

Statement made on behalf of the Claimant
Witness : Mrs Stephanie Penney
Statement No : 1
Date of Statement : 4 April 2026
Exhibits : -- SP1 – SP15

IN THE HIGH COURT OF JUSTICE

KINGS BENCH DIVISION

**IN THE MATTER OF AN INJUNCTION PURSUANT TO S187B OF THE TOWN AND
COUNTRY PLANNING ACT 1990**

BETWEEN:

**BUCKINGHAMSHIRE COUNTY
COUNCIL**

Claimant

AND

(1) KEITH O'DONOGHUE

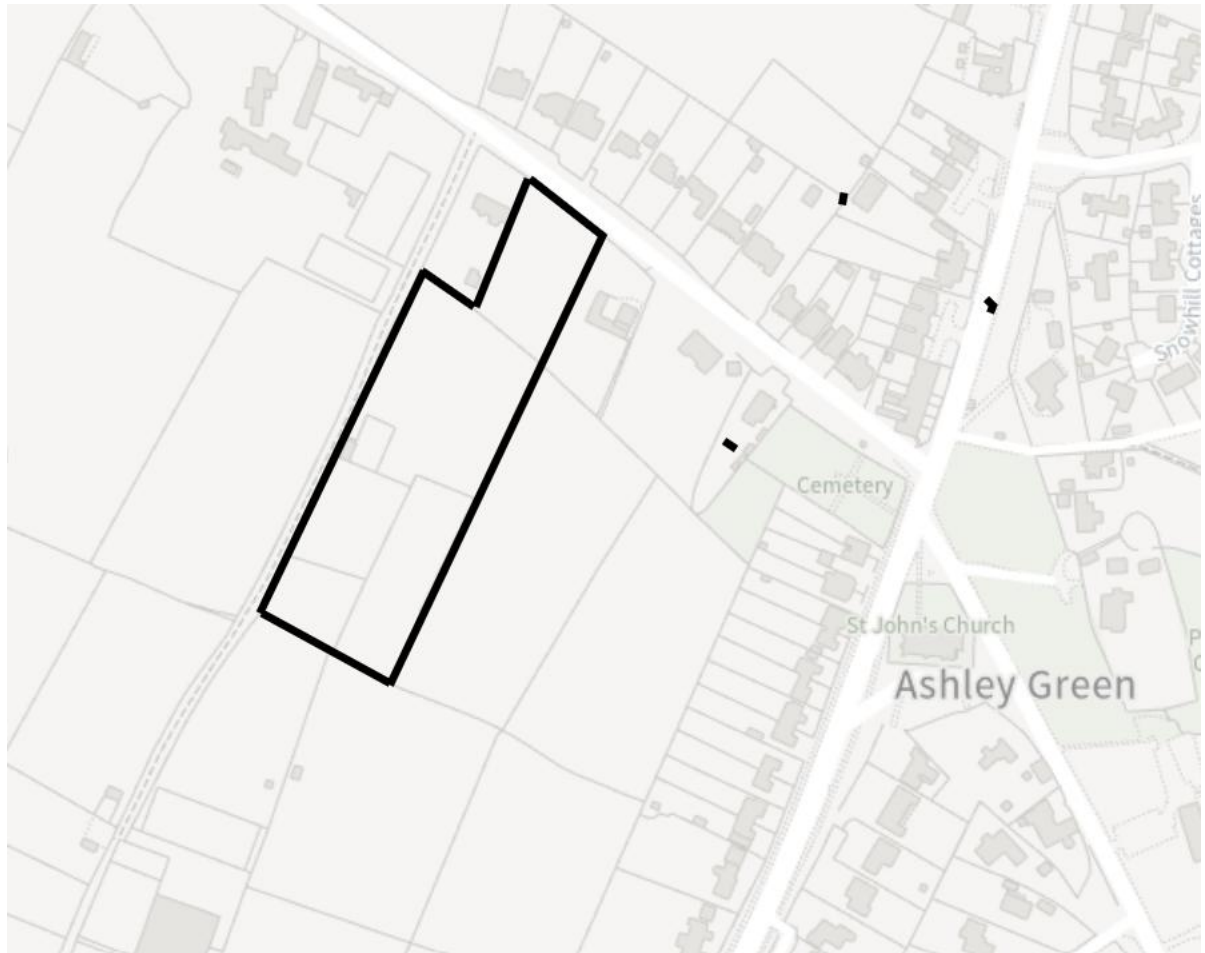
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BUCKINGHAMSHIRE, HP5 3PS (LAND REGISTRY TITLE NO: BM333389) AS SHOWN EDGED
IN BLACK ON THE MAP ATTACHED TO THE ORDER WITHOUT LAWFUL PLANNING
CONSENT)**

Defendants

EXHIBIT SP1

This is the Exhibit marked SP1

referred to in the Witness Statement of
Stephanie Penney



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EXHIBIT SP2

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referred to in the Witness Statement of
Stephanie Penney



Directorate for Planning, Growth and Sustainability

Walton Street Offices, Walton Street, Aylesbury, HP20 1UA

planning.csb@buckinghamshire.gov.uk

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Shrewsbury
SY4 4TT

BUCKINGHAMSHIRE COUNCIL DECISION NOTICE

Application no. PL/23/2479/FA

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure)(England) Order 2015

In pursuance of their powers under the above-mentioned Act and Order, Buckinghamshire Council as Local Planning Authority, **HEREBY REFUSE PERMISSION** for the following:

- Applicant:** Mr Keith O'Donoghue
- Location:** Land Off Hog Lane, Hog Lane, Ashley Green, Chesham, HP5 3PS
- Proposal:** Change of use to the mixed use of land for the keeping of horses and the stationing of caravans for residential purposes with the erection of 2 dayrooms and laying of hardstanding.

in accordance with your application received on **21 August 2023** and the plans and particulars accompanying it. The reasons for refusal are set out on the following page(s).

Eric Owens

Service Director of Planning and Environment

On behalf of the Council

Date: 18 October 2024

SCHEDULE OF REASONS FOR REFUSAL

1. The use of the land as a caravan site for gypsies/travellers is inappropriate development in the Green Belt which is harmful by definition. There is further harm by reason of the stationing of the mobile home and caravans and also the laying of the expanse of hardstanding, which results in the significant urbanisation of the site to the detriment of the openness of the Green Belt. It is not considered that the applicant has put forward any very special circumstances that are sufficient to outweigh the harm to the Green Belt. By its very nature, the development conflicts with the Government's principle aim of protecting the openness and permanence of the Green Belt. The development is therefore contrary to Policy GB2 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 and Section 13 of the National Planning Policy Framework, 2023.
2. The development as a residential gypsy caravan site with the stationing of mobile homes, touring caravans, ancillary structures, extensive hardstanding and introduction of residential paraphernalia together with the introduction of close barded fencing has a significant urbanising impact on the character of the area. This is considered to be overly intrusive and harmful to the rural character of the locality and is contrary to Policy GC1 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011; Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011) and Sections 12 and 15 of the National Planning Policy Framework, 2023.
3. There are a number of features on and around the site which suggest some ecological constraints may be present and therefore must be investigated. No information has been submitted in order to safeguard protected species or explain how biodiversity enhancements will be secured. The proposal therefore fails to conserve and enhance protected species and biodiversity and is contrary to Policies CS4 and CS24 of the Core Strategy for Chiltern District (Adopted November 2011) and Section 15 of the National Planning Policy Framework, 2023.
4. The application site is located within the designated 12.6km Zone of Influence of the internationally designated Chiltern Beechwoods Special Area of Conservation (SAC). Recreation within this designated area has resulted in an adverse impact on the health of the site. New evidence has demonstrated that new housing within 12.6km of the SAC can be expected to result in an increase in recreation pressure which would adversely impact upon the conservation objective of the SAC. The Strategic Solution for the ecological mitigation which has been developed with Natural England is not yet in place. The proposal would therefore be likely to have a significant effect on the SAC, either alone or in combination with other plans and projects due to the fact that it would not be providing or making an appropriate contribution towards acceptable avoidance and mitigation measures. As such, the proposal is contrary to Policy CS24 of the Core Strategy for Chiltern District - Adopted November 2011, The Conservation of Habitats and Species Regulations 2017 (as amended), and Section 15 of the National Planning Policy Framework, 2023.

GENERAL NOTES

1. See the attached Appeal Notes for details of appealing this decision

APPEAL NOTES

The applicant may appeal to the Secretary of State if aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. Guidance can be found on their website including how to complete your appeal form.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

- **Householder Applications(*)**

If you want to appeal against the **refusal of planning permission** on a 'Householder Application' then you must do so within **12 weeks** of the date of this notice. However, if you want to appeal **against the granting of planning permission subject to conditions** on a 'Householder Application' then you must do so within **6 months** of the date of this notice.

(*) A householder development is development in the boundary of, or to an existing dwellinghouse for purposes incidental to the enjoyment of the dwellinghouse, that does not involve change of use or a change to the number of dwellings. It includes an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development. Please note, this does not include development in the boundary of, or to an existing flat or maisonette.

- **Other Planning Applications (Non Householder)**

You may wish to appeal against the:

- (1) Refusal of a planning, listed building consent, including refusal to vary or discharge conditions.
- (2) The conditions attached to a planning or listed building consent application.
- (3) Refusal, partial refusal or deemed refusal of a lawful development certificate.

The correct form must be used to appeal – Planning: Listed Building Consent; or Certificate of Lawful Use or Development Appeal Forms. Please specify form required, if requesting from Inspectorate. The time period to do this will vary depending on the application type or development type. An appeal must be made within the following time periods of the decision date:

- (1) An **advertisement application** must be made within **8 weeks**
- (2) If development is a **shop front or other minor commercial development** must be made within **12 weeks**
- (3) All other **non-householder application types** or development types must be made within **6 months**

- The Secretary of State can allow a longer period for giving notice of an appeal but he/she will not normally be prepared to use this power unless there are special circumstances which excuse the delay
- The Secretary of State need not consider an appeal if it seems to him/her that the local planning authority would not have been able to have granted planning permission for the development or would not have been able to have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him/her.

Important information in relation to an enforcement notice

Different timescales apply where the development is also the subject of an enforcement notice. If an enforcement notice has been served within two years of an application being submitted or is served before the time period for determining the application has expired, the time limit to appeal is within: **28 days from the date of refusal or the date of determination**. If an enforcement notice is served after the application's decision date or date for determination, the time limit is **28 days from the enforcement notice date**, unless this would extend the period beyond the usual time limit for cases not involving an enforcement notice. (This does not apply to Advertisement Consent Applications)

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim he can neither put the land to a reasonably beneficial use in its existing state, nor render the land capable of a reasonably beneficial use, either carrying out any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land, in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

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EXHIBIT SP3

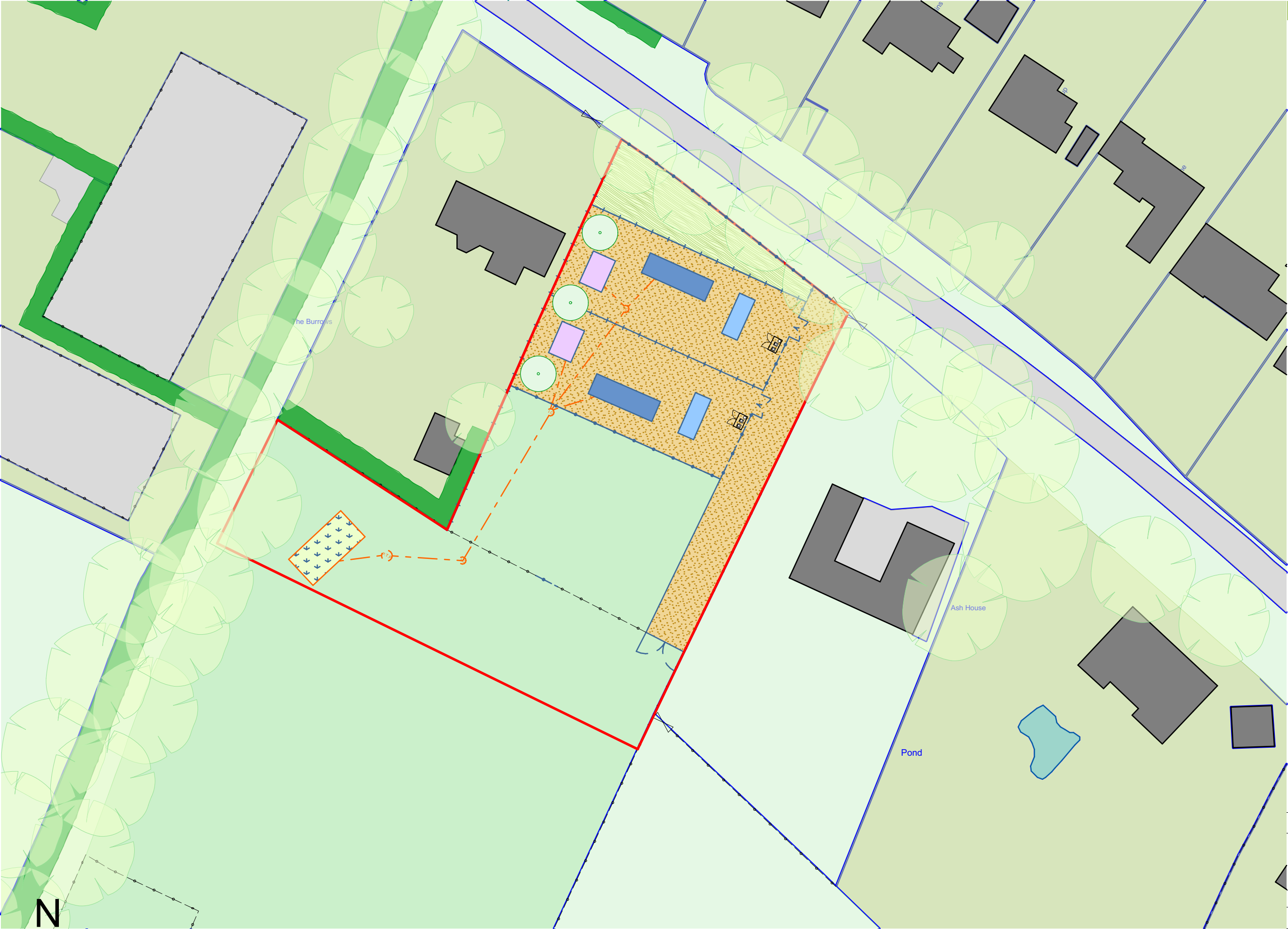
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Drawing Issue Sheet											
Drawing No		Current Revision	Drawing Name	Scale	Published	Distribution					
Case No	Sheet No					Client	File	Ecology	Planning	Appeal	Internal
Initial Transmittal, 21/08/2023 17:01											
22_1243	000	P02	Drawing Issue Sheet		☒						
22_1243	003	P02	Proposed Site Plan	1:500	☒						

P02	Initial Transmittal	P02	DG	21/08/2023
P01	Initial Transmittal	P01	OL	27/07/2023
Issue ID	Issue Name	Current Revision	Initials	Date
Do not scale from this drawing except for planning application purposes. The contractor is to check all site dimensions, levels and sewer inverts before works commence. This drawing must be checked and read against any structural or specialist consultant drawings. The contractor is to comply in all respects with the current Building Regulations and BS Codes of Practice whether or not specifically stated on these drawings. This drawing is not intended to show details of foundations, ground conditions or ground contaminants and confirmation and/or investigation is to be carried out by suitable experts. This drawing and the building works/designs depicted are the copyright of Green Planning Studio Ltd and are not to be reproduced in any form or by any means without the written consent of Green Planning Studio Ltd. © Copyright 2022 Green Planning Studio Ltd				



Client	
Keith O'Donoghue	
Project	
Land off Hog Lane - Land use	
Land off Hog Lane, Hog Lane, Chesham, Buckinghamshire, HP5 3PS	
Drawing Title	
Drawing Issue Sheet	
Scale @A3	Date 21/08/2023
Drawn	
Case No 22_1243	Status Initial Status
Drg No 000	Rev P02
ISO 19650 No: 22_1243-GPS-ZZ-XX-SH-A-000	



Site Plan Key/Legend

Residential gardens

Grassed area

Existing buildings/structures

Existing caravan

Existing hardstanding

Existing hedgerow

Existing trees

Existing Watercourse

Existing post & rail timber fence

Existing close boarded timber fence

Existing gate

Proposed mobile home

Proposed touring caravan

Proposed utility/day room

Proposed loose bound permeable hardstanding

Proposed tarmacadam surface

Proposed native hedge & tree planting

Proposed Soakaway

Proposed trees

Surface Water Drainage

Proposed Foul drainage

Indicative turning head

Indicative parking space

Proposed bin storage

Proposed post & rail timber fence

Proposed close boarded timber fence

P02	Initial Transmittal	P02	DG	21/08/2023
P01	Initial Transmittal	P01	OL	27/07/2023
Issue ID	Issue Name	Current Revision	Initials	Date

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Client

Keith O'Donoghue

Project

Land off Hog Lane - Land use

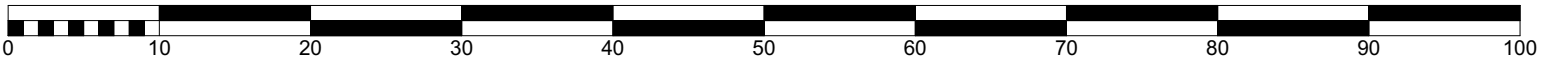
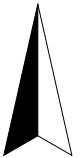
Land off Hog Lane,
Hog Lane,
Chesham,
Buckinghamshire,
HP5 3PS

Drawing Title Proposed Site Plan		
Scale @A3 1:500	Date 21/08/2023	Drawn OL
Case No 22_1243	Status Initial Status	
Drg No 003	Rev P02	

ISO 19650 No:
22_1243-GPS-ZZ-GF-DR-A-003

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RIBA
Chartered Practice



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EXHIBIT SP4

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referred to in the Witness Statement of
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DELEGATED DECISION	
Authorised	MS
Date	18/10/24

Reference PL/23/2479/FA
Case Officer: Margaret Smith
Parish: Ashley Green
Ward: Chesham

E.O.T. Date: 18 October 2024
Decide by Date: 16 October 2023
Publicity end Date: 6 May 2024
Date Received: 28 July 2023

App Type: Full Application
Proposal: Change of use to the mixed use of land for the keeping of horses and the stationing of caravans for residential purposes with the erection of 2 dayrooms and laying of hardstanding.
Location: Land Off Hog Lane, Hog Lane, Ashley Green, Chesham, HP5 3PS,
Applicant: Mr Keith O'Donoghue

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Area Special Adv. Control
Adjacent Public Footpaths and Public ROW
Buckinghamshire Council Wards
Bovingdon Technical Radar Zone
CSB Old Wards
Chiltern SSSI Impact Zones
Within Green Belt other than GB4 GB5
Great Crested Newts IRZ
North South Line
Chiltern Beechwood SAC Zones
SAC Zone of Influence

CALL IN

Councillor Southworth has requested that this application is referred to the Planning Committee, but only if the Officer recommendation is for approval.

THE APPLICATION

Change of use to the mixed use of land for the keeping of horses and the stationing of caravans for residential purposes with the erection of 2 dayrooms and laying of hardstanding.

This site lies on the south side of Hog Lane, within the Green Belt. The site lies to the east and south of the residential curtilage of The Burrows, and there is an agricultural building and associated land lying to the east of the application site. The applicants have identified their ownership of the land to the south of the application site edged in red.

The site lies within the Zone of Influence of the Chilterns Beechwood SAC. The site also lies within a Red Impact Risk Zone for Great Crested Newts.

Hog Lane
Pitch 1

The intended occupants of the site are 2 parents with their 3 children.

Gypsy status claimed and currently travel 6 months each year, which is expected to be reduced to 2-3 months.

Other pitch required by 2 brothers.

No current permanent residence and have doubled up on family members pitches over the past 5 years.

There is a need for one of their children to live in this locality for specialist schooling.

Parents have some medical issues but are not currently registered with a GP in the area.

Pitch 2

Gypsy and his wife, and another brother (gypsy status not mentioned) Aged 16 and 17.

Brother was not suited to attend a conventional school.

2 - 3 months of travelling per year.

No medical requirement for this locality.

Not currently registered with a GP in the area.

None of the applicants feel comfortable living in a house and want to continue living in a caravan.

No stated attachment to this area.

During the course of this application, the following additional information was submitted by the agent:

'In regard to paragraph 1 foul drainage arrangements the proposed location of the package treatment pack and the associated soakaway is shown on the proposed site plans 22_1243. This is in the field south of the application site and they are at least 7 and 15 meters away from all existing and proposed buildings respectively.

In regard to item 2 Management of animal waste, it is the client's intention to remove the waste in line with the British Horse Society and the Government's Environmental Agency guidelines. The manure will be kept on a compost heap with any excess or buildup taken to a licensed facility.

In regard to noise from generators it is the client's intention to connect to mains electricity so this is not an issue.

Lastly in regard to lighting we do not believe any outdoor lighting on a site of this nature would impact amenity, however if considered necessary a lighting scheme could be agreed at condition.'

PARISH COUNCIL

Ashley Green Parish Council - strong objection:

- This site has been subject to a series of planning applications over many years for development. The most recent being 2021 refused also on appeal. No circumstances have changed. The site remains unsuitable for development on the green belt for the same reasons and officers' attention is drawn to the grounds for refusal previously and on appeal.
- This is development on open Green Belt land close to and with views of the ANOB . There is a presumption against such development.
- The character of this side of Hog Lane is large old farmhouses well-spaced with open farm land between. This open farm land provides vista through the Green Belt and across to the ANOB. The plot is not suitable for and far too large for infill.
- The proposed development is not at all in keeping with Hog Lane where there are large detached family homes and similar large detached family homes closer to Ashley Green on the other side of the road.
- Whilst the development refers to small amenity blocks this does not comprise the full extent of the development which would include potentially large static homes and caravans, commercial vehicles, outdoor facilities, hard standings, storage and the like the whole of which should be considered and which will detract from the Green Belt.
- There has already been development on the site in that fencing has been erected on three sides.
- There is substantial loss of amenity value to the adjacent houses where lighting required for such developments will have an adverse effect. Such lighting would also affect biodiversity.
- This is a large plot and the potential for future authorised and unauthorised intensification would create further damage to the Green Belt.
- Development of this nature would conflict with the rural setting of nearby listed buildings.
- Ashley Green is a small village without facilities. There are no local schools, doctors, or shops. The bus service does not provide an adequate provision for either access to work or school.
- Recently, Hog Lane has become a rat run for traffic with a substantially increased traffic flow because of the large new residential developments in Berkhamsted. There is no foot way for safe access for children in any areas along Hog Lane. There is no street lighting.
- The ecology statement presented is incorrect. It is known that ground nesting skylarks exist on

the site together with a song thrush population. It is also patent that there is extensive badger activity over the site.

- The ecology report is wrong in stating that there are no hedge rows within 5 meters. There are hedge rows on three sides.
- There is also a pond within 250 metres of the site to which no reference is made.
- In association with the recently installed fencing which has removed and restricted vistas across the Green Belt land large double gates have been installed.
- It is of concern that permanent structures are proposed if the use is for caravans. All caravans have kitchen and toilet facilities and therefore there is no requirement for permanent structures.
- The proposed development falls within the Chilton Beechwood's special area of conservation to which no reference is made.
- Significant concern is expressed by the Parish Council because of the lack of detail associated with the application. Not least that the drawings show only small permanent structures whereas the development will include static and permanent caravans, commercial and private vehicles, storage, hard standings and other outdoor facilities.
- There is significant concern that this development would set an inappropriate precedent for development both in this location and elsewhere in the Parish.
- It should be noted that the Parish of Ashley Green is already extremely well provided for in terms of caravans and static homes housing in that there is a large (90 home) static park in Whelpley Hill. There is also extensive nearby social housing in Snowhill Cottages. There is also a current application for use of land for a caravan site in Whelpley Hill.
- This development is out of character and highly inappropriate on a large Green Belt plot of this nature.
- The application is significantly lacking in detail in particularly the proposal with regard to supplies for statutory services and waste.
- Increased traffic on Hog Lane which is a narrow lane is undesirable.
- The Parish Council feel that this application is a front for future more substantial proposed development of this Green Belt land.
- The loss of Green Belt land open vistas particularly towards the ANOB should be resisted.
- A development of this nature is incompatible with the existing houses and farmland along Hog Lane.

