these will be reinstated to natural banks and with a more natural profile, to restore river and riparian habitats.

Even if it’s not possible to remove hard banks, there are still opportunities to establish marginal vegetation as has been done in Christchurch Meadow.

Some of the smaller watercourses do have natural banks but have been altered in other ways such as straightening, e.g. the Christchurch Ditch. Opportunities will be sought to re-naturalise these channels by re-meandering or introducing gravels and woody debris to enhance the in-channel habitats”

3.4.2 And the associated objectives, in particular the objective:

“To ensure that new development maximises the opportunities to conserve and enhance the biodiversity of rivers”

3.5 Reading’s Tree Strategy

3.5.1 Objective 7:

“Improve biodiversity across the Borough by; selecting trees that are either native or of wildlife value, particularly in semi-natural areas; by ensuring that tree planting does not compromise or adversely affect other habitats; and by protecting ancient woodlands and ancient/veteran trees.”

4 The ecological impacts of the development

- 4.1.1 The pertinent question to this appeal will be whether the appeal proposals would adversely affect the ecology of the River Thames and whether it would deliver sustainable long-term benefits for biodiversity. I contend that it does adversely affect the River Thames and that it does not bring any sustainable long-term benefits for biodiversity.
- 4.1.2 The River Thames, including its marginal habitats is a “priority Habitat” as defined in the NPPF (i.e. it is a Habitat of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006). It is arguably Reading’s most important wildlife corridor and is designated as a green link on Reading’s proposals map. It is a fundamental component of Reading’s green network.
- 4.1.3 The appeal site is directly adjacent to the river. At this location there is a long strip of marginal vegetation that was planted in the river when the new footbridge was built (application ref: 131234). It was planted using coir rolls and was protected from wildfowl with wire mesh. It has established well and is the longest length of marginal vegetation on banks of the river Thames at Christchurch Meadows and at Thames Promenade stretching approximately 105m along the southern bank of the River Thames. Beyond the marginal vegetation (at the appeal site) there is a narrow path and then some self-set young trees and scrub. This creates a corridor of semi natural vegetation adjacent to the River Thames.
- 4.1.4 Other than a short section on the northern bank (adjacent to the bridge) and a short section on the southern bank (west of Thames Avenue) there are no other areas of this marginal habitat along either bank (i.e. both sides) of the River Thames at Christchurch Meadow or the Thames Promenade. The closest such habitat is on View Island approximately 500m to the east and beyond Thames Side Promenade 2km to the west. The assertion by the appellant’s ecological consultant that the marginal habitat is of “neighbourhood significance at most” is incorrect (3.29 of the appellant’s ecologist’s SoC) and in my opinion, given the lack of this habitat type in Reading it should be assigned a value of borough importance.
- 4.1.5 The proposals will overshadow the marginal vegetation and are likely to lead to its decline. The appellant’s ecology statement of case includes a shading plan showing a reduction in the number of sunlight hours onto this area from 6+ Sunlight Hours pre development to between 2 and 5 Sunlight Hours. [It would be useful if the pre development hours (i.e. 6 +) were to be measured more accurately, because if the number of hours were to be 9 reduced to 3 then this would represent be an even greater reduction in proportion of sunlight hours.]
- 4.1.6 Marginal vegetation grows better in sunny situations. It is rarely found in areas that are heavily shaded and thus it is very likely that the proposed development will have an adverse impact on this important and valuable habitat.

