PINS Ref: APP/Z4718/W/25/3375000

APPEAL BY NEWITT HOMES IN RESPECT OF LAND NORTH EAST OF SHEPLEY ROAD, STOCKSMOOR, HUDDERSFIELD HD4 6XW

CLOSING STATEMENT – RULE 6 PARTY

Sir

This case, supported by the 307 people from Stocksmoor who took the time and effort to object, rests on four core issues:

1. The impact of the proposed development on Shepley Mill Wood and Hartley Bank Wood, both designated Ancient Woodland.
2. Whether Stone Wood Lane can safely accommodate additional traffic without unacceptable impacts on highway function and safety
3. Sustainability – a location that fails all key tests.
4. Flood risk, pollution risk (unsustainability) and Ancient Woodland deterioration risk in Thunderbridge caused by the development

1. ANCIENT WOODLAND

Two irreplaceable habitats are at risk. **Shepley Mill Wood**, immediately below the site, and **Hartley Bank Wood**, downstream in Thunderbridge.

Ancient Woodland is described by Natural England as irreplaceable—a habitat that cannot be recreated, repaired, or compensated for. The Woodland Trust notes that it supports more threatened species than any other habitat in the UK. These woodlands are 'habitats' not simply trees; they comprise complex soils, fungi, hydrology, flora, fauna and biodiversity that have developed over centuries.

The NPPF paragraph 193(c) states:

Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Ancient Woodland is **explicitly** listed as an irreplaceable habitat. The development itself is not a wholly exceptional reason. The default position is refusal.

The NPPF has clear objectives and if ever Paragraph 193(c) is to be relevant it is for this case where the development is close to **Ancient Woodland** up a steep slope.

For clarity, I would just like to talk about the difference between ‘change’ and ‘deterioration’.

The Appellant suggest that we say all change is deterioration. This is not case. Change is a neutral term, it simply means something is different from before.

Deterioration is human induced harm that degrades the Ancient Woodland’s condition.

Deterioration is a policy term with specific meaning – it refers to harmful change that reduces the ecological integrity, functioning or condition of the Ancient Woodland.

The question before you is simple: **Will there be deterioration?** We say deterioration is not only likely—it is inevitable. And the factors that cause it are cumulative.

To understand why, we must begin with the construction phase.

In some ways this poses the greatest risk because most mitigation measures will not yet exist.

The site will be a major building operation for many months, generating huge amounts of noise, dust, vibration, pollution, lighting spill, and soil disturbance just metres from the woodland edge.

The site sits above Shepley Mill Wood on gradients approaching one-in-three, which means anything mobilised on the site—sediment, silts, hydrocarbons, cement washout, disturbed soils—will move downslope by gravity and rainfall into the woodland.

The Appellant’s own geo-environmental report anticipates the use of breakers and possibly blasting to excavate the 827,000-litre attenuation tank and retaining structures.

Such activities will inevitably generate considerable vibration, dust, and sediment that cannot be fully contained on such a steep slope. These are not theoretical risks; they are predictable consequences of building above an irreplaceable habitat.

During construction, several forms of deterioration are likely.

First**, physical damage to roots and soil structure**. Heavy machinery, excavation, and ground compaction can crush or sever tree roots. Ancient Woodland trees often have shallow, wide-spreading root systems that extend well beyond the visible canopy. Compaction reduces oxygen and water movement in the soil, stressing or killing long-established trees.

Second, **changes to hydrology.** Construction alters natural drainage patterns, creating areas that become waterlogged and others that dry out. **Ancient Woodland** ecosystems depend on stable moisture conditions, and even small hydrological shifts can damage ground flora, fungi and the unique soils themselves.

Third, **soil compaction**. Construction vehicles will compress soils, reducing oxygen, slowing drainage, and increasing runoff and erosion. Compaction damages root systems and fungal networks that have developed over centuries.

Forth, **pollution and contamination**. Dust, cement washout, fuel spills, and sediment will degrade soil and water quality. Ancient Woodland soils are nutrient-poor, finely balanced, and extremely sensitive to chemical change. Once altered, they cannot be restored.

Fifth, **noise, vibration, and disturbance**. Construction noise can disrupt bats, birds, and invertebrates, causing species to abandon nesting or foraging areas. Some may never return.

Sixth, **loss or degradation of the woodland edge.** The ecotone—the transition zone between open land and woodland—is crucial for biodiversity. Construction erodes this buffer, exposing the woodland to wind, light, and temperature changes that alter its microclimate.