The neighbouring Cholesbury-cum-St Leonards Parish Council has also commented - objects strongly for the reasons set out below.

The boundary between our parish and Ashley Green Parish runs parallel to Hog Lane only a short distance away. Hence our interest in the present planning application.

We have two recent experiences of similar inappropriate planning applications in our parish and in another adjoining parish. Both are nearly identical to the present one at Ashley Green. Both applications were initially refused for a multitude of reasons, and the refusals were sustained on appeal as recently as earlier this year.

Impact on Green Belt

This proposal concerns a field that is within the Green Belt where most development is inappropriate, so there is a presumption against such development. The site is closely adjacent on two sides to houses in the village, and along with adjacent fields is near the centre of this village and therefore contributes significantly to the openness of the Green Belt in this particular locality.

The National Planning Policy Framework (NPPF) requires planning authorities to ensure substantial weight is given to any harm to the Green Belt a development might cause.

The proposed development will have a detrimental impact on the amenity, landscape and nature of the area within the Green Belt.

Additional issues

Beyond the above concerns there are a number of issues that should be of concern:

1. There is no indication of the provision of stabling to protect the horses from inclement weather.
2. Since mobile homes are equipped with toilets and cooking facilities, there is no need for

constructing the utility/dayrooms.

3. No evidence is presented to make the case that the applicants have gypsy or traveller status.
4. The lane is narrow but already too heavily travelled with through traffic now using it extensively. Adding large vehicles, caravans and mobile home movements to the mix is a mistake.
5. The potential for allowing the installation of double static mobile homes would be totally out of character with this village.'

REPRESENTATIONS

124 letters of objection have been received.

CONSULTATIONS

Highways Officer

A speed survey has been undertaken from the 2nd November to the 8th November 2023, which demonstrated 85th percentile speeds of 35mph in both directions onto Hog Lane, which equates to visibility splays of 2.4m x 54m in both directions. I can confirm that these splays are achievable in both directions onto Hog Lane in this instance.

When considering parking provision, I note that there is adequate room within the site to provide for adequate parking associated with the site.

In relation to sustainability, based on the precedence set under application reference PL/20/3760/OA, I consider that there are no reasonable grounds in which I could substantiate a reason for refusal in this instance.

Mindful of the above, I have no reasonable grounds in which to object to the proposals, and therefore I suggest several conditions and informatives to be secured on any planning consent that you may grant.

Ecology Officer

Holding Objection - Further Information Required.

The following information is required prior to determination of the application:

Mitigation measures to avoid adverse effects on the integrity of the Chilterns Beechwoods Special Area of Conservation;

Biodiversity Net Gain Report, including a statutory metric in excel format and habitat condition assessment sheets;

Further great crested newt survey or proof of entry into Buckinghamshire Council's District Licence Scheme - via provision of a NatureSpace Report or Certificate.

Planning Policy Team

It is essential that very special circumstances are demonstrated as this site is in the Green Belt. The general presumption against inappropriate development in the Green Belt is emphasised in the adopted Core Strategy Policy CS14. The new pitches would make a contribution to the Five-year supply of traveller pitches. This is an important consideration but is not of overriding significance if the application is unacceptable in other respects and not robustly supported by evidence of personal circumstances.

Personal circumstances - Regarding the personal circumstance I cannot say whether this requirement has been met, it is for the case officer to decide. However, we have had applicants submit stronger personal circumstances. Further clarification e.g. letters from schools and doctors could be asked for to help further support their personal circumstances, if you feel it is appropriate.

Environmental Health (amenity)

No objection in principle.

'Foul drainage arrangements

As a specific treatment plant is being proposed then the adequacy of this arrangement will be governed by Building Regulations.

Management of animal waste

Under the circumstances I would suggest that a waste management plan for the site, should permission be granted, is warranted in order to safeguard local residential amenity.

The following condition is recommended:

No part of the development hereby approved shall commence until an Animal Waste Management Plan (AWMP) has been submitted to and approved in writing by the Local Planning Authority. The AWMP shall set out, as a minimum, site specific measures to control and monitor the impacts arising in relation to animal waste such as, but not limited to, offensive odour, flies, and noise associated with waste collection. The development shall be carried out in full accordance with the approved AWMP at all times.

Potential for noise disturbance arising from the use of generator(s)

Whilst I note that the applicant intends mains power for the site, I am nevertheless concerned that this may not come to pass given my experience of similar nearby sites.

Accordingly, I would recommend the following condition:

No generator or compressor shall be operated at the development site other than in direct relation to construction activity.

Artificial lighting

Notwithstanding the comments of the applicant's agent, I would recommend the following condition in order to protect local amenity:

Before the development commences a suitable lighting design scheme and impact assessment devised to eliminate any detrimental effect caused by obtrusive light from the development on neighbouring land uses shall be submitted to and approved in writing by the Local Planning Authority. Only the details approved in writing by the Local Planning Authority shall be implemented.

Please note this memo does not include comments relating to caravan site licencing, air quality, and contaminated land, where relevant, these comments will be provided separately.'

Environmental Health (land contamination)

No objection subject to the imposition of a standard condition requiring the reporting of any unexpected contaminated land.

POLICIES

Development Plan

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS14, CS20 and CS22.

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GB1, GB2, EP3, EP4, LSQ1, TR2, TR15.

Other material considerations:

The National Planning Policy Framework (NPPF), 2023.

Planning policy for traveller sites. (PPTS) August 2015.

The Aylesbury Vale, Chiltern, South Bucks and Wycombe District Councils' Gypsy Traveller and Travelling Showpeople Accommodation Assessment (Feb 2017) covers the time period up to 2036 and refers to a total of 70 pitches being needed in South Bucks (2016-2036) (for all types of need). However, reference is made to the needs assessment figures for both Councils here since the new Local Plan is a joint Local Plan and will need to have a strategy to meet the overall figure of 85 pitches arising from both areas (all types of need).

Buckinghamshire Countywide Parking Guidance September 2015

ASSESSMENT

Green Belt

1. The application site is within the Green Belt where, in accordance with Section 13 of the National Planning Policy Framework (NPPF), most development is considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
2. Paragraphs 154 and 155 of the NPPF set out categories of development which are not considered to be inappropriate in the Green Belt. However, the stationing of caravans does not fall into any of the exceptions and therefore the development is inappropriate development, which is harmful by definition. This harm must be afforded substantial weight. Paragraph 153 of the NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
3. Policy GB2 of the Adopted Chiltern Local Plan relates to development in the Green Belt and is broadly consistent with the aims of the NPPF. The policy lists the forms of development which are not inappropriate and traveller sites do not fall within any of the types of development listed.
4. Policy CS14 of the Core Strategy for Chiltern District specifically refers to Sites for Gypsies and Travellers and Sites for Travelling Showpeople. This policy makes it clear that Gypsy and Traveller sites constitute inappropriate development within the Green Belt.
5. This report sets out an assessment of the development to identify any harm as well as any benefits, so that a considered conclusion can be made as to whether the harm resulting from the proposal is clearly outweighed by other considerations that equate to very special circumstances.
6. The fundamental aim of Green Belt policy is outlined in paragraph 142 of the NPPF which states that "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". Paragraph 143 then lists the five purposes of the Green Belt, including to assist in safeguarding the countryside from encroachment.
7. In this case, the existing site is a vacant piece of land surrounded by boundary vegetation to the northern and western side and is open to the south and east. Therefore the introduction of the proposed development, together with associated hardstanding and domestic paraphernalia, would have a detrimental impact on openness and encroach into the countryside.

Landscape/design

8. Introducing two pitches, comprising a total of two mobile homes, two touring caravans, two dayrooms, two refuse stores, fencing and hardsurfacing across most of the site, together with domestic paraphernalia will cause a degree of harm to the rural character of the location.

Highways / access

9. The development uses an access to the lane to the front of the site. In consultation with the Highway Authority, the additional vehicular movements can be accommodated onto the highway and adequate visibility splays can be achieved.
10. Each pitch has space for two car parking spaces of adequate dimensions and the number of spaces capable of being provided is acceptable in this instance. There is also sufficient space within the site for the turning of vehicles.

Amenity

11. Local Plan Policy GC3 refers to the protection of amenities. It states that the Council will seek to achieve good standards of amenity for the future occupiers of that development and to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties. Where amenities are impaired to a significant degree, planning permission will be refused.

12. There are residential properties located to each side of the plot. The concerns from the local residents are acknowledged, however there are only certain matters that can be considered as material planning issues. This includes any loss of privacy, loss of light, development being overbearing, or unacceptably noisy.

13. Given the location of the site and its fairly spacious nature, it is not considered that neighbouring amenity would be impaired to a significant degree. However, would be reasonable to require the applicant to provide fencing and/or planting along the shared boundaries, which could be secured by condition, if permission was forthcoming.

14. With regard to the future occupiers of the site, there is adequate space, privacy and facilities for each pitch and therefore no objections are raised in this regard. There is also sufficient space for bin storage. To ensure that waste is appropriately stored and presented at the road edge on collection day, it would be considered reasonable to require details of the bin storage to be submitted to and approved in writing by the Local Planning Authority.

Biodiversity

15. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment through a number of measures. These include protecting and enhancing valued landscapes and sites of biodiversity or geological value, and minimising impacts on and providing net gains for biodiversity. Paragraph 185 says that to protect and enhance biodiversity, plans should 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 seeking measurable net gains for biodiversity.

16. Paragraph 186 of the NPPF states that 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; 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.

17. In terms of the Development Plan, Policy CS24 of The Core Strategy states that the Council will aim to conserve and enhance biodiversity. In particular, development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion, of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. Where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest.

18. In July 2022, the Council adopted the Biodiversity Net Gain Supplementary Planning Document (BNG SPD) which requires development to result in a net gain for biodiversity.

19. In this regard, the application was not accompanied by any ecology information. The Council's Ecology Officer states that a preliminary ecological appraisal (PEA) is required to be submitted prior to determination of the application. The application was submitted prior to the mandatory 10% biodiversity net gain (BNG) coming into force, but Policy CS24 still requires biodiversity enhancements. To this end, no details have been provided to show how enhancements will be achieved. No information relating to Great Crested Newts has been provided either, which is important, given it lies within a Red Impact Risk Zone. This

is pertinent, considering how much of the site is dedicated to hardsurfacing. In the absence of such information, the application fails to comply with Policy CS24.

Chiltern Beechwoods Special Area of Conservation (SAC)

20. Chiltern Beechwoods Special Area of Conservation (SAC) comprises Asperulo-Fagetum beech forests on neutral to rich soils and semi-natural dry grasslands and scrublands on chalk or limestone (Festuco-Brometalia). The rare coralroot *Cardamine bulbifera* is a distinctive feature of the woodland flora. Fallen dead timber provides habitat for invertebrates including the stag beetle (*Lucanus cervus*). These comprise the qualifying features of the SAC. The conservation objectives are to ensure the integrity of the site is maintained or restored and ensure the site contributes to achieving the favourable conservation status of its qualifying features. The unit of particular concern is Ashridge Commons and Woods Site of Special Scientific Interest (SSSI).

21. The qualifying features of the SAC are threatened by disturbance as residents in the surrounding area use the SAC for recreation. In particular, the concerns are damage from trampling of the ground other than paths, vegetation wear, soil compaction and erosion; contamination including nutrient enrichment, for example from dog fouling, litter and invasive species; increased incidence and risk from fire; and other impacts such as harvesting and activities associated with site management.

22. Research was carried out in 2021 on the impacts of recreation on the SSSI within the SAC and is set out within the Footprint Ecology Report. Natural England recognises that new residential development within 12.6km of the SSSI, within which the appeal site is located, can be expected to result in an increase in visitors to the SSSI and add to the recreation pressure.

23. On the advice of NE, Buckinghamshire Council has adopted an interim position from 14th March 2022 until such time as a mitigation strategy can be agreed. For this interim period, the following is adopted:

- Any development within the 12.6 kilometre Zone of Influence that proposes an increase in residential dwellings will need to carry out a HRA. This would need to consider both alone and in-combination impacts and set out measures to mitigate the impacts.
- An exclusion zone of 500 metres from the edge of the Ashridge Commons and Woods SSSI.

24. The Council has been working on a mitigation strategy with its partner authorities. The agreed Strategic Solution is for both a Strategic Access Management and Monitoring Strategy (SAMM) and for Suitable Alternative Natural Greenspace (SANG) to be provided. The SAMM amount was agreed in November 2022, but only on the basis that the SANG was also in place. The SANG has yet to come forward, and the Council has been working with land owners and developers to bring this forward as soon as possible. A current major planning application near Aylesbury (Kingsbrook) proposes a Strategic SANG that will provide the mitigation for all other affected developments of 9 units or less within Bucks. However, this is a way of a decision and there is no firm indication that it will be approved or delivered imminently. The SANG is also likely to attract a further contribution, the level of which is currently unknown. Importantly, both the SAMM and SANG need to be in place and until they are, the HRA process prevents affected applications from being favourably determined.

25. As such, Strategic Solution for mitigation, agreed with Natural England, is not yet in place. Consequently, it is not possible to favourably determine applications which would result in the net increase of homes within the Zone of Influence of the SAC. At the present time, the proposal would be likely to have a significant effect on the SAC, either alone or in combination with other plans and projects, due to the fact that it would not be providing or making an appropriate contribution towards acceptable avoidance and mitigation measures. As such, the proposal would harm the conservation objectives of the SAC by resulting in increased recreation pressure, with no mitigation, and is therefore contrary to Core Strategy Policy CS24, The Conservation of Habitats and Species Regulations 2017 (as amended), and Section 15 of the NPPF, 2023.

Gypsy and Traveller Accommodation Needs

26. The relevant policy for the consideration of the needs of the travelling community in this area is Policy CS14 of the Core Strategy. This refers to the provision of additional traveller sites and sets out the key principles for considering sites in the Green Belt.

Evidence of traveller accommodation needs.

27. The level of future need for new pitches for Gypsies and Travellers has been assessed in a joint study across Buckinghamshire. This is the Aylesbury, Chiltern, South Bucks and Wycombe Gypsy, Travellers and Travelling Showpeople Accommodation Needs Assessment (2017). This Assessment, known as the GTAA, was carried out for the then Buckinghamshire District Councils by the independent consultants Opinion Research Services (ORS). Reference is made to this assessment as it is the most recent information available. It supersedes the information on Traveller needs which is referred to in paragraph 11.5 of the Core Strategy.

28. The GTAA shows whether households which were subject of its surveys complied with the Government's definition of travelling in Annex 1 of Planning Policy for Traveller Sites (August 2015). It provides an estimate of pitches needed according to whether households were travelling, non- travelling or where their travelling habits were unknown.

Needs for 2016 to 2036:

Years 0-5 (2016-21): 8 pitches

Years 6-10 (2021-26): 2 pitches

Years 11-15 (2026-31): 2 pitches

Years 16-20 (2031-36): 3 pitches

Total: 15 pitches

29. The position on needs shown above, which is not restricted to meeting the needs of only those travellers who comply with the Government's definition of traveller in its Planning Policy for Traveller Sites (PPTS) is in accordance with the Court decision on the Lisa Smith case. This case which found the application of the Government's definition of travellers in its PPTS to be discriminatory and that there wasn't proposed justification for that discrimination. (Court of Appeal judgement: 'Lisa Smith -v- The Secretary of State for Levelling Up, Housing and Communities and Other - 31 October 2022 .)

30. Since then, the PPTS has been amended. Its definition of travellers for planning purposes does not now exclude those travellers who no longer travel (December 2023).

31. Since the GTAA was published seven pitches have been permitted / tolerated in the East area. These were on two existing traveller sites in the Green Belt at Chalfont St Peter and off the A404 in Amersham Parish. There are no Local Plan allocations for new pitches in the East area. Another four pitches were permitted in Chalfont St Peter under reference PL/23/2669/FA, but these were a temporary permission.

Five-year needs and supply for the years 2022 - 2028.

32. Calculation of needs has to take into account supply and needs shown in the GTAA for previous years. In particular, it has to account for un-met needs from previous years. Excluding the temporary permission referred to above, there is a deficit of four pitches.

33. The impact of the two new pitches on the Five-year supply is an important consideration for this planning application. As the site is in the Green Belt new pitches would be inappropriate development and so the evaluation of the impact on needs should also be considered alongside the issue of whether compelling and robust evidence of very special circumstances has been provided in support of this planning application whether this would override and the harm to the Green Belt.

34. The Council needs to have regard to the accommodation needs of protected groups whose cultural needs are for mobile homes / caravans, not living in bricks and mortar.

35. The Public Sector Equality Duty relates to the elimination of racial discrimination and promote equality of opportunity and the requirements of the Human Rights Act 1998. Section 124 of the Housing and Planning Act 2016 is also relevant. This refers to the duty to consider the needs of those resorting to / residing in caravans. As a result, there is a duty for the Council to have regard to the specific needs of these groups in carrying out their functions as a local housing authority, which in turn links into the Councils' role

in determining planning applications. Planning for the housing needs of different groups is also referred to in the PPG (Paragraph 001 Reference ID: 67-001-20190722. Revision date: 22 07 2019).

36. The agent for this application has confirmed that the site occupants have ethnic Traveller status. Therefore, the occupants' needs for a specific type of accommodation does need to be afforded some weight as part of the consideration of this planning application.

Very special circumstances

37. Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 goes on to say that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

38. As outlined in the assessment above, harm has been identified with regard to the Green Belt, which must be afforded substantial weight. Harm has also been identified with regard to the character of the area, but given that the proposed caravans are sited near the lane, between two existing residential plots, this harm is given moderate weight. There is also harm to biodiversity, which should be given moderate weight given the scale of the site. In addition, a fundamental point is the harm to the SAC, in the absence of the Strategic Solution to provide the mitigation, which has to be afforded great weight.

39. The benefit of the development is that it provides two pitches for gypsy and travellers which makes a contribution towards meeting the area's need for this type of accommodation. This benefit should be afforded significant weight. Furthermore, the site is located outside of the AONB on land that is near the village of Ashley Green.

40. As well as the benefits listed above, the applicant has provided some personal circumstances in order to try and justify the need for this type of accommodation in this location. The detail will not be reproduced here, given the request for it to remain confidential. Nonetheless, in broad terms, it includes general medical information and the educational needs of the children. No supporting third party letters or documents have been included, such as from local schools or doctors. The case for very special circumstances is not particularly detailed and it does not stand out as justifying a compelling need for pitches in this particular location, within the Green Belt or the SAC Zone of Influence.

41. As such, it is considered that very special circumstances have not been shown. The harm to the Green Belt, the character of the area, and ecology/biodiversity are all matters that attract great, substantial or significant weight individually. The combined harm is such that the site is considered unsuitable for the development as proposed. The benefits as presented in the applicants' case are not considered to clearly outweigh this harm and do not therefore constitute a case of very special circumstances that is required to justify the development.

Human Rights

42. In considering the Human Rights implications of the proposal, it is necessary to carry out a balancing exercise weighing the harm arising to the public interest against the applicant's right to respect for private and family life, home, and amongst other things, the law. Article 8 of the European Convention on Human Rights states that everyone has the right to respect for his private and family life, his home and correspondence. However, this right is not absolute but is qualified to allow public authorities to act "as in accordance with the law and as is necessary in a democratic society in the interest of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of rights and freedoms of others".

43. Planning law allows Councils as Local Planning Authorities to make decisions on planning applications in the public interest. The policies in the development plan set out the policies and criteria, in accordance with Government policy and advice, for making decisions on applications for Gypsy sites in the Green Belt.

44. It is acknowledged that to refuse planning permission for this development would represent an interference with the applicant's rights to the enjoyment of their possessions under Article 1 of the first Protocol of the Human Rights Act 1998 and rights to home and family life under Article 8. However, it is necessary to balance such interference against the issues of wider public interest in respect of the significant harm identified as set out in this report. In this case it is considered that the harm to the issues of wider public interest as identified outweigh the interference with the applicant's rights under Article 8 and Article 1 of the First Protocol. The right to a fair trial under Article 6 is protected through the established appeal procedure.

RECOMMENDATION: Refuse permission

For the following reasons:-

1. The use of the land as a caravan site for gypsies/travellers is inappropriate development in the Green Belt which is harmful by definition. There is further harm by reason of the stationing of the mobile home and caravans and also the laying of the expanse of hardstanding, which results in the significant urbanisation of the site to the detriment of the openness of the Green Belt. It is not considered that the applicant has put forward any very special circumstances that are sufficient to outweigh the harm to the Green Belt. By its very nature, the development conflicts with the Government's principle aim of protecting the openness and permanence of the Green Belt. The development is therefore contrary to Policy GB2 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011 and Section 13 of the National Planning Policy Framework, 2023.
2. The development as a residential gypsy caravan site with the stationing of mobile homes, touring caravans, ancillary structures, extensive hardstanding and introduction of residential paraphernalia together with the introduction of close barded fencing has a significant urbanising impact on the character of the area. This is considered to be overly intrusive and harmful to the rural character of the locality and is contrary to Policy GC1 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011; Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011) and Sections 12 and 15 of the National Planning Policy Framework, 2023.
3. There are a number of features on and around the site which suggest some ecological constraints may be present and therefore must be investigated. No information has been submitted in order to safeguard protected species or explain how biodiversity enhancements will be secured. The proposal therefore fails to conserve and enhance protected species and biodiversity and is contrary to Policies CS4 and CS24 of the Core Strategy for Chiltern District (Adopted November 2011) and Section 15 of the National Planning Policy Framework, 2023.
4. The application site is located within the designated 12.6km Zone of Influence of the internationally designated Chiltern Beechwoods Special Area of Conservation (SAC). Recreation within this designated area has resulted in an adverse impact on the health of the site. New evidence has demonstrated that new housing within 12.6km of the SAC can be expected to result in an increase in recreation pressure which would adversely impact upon the conservation objective of the SAC. The Strategic Solution for the ecological mitigation which has been developed with Natural England is not yet in place. The proposal would therefore be likely to have a significant effect on the SAC, either alone or in combination with other plans and projects due to the fact that it would not be providing or making an appropriate contribution towards acceptable avoidance and mitigation measures. As such, the proposal is contrary to Policy CS24 of the Core Strategy for Chiltern District - Adopted November 2011, The Conservation of Habitats and Species Regulations 2017 (as amended), and Section 15 of the National Planning Policy Framework, 2023.

Statement made on behalf of the Claimant
Witness : Mrs Stephanie Penney
Statement No : 1
Date of Statement : 4 April 2026
Exhibits : -- SP1 – SP15

IN THE HIGH COURT OF JUSTICE

KINGS BENCH DIVISION

**IN THE MATTER OF AN INJUNCTION PURSUANT TO S187B OF THE TOWN AND
COUNTRY PLANNING ACT 1990**

BETWEEN:

**BUCKINGHAMSHIRE COUNTY
COUNCIL**

Claimant

AND

(1) KEITH O'DONOGHUE

**(2) PERSONS UNKNOWN (ANY PERSON CARRYING OUT AND/OR ENCOURAGING AND/OR
FACILITATING DEVELOPMENT ON, OR WITH AN INTENT TO UNDERTAKE DEVELOPMENT
ON OR TO OCCUPY, THE LAND KNOWN AS LAND OFF HOG LANE, ASHLEY GREEN,
BUCKINGHAMSHIRE, HP5 3PS (LAND REGISTRY TITLE NO: BM333389) AS SHOWN EDGED
IN BLACK ON THE MAP ATTACHED TO THE ORDER WITHOUT LAWFUL PLANNING
CONSENT)**

Defendants

EXHIBIT SP5

This is the Exhibit marked SP5

referred to in the Witness Statement of
Stephanie Penney



Chiltern Area

Application for Planning Permission

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

Applicant Details

Name/Company

Title

Mr

First name

Keith

Surname

O'Donoghue

Company Name

n/a

Address

Address line 1

C/o agent

Address line 2

C/o agent

Address line 3

C/o agent

Town/City

C/o agent

County

C/o agent

Country

C/o agent

Postcode

Are you an agent acting on behalf of the applicant?

