

Appeal Decision

Hearing held on 15 September 2021

Site visit made on 16 September 2021

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/L3625/W/20/3265412
171-175 Smallfield Road, Horley RH6 9LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Rayford Property Enterprises Ltd against Reigate & Banstead Borough Council.
 - The application Ref: 20/01131/OUT, is dated 5 June 2020.
 - The development proposed is described as an outline planning application for the erection of 11no. dwellings with associated access. Alterations to No.175 Smallfield Road to facilitate access. All other matters to be reserved.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Rayford Property Enterprises Ltd against Reigate & Banstead Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application is in outline form with all matters reserved for future consideration apart from access. I have dealt with the appeal on this basis and I have treated any details not to be considered at this stage as being illustrative only.
4. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council has submitted an appeal statement which sets out its putative reasons for refusal. As this concerns the matters of dispute with the appellant, it forms the basis of the main issues in this case.
5. The revised National Planning Policy Framework (Framework) was published during the course of the appeal, which I have considered in my decision. The main parties were given the opportunity to comment on this matter during the hearing.
6. Two of the Council's putative reasons for refusal concern the effect on the amenity value of trees and on biodiversity interests. The appellant submitted a

Tree Survey Schedule and an associated Tree Constraints Plan prior to the hearing, and a Preliminary Ecological Appraisal (PEA) after it closed. I accepted this evidence as it was of relevance to the matters of dispute and therefore my decision. In the interests of fairness, the Council and interested parties were given the opportunity to comment upon these documents.

7. The Council was also given the opportunity to comment on the *Wainhomes* judgment¹ that the appellant submitted at the hearing. An agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (S106 Agreement) was also submitted after the close of the hearing which both main parties were given the opportunity to comment upon.
8. Accordingly, no party has been prejudiced and I have taken these various documents into account, together with the responses that I have received.

Main Issues

9. The main issues are (i) whether the proposal would be in a suitable location for housing, including with regard to the effect on the character and appearance of the area; (ii) the effect on flood risk; (iii) the effect on biodiversity interests, in particular protected species; (iv) the effect on the amenity value of the trees; (v) the provision of affordable housing; and (vi) if there is harm, whether this is outweighed by housing land supply and other considerations.

Reasons

Character and Appearance

10. The site comprises an area of land which lies mostly to the rear of the residential properties at 171 to 175 Smallfield Road (Nos 171, 175). It includes much of their rear gardens and extends back across a paddock towards an area of woodland. There are a number of fairly modest sized ancillary structures on the site, as well as a stables building on the paddock land. The site is though for the most part devoid of built development and maintains an open character. Part of the dwelling at No 175 itself would be demolished to make way for the proposed access.
11. What built development there is in the vicinity of the site consists mainly of a linear pattern of dwellings that extend along this part of this side of Smallfield Road. They form a fairly isolated row of properties. To the rear, the properties are bereft of separate development, apart from Rushetts Farm to the east. Otherwise, the area is made up of fields and woodland. It is distinct from the built up edge of the town of Horley, which lies well to the west. Overall, the character of the area is open countryside which is interspersed with occasional development. The site contributes favourably to the local character in this regard.
12. The site lies in land that is designated under the development plan as the Rural Surrounds of Horley. Proposals for development in this area are to be considered against Policy NHE7 of the Council's Reigate & Banstead Local Plan Development Management Plan (2019) (DMP). This policy sets out to protect the countryside in accordance with national policy which recognises the intrinsic character and beauty of the countryside.