5 The Environment Agency's position

- 5.1.1 The Environment Agency (EA) object to the application. This is because of the harm that the proposals will cause to the marginal vegetation.
- 5.1.2 Discussions have taken place between the Appellant and the EA. Nevertheless, the EA maintain their objection to the application and state that “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.” (Environment Agency letter dated 16 October 2020 -included at reference 452 of the RBC questionnaire).
- 5.1.3 I do not agree with the appellant's ecologist interpretation of the EA's position as given in section 3.20 and 3.50 of the SoC in particular the statement “*any impact can be compensated for off-site which is an acceptable approach advocated by the Environment Agency and included as a preferred option (Option 2) within their formal response of 16th October 2020*” (section 3.20 of the appellants ecology SoC).
- 5.1.4 My interpretation of the EA's position is that:
- 1) The development will cause harm
 - 2) This is at odds with planning policy
 - 3) The mitigation hierarchy should be followed and if there is an alternative scheme that could be devised that causes less (or no) harm this could (or would) be acceptable
 - 4) If, on balance, the decision maker decides that the scheme is otherwise acceptable, then any harm would need to be compensated for through an offsetting scheme,
 - 5) No such scheme has been put forward by the appellant despite the appellant's meeting with the EA
 - 6) The EA object to the application and certainly do not “advocate” option 2.

6 The mitigation hierarchy

The “Mitigation Hierarchy” is a cornerstone of ecology policy. It is a systematic approach to addressing environmental impact and its potential compensation. It is a stepwise approach that first seeks to avoid impacts, then to minimise them, then take on-site measures to rehabilitate or restore biodiversity, before finally offsetting residual, unavoidable impacts.

- 6.1.1 The mitigation hierarchy is referred to in planning policy in particular paragraph 180a of the NPPF and section B of Policy EN12.
- 6.1.2 It is not acceptable (nor does it comply with planning policy) to design a scheme that causes harm from the outset and then simply to “offset” this harm. This is clear in the NPPG:

“How does biodiversity net gain fit with the mitigation hierarchy?”

Biodiversity net gain complements and works with the biodiversity mitigation hierarchy set out in NPPF paragraph 175a. It does not override the protection for designated sites, protected or priority species and irreplaceable or priority habitats set out in the NPPF. Local planning authorities need to ensure that habitat improvement will be a genuine additional benefit, and go further than measures already required to implement a compensation strategy.”

[Paragraph: 024 Reference ID: 8-024-20190721]

- 6.1.3 The appellant first claims (at paragraphs 3.148-3.149 of the main statement of case) that harm cannot be avoided due to housing delivery requirements and setting the buildings back further or reducing their height being undesirable in design terms. These matters are responded to within the Council’s overarching statement of case and Urban Design statement of case. However, in short, these matters are not agreed by the Council.
- 6.1.4 The appellant claims that because any damage can be offset (but for the reasons detailed above I contend that it could not) that the proposals are acceptable. I argue that they are not, as an alternative scheme could be devised, of a reduced height and set back from the river which would reduce the impact of shading on the river and in particular the important marginal habitat.
- 6.1.5 As such it is the council’s case that the mitigation hierarchy has not been followed which is contrary to paragraph 180a of the NPPF and section B of Policy EN12 which reads:
- “In exceptional circumstances where the need for development clearly outweighs the need to protect the value of the site, and it is demonstrated that the impacts cannot be: 1) avoided; 2) mitigated or; 3) compensated for on-site; then new development will provide off-site compensation to ensure that there is “no net loss” of biodiversity. Provision of off-site compensation shall be calculated in accordance with nationally or locally recognised guidance and metrics. It should not replace existing alternative habitats, and should be provided prior to development.”*
- 6.1.6 The proposals will result in damage to a length of marginal vegetation (and therefore the River Thames) and the need for this development does not clearly outweigh the need to protect the value of the site as there is an alternative scheme which could be devised of reduced height and set back from the river. The council’s case is that there is no need for this development as opposed to a reduced form of development (see 5.1.3 and 5.1.4 above) which would result in no (or less) harm.
- 6.1.7 However even if there were a need for this proposed development (rather than a reduced scheme), as the harm could not be avoided, mitigated or compensated for on site, then the appellant would need to demonstrate that there is an acceptable compensation scheme which would not replace existing alternative habitats that would ensure that there was is “no net loss” (and preferably a net gain) for biodiversity which for the reasons detailed in section 7 below they have not.