- ☒ Yes
- ☐ No

Applicant Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Site Area

What is the measurement of the site area? (numeric characters only).

0.22

Unit

Hectares

Description of the Proposal

Please note in regard to:

- **Fire Statements** - From 1 August 2021, planning applications for buildings of over 18 metres (or 7 stories) tall containing more than one dwelling will require a 'Fire Statement' for the application to be considered valid. There are some exemptions. [View government planning guidance on fire statements](#) or [access the fire statement template and guidance](#).
- **Permission In Principle** - If you are applying for Technical Details Consent on a site that has been granted Permission In Principle, please include the relevant details in the description below.
- **Public Service Infrastructure** - From 1 August 2021, applications for certain public service infrastructure developments will be eligible for faster determination timeframes. See help for further details or [view government planning guidance on determination periods](#).

Description

Please describe details of the proposed development or works including any change of use

Planning application for the use of land for the stationing of caravans for residential purposes and the erection of dayrooms and laying of hardstanding ancillary to that use

Has the work or change of use already started?

☐ Yes

☒ No

Existing Use

Please describe the current use of the site

equestrian

Is the site currently vacant?

- ☒ Yes
- ☐ No

If Yes, please describe the last use of the site

equestrian

When did this use end (if known)?

dd/mm/yyyy

Does the proposal involve any of the following? If Yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated

- ☐ Yes
- ☒ No

Land where contamination is suspected for all or part of the site

- ☐ Yes
- ☒ No

A proposed use that would be particularly vulnerable to the presence of contamination

- ☐ Yes
- ☒ No

Materials

Does the proposed development require any materials to be used externally?

- ☒ Yes
- ☐ No

Please provide a description of existing and proposed materials and finishes to be used externally (including type, colour and name for each material)

Type:

Walls

Existing materials and finishes:

Please refer to the planning documents

Proposed materials and finishes:

Please refer to the planning documents

Type:

Roof

Existing materials and finishes:

Please refer to the planning documents

Proposed materials and finishes:

Please refer to the planning documents

Type:

Windows

Existing materials and finishes:

Please refer to the planning documents

Proposed materials and finishes:

Please refer to the planning documents

Type:

Doors

Existing materials and finishes:

Please refer to the planning documents

Proposed materials and finishes:

Please refer to the planning documents

Type:

Boundary treatments (e.g. fences, walls)

Existing materials and finishes:

Please refer to the planning documents

Proposed materials and finishes:

Please refer to the planning documents

Are you supplying additional information on submitted plans, drawings or a design and access statement?

☒ Yes

☐ No

If Yes, please state references for the plans, drawings and/or design and access statement

21_1243A 001 Site Location Plan
21_1243A 002 Existing Site and Block Plan
21_1243A 003 Proposed Site Plan
21_1243A 005 Proposed Dayroom – Plans and Elevations
21_1243A Planning Statement

Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicular access proposed to or from the public highway?

- ☐ Yes
- ☒ No

Is a new or altered pedestrian access proposed to or from the public highway?

- ☐ Yes
- ☒ No

Are there any new public roads to be provided within the site?

- ☐ Yes
- ☒ No

Are there any new public rights of way to be provided within or adjacent to the site?

- ☐ Yes
- ☒ No

Do the proposals require any diversions/extinguishments and/or creation of rights of way?

- ☐ Yes
- ☒ No

Vehicle Parking

Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?

- ☒ Yes
- ☐ No

Please provide information on the existing and proposed number of on-site parking spaces

Vehicle Type:	
Cars	
Existing number of spaces:	
0	
Total proposed (including spaces retained):	
4	
Difference in spaces:	
4	

Trees and Hedges

Are there trees or hedges on the proposed development site?

- ☒ Yes
- ☐ No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?

- ☒ Yes
- ☐ No

You may need to provide a full tree survey, at the discretion of the local planning authority. If a tree survey is required, this and the accompanying plan should be submitted alongside the application.

The local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

Assessment of Flood Risk

Is the site within an area at risk of flooding? (Check the location on the Government's [Flood map for planning](#). You should also refer to national [standing advice](#) and your local planning authority requirements for information as necessary.)

- ☐ Yes
☒ No

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

- ☐ Yes
☒ No

Will the proposal increase the flood risk elsewhere?

- ☐ Yes
☒ No

How will surface water be disposed of?

- ☒ Sustainable drainage system
☐ Existing water course
☐ Soakaway
☐ Main sewer
☐ Pond/lake

Biodiversity and Geological Conservation

Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?

To assist in answering this question correctly, please refer to the help text which provides guidance on determining if any important biodiversity or geological conservation features may be present or nearby; and whether they are likely to be affected by the proposals.

a) Protected and priority species

- ☐ Yes, on the development site
☐ Yes, on land adjacent to or near the proposed development
☒ No

b) Designated sites, important habitats or other biodiversity features

- ☐ Yes, on the development site
☐ Yes, on land adjacent to or near the proposed development
☒ No

c) Features of geological conservation importance

- ☐ Yes, on the development site
☐ Yes, on land adjacent to or near the proposed development
☒ No

Supporting information requirements

Where a development proposal is likely to affect features of biodiversity or geological conservation interest, you will need to submit, with the application, sufficient information and assessments to allow the local planning authority to determine the proposal.

Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the local planning authority has been submitted.

Your local planning authority will be able to advise on the content of any assessments that may be required.

Biodiversity net gain

Biodiversity net gain is a legal requirement for planning permission introduced on 12 February 2024. All applications are required to either provide detailed information proving there will be a biodiversity increase; or explain why the requirement does not apply to the development.

Do you believe that, if the development is granted permission, the general Biodiversity Gain Condition (as set out in [Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 \(as amended\)](#)) would apply?

- ☒ Yes
- ☐ No

Please provide the pre-development biodiversity value of onsite habitats on the date of calculation

1.76

Please provide the date the onsite pre-development biodiversity value was calculated

14/11/2023

Note: This should be either the date of the application, or an earlier proposed date

If an earlier date, to the date of the planning application, has been used, please provide details why this date has been used

date of assessment *no changes since said date

When was the version of the biodiversity metric used published?

12/07/2024

Please provide the reference or supporting document/plan names for the:

- i. Biodiversity metric calculation
- ii. Onsite irreplaceable habitats (if applicable)
- iii. Onsite habitats existing on the date of the application for planning permission (if applicable)

Document/Plan:

Other (please specify)

Please specify:

Biodiversity Net Gain Report

Document name/reference:

2486599 - Biodiversity Net Gain Report (Rev01)

Document/Plan:

Other (please specify)

Please specify:

Preliminary Ecological Appraisal Report

Document name/reference:

2486599 - Hog Lane, Chesham, PEA (Rev00)

Note: You must supply a complete biodiversity metric calculation with your application. Plans must be drawn to an identified scale, and show the direction of North.

Has there been any loss (or degradation) of any onsite habitat(s), resulting from activities carried out before the date the onsite pre-development biodiversity value was calculated. Either:

- on or after 30 January 2020 which were not in accordance with a planning permission; or
- on or after 25 August 2023 which were in accordance with a planning permission?

☐ Yes

☒ No

Does the development site have irreplaceable habitats (corresponding to the descriptions in [Column 1 of the Schedule in the Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations \(2023\)](#)) which are:

- i. on land to which the application relates; and
- ii. exist on the date of the application for planning permission, (or an earlier agreed date)

☐ Yes

☒ No

Foul Sewage

Please state how foul sewage is to be disposed of:

☐ Mains sewer

☐ Septic tank

☒ Package treatment plant

☐ Cess pit

☐ Other

☐ Unknown

Are you proposing to connect to the existing drainage system?

☐ Yes

☒ No

☐ Unknown

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?

- ☐ Yes
☒ No

Have arrangements been made for the separate storage and collection of recyclable waste?

- ☐ Yes
☒ No

Trade Effluent

Does the proposal involve the need to dispose of trade effluents or trade waste?

- ☐ Yes
☒ No

Residential/Dwelling Units

Does your proposal include the gain, loss or change of use of residential units?

- ☐ Yes
☒ No

All Types of Development: Non-Residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?

Note that 'non-residential' in this context covers all uses except Use Class C3 Dwellinghouses.

- ☐ Yes
☒ No

Employment

Are there any existing employees on the site or will the proposed development increase or decrease the number of employees?

- ☐ Yes
☒ No

Hours of Opening

Are Hours of Opening relevant to this proposal?

- ☐ Yes
☒ No

Industrial or Commercial Processes and Machinery

Does this proposal involve the carrying out of industrial or commercial activities and processes?

- ☐ Yes
☒ No

Is the proposal for a waste management development?

- ☐ Yes
☒ No

Hazardous Substances

Does the proposal involve the use or storage of Hazardous Substances?

- ☐ Yes
☒ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
☐ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☐ Yes
☒ No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
☒ No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- ☒ Yes
- ☐ No

Is any of the land to which the application relates part of an Agricultural Holding?

- ☐ Yes
- ☒ No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of “agricultural tenant” in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

- ☐ The Applicant
- ☒ The Agent

Title

First Name

Joshua

Surname

Crehan

Declaration Date

23/03/2026

☒ Declaration made

Declaration

I/We hereby apply for Full planning permission as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Joshua Crehan

Date

23/03/2026

Statement made on behalf of the Claimant
Witness : Mrs Stephanie Penney
Statement No : 1
Date of Statement : 4 April 2026
Exhibits : -- SP1 – SP15

IN THE HIGH COURT OF JUSTICE

KINGS BENCH DIVISION

**IN THE MATTER OF AN INJUNCTION PURSUANT TO S187B OF THE TOWN AND
COUNTRY PLANNING ACT 1990**

BETWEEN:

**BUCKINGHAMSHIRE COUNTY
COUNCIL**

Claimant

AND

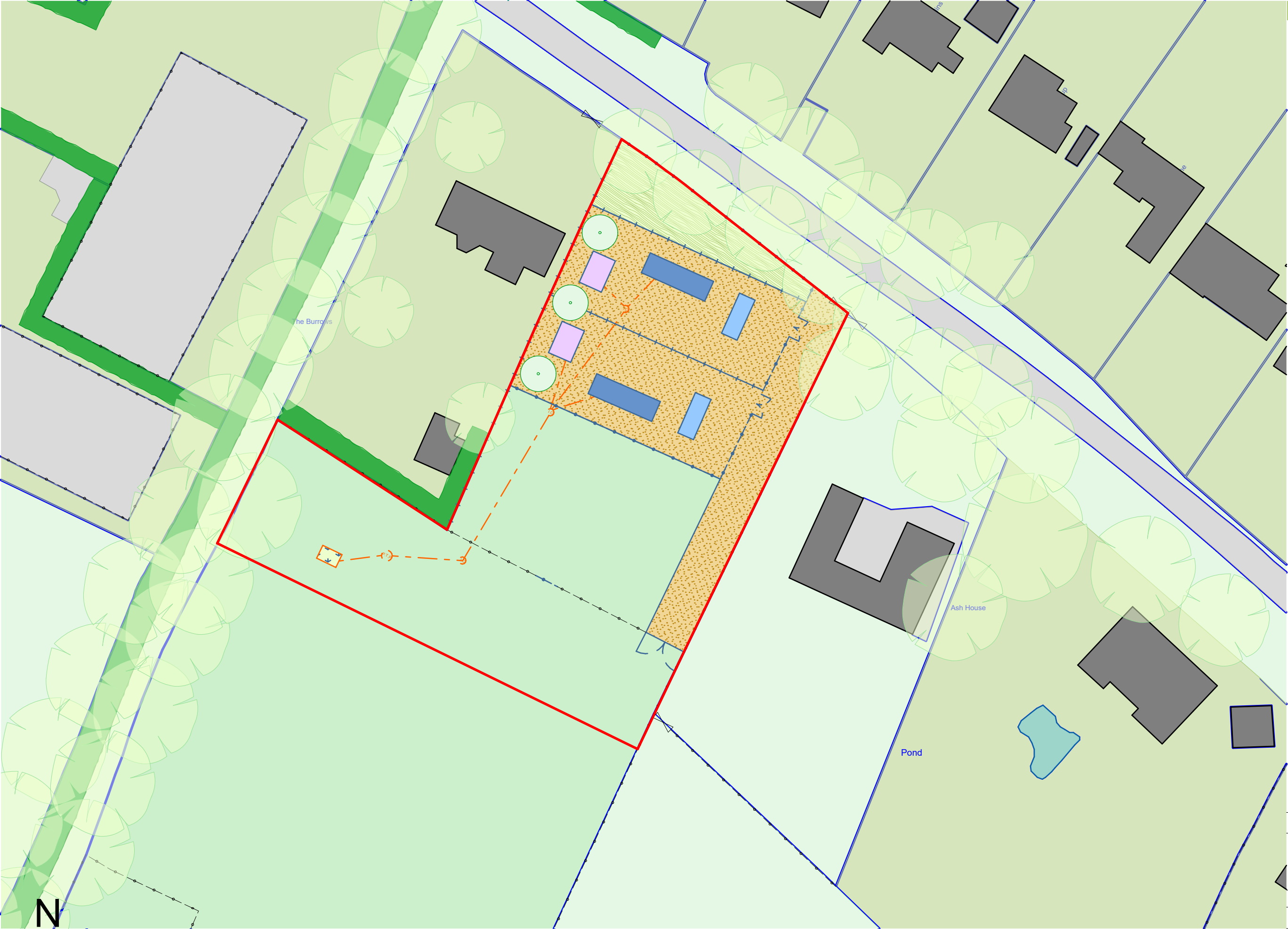
(1) KEITH O'DONOGHUE

**(2) PERSONS UNKNOWN (ANY PERSON CARRYING OUT AND/OR ENCOURAGING AND/OR
FACILITATING DEVELOPMENT ON, OR WITH AN INTENT TO UNDERTAKE DEVELOPMENT
ON OR TO OCCUPY, THE LAND KNOWN AS LAND OFF HOG LANE, ASHLEY GREEN,
BUCKINGHAMSHIRE, HP5 3PS (LAND REGISTRY TITLE NO: BM333389) AS SHOWN EDGED
IN BLACK ON THE MAP ATTACHED TO THE ORDER WITHOUT LAWFUL PLANNING
CONSENT)**

Defendants

EXHIBIT SP6

This is the Exhibit marked SP6
referred to in the Witness Statement of
Stephanie Penney



- Site Plan Key/Legend
- Residential gardens

Grassed area

Existing buildings/structures

Existing caravan

Existing hardstanding

Existing hedgerow

Existing trees

Existing Watercourse

Existing post & rail timber fence

Existing close boarded timber fence

Existing gate

Proposed mobile home

Proposed touring caravan

Proposed utility/day room

Proposed loose bound permeable hardstanding

Proposed tarmacadam surface

Proposed native hedge & tree planting

Proposed Soakaway

Proposed trees

Surface Water Drainage

Proposed Foul drainage

Indicative turning head

Indicative parking space

Proposed bin storage

Proposed post & rail timber fence

Proposed close boarded timber fence

P01	Initial Transmittal	P01	JC	10/03/2026
Issue ID	Issue Name	Current Revision	Initials	Date

Do not scale from this drawing except for planning application purposes. The contractor is to check all site dimensions, levels and sewer inverts before works commence. This drawing must be checked and read against any structural or specialist consultant drawings. The contractor is to comply in all respects with the current Building Regulations and BS Codes of Practice whether or not specifically stated on these drawings. This drawing is not intended to show details of foundations, ground conditions or ground contaminants and confirmation and/or investigation is to be carried out by suitable experts. This drawing and the building works/designs depicted are the copyright of Green Planning Services Ltd and are not to be reproduced in any form or by any means without the written consent of Green Planning Services Ltd.
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Green Planning Services

Client

Keith O'Donoghue

Project

Land off Hog Lane - Land use

Land off Hog Lane,
Hog Lane,
Chesham,
Buckinghamshire,
HP5 3PS

Drawing Title

Proposed Site Plan

Scale @A3
1:500

Date
10/03/2026

Drawn
JC

Case No
22_1243A

Status
Initial Status

Drg No
003

Rev
P01

ISO 19650 No:
22_1243A-GPS-ZZ-GF-DR-A-003

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Statement made on behalf of the Claimant
Witness : Mrs Stephanie Penney
Statement No : 1
Date of Statement : 4 April 2026
Exhibits : -- SP1 – SP15

IN THE HIGH COURT OF JUSTICE

KINGS BENCH DIVISION

**IN THE MATTER OF AN INJUNCTION PURSUANT TO S187B OF THE TOWN AND
COUNTRY PLANNING ACT 1990**

BETWEEN:

**BUCKINGHAMSHIRE COUNTY
COUNCIL**

Claimant

AND

(1) KEITH O'DONOGHUE

**(2) PERSONS UNKNOWN (ANY PERSON CARRYING OUT AND/OR ENCOURAGING AND/OR
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ON OR TO OCCUPY, THE LAND KNOWN AS LAND OFF HOG LANE, ASHLEY GREEN,
BUCKINGHAMSHIRE, HP5 3PS (LAND REGISTRY TITLE NO: BM333389) AS SHOWN EDGED
IN BLACK ON THE MAP ATTACHED TO THE ORDER WITHOUT LAWFUL PLANNING
CONSENT)**

Defendants

EXHIBIT SP7

This is the Exhibit marked SP7

referred to in the Witness Statement of
Stephanie Penney



Green Planning Studio Ltd

Hog Lane, Chesham

Preliminary Ecological Appraisal Report

Project number: 2486599 (Rev 00)

NOVEMBER 2023

RSK GENERAL NOTES

Project No.: 2486599

Title: Hog Lane, Chesham – Preliminary Ecological Appraisal Report

Client: Green Planning Studio Ltd

Date: 21/11/2023

Office: Hemel Hempstead

Status: Rev 00

Author	Luke Burgess	Technical reviewer	Sarah Harmer
Signature		Signature	
Date:	21/11/2023	Date:	30/11/2023

Project manager	Sydney Jacus
Signature	
Date:	24/11/2023

RSK Biocensus (RSK) has prepared this report for the sole use of the client, showing reasonable skill and care, for the intended purposes as stated in the agreement under which this work was completed. The report may not be relied upon by any other party without the express agreement of the client and RSK. No other warranty, expressed or implied, is made as to the professional advice included in this report.

Where any data supplied by the client or from other sources have been used, it has been assumed that the information is correct. No responsibility can be accepted by RSK Biocensus for inaccuracies in the data supplied by any other party. The conclusions and recommendations in this report are based on the assumption that all relevant information has been supplied by those bodies from whom it was requested.

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Where field investigations have been carried out, these have been restricted to a level of detail required to achieve the stated objectives of the work.

This work has been undertaken in accordance with the quality management system of RSK Biocensus.

Switchboard: +44 (0)330 223 1074

Company contact: Enquiries@rskbiocensus.com

Hog Lane, Chesham

Preliminary Ecological Appraisal Report

Project number: 2486599 (00)

EXECUTIVE SUMMARY

1. This PEA was commissioned by Green Planning Ltd to support a planning application for the site at Hog Lane relating to a change of use from grazing land to residential on part of the site. The plans relate to a small area at the northern end of the site where the proposals include setting out an area of permeable hardstanding to facilitate car parking and the siting of two mobile homes for residential use.
2. The site currently comprises two grassland paddocks which are grazed by horses situated to the south of Hog Lane in Chesham, Buckinghamshire. The site is surrounded by wooden fencing, with a hedgerow along the southern boundary and part of the north-west boundary. Two tree lines run parallel to the northern and western boundaries but they exist outside of the red line boundary for the site.
3. Most of the site comprised a short grazed grassland with low species diversity and very low to negligible potential to support protected species. Some more valuable habitat is present around the peripheries of the site including hedgerow, trees and some patches of dense bramble scrub. These features probably have value to bats, nesting birds, reptiles, great crested newts, and hazel dormice. However, the development has a small footprint, short duration and is contained within short grazed grassland within the northern part of the site. None of the hedgerows, trees, or bramble scrub will be impacted.
4. Consequently, the development proposals as they currently stand are unlikely to impact on protected species. Therefore, no further surveys are recommended based on the current iteration of the development plan. If the proposals change, then further consideration of impacts would be necessary. Some mitigation measures are discussed to limit the potential indirect impacts.
5. Biodiversity Net Gain assessment will very likely be required for this site in order to demonstrate a biodiversity net gain of 10% in line with the Environment Act 2021. The loss of habitat will be small and comprises low value grazed grassland habitat. Most of the site will not be developed, so there is ample space and opportunity for on-site enhancements to be made, if required.

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The Convention on Wetlands of International Importance Especially as Waterfowl Habitat 1971: the Ramsar Convention Accessible via https://jncc.gov.uk/our-work/ramsar-convention/	33
The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) 1979 Accessible via: https://jncc.gov.uk/our-work/the-convention-on-the-conservation-of-migratory-species-of-wild-animals/#convention-summary	33
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Countryside and Rights of Way Act 2000 https://www.legislation.gov.uk/ukpga/2000/37	36
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As part of this duty, statutory undertakers must have regard to the list of habitats and species which are of principal importance for the purpose of maintaining and enhancing biodiversity. For England, the duty to compile such a list is captured under Section 41 of the NERC Act; in Wales, under Section 7 of the Environment (Wales) Act. The lists for England are accessible online via the National Archive; for Wales via https://www.biodiversitywales.org.uk/ .Protection of Badgers Act 1992 https://www.legislation.gov.uk/ukpga/1992/51	36
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1.0 INTRODUCTION

1.1 Purpose of this report

- 1.1.1 This report presents the results of a preliminary ecological appraisal (PEA), comprising a background data search and a habitat classification survey, with assessment for protected or otherwise notable species, at Hog Lane, Chesham (Grid Ref SP 97446 05317). The survey area included the land within the red-line boundary (the site); the site and survey area are shown in *Figure 1*.
- 1.1.2 The report identifies ecological constraints relevant to the project, specifies any further survey or mitigation requirements (e.g. for any Ecological Impact Assessment), gives recommendations for avoidance and protection through design changes, and suggests opportunities for ecological enhancement, in particular to deliver biodiversity net gain. The appraisal was carried out on behalf of Green Planning Studio Ltd.

1.2 Landscape context

- 1.2.1 The 1.26 ha site is located to the west of the village of Ashley Green. The site is dominated by grassland in horse grazed paddocks with some patches of dense bramble scrub around the edges. Hedgerows delineate the northern and southern boundaries. Running along the western boundary there is a tree-lined bridleway. The western boundary of the site is delineated by wooden stock fencing. There are two small wooden sheds on the western boundary that are used as stables for horses.
- 1.2.2 The site is bordered to the north by Hog Lane and beyond that are residential properties and farmland. The east and south of the site is bordered by fields of similar-looking horse-grazed grassland. The west the site is bordered by a tree-lined bridleway and beyond that, are residential properties and farmland.

1.2 Development proposals

- 1.3.1 The preliminary ecological appraisal is required to support a planning application for a change of use from paddocks to a new hardstanding area at the northern end of the site where caravans can be sited. The majority of the site will remain unchanged. An excerpt from the proposed site layout plan (22_1243-GPS-ZZ-GF-DR-A-003 Rev P01) is shown to the right that highlights the proposed development area of the site.