¹ *Wainhomes (North-West) Ltd v Secretary of State for Housing Communities and Local Government* [2020] EWHC 2294 (Admin)

13. Criterion 2 of the policy concerns the creation of new dwellings. For such development to be permitted, it is to meet the requirements of a number of further sub-criteria. These include matters relevant to character and appearance, including that the proposal will enhance or maintain the characteristics of the immediate rural setting; and that the scale of the proposal is proportionate to its countryside setting.
14. The appellant considers that the principle of development is the only relevant consideration before me on this issue. However, as an outline approval would form the planning permission, it is reasonable to consider at this stage whether the site can likely accommodate the proposal in order to establish the effect on the character and appearance of the area. If this was not the case, then a permission would in effect be nullified where reserved matters would not be able to provide for an acceptable development.
15. In these surroundings, the proposal would involve a development of some size located well to the rear of the existing properties and projecting notably into the countryside. I come to this view on the basis of the extent of the site boundary and the number of dwellings that are proposed. It would not be contained even with the woodland to the rear because it would extend well beyond the existing dwellings. The density of development would be inevitably increased because it would introduce dwellings on to open land where there is not currently substantive development. It would be harmful to the intrinsic character and beauty of the countryside.
16. The proposal would also be in marked contrast to what pattern of built development there is because the proposed dwellings would be located to the rear of most of the existing development. There would also be likely some visibility of its presence, in particular through the creation of the new access in between the existing dwellings on the site frontage.
17. The buildings at Rushetts Farm, whilst having the appearance of being added over time and on a piecemeal basis, are not untypical in the countryside on the site of a farm. The same cannot be said of a residential development of 11 dwellings. The other buildings that are found to the rear of the existing properties are ancillary domestic or stable type structures, as with the existing site. In contrast, the proposal would represent a distinct cluster of backland residential development that would not be in keeping. Thus, it would also unduly disrupt this aspect of the local character.
18. As such, and with regard to Policy NHE7 and the relevant sub-criteria under 2., the proposal would not maintain the characteristics of the immediate rural setting and nor would it be on a scale in relation to the number of dwellings that is proportionate to its countryside setting. For a proposal that concerns the creation of new dwellings to accord with this policy, it would need to meet all the sub-criteria under 2. It therefore fails against this policy, irrespective of how it fares against the rest of it.
19. I was referred to where the Council's Local Character & Distinctiveness Design Guide Supplementary Planning Document (SPD) (2021) concerns infill development to the rear of existing housing. This advocates such development where there are already buildings on each side to the rear. This would not be the case with the proposal. It would not be supported by the SPD for these reasons, even if it lies outside of the character areas.

20. I conclude that the proposal would not be in a suitable location for housing, including with regard to the effect on the character and appearance of the area. As a result, it would not comply with Policy NHE7 in respect of the approach it applies in relation to protecting the countryside. It would also not comply with Policy CS10 of the Reigate & Banstead Local Plan: Core Strategy (2014) (Core Strategy) where it is concerned with taking account of and respecting the character of the local area, amongst other matters, and with Policies DES1, DES2 and NHE1 of the DMP in this regard where they relate to considerations of high quality design, local distinctiveness, the character of the surrounding area and the wider setting of the development.
21. In addition, the proposal would not comply with the SPD because it would not address the local character and distinctiveness of its surroundings in relation to its immediate vicinity. It would also not accord with paragraph 174 of the Framework where it is concerned with recognising the intrinsic character and beauty of the countryside.

Flood Risk

22. The site lies within Flood Zone 2 (medium probability of flooding) which I was informed relates to the nearby Burstow Stream. Part of the approach of the Framework to taking full account of flood risk is the application of the sequential test, the aim of which under paragraph 162 is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Policy CCF2 of the DMP sets out what is essentially the same approach.
23. In relation to the availability of other sites, the evidence before me is contained in a Sequential Test report submitted by the appellant. It is understood that this document was prepared in support of a previous application on the site and so is dated somewhat. Nevertheless, it does identify sites that are reasonably available. In any event, from what I heard at the hearing, it did not appear to be a particular matter of dispute that the proposal did not pass the sequential test.
24. The appellant presented evidence on what, in effect, would be the practical implications for flood risk. This included the lack of objections from the Environment Agency and the Lead Local Flood Authority, the findings of the Flood Risk Assessment (FRA) and associated measures that were said to make the proposal safer, and the use of planning condition(s) to achieve these desired outcomes.
25. Such matters relate closely to the application of the exception test under the Framework where it is concerned with development that will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The appellant also considers that the development would provide wider sustainability benefits to the community that outweigh the flood risk, centred on housing land supply.
26. However, for the exception test to be applied, it must be first demonstrated that the sequential test is passed. For the reasons that I have set out, this would not be the case. To set aside the sequential test and consider the exception test would be contrary to the Framework's pathway on how flood risk

is to be assessed. The lack of an objection from the flood risk consultees, the FRA and mitigation are not therefore decisive.