Seventh, **introduction of invasive species**. Disturbed ground and imported materials create ideal conditions for non-native plants. Construction vehicles can also spread seeds and pathogens.

Eight, **soil erosion.** Heavy rainfall on disturbed ground will mobilise mud and silt, which will be carried downslope into the woodland. Sediment smothers habitats, reduces oxygen, and damages the unique complex soil systems that Ancient Woodland depends on.

The Appellant talks about a number of mitigation measures during the construction phase such as a buffer, a fence, dust barriers, minimising noise, a ‘tool-box’. Most of these will make little difference during the construction phase.

A fence and a dust barrier will not prevent the likely huge amount of dust and airborn particles travelling into the **Ancient Woodland**.

Minimising noise wherever possible is not eliminating noise and we know noise will have an impact on numerous species as mentioned above.

A ‘tool-box’ is merely an administrative control, a very weak form of mitigation. Tool boxes rely on human behaviour, they do not stop noise, pollution, vibration.

The Appellant relies on a future Construction Environmental Management Plan, but no draft exists. There are no method statements for working adjacent to **Ancient Woodland**, no assessment of sediment mobilisation, no pollution pathway analysis, and no machinery movement plan.

A CEMP cannot prevent sudden pollution events, and enforcement is notoriously difficult. We consider it impossible to imagine a construction phase of this scale, on

this slope, without deterioration. On construction impacts alone, we believe Paragraph 193(c) is engaged.

Turning to the operational phase, the risks continue.

Hydrology will be permanently altered. Surface water that currently infiltrates across the site will instead be intercepted, stored, and discharged at 6.2 litres per second into a watercourse flowing directly into Shepley Mill Wood and then on down into Hartley Bank Wood.

This is not replicating what happens now. Government guidance warns that changes to drainage and water tables can cause deterioration of **Ancient Woodland**.

These systems depend on stable, undisturbed hydrology. Even small shifts can cause long-term harm. Hydrological change is alteration of infiltration, flow paths, and moisture regimes.

There is also the issue of surface water contamination.

The Appellant proposes permeable-paving (on driveways: not on roads and pavements) and downstream defenders as filtration systems.

All such systems require regular maintenance. This is equally true for the permeable paving which without maintenance, suffers dramatic decline in efficiency, falling to around ten percent after ten years.

These systems do not filter dissolved substances such as car-wash residues, garden chemicals, or domestic pollutants. Nor do they necessarily intercept all suspended solids.

In short, no matter what mechanisms are deployed, run-offs will always contain certain levels of contaminants.

All of these will enter the woodland. Pollutants will accumulate in woodland soils, altering pH, nutrient cycles, and microbial communities.

This is a critical point.

Ancient Woodland soils are unique because microbial communities have developed over centuries without disturbance, and any disturbance can take centuries to recover.

Air pollution is another pathway of deterioration. Nitrogen oxides, ammonia, and particulates from vehicles and domestic heating settle on leaves and soils, enriching nutrient-poor woodland soils.

This favours aggressive species such as nettles and brambles, which outcompete **Ancient Woodland** flora.

Brake dust and tyre wear introduce heavy metals such as copper, zinc, and cadmium, which accumulate in soils and harm invertebrates.

Hydrocarbons from exhausts and oil leaks contaminate soil and water. On a steep slope, these pollutants move quickly into the woodland.

Dust barriers only stop large particles, they do not stop airborne particulates or sediment movements on steep slopes.

Lighting spill is another form of deterioration. **Ancient Woodland** has evolved under stable, low-light conditions.

Artificial light disrupts nocturnal species, alters predator–prey dynamics, affects navigation and foraging, and interferes with plant growth cycles.

Light spill extends edge effects deeper into the woodland, degrading interior habitat quality. Light spill cannot be eliminated. Even low-level lighting causes deterioration in **Ancient Woodland**.

Recreational pressure will increase. More people mean more footfall, more soil compaction, more trampling of ground flora, and more disturbance to wildlife. These impacts accumulate over time and are well-documented.

Edge effects are also significant.

Development exposes woodland edges to increased light, wind, temperature fluctuations, pollution, and human disturbance, resulting in the ancient soil drying out and shade dependent flora such as bluebells dying.

These changes penetrate tens of metres into the woodland and are irreversible. They are a recognised form of deterioration under the NPPF.