2.0 METHODS

2.1 Overview

- 2.1.1 The PEA was undertaken in line with guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM, 2017); it therefore included:
- a desk study (here called a background data search or BDS), which included a review of aerial photographs; obtaining information from the DEFRA and JNCC websites, and the local authority website; and requesting data from the local records centre; and
 - a field survey that informed habitat mapping, an assessment of the possible presence of protected or priority species and the likely importance of habitat features.
- 2.1.2 The PEA report includes an ecological description of the site and information about species that may occur there. Notes and mapping of any incidental sightings of invasive non-native plant species and protected or priority fauna species are also provided.
- 2.1.3 The survey was carried out on 14th November 2023 by Luke Burgess. Luke is a suitably qualified and experienced Senior Ecological Consultant, with over 7 years of experience working in consultancy, and is experienced in carrying out preliminary ecological appraisals.

2.2 Background data search

- 2.2.1 A search was made in November 2023 for relevant reference materials. A list of sources is given in Table 1.

Table 1: Data sources

Information Obtained	Available From
Protected and noteworthy species-records	Buckinghamshire and Milton Keynes ERC Herts Environmental Records Centre
Designated site locations and citations	Natural England website
Designated site locations and citations	Joint Nature Conservation Committee (JNCC) website
Designated site locations and citations	Buckinghamshire and Milton Keynes ERC Herts Environmental Records Centre
Designations and legal protection of noteworthy species	Joint Nature Conservation Committee (JNCC) website
Areas / Habitats of Strategic Significance	Buckinghamshire & Milton Keynes Biodiversity Action Plan https://bucksmknep.co.uk/forward-to-2030/
Areas / Habitats of Strategic Significance	National Habitat Networks https://www.data.gov.uk/dataset/0ef2ed26-2f04-4e0f-9493-ffbdbfaeb159/habitat-networks-england
Areas / Habitats of Strategic Significance	National Priority Focus Areas https://www.data.gov.uk/dataset/c20a40c5-c975-43e1-9abd-d1257aa58432/natural-england-national-priority-focus-areas
Areas / Habitats of Strategic Significance	Nature Improvement Areas https://www.data.gov.uk/dataset/a19c95e3-9657-457d-825e-3d2f3993b653/nature-improvement-areas

- 2.2.2 A search was made for the following international and national statutory designated sites of ecological importance within 10km of the site boundary: Ramsar sites, Special Areas of Conservation (SAC), Special Protection Areas (SPA)¹, and for Sites of Special Scientific Interest (SSSI), including consideration of SSSI risk zones, within 2km.
- 2.2.3 A search was also made for non-statutory designated areas (often important in a local context) within 2km of the site boundary. These distances were considered appropriate as it is unlikely that there would be any impacts beyond this due to the small-scale nature of the proposed development, the habitat on the site and the landscape-level ecological connectivity and impact pathways.
- 2.2.4 The BDS also included a search for records within 1km of the site boundary of noteworthy species, which might pose a constraint to the proposed development. Species included in the search were:
- European protected species (listed on Schedules 2 and 5 of The Conservation of Habitats and Species Regulations 2017 (as amended));
 - nationally protected species under Schedules 1, 5 and 8 of The Wildlife & Countryside Act 1981 (as amended) and The Protection of Badgers Act 1992;
 - species listed as critically endangered, endangered or vulnerable based on the IUCN Red List Categories and Criteria 2001;
 - all species listed on the RSPB's Birds of Conservation Concern 5 (Stanbury *et al.*, 2021) as 'red' or 'amber';
 - nationally rare or nationally scarce species;
 - notable² invertebrates; and
 - species of principal importance listed under The Natural Environment and Rural Communities (NERC) Act 2006 or priority species under the relevant local biodiversity action plan (The Buckinghamshire & Milton Keynes Natural Environment Partnership (NEP), undated).

2.3 Plants and habitats

Habitat survey

- 2.3.1 The field survey was based on the UK habitats (UK Hab) survey methodology (Version 2.0; Butcher *et al.* 2023). The UK Hab classification system is the habitat classification that underpins the DEFRA Biodiversity Metric and is therefore the favoured habitat classification to use when surveys need to inform a Biodiversity Net Gain Calculation, which is expected to be required for this site (though not included as part of this report).

¹ SACs and SPAs were formerly called 'European Sites' and part of the Natura 2000 network; post-'Brexit', they are now considered part of the UK's 'national site network'. Ramsar sites are sites of international importance. See Appendix A for details. Note that SPAs, SACs and Ramsar sites are also underpinned by SSSI designations whose citations/boundaries may be slightly different.

² Appendix C includes a description of 'notable' as used in this context.

This field survey was undertaken in line with CIEEM 2017 and involved the following elements:

descriptions of the broad and dominant vegetation types;

habitat mapping using a set of standard colour codes to indicate habitat types (Figure 2); and

additional notes relating to numbered locations were also made and shown on Figure 2, called 'target notes'.

- 2.3.2 Vascular plant species were recorded during the survey, although no attempt was made to produce an exhaustive species list (additional species would almost certainly be found during more detailed surveys or repeat surveys at various times of the year). Subjective estimates of the relative abundance of species within the site were recorded using a modified DAFOR scale. The DAFOR scale ranks species according to their relative abundance in a given parcel of land as follows: D – dominant, A – abundant, F – frequent, O – occasional, R – rare. In addition, the following prefixes are used: L – locally, V – very.
- 2.3.3 Plant nomenclature in this report follows Stace (2019) for native and naturalised species of vascular plant, and mosses and liverworts follow Hill *et al.* (2008). Introduced species and garden varieties were identified using relevant Floras. Plant names in the text are given with scientific names (in italics) with the common name immediately following the first time it is mentioned; thereafter species are referred to by common name only.

Invasive non-native species (INNS)

- 2.3.4 UK Hab survey does not involve exhaustive surveying for individual plant species, and some invasive species may be little in evidence at various times of year (depending on the species). A survey seeking to identify habitat types cannot therefore be relied upon to provide firm information about the presence or extent of any INNS. However, had any INNS (plants or animals) been encountered during the habitat survey they would have been noted.

2.2 Protected and notable animals

General

- 2.4.1 The site was assessed for its suitability to support protected or otherwise notable animals that are likely to occur in the area. Some species could be ruled out through review of existing records, species distribution, geographic location, ecological connectivity and broad habitat types. Taking into account connectivity to natural habitats in the wider landscape and the nature and extent of habitats at the site, specific assessment was also carried out for the species/species groups outlined below.

Invertebrates

- 2.4.2 The site was assessed for its suitability to support notable species and/or assemblage of invertebrates, but no specific surveys were undertaken. The habitat requirements of particular invertebrates are often species-specific, so consideration was given to the

presence of features and habitats that might be suitable for the notable species identified in the BDS.

Fish

- 2.4.3 Waterbodies/watercourses within/alongside the site were broadly assessed for their likely habitat and water quality, and consequent suitability to support fish (and other species); however, no specific fish surveys were undertaken.

Great crested newts

- 2.4.4 Although standing water is essential for their breeding, great crested newts (*Triturus cristatus*) are terrestrial for most of the year and have been recorded up to 500m from their breeding ponds. Ordnance Survey maps and aerial imagery were reviewed to identify any ponds within 500m of the site boundary, and the site was assessed for its suitability for both terrestrial and breeding great crested newts. Optimal breeding ponds tend to be well-vegetated, relatively clean and unpolluted, free of fish and wildfowl, and retentive of water throughout most summers (but not necessarily all). Highly suitable terrestrial habitats include woodland, scrub and tussocky grassland, although great crested newts can be found in a broad range of sub-optimal habitats as well. Habitat suitability for other amphibians was similarly assessed.

Reptiles

- 2.4.5 The site was assessed for its suitability for the four most widespread reptile species, with particular attention given to those features that provide suitable basking areas (e.g. south-facing slopes), hibernation sites (e.g. banks, walls, piles of rotting vegetation) and opportunities for foraging (e.g. rough grassland and scrub).

Birds

- 2.4.6 The site was assessed for its suitability to support diverse assemblages and/or uncommon species of breeding and non-breeding birds, with an emphasis on those species that are listed on Schedule 1 of the Wildlife & Countryside Act 1981 (as amended), the red and amber lists of the RSPB's Birds of Conservation Concern 5 (Stanbury *et al.*, 2021) and other notable species recorded in the BDS, including any species that are qualifying features of nearby designated sites. Consideration was given to the site's connectivity to landscape features that are likely to be of particular importance to birds, such as extensive areas of semi-natural woodland or wetlands. The presence of nests or signs of nest building were recorded, and buildings were surveyed for their suitability for barn owls and other species, with signs including nesting sites, feathers, droppings and pellets.

Bats

- 2.4.7 Habitats were assessed for their suitability for foraging and commuting bats, in line with guidance provided in Collins (2016). Areas of particular interest vary between species, but generally include sheltered areas and habitats with good numbers of insects, such as woodland, scrub, rivers and species-rich or rough grassland.

- 2.4.8 Trees and man-made structures were noted if they had potential suitability for roosting bats (Collins, 2016). This involved identifying features that roosting bats may favour (e.g. holes, cracks and cavities that might be used as bat access-points or roost sites).

Preliminary roost assessment (PRA) of built structures

- 2.4.9 Buildings were assessed externally and internally to ascertain suitability for roosting bats, taking account of the following factors that influence the likelihood of bats roosting:

Surrounding habitat: whether there are potential flight-lines and bat foraging areas nearby.

Construction detail: the type and construction of architectural features such as attics, soffit boxes, lead flashing and hanging tiles that could be used by roosting bats. Some construction details and materials are more favourable to bat occupation than others.

Building condition: whether the building has no roof or has a sound roof without any potential bat-access points.

Internal conditions: bats favour sheltered locations with a stable temperature regime, protection from the elements and little wind/light/rain penetration.

Potential bat-access points: whether there is flight and crawl access.

Potential roosting locations: descriptions of all bat-accessible voids, cracks and crevices.

- 2.4.10 The building's potential to support roosting bats was then categorised as defined in Table 2.

Table 2: Categorisation of the suitability of buildings or trees for roosting bats (Collins 2016)

Category (Potential to support roosting bats)	Description
Negligible suitability	Negligible habitat features on site likely to be used by roosting bats.
Low suitability	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation). A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential.
Moderate suitability	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely for a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
High suitability	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.
Confirmed roost	Bats or evidence of bats recorded during the initial inspection surveys or during dusk/dawn surveys. A confirmed record (supplied by records centre/local bat group) would also apply.

Ground-Level Tree Surveys

- 2.4.11 All trees within the site boundary were surveyed from ground level to identify any features that might be used by roosting bats. Features were described and categorised according to accepted guidelines (Collins, 2016). Each tree was given a category during the ground-level surveys based on its potential for roosting bats as described in categories given in *Table 2*.
- 2.4.12 There are some mature trees immediately adjacent but outside the red line boundary. This includes a line of trees along a bridleway that is parallel to the western boundary of the site. These were not inspected as it is assumed they will not be affected.

Dormice

- 2.4.13 Habitats were assessed for their general suitability for hazel dormouse (*Muscardinus avellanarius*). Dormice generally use areas of dense woody vegetation cover (including hedgerows) and are more likely to be found where there is a wide diversity of woody species contributing to three-dimensional habitat complexity, a number of food sources, plants suitable for nest-building material, and good connectivity to other areas of suitable habitat.

Water voles and otters

- 2.4.14 Though there are no waterbodies on the site, consideration was given to site boundaries and adjacent land as well as to habitat connectivity. This allowed a broad assessment to be made for these species.

Badgers

- 2.4.15 An initial assessment was carried out to identify areas that might be used by badgers (*Meles meles*) for foraging or sett building within 30m of all areas potentially affected by works (where access was possible – see note in Section 2.5.4). The area was systematically searched for signs of badgers including setts, foraging signs, paths (runs) and latrines where possible, if present, the category of sett and levels of activity visible at each sett was recorded.

Other species of Principal Importance

- 2.4.16 England is obliged by law to maintain lists of species and habitats of principal importance for biodiversity conservation. This obligation derives from the Natural Environment and Rural Communities (NERC) Act 2006. An assessment of the suitability and likelihood of the site supporting such species was made (for example, hedgehog (*Erinaceus europaeus*)).

2.5 Limitations and constraints

- 2.5.1 Less conspicuous plant species (including INNS) may have been missed as a result of the survey being undertaken outside of the ideal survey season. However, the majority of plants present were confidently identified, and the survey was sufficient to make a broad assessment of the habitats present on the site.

- 2.5.2 This preliminary appraisal as to whether protected or otherwise notable species might occur on the site is based on the suitability of habitat, the known distribution of relevant species in the local area (from online sources and desk study), and any signs of the relevant species. It does not constitute a full and definitive survey of any protected species group.
- 2.5.3 Field signs for protected and valuable species are often difficult to find or absent from a site. The survey conducted was not intended to be a comprehensive presence/absence survey for all species, but rather to provide an indication of the likely presence of such species based on the field signs found, and the nature of the habitats present.
- 2.5.4 The bridleway along the western boundary was surveyed and checked for badger activity. However, other than that, access was not made to adjacent land due to access restrictions, and therefore some areas within the 30m badger survey buffer were not possible to comprehensively survey. It is possible that there is a badger sett (or other evidence of protected or notable species) in this area.
- 2.5.5 The habitats (such as horse grazing paddocks) around the site were viewed from the site and they have little cover to conceal a badger sett. In addition, significant signs (e.g. large sett excavations) would have been visible from the site even from a distance of 20-30m without accessing the land.
- 2.5.6 There were some areas of dense bramble scrub around the periphery of the site. The margins and less-dense areas were thoroughly searched to look for any evidence of protected species, particularly signs such as mammal paths entering the scrub. Though badger setts (or other constraints) in these areas cannot be entirely ruled-out, the risk is very low as these checks were sufficient to provide a high level of confidence in the negative results.
- 2.5.7 All recommendations made in this report are based on the proposed site layout plan (22_1243-GPS-ZZ-GF-DR-A-003 Rev P01) provided. If the plans change significantly, then an ecologist must be consulted, and further surveys may be required.

3.0 RESULTS

3.1 Background Data Search

Statutory designated sites

- 3.1.1 There are two statutory designated sites within 10km of the site boundary (2km for SSSIs and LNRs). These sites are listed in *Table 3* in order of proximity to the site; short descriptions are given for the sites.
- 3.1.2 There are no SSSIs or LNRs within 2km of the site. The closest is Captain's Wood LNR which is 2.65 km to the south-west. Beyond that, other statutory designated sites are more than 4km away.

Table 3: Statutory sites within 10 km of the site boundary (2km for SSSIs and LNRs)

Site name	Reasons for designation	Approximate distance (m) and direction from site
Chilterns – Area of Outstanding Natural Beauty (AONB)	The Chilterns is one of the most wooded landscapes in England. Over half of the woodland is ancient, including the Chilterns beech wood Special Area of Conservation (SAC, European designation). There are also significant box, juniper and beech-yew woods; veteran trees and relict wood pasture. There are nationally important concentrations of species-rich chalk grassland that is home to scarce and threatened species, such as <i>Gentianella germanica</i> (Chiltern Gentian), <i>Iberis amara</i> (Wild Candytuft), <i>Pulsatilla vulgaris</i> (Pasqueflower), together with silver-spotted skipper, and glow-worm. There are nine chalk streams, a globally scarce habitat containing some of the UK's most endangered species, such as otter, water vole, reed bunting and brown trout.	260m West
Chilterns Beechwoods – Special Area of Conservation (SAC)	Significant areas of semi-natural dry grasslands and scrubland facies: on calcareous substrates (Festuco-Brometalia grassland) One of the best areas in the UK for Asperulo-Fagetum beech forests. Known as a stronghold for <i>Lucanus cervus</i> (Stag Beetle).	4,250m North

Non-Statutory Sites

- 3.1.3 There are 12 non-statutory designated sites within 2 km of the site boundary, all of which are designated as Local Wildlife Sites. The designated sites present within the study area are listed in *Table 4* along with their proximity to the site.

Table 4: Non-statutory designated sites within 2 km of the site boundary

Site name	Reasons for designation	Approximate distance (m) and direction from site
Hockeridge Bottom – LWS	Ancient semi-natural woodland strip with a mixed canopy mainly of UK native broadleaved trees. The woodland supports a diverse ground flora with many woodland indicators recorded including <i>Hyacinthoides non-scripta</i> (Bluebell).	740m North-east
Hockeridge Wood – LWS	Former ancient woodland on Chiltern plateau of Clay-with-Flints over chalk. The woodland has largely been replanted with <i>Fagus sylvatica</i> (Beech) and a wide variety of exotic broadleaved and coniferous species, creating an arboretum.	880m North-east
Harriottsend Spring – LWS	Ancient semi-natural woodland with an old chalk pit in the north. There are also areas of coppice woodland.	1,230m East
Francis Wood – LWS	Francis wood is 7.7 ha and is classified as Ancient and Semi Natural Woodland (ASNW) meaning the land has probably been under continuous tree cover since before 1600 AD. Hanging beech wood with varied ground flora.	1,420m South-west
Short Heath Farm – LWS	Semi-improved neutral grassland and mixed woodland.	1,450m West
Brickhill Green – LWS	Mixed old secondary woodland with several different stand types and many ancient woodland indicators. The wood is bisected by a road and is composed mainly of <i>Quercus robur</i> (Pedunculate Oak), Beech, <i>Betula pendula</i> (Silver Birch), <i>Fraxinus excelsior</i> (Ash) and <i>Acer pseudoplatanus</i> (Sycamore).	1,650m North-east
Millfield Wood – LWS	Ancient semi-natural Beech woodland much replanted with conifers	1,660m North-west
Heathen Grove & The Larches – LWS	Complex of ancient semi-natural woodland, secondary woodland (including old plantation), overgrown <i>Corylus avellana</i> (Hazel) coppice and chalk scrub on chalky, Clay-with-flints soil.	1,770m East
Dropping's Wood and Coker's Spring – LWS	Old, part ancient semi-natural woodlands partly replanted with broadleaved species and some conifers. Dropping's Wood in the north is nearly all mature plantation of Beech, <i>Acer pseudoplatanus</i> (Sycamore), <i>Quercus robur</i> (Pedunculate Oak) and <i>Larix decidua</i> (European Larch).	1,840m East
Ramscote Wood – LWS	This sensitively managed woodland site supports an extensive area of BAP habitat woodland with a range of species including 21 ancient woodland indicators.	1880m West
Hawridge Court Pastures – LWS	Species-rich meadows with ancient hedgerows.	1900m West
Marlin Chapel Farm Area – LWS	Building and environs important for protected species. Wildlife Site criteria: Species.	1910m North

Habitats

- 3.1.4 There are three areas of ancient semi-natural woodland within 1km of the site boundary, and there are also three areas of replanted ancient woodland within 1km of the site boundary. The closest area of ancient woodland is ancient replanted woodland that is approximately 310m north of the site boundary.

Protected and Notable Species

- 3.1.5 There are records of 13 different protected species from places within 1km of the site boundary. Of these, 6 are birds and 7 are mammals (of which 5 are bats and the other two are hazel dormouse and badger). Species that are protected by law under Schedules 2 and 5 of The Conservation of Habitats and Species Regulations 2017 (as amended), Schedules 1, 2, 5 and 8 of The Wildlife and Countryside Act 1981 (as amended) or The Protection of Badgers Act 1992
- 3.1.6 At least 123 noteworthy species are recorded from places within 1km of the site boundary. Of these, 3 are amphibians, 46 are birds, 55 are invertebrates, 3 are mammals and 16 are plants. Noteworthy species include species of principal importance that are listed under Section 41 of The Natural Environment and Rural Communities (NERC) Act 2006.

3.2 Plants and habitats

Habitat Survey

- 3.2.1 The habitat map is provided as *Figure 1* and shows the location of the target notes referred to in the text below. A full description for each of the target notes is given in *Appendix D*. The site comprises the following:

Other neutral grassland (g3c) – with secondary codes 61 (horse grazed), 16 (tall herb) and 10 (scattered scrub)

- 3.2.2 The entire site comprises horse grazed paddocks with small areas of other habitat around the periphery (Photographs 1 and 2). The site is divided by wooden fencing into two separate paddocks, though the grassland across the entire site is the same.
- 3.2.3 The grassland is best described as other neutral grassland (g3c). Sward height is 5 to 20cm some areas grazed very short with other areas retaining a slightly taller less intensively grazed sward. It contained a relatively species poor and uninteresting mixture of common and widespread species typical of grazing land. The most-frequent grass species is *Lolium perenne* (Perennial Rye-grass), with smaller amounts of *Agrostis stolonifera* (Creeping Bent) and *Poa trivialis* (Rough Meadow-grass) with smaller amounts of *Phleum pratense* (Timothy) and some tussocks of the coarser grass *Dactylis glomerata* (Cock's-foot). Broad-leaved herbs are widespread and include abundant *Achillea millefolium* (Yarrow) and *Plantago lanceolata* (Ribwort Plantain) with smaller amounts of *Ranunculus acris* (Meadow Buttercup), *Ranunculus repens* (Creeping Buttercup) *Hypochaeris radicata* (Cat's-ear), *Potentilla reptans* (Creeping Cinquefoil), *Prunella vulgaris* (Selfheal), *Stellaria media* (Common Chickweed), *Trifolium repens* (White Clover), *Trifolium pratense* (Red Clover), and *Veronica chamaedrys* (Germander Speedwell). There are also some taller, ruderal species

including *Artemisia vulgaris* (Mugwort), *Cirsium arvense* (Creeping Thistle), *Jacobaea vulgaris* (Common Ragwort), *Rumex obtusifolius* (Broad-leaved Dock) and *Taraxacum* agg. (Dandelion).

- 3.2.4 Secondary code 61 (horse grazed) was also applicable because there were several ponies kept on the site which graze the grassland.
- 3.2.5 Secondary code 16 (tall herb) was also applicable. In parts where the sward was less intensively grazed, such as along the northern boundary of the site, there was a greater abundance of tall herbs such as *Artemisia vulgaris* (Mugwort) and *Cirsium arvense* (Creeping Thistle).
- 3.2.6 Secondary code 10 (scattered scrub) was also applicable because there were very rare occurrences of *Crataegus monogyna* (Hawthorn) and *Prunus spinosa* (Blackthorn) scattered scrub at the northern end of the site. The scrub is restricted to this area and most of the grassland is scrub-free.
- 3.2.7 Condition assessment of the grassland was undertaken to facilitate biodiversity net gain calculations at a later date. The grassland was in 'Moderate' condition and of medium distinctiveness. It meets several condition criteria (varied sward height, scrub <20% cover, bare ground >10%, bracken <20% cover, no invasive plants) but does not meet two condition criteria (6-8 species per metre squared (excluding certain undesirable species) and physical damage <5% cover). The grassland had less than 10 species per metre squared and included significant cover of species listed as indicative of suboptimal conditions, notably *Ranunculus repens* (Creeping Buttercup), *Trifolium repens* (White Clover) and *Cirsium arvense* (Creeping Thistle). Additionally, some of the ground was quite damaged by ponies (poached) particularly in areas where the ponies congregate in a way that means that they trample and their hooves break the ground. This is very evident in the smaller paddock at the northern end of the site

Hedgerows (priority habitat) (h2a)

- 3.2.8 There were two species rich native hedgerows with trees. The first delineates the southern boundary (Photograph 5) and continues to the east where it met residential gardens. The second hedgerow was in the north-western corner of the site and delineated the boundary of an adjacent residential property (Photograph 3).
- 3.2.9 The hedgerow along the southern boundary contained a relatively even mixture of *Prunus spinosa* (Blackthorn), *Corylus avellana* (Hazel), *Ilex aquifolium* (Holly), *Rubus fruticosus* agg. (Bramble), and *Sambucus nigra* (Elder) with a semi-mature *Acer pseudoplatanus* (Sycamore) tree. Further to the east, in the portion of the hedgerow that is offsite there were also other trees including mature examples of *Quercus robur* (Pedunculate Oak) and *Acer pseudoplatanus* (Sycamore). The undisturbed strip of ground at the base of the hedge was species poor and comprised the same grassland as described in Section 3.2.3 right up to the edge of the hedgerow, and then under the hedge in shaded areas there is only *Hedera helix* (Ivy) and *Glechoma hederacea* (Ground-ivy).
- 3.2.10 The hedgerow along the southern boundary was in 'Good' condition, failing just one of the criteria due to the abundance of herbs in the undisturbed vegetative strip that are indicative of nutrient enrichment (e.g. Common Nettle).