27. I was also told that the DMP has identified less sequentially preferable sites. However, this does not remove the need to apply the sequential test when determining planning applications under the Framework for an unallocated site. I also have to deal with the proposal on its own merits and based on the totality of the evidence before me at the time of my decision, irrespective of that flood risk has not been raised previously in relation to the planning history of the site.
28. I conclude that the proposal would have an unacceptable effect on flood risk. Hence, it would not comply with Policy CCF2 where it concerns development proposals avoiding areas at risk of flooding where possible and prioritising development in areas with the lowest risk of flooding, and the application of the sequential test.
29. Similarly, the proposal would not accord with the Framework because it has not been adequately demonstrated under paragraph 162 that there are not reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, with regard to the aim of the sequential test.

Biodiversity

30. The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) imposes a duty to consider the relevant Directives and whether there is a reasonable likelihood of European Protected Species being present and affected. Bats are a protected species. The PEA confirms that both Nos 171 and 175 have confirmed bat roosts. No 175 is proposed to be part demolished and even if the bat roost may be in a different part of the roof space, it would lie in close proximity to these works. Whilst no works are proposed to No 171, it would also lie close to where development associated with the proposal would in all likelihood take place. Hence, there is a reasonable likelihood of bats as a protected species being affected.
31. The PEA recommends that bat emergence surveys are carried out between May and August. Such surveys are not before me. Circular 06/2005: *Biodiversity and geological conservation - statutory obligations and their impact within the planning system* is clear the extent to which protected species may be affected must be established before planning permission is granted. Otherwise, all relevant considerations may not be reflected in making a decision.
32. The appellant considers that such an issue could be dealt with at the reserved matters stage, by way of the surveys and mitigation as part of the detailed design. This would however be contrary to the approach set out in Circular 06/2005. In the absence of the bat surveys, there is insufficient information for me to come to a view other than that the effect on this protected species would be harmful. Nor would it be addressed by regulatory controls applied through licensing because I am required in my decision-making to give due weight to the presence of protected species.
33. Similar concerns arise in relation to Great Crested Newts (GCN) as the ponds that have been identified nearby that could support this protected species have not been assessed for habitat suitability. Thus, it has not been established whether there is a reasonable likelihood of GCN as a protected species being

affected, irrespective of whether the domestic ponds associated with Nos 171 and 175 may not support this species. The same applies as regards Hazel Dormice as a protected species because the site is deemed to provide suitable habitat under the PEA.

34. I conclude that the proposal would have an unacceptable effect on biodiversity interests, in particular protected species. As a result, it would not comply with Policy NHE2 of the DMP which is concerned with protecting and enhancing biodiversity, including the impact of development on a protected species. It would also not accord with the Framework where it concerns habitats and biodiversity interests.

Trees

35. The tree coverage lies principally on the boundaries of the site. Both side boundaries contain oak and ash, with cedar and cypress also found on the boundary with Rushetts Farm. The rear boundary contains a conspicuous amount of mainly oak trees that have significant amenity value, not least as they form the edge of the woodland to the rear of the site. The trees that are found away from the boundaries generally have less amenity value as they relate to fruit trees or internal domestic boundaries.
36. The Tree Survey Schedule that has now been submitted is up to date as it was carried out in August this year. Its findings generally correspond to my views on the amenity value of the trees. It identifies a number of Category B oak and ash trees on the boundaries and a Category A oak on the boundary with the woodland.
37. On that basis and in order to maintain the amenity value of the trees, the Category A and B trees would need to be retained. As they are on the boundaries and with the number of dwellings proposed, I see no reason why this should not be achieved with the submission of layout details at the reserved matters stage, if I was minded to allow the appeal. This includes the application of protection zones around those trees.
38. In all likelihood, there would be some loss of trees and a hedgerow within the site in order to accommodate the proposal. These features do not have the same value as those that would be retained around the boundaries. This could be addressed through landscaping details that would also be provided at a reserved matters stage through a planting scheme.
39. I conclude that the proposal would not have an unacceptable effect on the amenity value of the trees. As such, it would comply with Policy DES1 in this regard in as far as it is concerned with trees, and with Policy NHE3 of the DMP where it cautions against the loss of trees classified as being of categories A or B in value) and sets out that unprotected but important trees, woodland and hedgerows with amenity value should be retained. On the basis of the evidence before me, the proposal would also not conflict with British Standard 5837: 2012 Trees in relation to design, demolition and construction – Recommendations.