The Appellant has consistently attempted to downplay the impact on the **Ancient Woodland.**

In their Ecological Impact Assessment, they claim the **Ancient Woodland** will not be directly affected by the proposed development and that there is only potential for indirect impacts, such as recreational pressure and a bit of noise.

In our view, this implies a complete disregard and understanding of what an **Ancient Woodland** is. These irreplaceable habitats are exactly that, **irreplaceable**.

As stated above, there are several ways in which Shepley Mill Wood will be **directly** affected by this development both during construction and during the ongoing operational phase. The factors that cause it are **cumulative**.

We must also consider domestic cats. It might seem a trivial point and the Appellant sought to dismiss it, but research indicates that fifty new houses will likely introduce around twelve cats.

Research also shows that cats are among the most damaging invasive predators on Earth.

Based on researched kill rates, these cats could despatch between around seven hundred and around one thousand seven hundred birds, reptiles, and mammals in a single spring and summer five-month season. Cats do not respect buffer zones.

This kill rate would continue each year for the lifetime of the development. The Appellant sought to argue that the **Ancient Woodland** would consistently and routinely recover from such predation.

We disagree and think, too, that this is to miss the point.

This is that the birds, animals and reptiles in an **Ancient Woodland** are as much a part of the 'irreplaceable habitat' as the trees themselves. In other words, were newly introduced cats from the development to kill any of those birds, animals and reptiles, that would constitute clear 'deterioration' under paragraph 193 (c) NPPF 2024.

Finally, the Appellant's ecological surveys were carried out in December and February, when reptiles, dormice, bats, invertebrates, and many protected species are undetectable.

Their own experts acknowledge this was suboptimal, yet they still conclude impacts are low. You cannot conclude low impact when you have not surveyed at the right time of year.

Sir, every pathway of deterioration recognised by Natural England and the Woodland Trust is present here: hydrological change, pollution, compaction, lighting, recreational pressure, edge effects, invasive species, and predation.

These impacts are not speculative; they are predictable, well-evidenced, and in many cases unavoidable. **Ancient Woodland is irreplaceable habitat**. **Once damaged, it cannot be restored**.

Paragraph 193(c) is clear. **Development resulting in the loss or deterioration of irreplaceable habitats should be refused.** There are no wholly exceptional reasons. The risks are significant, the impacts are inevitable, and the policy test is failed.

2. HIGHWAY FUNCTION AND SAFETY – STONE WOOD LANE

Since the Pre-Application Inquiry, the LPA has been clear that Stone Wood Lane cannot accommodate further traffic unless substantial highway improvements are delivered.

Our view is that the road is already operating at capacity, and the Appellant's very limited upgrades to existing passing places do not come close to offsetting the deterioration in highway function and safety that further traffic would cause on this highly sensitive route.

The Appellant is only able to offer very minor improvements to already existing passing places. The improvements are based on a survey conducted after the vegetation lining the road had received a very vigorous trim.

Some of the existing passing places referred to in Mr Owen's evidence do not exist in summer. This can be seen from the stark contrast between the photograph of Mr Owen's Existing Passing Place 7 with that given in the top panel of Figure 6 of Proof of Evidence, which are remarkably the very same piece of road.

The LPA consider the proposed improvements to be inadequate. Moreover, no new passing places are offered and 700m of Stone Wood Lane remain single-track. No improvements are made to the section of Stone Wood Lane that goes through the Ancient Woodland.

This includes the most problematic part of the road, an extended 151m single-track section, for which no improvements are offered. The severity of this matter is compounded by the fact that this section contains a blind bend and severe gradients, and, like the rest of the road, has no street lighting and is not gritted in winter.

We agree with the Appellant that most pedestrians use Stone Wood Lane to access the Ancient Woodland rather than to walk to the Co-op.

These walkers, including children from the proposed development who cannot enter the woodland directly due to fencing, will gain no benefit from the Appellant's proposals. They will still meet an increased number of vehicles.

Horse riders face identical risks, and cyclists remain exposed to head-on collisions at the blind bend above the woodland, where visibility is poor and braking distances are short.

These users experience only harm, not benefit, from increased traffic.

Because the proposed improvements are so limited, the Appellant's case depends on downplaying the real-world difficulties of Stone Wood Lane. They dismiss the harms from additional traffic as immaterial.

However, the view of the LPA and many of the 307 objectors is that Stone Wood Lane is already operating at capacity and cannot sustain further traffic volumes.

The scene Mr Darwin describes from his site visit is one of a road under severe strain. He describes superminis squeezing past one another at one of the substandard passing places - a passing place that doesn't even exist in summer when vegetation spills into the road.

