



Barton Hyett Associates
Arboricultural Consultants

LAND AT BIRD IN EYE FARM, UCKFIELD

PROOF OF EVIDENCE ON ARBORICULTURAL MATTERS

Prepared by: Richard Hyett. MSc, BSc (Hons), MArborA. MICFor

ON BEHALF OF CROUDACE HOMES LTD

APPEAL REF: APP/C1435/W/22/3307820

LPA REF: WD/2021/2198/MAO

DATE: 14TH AUGUST 2023

REPORT REFERENCE: BHA.C3574_POE_RH

Barton Hyett Associates Ltd | Arboricultural Experts

www.barton-hyett.co.uk

01386 576161

Planning | Development | Renewable Energy | Education | Estates | Hotels and Leisure

Registered office: Suite 5E, Deer Park Business Centre, Eckington, Pershore, Worcestershire, WR10 3DN

Company Reg No: 7110670 Registered in England and Wales.

CONTENTS:

Page No:

1.	QUALIFICATIONS AND EXPERIENCE	1
2.	INTRODUCTION	2
3.	SITE, VETERAN TREES AND NIGHTINGALE SHAW (ANCIENT WOODLAND)	4
4.	RELEVANT PLANNING POLICY	7
5.	WDC STATEMENT OF CASE	10
6.	DRAINAGE	11
7.	BUFFER ZONES	12
8.	PROVISION OF PATH IN ANCIENT WOODLAND	17
9.	LIKELIHOOD OF RECREATIONAL DISTURBANCE/DAMAGE	20
10.	THE ALLEGED LOSS OF ANCIENT WOODLAND	22
11.	THE ALLEGED EFFECT OF THE DEVELOPMENT ON VETERAN TREES	22
12.	SUMMARY ASSESSMENT OF POTENTIAL HARMFUL FACTORS	24
13.	CONCLUSION	24

APPENDICES

APPENDIX 1: TREE SURVEY AND CONSTRAINTS PLAN

APPENDIX 2: MOORTHORPE WAY TREE PROTECTION PLAN

APPENDIX 3: WARISH HALL LANDSCAPE STRATEGY PLANS

APPENDIX 4: VETERAN TREES (G9) - DETAILED PLAN

APPENDIX 5: SUMMARY TABLE OF EFFECTS ON ANCIENT WOODLAND/VETERAN TREES

1. QUALIFICATIONS AND EXPERIENCE

- 1.1. I am Richard Hyett. I hold a Master of Science degree in Arboriculture and Urban Forestry, a Bachelor of Science degree (Honours) in Geology and a Technicians Certificate in Arboriculture. I am a professional member of the Arboricultural Association and a professional member of the Institute of Chartered Foresters holding Chartered Arboriculturist status since 2015.
- 1.2. I have wide ranging experience in all aspects of Arboriculture, gained over the last 19 years, which includes working as a Principal Arboricultural Officer within a Local Planning Authority, as the Head of Arboriculture at a national multi-disciplinary planning and environmental consultancy, and for the last 7 years as a Director at Barton Hyett Associates.
- 1.3. I have considerable experience of a wide range of development projects from householder applications to major urban expansions and Nationally Significant Infrastructure Projects (NSIPs) and Developments of National Significance (DNS) within Wales. My experience includes dealing with sites that are the subject of statutory landscape designations and Tree Preservation Orders, as well as non-statutory tree and landscape designations. I also have experience of presenting evidence at public inquiries and hearings in relation to arboricultural matters.
- 1.4. As a professional arboriculturist, I undertake my work in accordance with the Institute of Chartered Foresters 'Code of Ethics' and the Arboricultural Associations 'Code of Ethics and Code of Conduct'. The evidence which I have prepared and provide for this appeal reference within this proof of evidence is true and has been prepared in accordance with the guidance of my professional institutions and I confirm that the opinions expressed are my true and professional opinions.

2. INTRODUCTION

- 2.1. I am instructed by Croudace Homes Ltd (the Appellant) to present evidence relating to arboricultural matters in respect of the non-determination of an outline planning application for residential development on land to at Bird in Eye Farm, Uckfield.
- 2.2. In presenting my evidence I explain why the proposed development is acceptable in arboricultural terms by addressing the relevant matters set out in Statement of Case (CDC.4) prepared by Wealden District Council (WDC).
- 2.3. A Statement of Common Ground (SofCG) has been prepared by the Appellant (CDD.3) in conjunction with WDC.