7 The appellant's proposed mitigation

- 7.1.1 The appellant's ecologist has suggested that the vegetation could be augmented with more shade tolerant species. This might reduce the impacts of shading but it seems unlikely that the lush vegetation would persist. If the vegetation were to go then the river's ecological function would be reduced as the marginal habitats are often the most important for wildlife. This would have an adverse impact on the River Thames.
- 7.1.2 The appellant's ecologist claims that the marginal vegetation is 0.5m wide. However, in places it is wider than this, if one includes the adjacent strip of uncut grassland. Photos 1 and 2 show the vegetation on 20 July 2021. The appellant's ecologist also claims that the length of marginal vegetation to be affected is 30m. However, my measurement is that this is 73m (See Figure 2). This appears to be because the appellant's ecologist refers to just the areas planted with coir rolls – see their Appendix A – (although I am not sure that this is correct as the entire length was planted with coir rolls, see Figure 1). Regardless, as the length of marginal habitat to be affected is 73m long and more than 0.5m wide, to offset any impact a greater amount (at least 90m using the DEFRA 2 metric) of marginal planting would need to be provided than the 40m referred to in the appellant's ecologist statement.
- 7.1.3 The appellant's ecologist has suggested that there are two areas where new Coir Roll planting can be provided. These are shown in their Appendix J.
- Option A is to install a 40m length on the opposite side of the river on the northern bank.
 - Option B is to widen the area of coir rolls downstream from the appeal site.
- 7.1.4 These details were not available at the time that the application was refused.
- 7.1.5 Regarding Option A the Council's park's department view is that these areas are unlikely to be suitable as the riverside park has multiple functions and there needs to be areas where [human, animal and boat] access to the river can be provided. They are not satisfied that the area that is proposed is suitable for the installation of coir rolls and rolls that were installed there in the past have failed. This is likely to be even more so if my measurements are correct and if mitigation for the loss of 73m of marginal vegetation is needed (i.e. at least 90m of coir rolls once an offset calculation has been done). A Statement from Dr Carolyn Jenkins Reading Borough Council's Park's department Landscape Services Manager is given in Appendix 3.
- 7.1.6 Option B may deliver a wider strip of vegetation however it is not clear how deep the river is in this location and whether an additional 40m of coir roll would establish. Also, presumably this would require EA consent as it would be reducing the width of the river channel. No details of this have been provided.
- 7.1.7 I have looked at the area of the proposed new planting and am also not convinced that it would successfully deliver a strip of marginal vegetation. This is because there are numerous ducks, geese and swans in Christchurch Meadows, and these have all but destroyed the marginal vegetation that exists. The geese are attracted to the northern

side of the river as there are large areas of grass where they graze. This can be seen in the large area of marginal vegetation that was planted on the northern bank west of the river Thames (planning application reference 131234 – see Figure 1) and by the remains of a coir roll that can be seen on the river on the northern bank where the applicant proposes to install coir rolls and that was installed by the parks department in the last 10 years (Photo 3). The applicant has proposed no measures ensure that the coir rolls would establish successfully and, in my opinion, (and based on past experience) they are very unlikely to.

- 7.1.8 In conclusion therefore the proposals are likely to result in the loss or deterioration of a significant (given that it is the longest length of marginal habitat along either bank of the River Thames at Christchurch Meadow or the Thames Promenade) length of marginal vegetation in Christchurch Meadows and to date no convincing details for offsite compensation plan has been provided. This would harm the River Thames, would not result in a net gain for biodiversity, and would be contrary to the planning policy set out in RFR3.