Affordable Housing

40. Policy DES6 sets out the Council's approach for the delivery of new affordable homes within the borough. These will be provided by registered providers, and by seeking affordable housing provision from housing developments. The

policy sets out a relevant threshold for developments of 11 homes or more, and 30% of the homes on the site should be affordable housing. As 11 dwellings are proposed, it is the subject of these provisions.

41. The Council's putative reason for refusal relates to the absence of a completed legal agreement to make adequate provision for affordable housing. The S106 Agreement performs this function as it provides for 3 affordable housing units to be provided on site. The Council has confirmed that the requirement would be for 3 units. They would be shared ownership units, which is in line with the reported comments of the Council's Housing Strategy and Projects Manager. The units would be managed by a registered provider and the S106 Agreement also establishes the relevant perpetuity arrangements.
42. The planning obligation binds the owner to these covenants with the Council. It complies with the tests as set out in the Framework of being necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
43. I conclude that the proposal would make adequate provision for affordable housing and so it would comply with Policy DES6.

Housing Land Supply and Other Considerations

Housing Land Supply

44. The matter of dispute between the main parties on housing land supply concerns the housing requirement. The Council bases the requirement on its Core Strategy which contains the adopted strategic policies. The requirement is set out in Policy CS13. At least 6,900 homes are to be provided between 2012 and 2027, equating to an annual average provision of 460 homes per year. It is not a matter of contention that the housing requirement is expressed to a minimum and so it does not in itself preclude the grant of further permissions for housing if the requirement is being met.
45. With regard to paragraph 74 of the Framework, as the Core Strategy is more than 5 years old, the Council are to provide a minimum of five years' worth of housing against their local housing need unless, under footnote 39, these strategic policies have been reviewed and found not to require updating. The Council has carried out a review of the strategic policies and concluded that the Core Strategy did not require updating and modification. The review was reported to and adopted by Full Council.
46. The Council therefore considers that its housing requirement remains as per at least 460 dwellings are to be delivered per annum. With reference to its latest 2021 Housing Delivery Monitor (HDM), this sets out a 8.92 year land supply of deliverable sites.
47. In contrast, the appellant considers that a higher figure of 1,139 dwellings per annum should be utilised. This is based on applying the standard method for housing need as set out in the Framework and the Planning Practice Guidance: *Housing and economic needs assessment*. Following this approach leads the appellant to a position of a 2.83 year land supply of deliverable sites and the view that the Council is not meeting its housing needs.