He describes the chaotic and stressful scenes in which two vehicles meet along the extended single-track section through the woods. He describes one of the typical standoffs that result when drivers are put on the spot to perform challenging reversing manoeuvres whilst dealing with severe gradients and limited visibility.

In this case, the drivers were fortunate to have not been met by another vehicle. This would have compounded the difficulties and potentially led to queues of cars – a scene well known to residents of Stocksmoor.

He describes being passed close by and at speed by drivers unwilling to slow down even in the presence of a vulnerable road user, perhaps out of a desperation to clear the extended single-track section quickly enough to avoid a potentially stressful encounter with another vehicle.

What Mr Darwin describes occurs every day on Stone Wood Lane in peak hours. 15% of residents find this all too stressful. The other 85% of residents go to Shepley via Stone Wood Lane as it is the most direct route but do so with trepidation.

This same survey, mentioned by Mr Sager and Mr Darwin, reveals that 58% of the 120 respondents had either been involved in, or seen, an accident on Stone Wood Lane. This is hardly surprising in light of Mr Darwin's account of the road.

The Appellant has advanced numerous arguments to underplay the above issues. However, the Appellant's own travel plan from their first traffic consultant recommended that residents avoid Stone Wood Lane and use a longer route via Dam Hill.

This is a clear admission that the road is already substandard for current traffic. It stands in stark contrast to Mr Owen's personal opinion that Stone Wood Lane is a typical unintimidating rural road.

A lot has been made of the Accident Data and the fact that in 15 years not one personal injury has been reported. This does not mean that Stone Wood Lane is a safe road for all users. This data does not record accidents without personal injury.

It does not record near misses. It does not record scrapes. It does not record confrontations. These happen on a regular basis, as evidenced by the survey.

The two recorded collisions in the last five years involved impacts severe enough that serious injury was avoided only by good fortune. Since Stone Wood Lane is a shared space between motorists and active travel users, these loss of control incidents are of particular concern.

The Appellant's case to underplay the impact of the intensification of traffic involves the use of a predicted vehicle count of 7 additional vehicles along Stone Wood Lane per peak hour.

This figure represents one of the predictions of one of their three traffic consultants, who arrived at predictions that ranged from 0.7 to 16-19 to 7. That three consultants with excellent credentials can arrive at such different figures calls into question the robustness of Mr Owen's figure.

Again, little confidence can be placed on an empirical survey that was not undertaken in good practice and was based on a sample of dwellings that, whilst large, was not representative of future residents of the proposed development.

Mr Owen's analysis ignored the strong draw of two nurseries in Shepley, which will generate additional peak-hour trips due to expanded government childcare provision. Under a reasonable future scenario that five families make return trips to the nurseries in peak hours, Mr Owen's figure of 7 is elevated to 17, and thus in line with the figure of 16 that the LPA considers more robust.

There are certainly good reasons to believe that Mr Owen's figure is an underestimate, and his figure is not robust in terms of all reasonable future scenarios.

Indeed, Mr Johnson, for the Appellant, added in his defence of Stocksmoor being a sustainable location, that many people from the new development are likely to work from home and use delivery vans for their shopping, which is further indication of there being additional traffic beyond the predicted 7 in the future.

Having arrived at their prediction of an additional 7 vehicle movements along Stone Wood Lane per peak hour, the Appellant concludes that this is an evidently immaterial increase.

They do not engage with the possibility that Stone Wood Lane is already operating at capacity. Nor do they attempt to understand the implications of this increase in traffic volume.

Given that the LPA have been clear that they consider Stone Wood Lane is unsuitable for further intensification of traffic, we consider this to be a glaring omission and believe that the Appellant has only conducted part one of a two-step analysis.

The LPA have referenced that a 5-10% increase in traffic volume on sensitive roads can be significant. The Appellant has not sought to engage with this argument at any stage in this inquiry.

evidenced several ways in which even the Appellant's additional 7 vehicle movements per peak hour may have significant implications on highways function and safety.

observed from the ATC data that traffic volumes were consistently high during peak hours on Tuesdays, Wednesdays and Thursdays.

He then asserted that if this development were to go ahead, midweek traffic along Stone Wood Lane would consistently exceed 100 vehicles per hour unless three favourable scenarios aligned.