8 The green network

- 8.1.1 Because little meaningful tree planting will be provided (see Sarah Hanson’s statement of case) the proposals do not “*demonstrate how the location and type of green space, landscaping and water features provided within a scheme have been arranged such that they maintain or link into the existing Green Network and contribute to its consolidation*” nor have they been “*designed to maximise the opportunities for enhancing this network*” as specified in policy EN12

9 Conclusion

- 9.1.1 In conclusion the proposals will result in the deterioration of a length of marginal habitat which is a rare habitat on the River Thames in Reading. The council's case is that there is an alternative scheme that could be devised of a reduced height and set back from the river which avoids harm. As such the mitigation hierarchy has not been followed.
- 9.1.2 Even if there were a need for this proposed development, rather than a reduced scheme, because the harm could not be avoided, mitigated or compensated for on site, then the appellant would need to demonstrate that there was an acceptable mitigation scheme that would ensure that there was a net gain for biodiversity (which for the reasons detailed in this statement they have not).

Appendix 1 - Photos

Photos 1 and 2 – The marginal vegetation



Photo 3 – Remains of a coir roll that was installed within the last 10 years



Appendix 2 - Figures

Figure 1 – Landscape plan as per application 131234 showing areas of marginal planting (blue box) that has now been largely destroyed by wildfowl

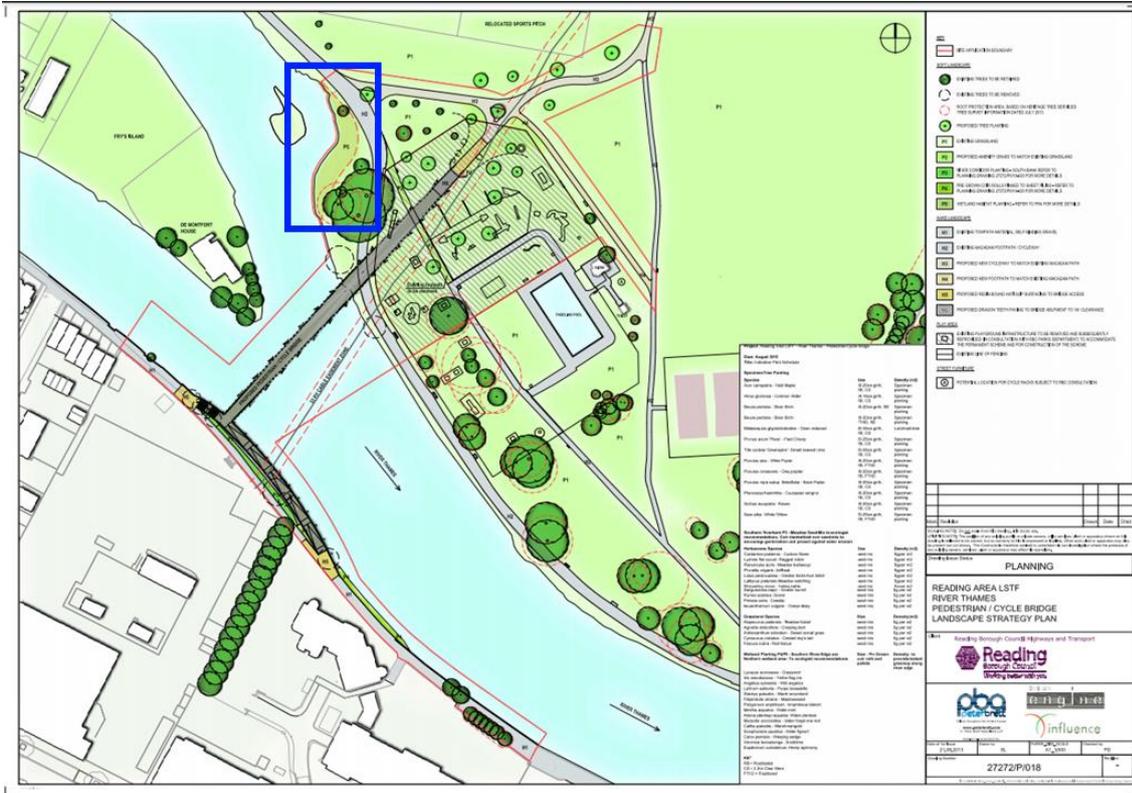


Figure 2 – Screenshot from google maps showing length of marginal vegetation affected by shading.