Scope of evidence

- 2.4. My evidence addresses the arboricultural matters set out in putative reason for refusal 2 (RfR2) which highlights concern over the effect of the development on the adjacent ancient woodland at Nightingale Shaw and veteran trees. RfR2 states:

'The development proposals would result in indirect and direct degradation and loss of ancient woodland, an irreplaceable habitat, and lead to the unacceptable fragmentation, isolation and disturbance of natural habitats that support protected wildlife species and other flora and fauna of acknowledged nature conservation importance. In addition, the development would threaten, harm and cause degradation to veteran trees, an irreplaceable habitat'.

' The scheme is contrary to National Planning Policy Framework 2021, section 180c, Natural England Standing Advice, ancient woodland & veteran trees and saved policies EN1, EN12, EN13 and EN15 of the Wealden Local Plan 1998 and Wealden District Core Strategy Local Plan 2013, policy WCS12 Biodiversity and WCS14 sustainable development'.

- 2.5. Therefore, the focus of RfR2 is:
- (i) indirect and direct degradation of Ancient Woodland;
 - (ii) loss of ancient woodland;
 - (iii) fragmentation of natural habitats; and

(iv) the effect of the development on veteran trees.

- 2.6. Associated matters relating to ecology are being dealt with in the evidence of Mr. Rose and matters relating to drainage are being dealt with by Ms. Hensler. Where relevant I will cross reference to this evidence. Matters relating to planning are dealt with in the evidence of Mr. Brown.
- 2.7. My evidence will demonstrate, in arboricultural terms, that the proposed development will not result in the direct loss of ancient woodland nor the direct or indirect degradation in ancient woodland. I will also set out why the proposed development will not threaten, harm or cause degradation to veteran trees. The matter of fragmentation of natural habitats will be addressed in the evidence of Mr Rose.
- 2.8. Where necessary, I refer to and draw upon relevant information from the Core Documents and reference appropriately where used. In presenting my evidence I do not unnecessarily repeat significant amounts of information particularly where this has been stated elsewhere.

Key documents on arboricultural issues

- 2.9. Below I set out the key Core Documents that relate to arboricultural issues.
- CDA.5 - Illustrative Site Layout Plan No. PRB/BIE/PA2S
 - CDA.3 - Design and Access Statement
 - CDA.8 - Landscape Strategy and SANG Design Plan
 - CDA.20 - Ecological Impact Appraisal
 - CDA.26 - Arboricultural Impact Assessment
 - CDB.13 - WDC Tree and Landscape Officer consultation response – 12 Nov 2021
 - CDB.17 - WDC Tree and Landscape Officer consultation response – 08 Dec 2021
 - CDA.35 - BHA Arboricultural Response Note - 29 Nov 2021
 - CDB.16 - WDC Biodiversity Arboriculture Officer consultation response - 30 Nov 2021
 - CDB.12 - Natural England consultation response – 10 Nov 2021
 - CDB.26 - Natural England consultation response 23 Mar 2022
 - CDB.20 - Forestry Commission consultation response – 21 Dec 2021
 - CDB.21 - Forestry Commission consultation response – 6 Jan 2022
 - CDD.3 – Final Agreed SofCG on ancient woodland
 - CDC.4 - Wealden District Council Statement of Case and appendices - June 2023
 - CDL.1 -The National Planning Policy Framework - 2021
 - CDK.10 - Appeal Decision – Land at Warish Hall Farm - 2022
 - CDK.9 - Appeal Decision - Land at Moorthorpe Way - 2021
 - CDG.3 - Ancient woodland, ancient trees and veteran trees: advice for making planning decisions: 14 January 2022 (Standing Advice)

3. SITE, VETERAN TREES AND NIGHTINGALE SHAW (ANCIENT WOODLAND)

Site:

- 3.1. A full description of the site and its surroundings is available within the submitted Design and Access Statement (CDA.3).
- 3.2. The Tree Survey and Constraints Plan that was prepared to inform the proposed development, and included within the submitted AIA report (CDA.26), is included in Appendix 1.

Veteran Trees:

- 3.3. In national planning policy terms, a veteran is *'a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value'*.
- 3.4. Three veteran trees were identified on site. These trees have been identified as veterans by virtue of their large stem girths (as per Fig. 1.3 in Lonsdale, 2013¹). They have also been assessed as being veterans by using the characteristic features found on veteran trees (in para. 2.1.1 in Read, 2000²). These features include retrenching crowns, deadwood, fungal fruiting bodies, epiphytes etc.
- 3.5. The first veteran is a mature common ash tree (T6) that is located on the north side of Nightingale Shaw. The remaining two are close grown mature English oaks which together are identified as G9. The oaks are located offsite to the east of the site and within an existing farm yard area.