These being:

1. We should ignore the consistently high midweek traffic volumes from the survey.

2. The base flow increase of 5% will not apply to midweek traffic.

3. Additional traffic from the development will not exceed the Appellant's figure of 7.

The Appellant did not challenge this analysis and instead reframed it as occurring on "three days out of seven." This confirms the LPA's concern that vehicles will dominate the road during peak periods.

also sought to understand the implications of additional traffic volumes in terms of the number of vehicle conflicts.

His analysis was dismissed by the Appellant on the grounds that vehicle conflicts are not a measure of harm.

The number of vehicle conflicts per peak hour is indeed not a measure of harm, in the same way that the total number of vehicles per peak hour is also not a measure of harm.

However, the number of vehicle conflicts per hour should more correctly be viewed as a measure of frequency of harm.

The dramatic percentage increases in vehicle conflicts even under the Appellant's figure of 7 additional vehicles per peak hour cited by were not challenged by the Appellant.

Instead, they elected to assert that some of the absolute increases were small and therefore immaterial. We wish to challenge this point.

Given the sensitive nature of Stone Wood Lane, the dramatic percentage increases cannot be simply dismissed.

Moreover, the increases in the total number of vehicle conflicts per peak hour, as reported in Table 4 of Proof of Evidence, are not minor.

Per peak hour, there are 5 to 7 additional vehicle conflicts under the Appellant's projections. Since each vehicle conflict involves 2 vehicles, the number of vehicles involved in conflicts would rise by 10 to 14. These figures cannot be dismissed as insignificant.

The increase in the number of multi-vehicle conflicts along the extended single-track section through the wood may appear small on first inspection, as Mr Sager asserted during cross examination.

However, a closer inspection reveals a substantial impact in absolute terms.

To see this, let's consider the increase in the number of four and five vehicle conflicts in the PM peak based on adding the Appellant's projected additional 7 vehicle movements to the maximum weekday traffic flow, as given in Table 6 of Proof of Evidence.

Under this scenario, the expected number of four and five vehicle conflicts are 1.83 and 0.49 per peak hour.

It is a fact that a four-vehicle conflict involves four vehicles. Thus, the total number of vehicles that experience a four or five vehicle conflict is around 10, since 4x1.83+5x0.49=9.77.

We say that a future scenario in which 10 drivers must endure such a stressful scenario during the busiest peak hours is unacceptable and indicative of a road with highway function that has been impaired to an almost intolerable level.

The analysis of thus confirms what residents instinctively know. That is that Stone Wood Lane is at capacity and simply cannot cope with further traffic volumes.

In summary

Stone Wood Lane is already under severe strain, with traffic levels far too high for a road of its constrained geometry and shared-space function. That is why the LPA, supported by many of the 307 objectors, considers it unsuitable for any further traffic.

Unlike the Appellant, we have examined the real implications of the additional vehicle movements. Even on their own figure of seven extra trips per hour, the effects are substantial and would lead to an unacceptable deterioration in highway function and safety on this highly sensitive route.

The Appellant's marginal passing-place improvements do not come close to offsetting that harm.

Therefore, with reference to NPPF paragraph 116, there would be an unacceptable impact on highway safety and the impacts on the road network would be severe.

3. SUSTAINABILITY

A further aspect of our case is the question of **sustainability.**

Sustainable development requires the delivery of significant benefits across social, economic, and environmental dimensions.

This development does not.

From a **Social** aspect, the development proposes the minimum number of affordable housing.

The provision of open space is offered as a benefit. Stocksmoor is already surrounded by open space, fields, and woodlands.

This development adds minimal social benefits.

From an **Economic** aspect, the Appellant claims jobs will be created as a result.

We disagree.

The Appellant is a national company, using national contractors, not local businesses.

There is nowhere in Stocksmoor for the new residents to spend their money.

From an **Environmental** aspect, we have already heard of the significant damage to the local Ancient Woodland, the local habitat, and the local wildlife.

From a sustainable **Travel** aspect, Stocksmoor fails this test too.

The steep gradients on all four exit roads make active travel (by bicycle or by walking) unrealistic for most people.

There is no school, no shop, no GP surgery, no pharmacy, no dentist, no post office, no employment – zero amenities.

The Appellant cites the railway station, but usage data shows that on average **fewer than 2 passengers per train get on or off at Stocksmoor.** If the train was useful and cost-effective, Stocksmoor people might use it, but on the whole, they do not. Just because a village has a railway station does not automatically make it a sustainable location.

The bus service is infrequent and does not go to the nearest amenities in Shepley. To access these amenities you either have to drive or walk a two mile round trip along Stone Wood Lane, an unsafe highway.