48. The Council's position places much emphasis on the conclusions that the Inspector reached in the Examination of the Core Strategy, in particular that the housing requirement was reflective of a number of constraints in the Council area, including Green Belt, flood risk, aircraft noise contours associated with Gatwick Airport, ancient woodland and the capacity of Horley to absorb growth. The Council consider these constraints still stand and so regardless of following the standard method, the housing requirement remains as set out in the Core Strategy.
49. The appellant has pointed out that the Council's approach does not account for whether the higher housing need figure necessitates a re-evaluation of the constraints to see if this justifies further housing development. I am also mindful of the evidence that the appellant put forward over affordability in the Council area and the social implications that arise from it. However, I am not persuaded that conducting such an exercise over housing need and constraints is a matter for a planning appeal because it would need to be done district-wide in order to be effective. That evidence is not before me. Specifically in relation to the site, as I have already identified, it does lie in an area at risk of flooding and so such a constraint remains applicable as was identified by the Core Strategy.
50. The main parties also disagree over whether past over-supply of housing completions against the requirement should be considered. This was the subject of an update to the Planning Practice Guidance: *Housing supply and Delivery* which states that where areas deliver more completions than required, the additional supply can be used to offset any shortfalls against requirements from previous years². If the oversupply was not to be considered, though, it would not change the opposing parties respective positions in relation to that the Council would still have a supply well over 5 years, whilst the appellant's position would remain that it would be well under. Whilst this would change as of April 2022 as a predicted position under the HDM, that is not the year of monitoring that is for my consideration in establishing housing land supply as it is not yet complete. Evidence prior to the review of the update to that part of the Planning Practice Guidance also attracts limited weight because it does not reflect its current provisions.
51. The appellant has raised further concerns over the review process, citing a lack of consultation that was not in accordance with the Council's Statement of Community Involvement in Planning (2019) (SCIP). It was common ground at the hearing, though, that there is not a prescribed process for such a review but rather that it is a matter of planning judgment. The appellant referred to the *Wainhomes* judgment to support such a position.
52. The Council consider that as the review did not lead to a need to update and modification, there was not the need to carry out consultation in accordance with the SCIP. Hence, it is not a position without justification and as there is a broad area of discretion for the Local Planning Authority to decide what such a review should undertake, the Council's stance is not unreasonable. Accordingly, the Council are justified in continuing to use the strategic policies as the basis for the calculation of the 5 year housing land supply.
53. As a consequence, I favour the Council's position on the housing land supply of deliverable sites and even if I did take a position to the contrary, the Council

² Para 032

has some armoury in addressing a housing land supply deficit. Policy CS6 of the Core Strategy affords a number of broad areas of search for sustainable urban extensions that were subsequently allocated under the DMP. Policy MLS1 of the DMP provides for the managed release of allocated sustainable urban extensions where there is such a shortfall. Such an extension does not include the site and so whether or not it has been specifically excluded from the Green Belt to cater for such a purpose has a limited bearing. It would seem to be of more relevance that it lies in an area of flood risk.

54. When Policies CS13, CS6 and Policy MLS1 are read together, they establish a managed approach to dealing with the Council's housing requirements, including the need to maintain a 5 year supply of deliverable sites. The proposal would not accord with these policies because it would not be supported by their approach to the housing requirement, land for development and its managed release.
55. The Framework sets out the Government's objective of significantly boosting the supply of homes. Notwithstanding the concerns that I have expressed above, the proposal still would contribute towards such an objective and to local supply through an additional 11 units. It would also contribute towards the Framework where it concerns a range of homes and supporting rural communities in this regard.

Other Considerations

56. Whilst the level of affordable housing proposed would be required for the proposal to comply with Policy DES6 of the DMP, it would also have a greater benefit in enabling provision for those who would not be able to obtain general market housing and so also support social well-being. The affordability issues that my attention has been drawn to are also of relevance in this regard and Policy DES6 refers to a minimum of 1,500 gross new affordable homes between 2012 and 2027. The appellant has also referred to what is a significant shortfall in affordable housing provision since the Core Strategy was adopted, and this has not been contested. The provision of affordable housing weighs in favour of the proposal.
57. Economic benefits would also arise both during construction and to local services through the spend of future occupiers, including through support for the rural economy.
58. The appellant has suggested that a number of the development plan policies that the Council has referred to are out of date and inconsistent with the Framework. Such evidence refers to Policies CS6, CS10, CS13 of the Core Strategy and Policies NHE7 and MLS1 of the DMP. Much of this is predicated on the appellant's position on housing land supply which, for the reasons that I have set out above, does not coincide with my own view. As these policies seek to increase the supply of housing in a planned manner in order to deliver the housing requirement, there is not a substantive reason why they do not accord with the Framework. As I have set out, the Framework permits local planning authorities to continue to use strategic policies where they are more than 5 years old where they have been reviewed and found not to require updating. Nor does the Framework prescribe the managed approach in order to deliver the requirement, which is a matter for the development plan.