Tiles © Esri - Source: Tiles © Esri - Source: Esri, i-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, UPR-EGP, and the GIS User Community

Appendix 3 – Statement from Dr Carolyn Jenkins Reading Borough Council’s Park’s department Landscape Services Manager

Case ref: APP/E0345/W/21/3276463

Alternative locations for mitigation of the impacts on marginal vegetation

Comments on behalf of Reading Borough Council’s Parks Department

These comments are provided solely on the basis of whether the details proposed by the Appellant for mitigating the impacts of the proposed development on marginal vegetation would be acceptable to the landowning department (RBC Parks). They are not intended as comments on the merits of the wider case regarding the mitigation hierarchy.

The riverbank between Thameside Promenade and Kennetmouth already has a diversity of vegetation providing habitat. While in principle this can be enhanced, it needs to be clear that at least some diverse naturally occurring marginal vegetation already exists.

Areas along the river frontage at Christchurch Meadows that were considered by the Appellant as suitable for enhancement were planted up with coir rolls more than six years ago (when the pedestrian footbridge that links Christchurch Meadows and the south bank of the Thames was erected). This marginal vegetation has failed and the coir rolls have eroded. Causes for failure include water erosion, human activity and the activity of hundreds of geese attracted to the site by recreational feeding by humans and by grazing opportunities.

As noted in my comments on the application of 23 November 2020, we do not see much scope for enhancement at these locations, particularly at Christchurch Meadows. I made the point then that, while the Council values marginal vegetation for its wildlife importance, it needs to balance its management of river banks with the requirement to keep open direct access to the river for people using the parks for recreational purposes. This stretch of river has many leisure uses: boats needing to tie up to visit facilities in Reading; kayaking; river-based deliveries for events on the meadows; dog swimming; and a range of other uses. It would compromise these leisure activities to plant up more of the river frontage. We therefore have a mix of open views and reeds/coppice vegetation, which we manage on a three-yearly cycle (one third each year). Even where there is ‘space’ for some additional planting along both the south bank of Christchurch Meadows and the north bank of King’s Meadow, we are reluctant to plant up more sections of the bank to further close out views or access to the water.

The Thames frontages need to be seen as a resource for the people of Reading as well as a site of natural interest. It is unlikely that these stretches can be relied on to provide sufficient mitigation.

We said in November that we would be interested to see specific proposals. These are now available. We consider the harm which would be done by removal of the established

marginal vegetation is very significant. We disagree with the claim made by the Appellant that 'Any impact to the 30m length of planted coir rolls can be easily and adequately compensated for by installing new coir rolls on other banks of the Thames'. Even if off-site compensation is acceptable in principle, the proposed location/s and the proposed method also need to be acceptable. While we understand that the method proposed is standard practice, we note that it was unsuccessful at establishing new marginal vegetation when tried at Christchurch Meadows six years ago. Moreover, that the proposed locations are also appropriate is not established by the Appellant. Option B identified by the Appellant as a suitable location is heavily shaded, and locations along the riverbank at Christchurch Meadows (including option A) will not be accepted by Reading Borough Council as landowner for the reasons explained earlier.

In addition, mitigation needs to conform to the principle of additionality. Simply enhancing existing marginal vegetation is insufficient, as is re-providing wildflower grassland on a site already identified by the Council in its Wildflower Plan. The point is made in Appendix 19 that the impact of shading existing wildflower grassland 'can be compensated by creating a similar sized area of wildflower grassland within one of the areas to be identified by the Council referred to in the Reading BAP'. On the contrary, the Council would expect enhancement over and above what it is planning to do anyway.

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