- 3.2.11 The hedgerow along the north-western boundary comprised abundant Hawthorn and Holly; with frequent Bramble and *Euonymus europaeus* (Spindle); occasional Blackthorn and Hazel; with rare *Acer campestre* (Field Maple) and *Ligustrum ovalifolium* (Garden Privet). There were also occasional semi-mature *Quercus robur* (Pedunculate Oak) and *Acer pseudoplatanus* (Sycamore). The undisturbed vegetative strip was the same as described in Section 3.2.9.
- 3.2.12 The hedgerow along the north-western boundary was found to be of 'Good' condition, meeting criteria for height, width, height of base of canopy, continuity, no invasive plants, damage, undisturbed perennial vegetation. Two criteria were not met because there are species typical of nutrient-enrichment (*Urtica dioica* (Common Nettle) and *Rumex obtusifolius* (Broad-leaved Dock) and because there are no mature trees.

Bramble scrub

- 3.2.13 Around the edges of the grassland there were several patches of dense bramble scrub growing on the boundaries of the site (Photograph 6).

Lines of trees (w1g6)

- 3.2.14 There were two lines of trees, both appear to be just outside of the red line boundary but they both delineate parts of the site boundary so were recorded in detail as they are relevant.

To the west of the site there was a public bridleway that is part of the Chiltern Heritage Trail. This bridleway runs parallel to the site and was lined by a grown-out hedgerow on either side which has been unmanaged, and is better described as a line of trees (Photograph 4 Evidence of the former management as a hedgerow was clear because very old coppice stools were observed. Secondary codes 1173 (tree avenue/alley) and 1171 (mature tree) are relevant to this feature. Species included frequent *Rubus fruticosus* agg. (Bramble), *Sambucus nigra* (Elder), *Acer campestre* (Field Maple), *Fraxinus excelsior* (Ash), *Corylus avellana* (Hazel), *Ilex aquifolium* (Holly), *Quercus robur* (Pedunculate Oak), and *Prunus avium* (Wild Cherry). The ground flora is relatively species poor and comprises only a carpet of *Hedera helix* (Ivy).

- 3.2.15 This tree line along the western boundary is ecologically valuable because it contains mature trees in various states of growth and decay, which provide various niches for invertebrates, birds and possibly cavities that could be used by roosting bats. It is further considered valuable because it provides ecological connectivity, particularly for commuting bats. This line of trees was in 'Good' condition and passed all criteria in the condition assessment (height, width, base of canopy, canopy continuity, undisturbed vegetation at base, no invasive plants, undamaged, trees of varying classes in generally good health).
- 3.2.16 There is another line of trees along the north boundary of the site, where the roadside verge contained a line of semi-mature trees and a shallow dry ditch (Photograph 11). The tree species included *Carpinus betulus* (Hornbeam), *Corylus avellana* (Hazel), *Ilex aquifolium* (Holly), *Rosa* sp. (roses) and *Ulmus glabra* (Wych Elm). This line of trees is in 'Moderate' condition and did not meet two criteria due to the lack of trees with veteran features and due to there not being a 6m undisturbed naturally-vegetated strip on both sides.

Built linear features (u1e) – wooden fence

- 3.2.17 The entire site is bounded by wooden fencing around the perimeter of the grazing fields (Photograph 12). In the northern part of the site, wooden fencing also runs across the site from east to west, which separates the grassland into two separate grazing paddocks, a smaller one in the northern part of the site (Photograph 1) and a much larger occupying the remainder of the site (Photograph 2).
- 3.2.18 In the southern part of the site there are also several stretches of old wooden fencing that have fallen in to disrepair.

Buildings (u1b5)

- 3.2.19 On the western edge of the site there are two small wooden sheds that are used for stabling horses (Photographs 7 and 8). These buildings are open-fronted, with a single skin construction of wood panelling and a slightly pitched roof of corrugated cement board with no enclosed roof void.

Invasive Non-native Species

- 3.2.20 No invasive non-native species were noted.

3.2 Protected and notable animals

- 3.3.1 *Figure 1* shows the location of the target notes referred to in the text below, which show the location of particular features with suitability for protected and notable animals. A full description for each of the target notes is given in *Appendix D*.

Invertebrates

- 3.3.2 The habitats on the site are only likely to support a common assemblage of invertebrate species, typical of bramble scrub and species-poor 'other neutral grassland' habitats such as would be found in any similar habitat or site. No further survey is necessary.

Fish

- 3.3.3 There were no static or flowing water features present on the site and therefore fish are not a concern.

Great crested newts

- 3.3.4 There are no records of great crested newts within 1km of the site boundary.
- 3.3.5 Habitats within the site, including the small areas of bramble scrub, hedgerow, and adjacent mature tree line along the western boundary, provide suitable terrestrial habitat for great crested newts (GCN), both foraging and hibernation potential. The grassland that occupied the majority of the site is of relatively poor suitability for the species because it does not have sufficient cover as it was grazed by horses and at the time of the survey visit so that most of the grassland had a very short sward height. This would not provide GCN with their preferred level of cover to move through the landscape and would limit its invertebrate carrying capacity, thus limiting its potential to act as a foraging resource. Consequently, the grassland is sub-optimal GCN habitat. If the

grazing-pressure was reduced and the sward allowed to grow longer (which may happen at certain times of year), this would quickly change and it would significantly increase in suitability. As such, the terrestrial habitats on site only present minor potential for great crested newts in their current condition.

- 3.3.6 No ponds are present on the site though aerial photography and maps show eight ponds within a 500m radius of the site (3 of which are within 250m). Any, or all of these could provide potential breeding habitat for great crested newts. These are shown in *Figure 3*. Some of the ponds pose less risk, such as Ponds 2, 3, and 6, as they are more than 250m away from the site and not connected by continuous suitable habitat, with the barrier of the A416 road separating them from the site. The remaining 5 ponds, including one that is only ~50m away, are all ecologically connected to the site by continuous areas of suitable habitat such as grassland and hedgerow and so they pose a greater risk.
- 3.3.7 There is one pond within 50m of the site. If this was a confirmed GCN breeding pond (which would require further survey effort) then Natural England's rapid risk assessment tool suggests that this means that an offence is likely to occur if development takes place on the site (if suitable habitat is affected).
- 3.3.8 Excerpt from Natural England rapid risk assessment tool:

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	0.01 - 0.1 ha lost or damaged	0.3
Land 100-250m from any breeding pond(s)	No effect	0
Land >250m from any breeding pond(s)	No effect	0
Individual great crested newts	No effect	0
		Maximum:
		0.3
Rapid risk assessment result:		AMBER: OFFENCE LIKELY

Guidance on risk assessment result categories

- 3.3.9 Aerial imagery shows that this pond exists in the middle of a manicured short mown garden of a residential property which represents sub-optimal terrestrial habitat for the species. The residential garden is also surrounded by short sward horse grazing paddocks the same as was found on the site, so most of the habitat immediately surrounding the pond is sub-optimal for the species.

- 3.3.10 The next closest pond is situated roughly 200m west of the site, in a more semi-natural setting, within an arable field boundary. Even if this was a GCN breeding pond the Natural England rapid risk assessment tool suggests that an offence is highly unlikely to be caused by the proposed development because of the small scale and significant distance from the pond.

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	No effect	0
Land 100-250m from any breeding pond(s)	0.01 - 0.1 ha lost or damaged	0.01
Land >250m from any breeding pond(s)	No effect	0
Individual great crested newts	No effect	0
		Maximum: 0.01
Rapid risk assessment result:	GREEN: OFFENCE HIGHLY UNLIKELY	

Guidance on risk assessment result categories

"Green: offence highly unlikely" indicates that the development activities are of such a type, scale and location that it is highly unlikely any offence would be committed should the development proceed. Therefore, no licence would be required. However, bearing in mind that this is a generic assessment, you should carefully examine your specific plans to ensure this is a sound conclusion, and take precautions (see **Non-licensed avoidance measures tool**) to avoid offences if appropriate. It is likely that any residual offences would have negligible impact on conservation status, and enforcement of such breaches is unlikely to be in the public interest.

- 3.3.11 It is therefore possible that great crested newts could move between these ponds and the site, meaning that the species could be found on the site. The site is unlikely to be of high value to newts as it is mostly low-value grassland with little cover that is sub-optimal terrestrial habitat.
- 3.3.12 Access was not available to visit the 8 ponds within 500m of the site, so they could not be assessed to determine their suitability.

Reptiles

- 3.3.13 There have been no records of reptiles from previous surveys and no records returned from the 1 km BDS area.
- 3.3.14 The majority of the site was covered by a grazed grassland that represents only sub-optimal habitat for reptile species. It is therefore unlikely to be a frequently-used or valuable resource for reptiles that may be present in the area because the low sward height of the grassland provides minimal cover and is likely to offer only limited foraging opportunities for reptiles. The grassland itself has no potential for refuge or hibernation.
- 3.3.15 The small areas of dense bramble scrub, hedgerows, and tree lines represent suitable reptile habitat where reptiles might find opportunities for foraging, seeking refuge and also hibernation amongst the tree bases.

Birds

- 3.3.16 The bramble scrub, hedgerows, and trees have opportunities for nesting birds. The grazed grassland that occupies the majority of the site has negligible potential to support ground nesting birds due to the lack of cover and risk from trampling livestock.

Bats

- 3.3.17 The BDS returned records of the following bat species within 1km of the site:
- Natterer's bat (*Myotis nattereri*) (1 record only and dating from 1912, which is too old to be particularly relevant);
- Common pipistrelle (*Pipistrellus pipistrellus*) (1 record only, dating from 2011);
- Brown long-eared bat (*Plecotus auritus*) (2 records only, most recent is dated 2005);
- As well as four more general records for 'pipistrelle bat species' and 'bat' not identified to genus or species level dating from 2005 and 1989 respectively.
- 3.3.18 Within the red line boundary itself there are no trees with bat roosting potential.
- 3.3.19 Some trees with bat roosting potential were noted just outside of the red line boundary - at Target Notes 1 and 2 and within the tree line that runs parallel to the western boundary, along the bridleway – these are detailed below. Additionally, there are other trees that may well have features suitable for roosting bats and which could not be assessed.
- 3.3.20 The tree at Target Note 1 (Photograph 10) was a mature Sycamore tree in the hedgerow that delineates the southern boundary of the site. This tree was located just outside of the red line boundary. Whilst we did not have access to the adjacent land to undertake a detailed GLTA of this tree (all sides could not be seen), it was clear that the tree had several obvious potential roosting features (PRFs) facing the site including knot holes and other cavities that have formed on areas of damaged limbs. It has 'High' suitability for roosting bats.
- 3.3.21 The tree at Target Note 2 (Photograph 9) was a large standing deadwood tree in the garden of the adjacent residential property to the north-west of the site. Though access was not available to enter the garden and undertake a thorough GLTA of the tree, we were able to view the tree from the site and from the bridleway. It had large plates of flaking bark creating suitable roosting features underneath the bark and therefore has 'High' suitability for roosting bats.
- 3.3.22 Trees on adjacent land that are suitable for bats will not be directly affected. However, consideration should be given to ensure that these trees are safeguarded and all indirect impacts (e.g. light-spill) that may arise from the proposed development are avoided.
- 3.3.23 The two wooden stables/sheds (Photographs 7 and 8) are open fronted, with a single skin construction of wood panelling and a slightly pitched roof of corrugated cement board with no enclosed roof void.
- 3.3.24 They are likely to have extreme fluctuations in temperature and the interiors are exposed to draughts and light, all of which reduce the likelihood of bats roosting here. . Consequently, these two shed buildings are of 'Negligible' suitability for roosting bats..
- 3.3.25 The linear features on, and immediately adjacent to, the site such as the hedgerows and lines of trees are likely to be used by bats in the local area as they forage and commute through the landscape. These features offer good ecological connectivity across the wider landscape where they connect to features such as large woodland blocks >500m

away from the site. Consequently, the site is considered to have 'Moderate' suitability for commuting and foraging bats.

Hazel Dormice

- 3.3.26 The BDS returned a single record of hazel dormice from places within 1km of the site dating from 1985.
- 3.3.27 In addition, a European Protected Species Licence (EPSL) was held for hazel dormouse between 2011 and 2013 approximately 1.8km to the north-west, in a woodland block close to Millfield Wood. The licence allowed for the destruction of a breeding site and resting place and would only have been issued if there was evidence of the species being present.
- 3.3.28 The site is connected to the licence site with only the single track Hog Lane breaking the habitat connectivity. This is unlikely to represent a significant or unnavigable barrier and it is likely that hazel dormouse are still in the vicinity of the site.
- 3.3.29 The site is also directly connected to other large woodland blocks (likely to be high-quality dormouse habitat) within 1km of the site via hedgerows and tree lines. These include Short wood, Butches Grove, and Crowfoot's Wood to the south-west and west. All of these are large enough to support a stable breeding population of hazel dormice.
- 3.3.30 The site was largely unsuitable for the species because the majority of the site comprised grazed grassland. However, some habitats around the periphery were suitable habitat for hazel dormice. The areas of bramble scrub, hedgerow and tree lines represent suitable foraging habitat for the species and they could also build nests within these habitats. Whilst these features are fairly small in area and unlikely to represent a core breeding habitat for the species, they may still be used for moving between areas of core breeding habitat and adjacent woodland blocks.
- 3.3.31 Consequently, hazel dormice could make use of the peripheral habitats at the site and this will require further consideration if these areas are affected or if vegetation is cleared.

Water voles and otters

- 3.3.32 There are no records of water vole or otter within 1 km of the site. The River Chess is the nearest watercourse and it is not hydrologically connected to the site. It is very unlikely that water voles or otters would travel this far terrestrially to reach the largely unsuitable habitat that is present here. Given that the site predominately comprises hard standing, amenity grassland and scrub, with no identified aquatic habitat present, water voles and otters are assumed to be absent.

Badgers

- 3.3.33 There are over 65 records of badger nearby, with the closest being 500m from the site (with 100m accuracy). Badgers and their setts are protected under the Protection of Badgers Act 1992 and the habitats on site were noted as being potentially suitable for this species to forage, comprising grassland, bramble scrub and hedgerow. However, no evidence of badgers was noted during the walkover.

3.3.34 No badger setts, tracks, latrines, snuffle holes, hairs on boundary fences or other signs of badger activity were noted during a thorough investigation of the site for use by this species. The site is not particularly suitable for sett-building by badgers due to the majority of the site comprising short grazed exposed grassland paddock. The hedgerow along the southern boundary and the adjacent tree line along the bridleway have suitable cover and could support sett building, but no setts or signs were seen. This species is therefore not residing at the site, but may occasionally use the grassland for foraging purposes. Some further consideration of the species is required during the proposed development but it can be assumed that no setts are currently present.

Other species

3.3.35 There were no signs of any other animals of nature conservation importance; however, habitats within the site, including hedgerows, bramble scrub and grassland were suitable for European hedgehog. There are no records of European Hedgehog from places within 1km of the Site but this is likely to be lack of recording effort/incentive rather than indicative of absence of the species.

4.0 EVALUATION AND RECOMMENDATIONS

Internationally Designated Sites

- 4.1.1 SACs and SPAs are part of the 'national site network'¹ and are afforded protection under the provisions of The Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations') or their equivalents in the devolved administrations (refer to Appendix A). These sites are designated as being of international importance for ecology and nature conservation. Furthermore, Ramsar sites are also of international importance, being wetlands that have been designated under the criteria of the Ramsar Convention on Wetlands for containing representative, rare or unique wetland types or for their importance in conserving biological diversity (see Appendix A).
- 4.1.2 The Chilterns Beechwoods SAC is over 4km from the site boundary and not hydrologically connected to the development site and topographically is situated at a higher elevation above sea level than the study site. Therefore, there are no likely impact pathways for water pollution between the site and the SAC. The SAC is not within the dust impact zone of the development site (IAQM, 2014) and is buffered by 4km of intervening land which includes the town of Berkhamsted. There are no other potential impact pathways of relevance.
- 4.1.3 Given the reasons outlined above, no significant adverse effects are anticipated on any of the internationally designated sites, all of which fall outside of the zone of influence of the proposed development.

Sites of Special Scientific Interest (SSSI) - Impact Risk Zones

- 4.1.4 The site intersects the SSSI impact risk zones for Ashridge Commons and Woods SSSIs in the wider area.
- 4.1.5 The proposed works do meet one of the criteria (specific to and published for each SSSI individually) that triggers a requirement for the planning authority to consult with Natural England before determining a planning application.
- 4.1.6 The criteria which is relevant to the site is '*Rural Residential – Any residential developments outside of existing settlements/urban areas with a total net gain in residential units*'.

Non-statutory designated sites

- 4.1.7 There are 12 non-statutory designated sites within 2km of the site boundary, all of which are designated as Local Wildlife Sites that are recognised as being of local ecological value.
- 4.1.8 The nearest of these sites is 740m north-east of the site and therefore no potential impacts are anticipated from the proposed development which is small scale and the construction phase will be short in duration.

Habitats and plants

- 4.1.9 The habitats at the site are not species-rich and have little intrinsic botanical value. They are common and widespread in the surrounding landscape. No further botanical survey effort is considered necessary.
- 4.1.10 Hedgerows qualify as local BAP priority habitats and are habitats of principal importance, being listed under Section 41 of the NERC Act 2006. The linear habitats such as hedgerows and tree lines provide good connectivity across the wider landscape and may be of ecological importance in a local context. The linear features (tree lines and hedgerows) should all be retained. Whilst no removal of these habitats is expected, potential for indirect impacts should be considered and mitigated against. And if the plans change, and removal of these features becomes a requirement, then an ecologist should be consulted to determine the possible ramifications.

Protected and other notable species

- 4.1.11 The site itself generally has a low potential to support protected and noteworthy species because the majority of the site comprises short grazed grassland paddocks. Nevertheless, some minor potential exists, mostly in the peripheral habitats (hedgerow, bramble scrub, tree line) as described below.

Great Crested Newts

- 4.1.12 Great crested newts (GCN) are protected under the Habitats Regulations and the Wildlife and Countryside Act 1981 (as amended) (see Appendix A). Assessment such as Habitat suitability index (HSI) surveys have not been undertaken of the 8 ponds within 250m of the site due to access limitations.
- 4.1.13 There is one pond within 50m of the site. Considering that the pond is surrounded by sub-optimal habitat for GCN, the fact that the proposed development will be small, construction will be short in duration, and entirely contained to an area of short grazed grassland (also sub-optimal habitat for GCN) with no potential for refuge or hibernation, risk can be adequately managed through the recommendations in *Section 4.1.19*.
- 4.1.14 The next closest pond is situated roughly 200m west of the site, in a more semi-natural setting, within an arable field boundary. Even if this was a GCN breeding pond the Natural England rapid risk assessment tool suggests that an offence is highly unlikely to be caused by the proposed development because of the small scale and significant distance from the pond.
- 4.1.15 Considering the above, an offence seems very unlikely even if newts were breeding in the pond.
- 4.1.16 The following precautions should be taken to further reduce the risk of impacting GCN:
avoid leaving excavations open overnight, or place 'escape ramps' in excavations left open overnight to prevent the inadvertent trapping of animals.
- If plans change, and any of the peripheral vegetation (such as hedgerow or the bramble scrub in the southern part of the site) requires removal, then clearance within suitable habitat must follow a cautious approach to avoid killing or injuring GCN. A cautious approach includes clearance of vegetation in two stages, under the supervision of an

ecological clerk of works (ECoW), to allow any GCN present to move away: careful removal of scrub to 10cm in order to make it unattractive to GCN, and a second cut at the latest a couple of days prior to any required tree felling. Likewise, heaps of stored materials and waste may provide refugia and should be removed by hand. However, based on the current proposals, an ECoW would not be required.

Reptiles

- 4.1.17 Reptiles are protected under the Wildlife and Countryside Act 1981 (as amended) (see Appendix A).
- 4.1.18 There is some minor potential for reptiles in the peripheral habitat features, such as the bramble scrub in the southern part of the site and the hedgerows and tree lines. However, the current proposals do not impact on any of these features in any way. The small development is entirely contained to a small area of the short grazed grassland in the northern part of the site (which is considered to be sub-optimal reptile foraging habitat with no potential for hibernation). It is therefore very unlikely to support or be of importance to local reptile populations. Reptiles are likely to be absent from this short grazed grassland habitat where the development is proposed.
- 4.1.19 Nevertheless, the same precautions outlined above for newts should be taken to further reduce the risk of impacting reptiles.

Birds

- 4.1.20 All active birds' nests, regardless of species, are protected by UK law. A nest is deemed to be active even if it is in the process of being built and does not yet contain eggs or young.
- 4.1.21 There is a small amount of scrub in the southern part of the site that represents suitable nesting bird habitat. The hedgerows and tree lines are also suitable nesting habitat. However, current proposals involve no hedgerow, tree line, or bramble scrub removal. With the small proposed development being entirely situated in the northern part of the site on the existing grassland area.
- 4.1.22 Consequently, no further consideration for nesting birds is required if none of the suitable nesting habitat is removed as per the proposals. If this changes, and it becomes necessary to remove suitable nesting bird habitat, then an ecologist should be consulted. Removal of suitable nesting bird habitat, if required, should be conducted over the winter months between October and February to avoid the breeding bird season (March to August inclusive), where possible.

Bats

- 4.1.23 Bats are protected under the Habitats Regulations and the Wildlife and Countryside Act 1981 (as amended) (see Appendix A).
- 4.1.24 The stable buildings have 'Negligible' suitability for roosting bats and no further survey or mitigation is required
- 4.1.25 There were no trees with bat roosting potential within the red line boundary.

- 4.1.26 Trees outside the boundaries of the site, and therefore safe from any major physical impacts such as clearance, will need to be considered with respect to indirect impacts, e.g. possible impacts from trimming overhanging branches or additional lighting. Some of these trees have bat roosting potential and any roosts will need to be safeguarded. Additionally, if plans change to include, for example, pruning of the tree line along the western boundary, then further survey may be required.
- 4.1.27 While it is unlikely that the area of the site that will actually be developed represents a critical foraging or commuting resource for bats, a sensitive lighting scheme should be maintained during and after development to maintain dark commuting corridors around the periphery of the site. Any additional lighting should be designed to minimise light spillage by using downwards directional lighting, and particularly ensuring that the tree line along the western boundary and the trees at *Target Notes* 1 and 2 receive no additional illumination that could degrade their value to bats in the local area.
- 4.1.28 The site has 'Moderate' commuting and foraging suitability, mostly due to the linear features around the periphery of the site (tree lines and hedgerows) which connect to the wider landscape. No removal of these features is anticipated under the current proposals and the lighting recommendations of *Section 4.1.30* would ensure that these features are not indirectly degraded by increased illumination. The proposed development will only result in the loss of a small area of grazing paddock in the northern part of the site, the area of habitat loss is considered so small that further survey is not proportionate. The deployment of a sensitive lighting scheme as described in *Section 4.1.30* is sufficient to retain the foraging and commuting value of the site.

Hazel Dormouse

- 4.1.29 Dormice are protected under the Habitats Regulations and the Wildlife and Countryside Act 1981 (as amended) (see Appendix A).
- 4.1.30 Nearby and historical records show that hazel dormouse is likely to be present in the wider landscape. However, the site is largely unsuitable for the species, being almost entirely covered by a short grazed grassland paddock. The only suitable habitats being the boundary hedgerows, tree lines and the small areas of bramble scrub in the southern part of the site. None of which is extensive enough to represent core breeding habitat for the species but could potentially be used by hazel dormice commuting through the landscape, if they are present.
- 4.1.31 Current proposals do not impact on any of the features that might be use by hazel dormouse in any way. Consequently, the potential to impact hazel dormice, if they are present, is reduced to negligible and therefore no further survey is considered necessary.
- 4.1.32 If the plans change, and clearance of areas of suitable hazel dormouse habitat becomes necessary to facilitate the development, then an ecologist must be consulted, and further survey or mitigation may be necessary.