59. In deriving such a requirement, these development plan policies along with Policies DES1, DES2, NHE1, NHE2 and CCF2 of the DMP also have regard to a number of other considerations which the Framework also raises, including character and appearance, flood risk and biodiversity. As such, the policies are not out of date and are consistent with the Framework. They carry significant weight in my decision. The same applies in relation to where I find compliance with development plan policies on trees and affordable housing.
60. The presumption in favour of sustainable development as is set out in paragraph 11 of the Framework does not apply in this case because the application of policies in the Framework that protect areas or assets of particular importance as listed in footnote 7, namely areas at risk of flooding, provides a clear reason for refusing the development proposed. Despite the Council's concerns over flood risk, neither main party seemed to consider at the hearing that this part of footnote 7 was applicable when I requested views specifically on this matter. However, I fail to see how this can be the case because the proposal fails the sequential test, which is a clearly identified part of policies in the Framework concerning areas at risk of flooding. To take a view otherwise would be contrary to national planning policy.

Planning Balance and Conclusion

61. In relation to the adverse impacts, the proposal would not be in a suitable location for housing, including with regard to the effect on the character and appearance of the area. It would also have an unacceptable effect on flood risk, which relates to its failure to pass the sequential test, and by way of the effect on biodiversity interests, in particular protected species. In addition, it would conflict with the managed approach of the development plan in relation to delivering its housing requirement. The proposal would not comply with Policies CS6, CS10, CS13 of the Core Strategy and with Policies DES1, DES2, NHE1, NHE2, NHE7, MLS and CCF2 of the DMP in these respects. I find the harm, when taken together, to be very significant.
62. Set against this harm would be the increase in the supply and range of housing. It would also provide affordable housing, support social well-being and bring economic benefits. Rural communities would benefit in relation to these matters. The benefits attract significant weight. All other matters attract neutral weight.
63. I have taken into account the relevant considerations in relation to the economic, social and environmental objectives of the Framework, as set out above, notwithstanding these are not criteria against which every decision can or should be judged.
64. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal. Furthermore, even if I were to conclude there is a shortfall in the 5 year housing land supply on the scale suggested by the appellant and that the development plan policies are out of date, under paragraph 11 of the Framework, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

65. For these reasons, I conclude that the proposal conflicts with the development plan when taken as a whole and there are no material considerations to outweigh this conflict. Therefore, the appeal should be dismissed.

Darren Hendley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Killian Garvey	Counsel
Michael Ruddock	Principal Planner, Pegasus Group
Matthew Good	Director, Pegasus Group
Will Thomas	Solicitor, Shoosmiths LLP
Ken Sinar	Rayford Property Enterprises Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Sheahan	Senior Planning Officer
Lesley Westphal	Principal Planning Officer
Tanya Mankoo-Flatt	Principal Policy Development Officer
Petra Skelly	Policy Development Officer

DOCUMENTS SUBMITTED DURING AND AFTER THE HEARING

- 1 Wainhomes (North-West) Ltd v Secretary of State for Housing Communities and Local Government [2020] EWHC 2294 (Admin)
- 2 Reigate and Banstead Borough Council, Statement of Community Involvement in Planning (April 2019)
- 3 Council response to the Wainhomes judgment, dated 20 September 2021
- 4 Appellant comments on the Council response to the Wainhomes judgment, dated 22 September 2021
- 5 Preliminary Ecological Appraisal, dated September 2021
- 6 Consultation letter and list of those notified on the Tree Survey and the Preliminary Ecological Appraisal, dated 15 October 2021
- 7 Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 relating to land at 171-175 Smallfield Road, Horley, Surrey RH6 9LR, dated 11 October 2021
- 8 Council response to the Tree Survey and the Preliminary Ecological Appraisal, received on 1 November 2021
- 9 Appellant comments (email and memorandum) on the Council response to the Tree Survey and the Preliminary Ecological Appraisal, received on 8 November 2021