Residents must leave Stocksmoor for almost every daily need.

This is the opposite of sustainable development.

Over 97% of Stocksmoor residents have a car; the only ones that do not are residents in their 90s.

Over 75% of households in Stocksmoor have 2 or more cars – the demographics of the proposed development will most likely mirror this.

This is a **car dependent location** by any reasonable measure and cannot therefore be described as sustainable.

Stocksmoor is not a sustainable location for a development of this scale.

4. FLOOD RISK, POLLUTION RISK (UNSUSTAINABILITY) AND ANCIENT WOODLAND DETERIORATION RISK IN THUNDERBRIDGE CAUSED BY THE DEVELOPMENT

In Thunderbridge, a very different set of risks engage NPPF 2024 provisions:

- increased land flooding risk on the Garganey Trust nature reserve (contrary to para. 181 NPPF 2024)
- … with greater pathogenic, ammonia and nutrient toxicity than now (contrary to paras. 8 (c), 187(e) and 198 NPPF and
- significant volumes of these more toxic outflows drain back into Thunderbridge Dike and make hydrological contact with the Ancient Woodland (Lower Hartley Bank Wood) as the Dike runs contiguously alongside it for over 500 metres (engaging para,193 (c) NPPF 2024)

With concerns about the combined sewer's capacity, Yorkshire Water insisted that they would only allow the sewer to accept foul flows from the development.

In operation, foul flows from the 50 new houses would therefore join the surface and foul water flows from the 180 existing houses.

Storm events **already** generate both CSO spills and ground flooding from manhole covers on Garganey Trust land (which our video to the inquiry showed).

The new foul flow (at 1.9 l/s) into the combined sewer sets a new starting level, with the result that storm event surcharges will commence earlier and end later.

Whilst these effects might only be measured in minutes (albeit 7 or 8 times a year), the net effect would nevertheless be to 'increase flood risk elsewhere' (contrary to para. 181 NPPF 2024).

In operation, the new combined sewer flow would also be more toxic because the foul flows from 50 new houses (but not the surface water flows) would be added to the combined sewer throughputs.

The Appellant seeks to argue that combined sewer flooding is simply caused by heavy rain and that the addition of foul flows from a further 50 houses would have nothing at all to do with it or would be insignificant.

We disagree.

SAFEGUARDED LAND

The Inquiry asked the parties what assessment had been made in relation to Ancient Woodland, sustainability and flood risk during the processes relating to safeguarded land.

We wish to flag that we responded by saying that Core Document 6.8 (an excerpt from the Schedule of Safeguarded Land Sites) contained no reference to 'Ancient Woodland', although the other parties observed that it did talk about the Upper and Lower Stones Wood Local Wildlife Site. On that, we said that whilst Ancient Woodland was 'irreplaceable habitat', a Local Wildlife Site was not.

CONDITIONS

Before we conclude we would like to make a point about the Conditions.

As a Rule 6 Party, we have not been involved in the compilation of these Conditions and we understand this is a normal part of the Planning Process.

We would however, like to express our grave concerns over the monitoring, the policing, and the adherence to such conditions should the development go ahead.

To take a couple of examples:

Stocksmoor is a tiny village with difficult access from various routes. Whilst we have no doubt the Appellant will instruct construction vehicles to conform to the routes agreed, we believe this will be extremely difficult to monitor and police on a daily basis.

We have already seen how difficult it must be with the recent delivery of the bore hole rig and this was just one vehicle against the hundreds that will trek to the site over several months.

If the appeal is accepted, the risk to the Ancient Woodland will be significant. The Appellant has described various mitigation measures during both the construction phase and post construction.

Failure of any of these results in immediate and ongoing harm, loss and deterioration of the Ancient Woodland.

CONCLUSION

Sir, the evidence heard throughout this Inquiry leads to the following conclusion:

The proposal would cause significant and irreversible harm to Ancient Woodland and hence Paragraph 193c applies. Paragraph 193(c) of the NPPF is triggered by **any** loss or deterioration of an irreplaceable habitat such as Ancient Woodland.
There is **no requirement** for the deterioration to be significant, major, or substantial.

There is an unacceptable deterioration in highway function and safety.

Stocksmoor is a location that fails all key sustainability tests.

Unacceptable flood risk, pollution risk, and Ancient Woodland deterioration in Thunderbridge.

For all these reasons, we respectfully invite you to dismiss this appeal.