Badgers and other mammals

- 4.1.33 Badgers are afforded protection through the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981 (as amended) (refer to Appendix A).

4.1.34 Whilst no badgers or badger setts were found, the site does provide suitable foraging habitat for badgers and hedgehogs, and it is well connected to other suitable habitat, such as grasslands, arable fields, and woodlands in the surrounding area. Precautionary measures are therefore recommended during the works to prevent any negative impacts on these species.

4.1.35 To minimise the risk of trapping animals such as badgers, hedgehogs, and other mammals during the construction phase, the following measures should be adopted:

Avoid working at night.

Do not remove any habitat suitable for hedgehog hibernation (bramble scrub) during the hedgehog hibernation period of October/November to March/April. Note that no bramble scrub removal is currently expected under the latest proposed site plan.

Avoid leaving excavations open overnight, or place 'escape ramps' in excavations left open overnight to prevent the inadvertent trapping of animals.

Habitat alteration

4.1.36 The effects of site clearance to enable the construction of the small area of loose bound permeable hardstanding (crushed concrete/gravel or similar) to facilitate parking and the siting of two mobile homes will result in the loss of a small area of species-poor other neutral grassland. No other habitat is expected to be lost. The small scale of habitat loss is not considered to be significant in the context of the surrounding habitat and the clearance work is not likely to result in adverse effects on any protected animal species that may be in the vicinity, if the works are entirely constrained to the existing short grazed grassland paddock.

4.2 Biodiversity Net Gain

4.2.1 A biodiversity impact assessment would meet the requirements of delivering a minimum 10% BNG under the Environment Act 2021 when this becomes mandatory.

4.2.2 BNG calculations should be based upon methods set out by the latest Defra Biodiversity Metric 3.1 user guide (Panks *et al.*, 2022), guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM, 2021), and the British Standard for Biodiversity Net Gain (BS8683) should be used in order to undertake the BNG assessment.

4.3 Opportunities for enhancement

4.3.1 The planting of native species including flower, berry, and fruit-bearing species would benefit badgers, birds and other noteworthy species. Furthermore, planting trees and hedgerows on the retained part of the Site would create a commuting corridor for many species including bats and hedgehogs. These features should be kept as dark corridors and should have strips of rough native grassland planted adjacent to them to attract invertebrates. In particular there is an opportunity to plant a new hedgerow along the eastern boundary of the site, where there is currently just a wooden fence.

4.3.2 Log piles could be incorporated into quiet and varied habitats in the retained areas of the site to offer refuge for hedgehogs and other species. Ideally, they should be created from native and local wood.

4.3.3 The following biodiversity enhancement measures could be incorporated:

Creation of new native species boundary hedgerows along the eastern boundaries to strengthen habitat connectivity and/or provide habitats or food sources for birds, bats, and reptiles.

Installation of bat boxes and/or bird boxes on retained trees within the site to provide additional roosting/nesting sites for these species.

4.4 **Validity of Data**

4.4.1 Unless the site changes significantly, the surveys carried out for this report should remain valid for at least 18 months, and potentially up to 3 years (CIEEM 2019).

5.0 CONCLUSIONS

- 5.1.1 Most of the site is a short grazed grassland with low species diversity and very low to negligible potential to support protected species.
- 5.1.2 Some more diverse habitat is present around the peripheries of the site including hedgerow, tree line and some patches of dense bramble scrub. These features may have some value to bats, nesting birds, reptiles, great crested newts, and hazel dormice (if these species are present in the area).
- 5.1.3 However, the development is small scale, short in duration and entirely contained within a small area of the low value short grazed grassland within the northern part of the site. None of the higher-value habitats such as hedgerows, tree lines, or bramble scrub will be impacted.
- 5.1.4 Consequently, the development proposals as they currently stand are considered to have an almost negligible potential to impact on protected species.
- 5.1.5 If the proposals change significantly and any of these more valuable habitat features become impacted by the development, then further consideration of impacts would be necessary.

REFERENCES

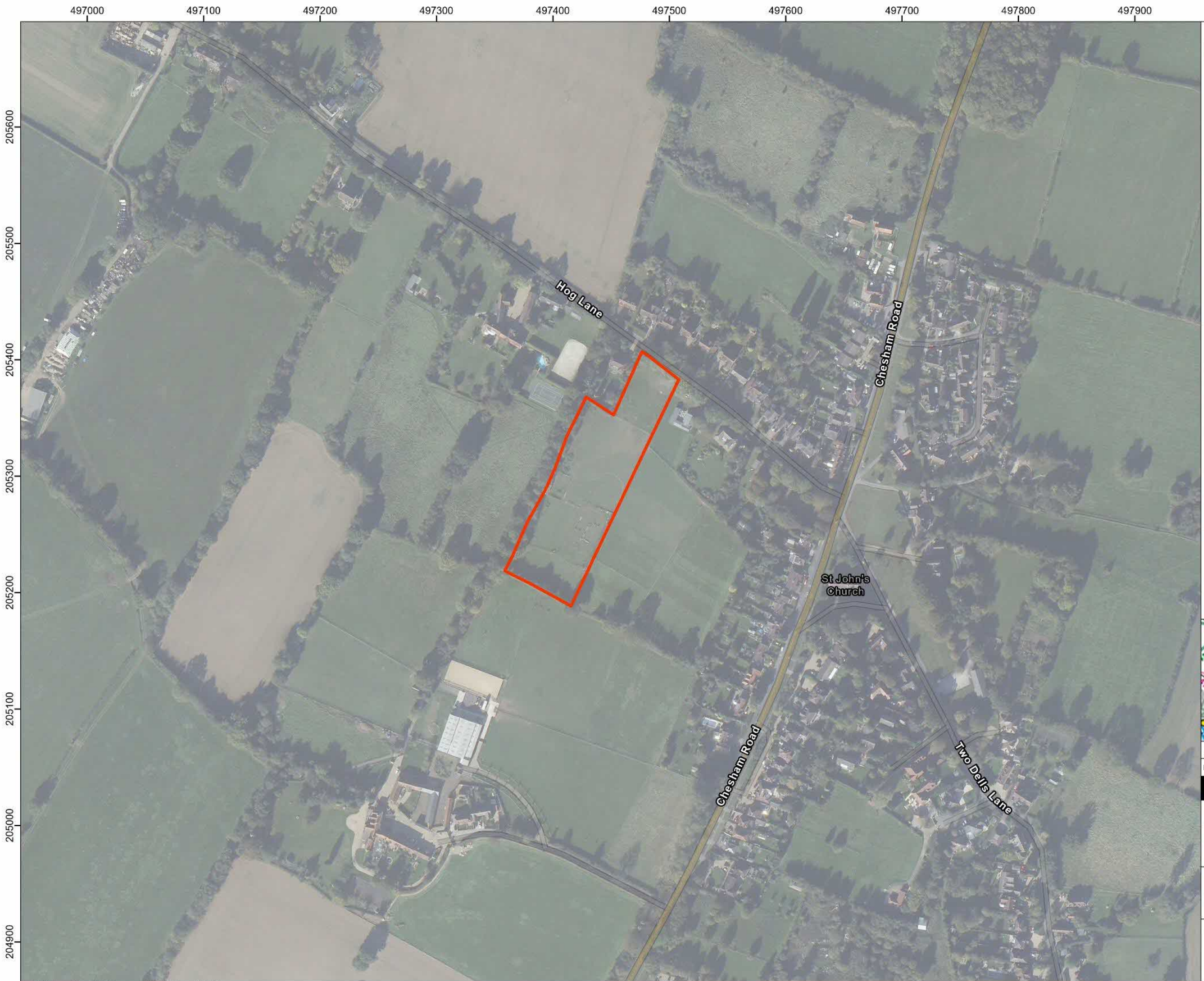
- Beebee, T.J.C. & Griffiths, R.A. (2000), *Amphibians and Reptiles – A Natural History of the British Herpetofauna*. HarperCollins, London.
- Butcher, B., Carey, P., Edmonds, R., Norton, L. and Treweek, J. (2020), *UK Habitat Classification – Habitat Definitions V1.1* at <http://ukhab.org>
- Chartered Institute of Ecology and Environmental Management (2017), *Guidelines for Preliminary Ecological Appraisal*. Technical Guidance Series, www.cieem.net/gpea.asp.
- Chartered Institute of Ecology and Environmental Management (2019), *Advice Note on the Lifespan of Ecological Reports & Surveys*. CIEEM, Winchester, Hampshire.
- Cherrill, A. & McClean, C. (1999), Between-observer variation in the application of a standard method of habitat mapping by environmental consultants in the UK. *Journal of Applied Ecology*, **36**, 989-1000.
- Collins, J. (2016), *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edition). The Bat Conservation Trust, London.
- Crosher et al. (2019). *The Biodiversity Metric 2.0 Technical Supplement*. Defra.
- Edwards J, Knight M, Taylor S & Crosher I. E (2020), *Habitat Networks Maps, User Guidance v.2*. Natural England publication.
- English Nature (2001), *Great Crested Newt Mitigation Guidelines*. English Nature.
- Institute of Environmental Assessment (1995), *Guidelines for Baseline Ecological Assessment*. Spon, London.
- JNCC. (2010), *Handbook for Phase 1 Habitat Survey* (revised). JNCC, Peterborough.
- Jones, J. (2000), *Impact of Lighting on Bats*. Bat Conservation Trust, London.
- MAGIC gov.uk. - interactive mapping tool run by Natural England [Accessed 21 June 2021].
- Oldham R.S., Keeble J., Swan M.J.S. & Jeffcote M. (2000), Evaluating the suitability of habitat for the Great Crested Newt (*Triturus cristatus*). *Herpetological Journal* 10 (4): 143-155.
- Poland, J. and Clement, E. (2020), *The vegetative key to the British flora* Second Edition. John Poland, Southampton.
- PTES (2019), *Hedgehog ecology and land management*. People's Trust for Endangered Species & British Hedgehog Preservation Society.
- Stace, C.A. (2019), *A New Flora of the British Isles* (4th edition). C & M Floristics, Middlewich Green.
- The Buckinghamshire & Milton Keynes Natural Environment Partnership (NEP). (undated). *Forward to 2030: Biodiversity Action Plan – More, Bigger, Better and More Joined-up across Buckinghamshire and Milton Keynes*. Available online at: <https://bucksmknep.co.uk/forward-to-2030/>. Accessed on 21/11/2023.

FIGURES

Figure 1 Site Location Plan

Figure 2 Habitat Map

Figure 3 Ponds within 500m of the site



Legend:
 Site boundary

D0	22/11/2023	2486599	RS	RJ	LB
Rev	Date	Description	Drm	Chk	App

PEA Hog Lane Chesham

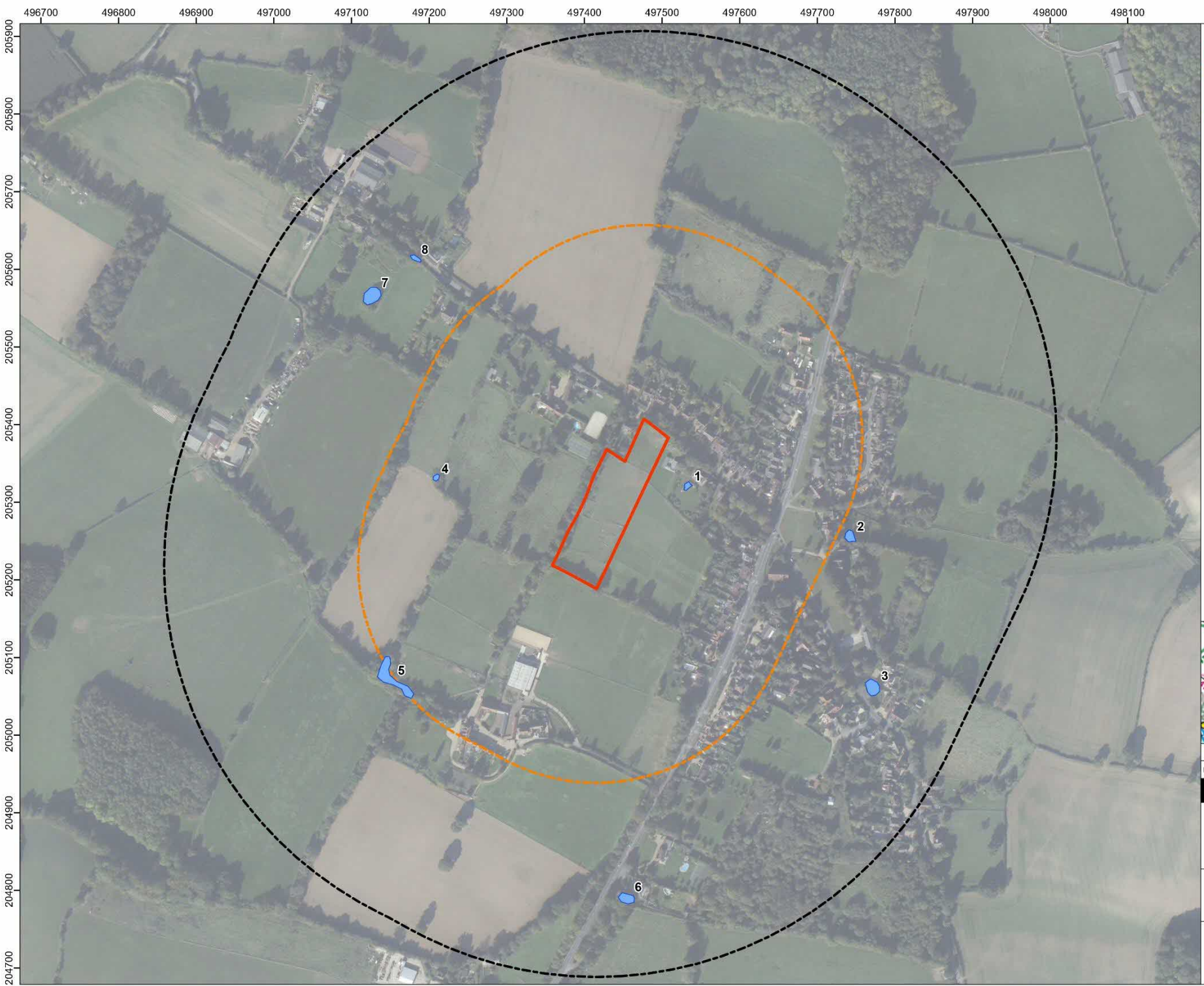
EXPERTS IN ECOLOGY

TITLE: Figure 1:
Site Location Plan

SCALE: 1:3,000 @ A3

REV 00





Legend:

- Site boundary
- 250m buffer
- 500m buffer
- Pond



Rev	Date	Description	Drm	Chk	App
00	22/11/2023	2486599	RS	RJ	LB

PEA Hog Lane Chesham



TITLE: Figure 3:
Ponds within 500m of the Site

0 50 100 150
Metres
SCALE: 1:4,500 @ A3

REV 00

APPENDIX A – NATURE CONSERVATION LEGISLATION AND POLICY

International Legislation

The following international conventions and directives apply to biodiversity protection in the UK. Post-‘Brexit’, even though European Union (EU) directives no longer directly apply to the UK, the provisions therein are enshrined in both domestic legislation and international agreements. Legislation has been enacted to ensure the regulations derived from these remain in force³.

The Convention on Biological Diversity 1992 *et seq.*

This multilateral treaty (<https://www.cbd.int/doc/legal/cbd-en.pdf>), signed by 150 government leaders at the 1992 Rio Earth Summit, has three main goals, of which one is the conservation of biological diversity. Article 6 requires countries to develop national biodiversity strategies, plans or programmes. In response, the UK developed the UK Biodiversity Action Plan (BAP) 1994 (<https://jncc.gov.uk/our-work/uk-bap/>) as well as county-specific BAPs. Subsequent to this, parties of the convention agreed the supplementary Nagoya Protocol 2010 (available at <https://www.cbd.int/abs/doc/protocol/nagoya-protocol-en.pdf>), adopting the Strategic Plan for Biodiversity 2011-2020. The purpose of this Strategic Plan was to provide a framework for establishing national and regional biodiversity targets (<https://www.cbd.int/doc/strategic-plan/2011-2020/Aichi-Targets-EN.pdf>).

Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds (Birds Directive) 2009

<https://www.legislation.gov.uk/eudr/2009/147>

The Birds Directive 2009 relates to the conservation of all species of naturally occurring birds in their wild state in the territory of the EU Member States (MSs) to which the treaty applies. Under the Birds Directive, the most suitable areas of conservation of the Annex I species are to be designated as Special Protection Areas (SPAs), as part of the European Natura 2000 network. Post Brexit, SPAs are no longer considered part of Natura 2000 and are instead components of the UK’s ‘national site network’, but their highly protected status is unchanged. Maintaining a coherent network of protected sites with overarching conservation objectives is still required in order to fulfil the commitment made by government to maintain environmental protections and continue to meet the UK’s international legal obligations.

Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive) 1992

<https://www.legislation.gov.uk/eudr/1992/43>

The Habitats Directive 1992 requires EU MSs to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of community interest, which are listed

³ Further information relating to England and Wales can be found here: <https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017>. A similar exercise has been undertaken in Scotland and Northern Ireland.

under Annex I, II, IV and/or V. Species listed under Annex IV are known as 'European Protected Species' (EPS), and have retained their protected status in UK domestic legislation post-Brexit.

Under the Habitats Directive, EU Member States are required to contribute to the Natura 2000 network through the designation of Special Areas of Conservation (SACs) for natural habitat types listed in Annex I and habitats of species listed in Annex II. Post Brexit, SACs are no longer considered part of the European Natura 2000 network and are instead components of the UK's 'national site network', but their highly protected status is unchanged.

The Convention on Wetlands of International Importance Especially as Waterfowl Habitat 1971: the Ramsar Convention

Accessible via <https://jncc.gov.uk/our-work/ramsar-convention/>

The Ramsar Convention is an intergovernmental treaty focused on the conservation and sustainable use of wetland, primarily as habitats for water birds. Under the convention, each ratified country is required to identify and designate sites (Ramsar sites) that meet the criteria for identifying a wetland of international importance, i.e. containing representative, rare or unique wetland types. In addition, the convention promotes international co-operation to promote the wise use of all wetlands and their resources.

Habitats Regulations Assessment (HRA): a note

There is a requirement under the EU nature directives, and enshrined in country-specific domestic legislation⁴ (see below), to undertake a screening exercise to determine whether any sites that form part of the 'national site network' (formerly Natura 2000) are likely to be significantly affected by any proposal (project or plan). The assessment must consider the proposals alone and also in combination with other plans and projects, if they result from activities that are not directly connected with, or necessary to, the management of the designated sites. If significant effects are likely, an Appropriate Assessment (AA) will need to be carried out. The screening, any AA, and any subsequent assessment, are collectively known as a Habitats Regulations Assessment (HRA). The HRA needs to take into account each of the 'Qualifying Features' (habitats or species) that justified the site being designated. Ramsar sites are treated in the same way as SACs and SPAs in HRAs, as are sites which have not been fully adopted i.e. candidate SACs (cSACs) and potential SPAs (pSPAs).

The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) 1979

Accessible via: <https://jncc.gov.uk/our-work/the-convention-on-the-conservation-of-migratory-species-of-wild-animals/#convention-summary>

The Bonn Convention was adopted in 1979 and came into force in 1985. Contracting Parties work together to conserve migratory species and their habitats by providing strict protection for endangered migratory species (listed in Appendix I of the Convention), concluding multilateral agreements for the conservation and management of migratory species which require or would benefit from international cooperation (listed in Appendix II), and by undertaking cooperative

⁴ In England and Wales: the Conservation of Habitats and Species Regulations 2017 (as amended).
In Scotland: the Conservation (Natural Habitats &c.) Regulations 1994 (as amended).
In Northern Ireland: the Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995 (as amended).
In the UK offshore area: the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended).

research activities. The UK Government ratified the Bonn Convention in 1985. The current legally-binding Agreements under the Convention include EUROBATS⁵.

The Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) 1979

<https://www.coe.int/en/web/bern-convention>

The principal aims of the Bern Convention 1979 are to ensure the conservation and protection of wild plant and animal species and their natural habitats (listed in Appendices I and II of the Convention), to increase cooperation between contracting parties, and to regulate the exploitation of those species (including migratory species) listed in Appendix III. To this end, the Bern Convention imposes legal obligations on contracting parties, protecting over 500 wild plant species and more than 1,000 wild animal species. The UK Government ratified the Bern Convention in 1982.

National Legislation

The following pieces of domestic legislation apply to biodiversity protection in the UK.

The Wildlife and Countryside Act (WCA) 1981

<https://www.legislation.gov.uk/ukpga/1981/69>

The Wildlife and Countryside Act 1981 (as amended) is the primary piece of legislation relating to nature conservation in the UK, though it has been adapted in different ways in the devolved administrations. It was initially enacted to implement the Bern Convention, Bonn Convention and the Birds Directive (described above).

The act is supplemented by provisions in the Countryside and Rights of Way (CROW) Act 2000 and the Natural Environment and Rural Communities (NERC) Act 2006, and extended in Scotland by the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011). Its equivalent in Northern Ireland is the Wildlife (Northern Ireland) Order 1985 (as amended and similarly extended). In addition to the Habitat Regulations (described below), the WCA provides protection for species listed in Schedules 1 (birds), 5 (other animals) and 8 (plants) of the Act. It provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs) in England and Wales⁶. It also sets out, in other schedules, important and invasive species which are legally protected or require management.

All species of bird are protected under the WCA. The legislation makes it an offence to intentionally:

- a) kill, injure or take any wild bird;
- b) take, damage, or destroy the nest of any wild bird while that nest is in use or being built; or
- c) take or destroy an egg of any wild bird.

Those species of birds listed on Schedule 1 of the WCA are afforded additional protection, which deems it an offence to intentionally or recklessly:

⁵ More information available at <https://jncc.gov.uk/our-work/agreement-on-the-conservation-of-populations-of-european-bats-eurobats>

⁶ Duty replaced by the Nature Conservation (Scotland) Act 2004 (as amended) and the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (as amended) in those countries.

- a) disturb any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- b) disturb dependent young of such a bird.

Under Section 9 of the WCA, for animals listed on Schedule 5, it is an offence in England and Wales to intentionally or recklessly:

kill, injure or take any wild animal listed on Schedule 5*;
 possess or control any live or dead those wild animals or anything derived from it*;
 damage or destroy any structure or place which wild animals listed on Schedule 5 uses for shelter or protection*;
 disturb any such animal while it is occupying a structure or place of shelter or protection;
 obstruct access to any structure or place used by any such animal for shelter or protection; and
 sell, offer or expose for sale, or have in their possession or transports for the purpose of sale, any live or dead wild animal listed on Schedule 5 or any part of, or anything derived from such an animal.

As noted above, there are minor differences between the offences in England and Wales outlined above, and those in Scotland / Northern Ireland. The three clauses marked with asterisks do not apply to EPS in England and Wales, as these offences are included in the 'Habitats Regulations' (see below). In addition, the Wildlife and Countryside Act 1981 is no longer relevant to EPS in Scotland or Northern Ireland, which instead are afforded full protection by the 'Habitats Regulations' (see below).

In addition to EPS, species commonly found on development sites include water voles (*Arvicola amphibius*) and widespread species of reptiles: common lizard (*Zootoca vivipara*); slow-worm (*Anguis fragilis*); grass snake (*Natrix helvetica*); and adder (*Vipera berus*). These four reptile species receive partial protection, which prevents the intentional or deliberate killing and injuring of reptiles or offering them for sale.

Section 14(2)⁷ states that it is an offence to plant or otherwise cause to grow any plant in the wild at a place outside its native range.

Section 16(i) of the Act makes provision for derogation licences to be issued "*for the purposes of preserving public health or public ... safety*". For confirmation of this, it would be appropriate to consult the relevant statutory nature conservation body (SNCB)⁸.

Until recently, there has been no provision within the Act for derogation licences to be issued for the purposes of development, although Section 10 provides a defence in cases that may be considered to be: "*the incidental result of a lawful operation and could not reasonably have been avoided*" if certain conditions are met.

As a result of the Environment Act 2021, the introduction of the 'overriding public interest' ('OPI') test was added to the licensing purposes in the WCA, from October 2022, though this only applies in England.

⁷ In Scotland, as amended by Section 14 of the Wildlife and Natural Environment (Scotland) Act 2011.

⁸ SNCBs are - in England: Natural England; in Wales: Natural Resources Wales; in Scotland: NatureScot; in Northern Ireland: Department of Agriculture, Environment and Rural Affairs (DAERA).

The Conservation of Habitats and Species Regulations (Habitat Regulations) 2017

<https://www.legislation.gov.uk/ukxi/2017/1012> England and Wales

The Habitats Regulations 2017 consolidated the various amendments made to the 1994 Habitat Regulations, which were developed to implement the Birds Directive and Habitats Directive (see above) at a national level, though this consolidation only applies in England and Wales.

The Regulations (as amended) provide for the designation and protection of the national site network (formerly 'Natura 2000 sites'), the adaptation of planning and other controls for those sites, and the protection of EPS (listed on Schedules 2 and 5).

The 2017 Regulations (England and Wales, Reg. 43) deems it an offence to:

- a) deliberately capture, injure or kill a wild animal of a EPS,
- b) deliberately disturb wild animals of any such species,
- c) deliberately take or destroy the eggs of such an animal, or
- d) damage or destroy a breeding site or resting place of such an animal.

For the purposes of paragraph (b), disturbance of animals includes in particular any disturbance which is likely to:

- a) impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
- b) to affect significantly the local distribution or abundance of the species to which they belong.

There are also restrictions on transport, possession and sale.

Currently (2021), all EPS are also listed on Schedule 5 of the WCA (outlined above), as it applies in England and Wales, though only some clauses of the WCA apply (Section 9 4(b), (c) and 5). EPS often encountered on development sites include GCN (*Triturus cristatus*), all species of bats, dormice (*Muscardinus avellanarius*) and otters (*Lutra lutra*).

Countryside and Rights of Way Act 2000

<https://www.legislation.gov.uk/ukpga/2000/37>

The Countryside and Rights of Way (CROW) Act 2000 provides for public access on foot to certain land types, amends the law for public rights of way, increases protection for SSSIs, and strengthens wildlife enforcement legislation. It applies only in England and Wales.

The Natural Environment and Rural Communities (NERC) Act 2006; The Environment (Wales) Act 2016

<https://www.legislation.gov.uk/ukpga/2006/16>

The Natural Environment and Rural Communities (NERC) Act 2006, Section 40 requires that any public body or statutory undertaker in England must have regard to the purpose of conservation of biological diversity in a manner that is consistent with the exercise of their normal functions.

This may include enhancing, restoring or protecting a population or a habitat. The intention is to help ensure that biodiversity becomes an integral consideration in the development of policies, and that decisions of public bodies work with the grain of nature and not against it. In Wales, a similar duty has been moved to Section 6 of the Environment (Wales) Act 2016.

As part of this duty, statutory undertakers must have regard to the list of habitats and species which are of principal importance for the purpose of maintaining and

enhancing biodiversity. For England, the duty to compile such a list is captured under Section 41 of the NERC Act; in Wales, under Section 7 of the Environment (Wales) Act. The lists for England are accessible online via the National Archive⁹; for Wales via <https://www.biodiversitywales.org.uk/>. Protection of Badgers Act 1992 <https://www.legislation.gov.uk/ukpga/1992/51>

Badgers and their setts are protected under the Protection of Badgers Act 1992 (England, Wales and Scotland). The key part of this legislation in relation to the proposed development are in Section 3, which deems it an offence to:

- a) damage a badger sett or any part of it;
- b) destroy a badger sett;
- c) obstruct access to, or any entrance of, a badger sett;
- d) disturb a badger when it is occupying a badger sett,
- e) intend to do any of those things or be reckless as to whether those actions would have any of the consequences listed above.

Derogation licences may be obtained from the relevant SNCB⁸ under Section 10 of the Act for the purpose of development, to permit activities which would otherwise be unlawful.

Note: there are additional provisions relating to badgers under the WCA Section 11 (Prohibition of certain methods of killing or taking wild animals).

The Wild Mammals (Protection) Act 1996 <https://www.legislation.gov.uk/ukpga/1996/3>

All wild mammals are protected by The Wild Mammals (Protection) Act 1996 (as amended). This makes it an offence to mutilate, kick, beat, nail, or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal.

Invasive Alien Species (Enforcement and Permitting) Order 2019 <https://www.legislation.gov.uk/uksi/2019/527/contents/made>

The Invasive Alien Species (Enforcement and Permitting) Order applies principally in England and Wales and the UK's offshore marine area, but also controls imports and exports from the UK (including Scotland and Northern Ireland). It lists species of concern which cannot be imported, kept, bred/grown, transported, sold, used, allowed to reproduce, or released into the environment. This Order replaces some elements relating to invasive species in the Wildlife and Countryside Act 1981 (as amended).

National, regional and local policy and guidance of relevance

Planning policy relating to ecology and nature conservation is set out below.

National Planning Policy Framework 2021

Access via: <https://www.gov.uk/government/publications/national-planning-policy-framework-2>

The National Planning Policy Framework (NPPF) sets out the Government's planning policy in England at the national level. It does not contain specific policies for nationally significant

⁹

<https://webarchive.nationalarchives.gov.uk/ukgwa/20140712055944/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

infrastructure projects, which are determined in accordance with the decision-making framework in the Act and relevant National Policy Statements for major infrastructure, as well as any other matters that are relevant (which may include the NPPF). Section 15 (paragraphs 174-188) of the NPPF specifies the requirements for conserving and enhancing the natural environment through the planning and development process to minimise impacts on habitats and biodiversity.

Planning Practice Guidance

Accessed via: <https://www.gov.uk/government/collections/planning-practice-guidance>

The Planning Practice Guidance is a web-resource to support the NPPF, including guidance for Environmental Impact Assessments (<https://www.gov.uk/guidance/environmental-impact-assessment>) and the Natural Environment (<https://www.gov.uk/guidance/natural-environment>). The guidance for the Natural Environment explains key issues in implementing the NPPF to protect and enhance the natural environment, including local requirements. The guidance outlines what evidence needs to be taken into account in preparing planning applications to identify and map local ecological networks. It also outlines how biodiversity can be taken into account in preparing a planning application.

Government's 25-Year Environment Plan 2018

Accessed via: <https://www.gov.uk/government/publications/25-year-environment-plan>

The Government's 25-Year Environment Plan 2018 sets out how the UK Government intends to improve the natural health of the UK through improving land, air and water quality, as well as setting out how the effects of climate change will be tackled. The plan promotes the creation or restoration of wildlife-rich habitat outside the protected site network and seeks to recover threatened, iconic or economically important species of animals, plants and fungi, and where possible to prevent human induced extinction or loss of known threatened species in England. The plan sets out a number of goals and corresponding policies that look at managing land sustainably, improving and enhancing landscapes and biodiversity for both marine and terrestrial environments, improving resource efficiency and reducing waste and pollution, whilst also examining the UK's contribution to improving the global environment.

APPENDIX B – ABBREVIATIONS

Table 5 displays abbreviations of protected species legislation.

Table 5: Glossary of abbreviations used in this report

Code	Full Title	Explanation
Amber	Amber list	Amber listed species have a population status in the UK of medium conservation concern.
BAP	Biodiversity action plan	A plan that identifies threats to significantly important species and habitats, and sets out targets and actions to enhance or maintain biodiversity.
ENG BSBI RDB	A Vascular Plant Red List for England	A list published in 2014 by the Botanical Society of Britain and Ireland of the red list status of plants in England. Measured against standardised IUCN criteria.
ENG BSBI RDB(CR)	Critically endangered	A BSBI Red List designation for species at an extremely high risk of extinction.
ENG BSBI RDB(EN)	Endangered	A BSBI Red List designation for species at a very high risk of extinction.
ENG BSBI RDB(VU)	Vulnerable	A BSBI Red List designation for species at high risk of extinction.
EPS (Sch 2)	European protected species (Schedule 2)	European protected species of animals, listed on Schedule 2 of The Conservation of Habitats and Species Regulations 2017.
EPS (Sch 5)	European protected species (Schedule 5)	European protected species of plants, listed on Schedule 5 of The Conservation of Habitats and Species Regulations 2017.
GB RDB	Red data book species	Species identified in one of the UK Red Data 2001.
GB RDB(CR)	Critically endangered	An IUCN Red List designation for species at an extremely high risk of extinction.
GB RDB(EN)	Endangered	An IUCN Red List designation for species at a very high risk of extinction.
GB RDB(VU)	Vulnerable	An IUCN Red List designation for species at high risk of extinction.
NN	Nationally notable	Designation for invertebrate taxa that are thought to be notably important in the UK.
NR	Nationally rare	Species in 15 or fewer hectads in Great Britain.
NS	National scarce	Species in 16-100 hectads in Great Britain.
Red	Red list	Red listed species have a population status in the UK with high conservation concern.
S41	Species of principal importance	Species of Principal Importance in England under The Natural Environment and Rural Communities (NERC) Act (2006)
UKBAP	UK biodiversity action plan	A plan that identifies threats to locally important species and habitats, and sets out targets and actions in species action plans and habitat action plans to enhance or maintain biodiversity in the UK.
WCA	The Wildlife and Countryside Act 1981 (as amended)	Containing 4 Parts and 17 Schedules, the Act covers protection of wildlife (birds, and some animals and plants), the countryside, National Parks, and the designation of protected areas, and public rights of way.

APPENDIX C – TARGET NOTES

Target Note 1:

A mature Sycamore tree, within the same hedgerow that delineates the southern boundary of the site. This tree was located just outside of the red line boundary. Whilst we did not have access to the adjacent land to undertake a detailed GLTA of this tree, it was clear that the tree had several obvious potential roosting features (PRFs) facing the site. Features including knot holes and other cavities that have formed at areas on areas of damaged limbs. The tree at Target Note 1 is likely to be of 'High' suitability for roosting bats. Grid reference: SP 97422 05186.

Target Note 2:

A large standing deadwood tree in the garden of the adjacent residential property to the north-west of the site. Though access was not available to enter the garden and undertake a thorough GLTA of the tree, we were able to view the tree from the study site and from the bridleway. The deadwood tree had large plates of flaking bark creating suitable roosting features underneath the bark. The tree at Target Note 2 is likely to be of 'High' suitability for roosting bats. Grid reference: SP 97442 05369.

APPENDIX D – SITE PHOTOGRAPHS



P1: View of the grassland in the northern part of the site where the proposed development is planned. View looking northwards towards the access from Hog Lane.



P2: View of the grassland in the southern part of the site. View looking southwards.



P3: Hedgerow on the northwestern boundary of the site.



P4: Tree lined bridleway, on western boundary of the site. With patch of bramble scrub in the foreground.



P5: Hedgerow along the southern boundary of the site.



P6: Dense bramble scrub on the western boundary of the site.



P7: One of the shed like buildings, on the western edge of site, used as a stables.



P8: The other shed like building, on the western edge of site, used as a stables.



P9: Standing deadwood tree at Target Note 2. Just outside of the red line boundary to the north-west.



P10: Mature Sycamore tree at Target Note 1. Just outside of the red line boundary to the south-east.



P11: Semi-mature tree line at the northern end of site, on the road verge of Hog Lane. Just outside of the red line boundary.



P12: Wooden fencing along the eastern boundary of the site.



**INVESTORS
IN PEOPLE**

RSK Biocensus is owned by RSK Environment Ltd

Registered office

Spring Lodge, 172, Chester Road, Helsby, Frodsham, England, WA6 0AR, UK

Registered in England No. 04364279

www.rsk.co.uk

Statement made on behalf of the Claimant
Witness : Mrs Stephanie Penney
Statement No : 1
Date of Statement : 4 April 2026
Exhibits : -- SP1 – SP15

IN THE HIGH COURT OF JUSTICE

KINGS BENCH DIVISION

**IN THE MATTER OF AN INJUNCTION PURSUANT TO S187B OF THE TOWN AND
COUNTRY PLANNING ACT 1990**

BETWEEN:

**BUCKINGHAMSHIRE COUNTY
COUNCIL**

Claimant

AND

(1) KEITH O'DONOGHUE

**(2) PERSONS UNKNOWN (ANY PERSON CARRYING OUT AND/OR ENCOURAGING AND/OR
FACILITATING DEVELOPMENT ON, OR WITH AN INTENT TO UNDERTAKE DEVELOPMENT
ON OR TO OCCUPY, THE LAND KNOWN AS LAND OFF HOG LANE, ASHLEY GREEN,
BUCKINGHAMSHIRE, HP5 3PS (LAND REGISTRY TITLE NO: BM333389) AS SHOWN EDGED
IN BLACK ON THE MAP ATTACHED TO THE ORDER WITHOUT LAWFUL PLANNING
CONSENT)**

Defendants

EXHIBIT SP8

This is the Exhibit marked SP8

referred to in the Witness Statement of
Stephanie Penney



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

TEMPORARY STOP NOTICE

TO:

Any Owner, Land off Hog Lane, Ashley Green, Buckinghamshire, HP5 3PS Mr Keith O'Donoghue, Land off Hog Lane, Ashley Green, Buckinghamshire, HP5 3PS	Any Occupier, Land off Hog Lane, Ashley Green, Buckinghamshire, HP5 3PS

Buckinghamshire Council has served a **TEMPORARY STOP NOTICE** prohibiting from the date on which the notice takes effect, the undertaking of engineering operations, including excavation and the creation of hardstanding, consisting of planings, gravel, tarmac, hard core or any other material and the stationing of caravans and/or mobile homes at Land Off Hog Lane, Ashley Green, Buckinghamshire, HP5 3PS ("the Land"). Shown outlined in thick black on the attached plan.

WHEREAS:

1. On **3 April 2026**, Buckinghamshire Council ("the Council") has issued this Temporary Stop Notice alleging that on the land described in paragraph 4 below there has been a breach of planning control consisting of the activity described in paragraph 5 below.
2. **This Temporary Stop Notice** is issued by the Council, in exercise of its power contained in Section 171E of the 1990 Act, because it thinks that it is expedient that the activity specified in this notice should cease on the land described in paragraph 4 below. The Council now prohibits the carrying out of the activity specified in this notice. Important additional information is contained in the Annex to this notice.
3. **THE REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the activity in breach of planning control referred to in this Temporary Stop Notice has been undertaken at the site within the last 10 years as it is currently occurring on the site. The Council considers it expedient having

regards to the provisions of the development plans and to all other material considerations to issue a Temporary Stop Notice for the following reasons;

The works described in this notice amount to development for which permission has not been granted. The development is not lawful by any other means.

The development may not be acceptable due to its scale, design and location and is likely to cause irreversible and unacceptable harm to the landscape and amenity which has not been duly assessed through an application.

4. THE LAND TO WHICH THIS NOTICE RELATES

Land off Hog Lane, Ashley Green, Buckinghamshire, HP5 3PS ("the land") Shown outlined in thick black on the attached plan.

5. THE ACTIVITY TO WHICH THIS NOTICE RELATES

Without planning permission, the undertaking of engineering operations, including excavation and the creation of hardstanding, consisting of planings, gravel, tarmac, hard core or any other material and the stationing of caravans and/or mobile homes.

6. WHAT YOU ARE REQUIRED TO DO

Cease any and all works relating to the creation of and laying of hard standing, consisting of planings, gravel, tarmac, hard core or any other material and the stationing of caravans and/or mobile homes within the area shown outlined in thick black on the attached plan.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **3 April 2026** when the activity specified in this notice shall cease. This notice will cease to have effect on **29 May 2026**. Dated: 3 April 2026

Signed:



Stephanie Penney

Planning Compliance & Enforcement Team Leader

On behalf of

Buckinghamshire Council
The Gateway
Gatehouse Road
Aylesbury
Buckinghamshire HP19 8FF

WARNING

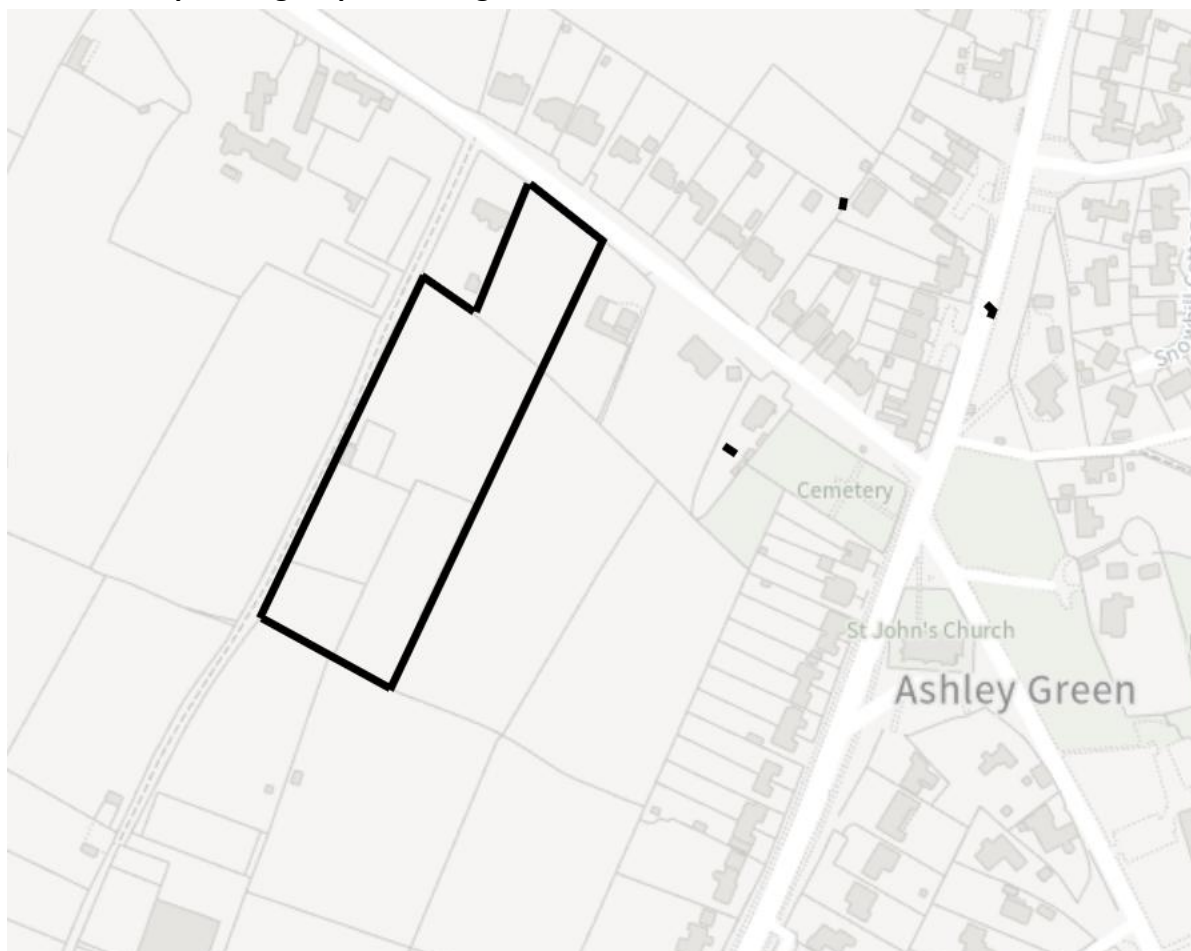
THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 7 THERE IS NO RIGHT OF APPEAL TO THE FIRST SECRETARY OF STATE AGAINST THIS NOTICE

It is an offence to contravene a temporary stop notice after a site notice has been displayed or the temporary stop notice has been served on you (section 171G(1) of the 1990 Act). If you then fail to comply with the temporary stop notice you will be at risk of **prosecution**, for which the maximum penalty on conviction is an unlimited fine.

If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with Planning Enforcement, Buckinghamshire Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF. Direct Line: - 01296 585116. Email: planningenforcement@buckinghamshire.gov.uk.

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

More information on temporary stop notices is available on the Planning Inspectorate web site at www.planning-inspectorate.gov.uk.



Statement made on behalf of the Claimant
Witness : Mrs Stephanie Penney
Statement No : 1
Date of Statement : 4 April 2026
Exhibits : -- SP1 – SP15

IN THE HIGH COURT OF JUSTICE

KINGS BENCH DIVISION

**IN THE MATTER OF AN INJUNCTION PURSUANT TO S187B OF THE TOWN AND
COUNTRY PLANNING ACT 1990**

BETWEEN:

**BUCKINGHAMSHIRE COUNTY
COUNCIL**

Claimant

AND

(1) KEITH O'DONOGHUE

**(2) PERSONS UNKNOWN (ANY PERSON CARRYING OUT AND/OR ENCOURAGING AND/OR
FACILITATING DEVELOPMENT ON, OR WITH AN INTENT TO UNDERTAKE DEVELOPMENT
ON OR TO OCCUPY, THE LAND KNOWN AS LAND OFF HOG LANE, ASHLEY GREEN,
BUCKINGHAMSHIRE, HP5 3PS (LAND REGISTRY TITLE NO: BM333389) AS SHOWN EDGED
IN BLACK ON THE MAP ATTACHED TO THE ORDER WITHOUT LAWFUL PLANNING
CONSENT)**

Defendants

EXHIBIT SP9

This is the Exhibit marked SP9
referred to in the Witness Statement of
Stephanie Penney

Stephanie Penney

From: Control Room <control@bryanlecoche.co.uk>
Sent: 03 April 2026 16:28
To: Gemma Davies
Cc: Stephanie Penney; Darran Eggleton; Control Room
Subject: [EXTERNAL] RE: 11225: Buckinghamshire Council - Hog Lane Ashley Green - Document display
Attachments: 20260403 Agents photos.pdf

[Please note this has been sent from an **external source** - treat with caution and **do not open attachments / use links until you are sure this is a trusted communication see intranet/IT for advice.**]

Good afternoon Gemma

Our agents arrived on site at 1245pm.

On site. 2 static mobile homes, 2 towing caravans, 2 diggers, a roller, a skip loader and a number of cars were identified along with approximately 10 males.

Hardcore had been laid over the site, and the majority of it had been flattened out with a large hole in the middle of the yard, presumably for a septic tank. There was panel fencing down the left-hand side, which looked like it belonged to the adjacent property. Panel fencing had started to be placed at the front of the property. There was a hedgerow and wooden bar fencing around the remaining perimeter.

On arrival, the enforcement agents approached a group of 5 Asian males standing by the diggers. They were asked who the boss of the site was, receiving no response or acknowledgement. It is unknown if the lack of response was a language issue.

Three white males were identified near the panel fencing and asked the same question. Our agents again received no response other than being directed to the cars at the rear of the site.

At this point 2 white males in their twenties, with red-brown hair, started walking towards the agents, one clearly the spokesman. The males were advised that they were on camera and that our agents were acting on behalf of Buckinghamshire Council. The agents informed the male that they were there to serve Temporary Stop Notices requiring any work being carried out on the land to cease. The male accepted the Notices and said he was providing a home for his family. He said the workers wouldn't accept the Notices.

The male was pleasant and acknowledged that our agents were just doing their job, but the agents picked up on a menacing undertone in his demeanour. The male was asked for his name, but he replied that we didn't need it. He was informed we were going to display Notices on the Mobile Homes and caravans. At this, he was more insistent that we were not to put any Notices on them, and again, our agents were aware of his presence, sensing, from experience, his manner would change instantly. The male was then informed we would need to get photos of the site and vehicle details, to which he replied: "You're not the police, you don't need to do that". We then asked for his name again to show who we were talking to. His response was John Smith!

We went to the three males by the fencing and informed them that a Temporary Stop Notice had been issued to cease work, and they replied they would just follow the boss's instructions.

A Site Notice and Temporary Stop Action was displayed at the entrance just to beyond the main fencing line shown in the photos. Unfortunately, due to the environment and the nature of the males present, these were the only

notices that could be displayed, but, as detailed, they were handed to 'John Smith' and informed verbally. Photo's of the site are limited for the same reason.

Our agents could not emphasise enough to me how uneasy the lead male made them feel, and they are not easily unsettled. Our recommendation is that no one attend the site alone going forward.

Please let me know if you need any further information. If you do not require a statement of service or other such document, we will close this job.

Kind Regards
Samantha Sutherland
Control Room Team
Bryan Lecoche Ltd., Enforcement, Investigation & Support Services.
The Old Mill, 34A Gladstone Street, Bedford, MK41 7RR
T: 01234 824570
W: bryanlecoche.co.uk

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From: Control Room
Sent: 03 April 2026 10:02
To: 'Gemma Davies' <Gemma.Davies@buckinghamshire.gov.uk>
Cc: Stephanie Penney <Stephanie.Penney@buckinghamshire.gov.uk>; Darran Eggleton <Darran.Eggleton@buckinghamshire.gov.uk>; Control Room <control@bryanlecoche.co.uk>
Subject: RE: 11225: Buckinghamshire Council - Hog Lane Ashley Green - Document display

Good morning Gemma

We will have agents onsite just after 12pm. I will update you once completed.

Kind Regards
Samantha Sutherland
Control Room Team
Bryan Lecoche Ltd., Enforcement, Investigation & Support Services.
The Old Mill, 34A Gladstone Street, Bedford, MK41 7RR
T: 01234 824570
W: bryanlecoche.co.uk

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From: Gemma Davies <Gemma.Davies@buckinghamshire.gov.uk>
Sent: 03 April 2026 09:41
To: Control Room <control@bryanlecoche.co.uk>
Cc: Stephanie Penney <Stephanie.Penney@buckinghamshire.gov.uk>; Darran Eggleton <Darran.Eggleton@buckinghamshire.gov.uk>
Subject: Hog Lane Ashley Green

Good morning,

As discussed please see attached TSN to be served on the land as identified. If a few copies can be handed to people on site, and posted on the mobile homes please, and also copies of the site notice posted and then photos taken of service and what is on the land, I can then arrange to visit tomorrow and check whether there are further breaches.

I also attach the letter of authority for access.

I am available on my mobile if needed.

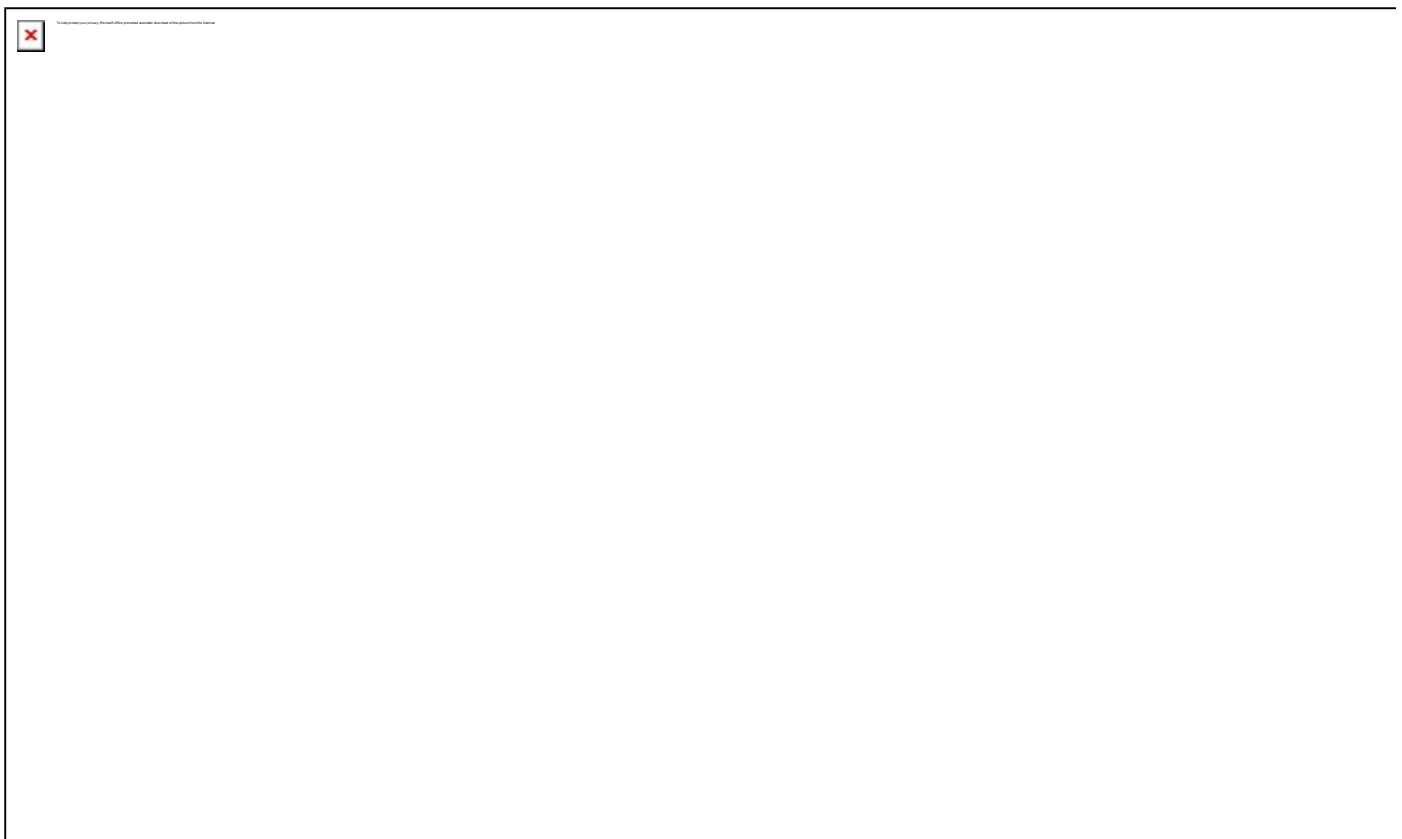
I will arrange for the Purchase Order etc. next week for the invoice

Thank you

Mrs Gemma Davies MSc, MRTPI
Working hours Tuesday-Friday
Planning Compliance & Enforcement Manager
Planning, Growth & Sustainability
Buckinghamshire Council

To report an alleged breach of planning control please see the information on the Council website and use the relevant form <https://www.buckinghamshire.gov.uk/planning-and-building-control/planning-compliance-and-enforcement/>

For any other planning enforcement matters please email planningenforcement@buckinghamshire.gov.uk



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Statement made on behalf of the Claimant
Witness : Mrs Stephanie Penney
Statement No : 1
Date of Statement : 4 April 2026
Exhibits : -- SP1 – SP15

IN THE HIGH COURT OF JUSTICE

KINGS BENCH DIVISION

**IN THE MATTER OF AN INJUNCTION PURSUANT TO S187B OF THE TOWN AND
COUNTRY PLANNING ACT 1990**

BETWEEN:

**BUCKINGHAMSHIRE COUNTY
COUNCIL**

Claimant

AND

(1) KEITH O'DONOGHUE

**(2) PERSONS UNKNOWN (ANY PERSON CARRYING OUT AND/OR ENCOURAGING AND/OR
FACILITATING DEVELOPMENT ON, OR WITH AN INTENT TO UNDERTAKE DEVELOPMENT
ON OR TO OCCUPY, THE LAND KNOWN AS LAND OFF HOG LANE, ASHLEY GREEN,
BUCKINGHAMSHIRE, HP5 3PS (LAND REGISTRY TITLE NO: BM333389) AS SHOWN EDGED
IN BLACK ON THE MAP ATTACHED TO THE ORDER WITHOUT LAWFUL PLANNING
CONSENT)**

Defendants

EXHIBIT SP10

This is the Exhibit marked SP10

referred to in the Witness Statement of
Stephanie Penney



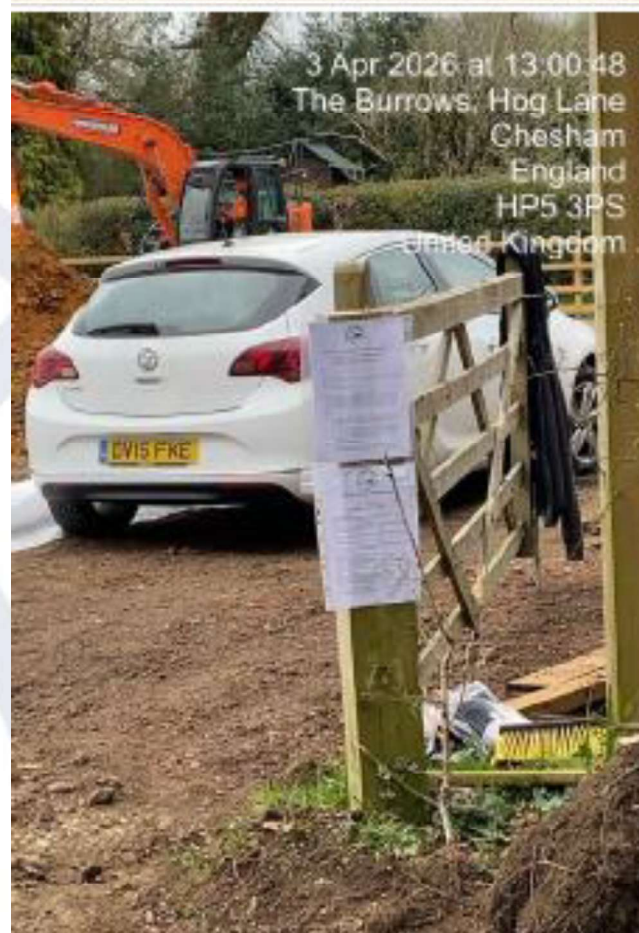
**BRYAN
LECOCHE LTD.**
ENFORCEMENT, INVESTIGATION
& SUPPORT SERVICES

THE OLD MILL,
34A GLADSTONE STREET,
BEDFORD, MK41 7RR

01234 824570
control@bryanlecoche.co.uk
www.bryanlecoche.co.uk

Location: Hog Lane, HP5 3PS	Our ref: 11225
Date: 03/04/2026	Time Taken: 1245-1
Photo/s taken by: EAs	







Environment
Agency

Registered Waste Carrier



Achilles Network

SILVER PLUS



SAFETY
SCHEMES IN
PROCUREMENT

Statement made on behalf of the Claimant
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Defendants

EXHIBIT SP11

This is the Exhibit marked SP11

referred to in the Witness Statement of
Stephanie Penney

Stephanie Penney

From: Planning Enforcement Mailbox
Sent: 03 April 2026 09:50
To: joshua.crehan@gpsltd.co.uk
Subject: Land at Hog Lane (subject to application ref: PL/26/02447/FA - awaiting validation)
Attachments: TSN - Land at Hog Lane April 2026.docx

Mr Crehan,

For your information, please see attached Temporary Stop Notice served on your clients today. It is effective **IMMEDIATELY**.

Mrs Gemma Davies MSc, MRTPI

Working hours Tuesday-Friday

Planning Compliance & Enforcement Manager

Planning, Growth & Sustainability

Buckinghamshire Council

To report an alleged breach of planning control please see the information on the Council website and use the relevant form <https://www.buckinghamshire.gov.uk/planning-and-building-control/planning-compliance-and-enforcement/>

For any other planning enforcement matters please email planningenforcement@buckinghamshire.gov.uk

Statement made on behalf of the Claimant
Witness : Mrs Stephanie Penney
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Date of Statement : 4 April 2026
Exhibits : -- SP1 – SP15

IN THE HIGH COURT OF JUSTICE

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Defendants

EXHIBIT SP12

This is the Exhibit marked SP12

referred to in the Witness Statement of
Stephanie Penney

Stephanie Penney

From: Stephanie Penney
Sent: 03 April 2026 10:14
To: 'keithod34@icloud.com'
Subject: FW: Land at Hog Lane (subject to application ref: PL/26/02447/FA - awaiting validation)
Attachments: TSN - Land at Hog Lane April 2026.docx
Importance: High

Good morning

I understand you are the owner of land off Hog Lane, Ashley Green, Buckinghamshire, HP5 3PS.

Please see attached Temporary Stop Notice served today. It is effective **IMMEDIATELY**.

Kind regards

Mrs Stephanie Penney BA(hons) MA, MRTPI
Planning Compliance & Enforcement Team Leader
Planning, Growth & Sustainability
Buckinghamshire Council

Direct line: 01494 421823

Stephanie.penney@buckinghamshire.gov.uk

For more information on Planning Enforcement and to report an alleged breach of planning control please visit [Planning compliance and enforcement | Buckinghamshire Council](#)

Internal officers can report breaches via the form [here](#)

For any other planning enforcement matters please [email](#) the team

From: Planning Enforcement Mailbox <planningenforcement@buckinghamshire.gov.uk>
Sent: 03 April 2026 09:50
To: joshua.crehan@gpsltd.co.uk
Subject: Land at Hog Lane (subject to application ref: PL/26/02447/FA - awaiting validation)

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Mrs Gemma Davies MSc, MRTPI
Working hours Tuesday-Friday
Planning Compliance & Enforcement Manager
Planning, Growth & Sustainability
Buckinghamshire Council

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planningenforcement@buckinghamshire.gov.uk

Statement made on behalf of the Claimant
Witness : Mrs Stephanie Penney
Statement No : 1
Date of Statement : 4 April 2026
Exhibits : -- SP1 – SP15

IN THE HIGH COURT OF JUSTICE

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Defendants

EXHIBIT SP13

This is the Exhibit marked SP13
referred to in the Witness Statement of
Stephanie Penney

Made on behalf of:	Buckinghamshire Council
Statement of:	Helen Curran
Statement Number:	One
Date made:	4 th April 2026
Date Filed:	

IN THE MATTER OF:

LAND OFF HOG LANE, ASHLEY GREEN, BUCKINGHAMSHIRE, HP5 3PS

STATEMENT OF ENFORCEMENT AGENT

I, Helen Curran, an enforcement agent employed by Bryan Lecoche Ltd., of The Old Mill, 34a Gladstone Street, Bedford, MK417RR

1. THAT I am over 16 years of age and I make this Statement on behalf of Buckinghamshire Council
2. I make this Statement from facts within my own knowledge, information, and belief or if they are not within my knowledge, information, or belief, I believe them to be true to the best of my knowledge, information, and belief.
3. THAT I did at 12.45pm on Friday 3rd of April and 12.00pm on Saturday 4th April 2026 at Land off Hog Lane, Ashley Green, HP5 3PS in the county of Buckinghamshire, personally attended and witnessed the development of the land. Between the stated times and dates the development of the land progressed from:
 - Hardcore being laid over the site, largely flattened with a large hole in the middle of the yard. Fencing along the left-hand side. To the rear, old panel fencing and old rail and post fencing. On the right-hand side, new rail-and-post fencing was in place, with a hedgerow on the outside. Work was underway to install additional rail-and-post fencing at the front. Two static mobile homes were on site.

to

- Fencing to the front of the property has been completed. The hole has been filled in. Gravel has been laid and spread across the entire plot. A digger was still working at the front entrance, laying gravel, which was then being raked over. Two additional static mobile homes have been added to the site.

STATEMENT OF TRUTH:

I believe the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



Signed: **Dated:** 04/04/2026

Statement made on behalf of the Claimant
Witness : Mrs Stephanie Penney
Statement No : 1
Date of Statement : 4 April 2026
Exhibits : -- SP1 – SP15

IN THE HIGH COURT OF JUSTICE

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EXHIBIT SP14

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& SUPPORT SERVICES

THE OLD MILL,
34A GLADSTONE STREET,
BEDFORD, MK41 7RR

01234 824570
control@bryanlecoche.co.uk
www.bryanlecoche.co.uk

Location: Hog Lane, HP5 3PS	Our ref: 11225 / 1125.01
Date: 03/04/2026	Time Taken:
Photo/s taken by: EAs	

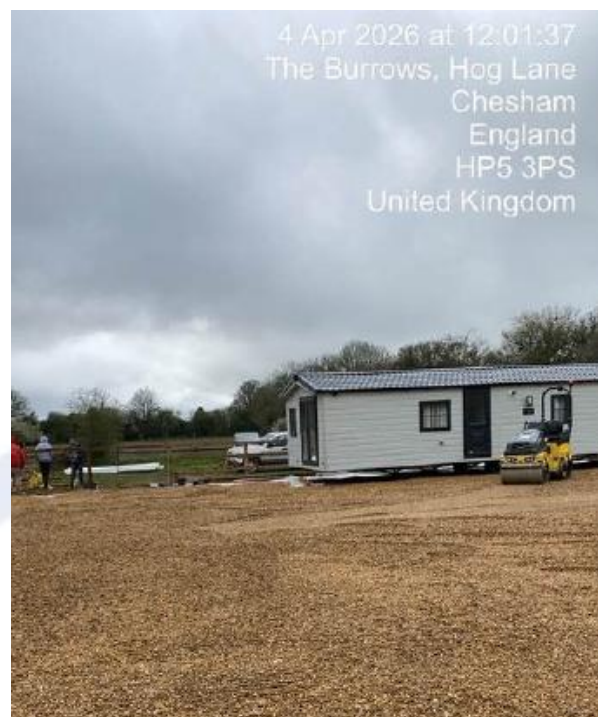
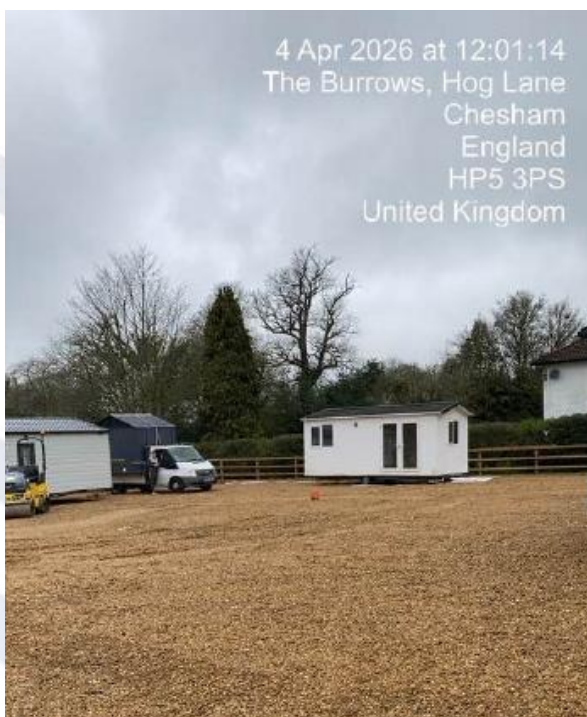
Photos from 03/04/2026



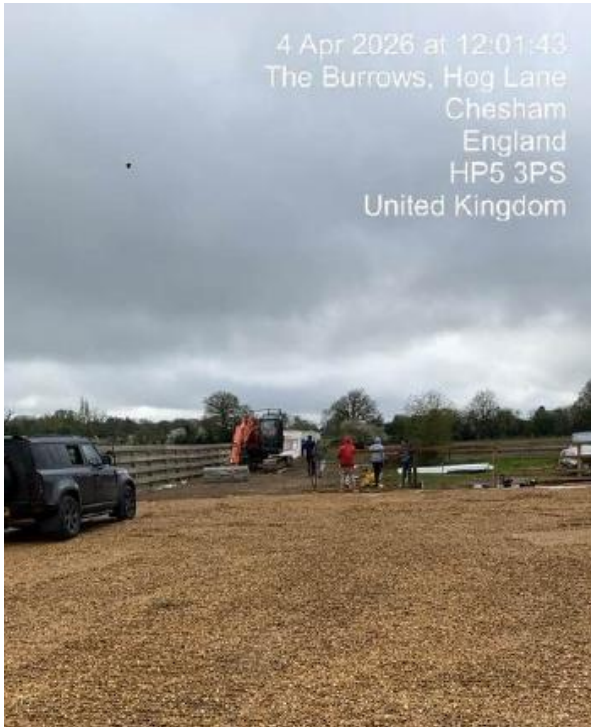




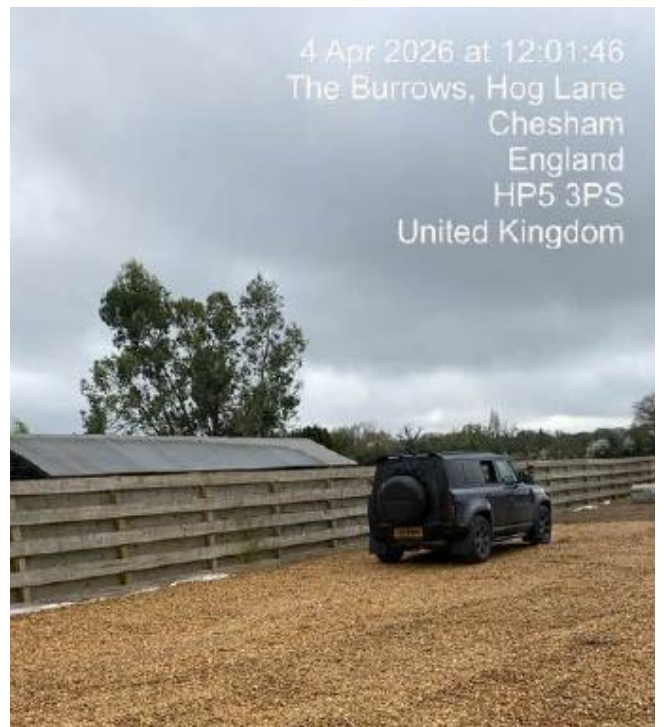
Photos from 04/04/2026



4 Apr 2026 at 12:01:43
The Burrows, Hog Lane
Chesham
England
HP5 3PS
United Kingdom



4 Apr 2026 at 12:01:46
The Burrows, Hog Lane
Chesham
England
HP5 3PS
United Kingdom



4 Apr 2026 at 12:02:21
The Burrows, Hog Lane
Chesham
England
HP5 3PS
United Kingdom





Environment
Agency

Registered Waste Carrier



SAFETY
SCHEMES IN
PROCUREMENT

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EXHIBIT SP15

This is the Exhibit marked SP15
referred to in the Witness Statement of
Stephanie Penney

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

Applications are pending in HM Land Registry, which have not been completed against this title.



Official copy of register of title

Title number BM333389

Edition date 12.01.2022

- This official copy shows the entries on the register of title on 11 MAR 2026 at 10:56:23.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 04 Apr 2026.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Leicester Office.

A: Property Register

This register describes the land and estate comprised in the title.

BUCKINGHAMSHIRE

- 1 (10.03.2008) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being land on the South side of Hog Lane, Ashley Green.
- 2 (10.03.2008) The Conveyance dated 3 July 1978 referred to in the Proprietorship Register contains a provision as to light or air.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (12.01.2022) PROPRIETOR: Keith James O'Donoghue of 11 Joseph Avenue, Friary Park, London W3 6NL.
- 2 (12.01.2022) The price stated to have been paid on 23 December 2021 was £250,000.

End of register

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

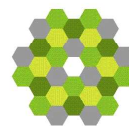
There is an/are application(s) pending in HM Land Registry and if we have only completed the mapping work for a pending application affecting the title concerned, such as a transfer of part:

- additional colour or other references, for example 'numbered 1', may appear on the title plan (or be referred to in the certificate of inspection in form CI), but may not yet be mentioned in the register
- colour or other references may also have been amended or removed from the title plan (or not be referred to in form CI), but this may not be reflected in the register at this stage.

This official copy is issued on 04 April 2026 shows the state of this title plan on 11 March 2026 at 10:56:23. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the HM Land Registry, Leicester Office .

HM Land Registry
Official copy of
title plan

Title number **BM333389**
Ordnance Survey map reference **SP9705SW**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Buckinghamshire**



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