Nightingale Shaw:

- 3.6. Nightingale Shaw is described in more detail within the submitted Ecological Impact Appraisal (CDA.20) and Arboricultural Impact Assessment (CDA.26). Nightingale Shaw is identified as W1 and W2 within the submitted Arboricultural Impact Assessment (CDA.26) and on the plan at Appendix 1.
- 3.7. Nightingale Shaw is defined as Ancient Semi-Natural Woodland (ASNW) within the Natural England Ancient Woodland inventory. Inclusion on the inventory is primarily based on a desk top assessment of historic maps that must show continual woodland coverage since 1600. It is

¹ Lonsdale, D. (ed.) (2013). Ancient and other veteran trees: further guidance on management. London: The Tree Council

² Read, H. 2000. Veteran Trees: A guide to good management. London: English Nature.

not clear in the case of Nightingale Shaw, if Natural England have carried out any ground truthing of their findings. I refer to ASNW as 'ancient woodland' throughout my evidence.

- 3.8. Nightingale Shaw is a broadleaved³ woodland primarily comprised of English oak, common ash, alder, sycamore and hazel. The woodland has varied lateral/horizontal structure⁴ and stark margins (see Figure 1). Although, it is established that Nightingale Shaw has been present for many years, the woodland has been managed over the centuries and as such contains very few particularly aged trees given its ancient semi-natural woodland (ASNW) status.
- 3.9. Within paragraph 5.8, and in Appendix 7, of the WDC SoFC (CDC.4) it is stated that Nightingale Shaw is also on DEFRA's 'Priority Habitat Inventory - Deciduous Woodland (England)' and that the entry on the Inventory covers a wider area than the boundary of the ancient woodland. The fact that Nightingale Shaw is included in the Priority Habitat Inventory is not in dispute. However, for clarity, as shown in WDC's Appendix 7, the northern extent of the woodland (where it is closest to the proposed development) as shown in the Priority Habitat Inventory and the Ancient Woodland Inventory are broadly the same. The difference in the two Inventory entries occurs adjacent the southern SANG land where 'Priority Habitat Woodland' lies outside of the ancient woodland. Unlike ancient woodland, woodland included in the Priority Habitat Inventory has no additional status in National Planning Policy terms.

³ Woodland primarily comprised of deciduous broadleaf species and not needle bearing coniferous trees.

⁴ Horizontal structure refers to the horizontal spatial distribution of trees and other vegetation across a woodland e.g. one extreme, are even-aged plantations which have uniform horizontal structure and stark margins



Figure 1: A photograph looking west along the northern edge of Nightingale Shaw. The image shows the stark edge to the woodland with no grading or variation in woodland edge vegetation. Graded margins provide more ecologically valuable habitats. Note the rough pasture, with stock fences, currently used for the grazing of horses.

- 3.10. Nightingale Shaw has been used for many years by current and past owners, occupiers and others, as evidenced by the presence of paths around the woodland. The positive impacts on the mental and physical well-being of people being able to access woodlands for recreational purposes are now well researched and documented.

4. RELEVANT PLANNING POLICY

- 4.1. Planning policy is being considered within the evidence of Mr Brown, and he also deals with the issue of weight to be attached to policies, but I have set out the planning policy context relevant to RfR2 and those local plan policies that have a bearing on arboricultural matters with regards to this development.

Local Plan Policy - Wealden District Council Local Plan 1998:

- 4.2. Policy EN1 is stated within RfR2. The policy states:

'EN1 The Council will pursue sustainable development, having regard to the principles contained in Government guidance and its own Strategy for the Environment, in considering the location, layout and design of development, renewable energy and waste management proposals and in assessing the effects of proposals on the environment, including on water and air quality'.

- 4.3. With regards to policy EN1, and in arboricultural terms, the proposed development is appropriate and meets the requirement of this policy with regards to 'location, layout and design' in so far as the constraints posed by the arboricultural features associated to the site have been carefully considered and the layout provides for appropriate distances between retained woodland and the proposed development.

- 4.4. Policy EN12 is stated within RfR2. The policy states:

'EN12 The Council will seek to retain and enhance the contribution of trees and woodland areas to the landscape character of the District, including the amenity value of trees in built up areas. This will be promoted by:-

- (1) endorsement of the principles and guidelines contained in the Trees and Woodland Strategy for East Sussex;*
- (2) support for the preparation of local Trees and Woodland Conservation and Management Plans;*
- (3) encouragement for woodland management through participation in tree and hedgerow planting schemes by farmers, voluntary organisations and others, and where appropriate, as part of development proposals;*
- (4) making Tree Preservation Orders where appropriate to protect trees and woodland areas of significant amenity value;*
- (5) giving weight to proposals, including business proposals, that help to sustain and manage forestry and woodland areas when considering them against other policies of the Plan;*
- (6) resisting development proposals which would result in the loss of trees which make a valuable contribution to the character of the landscape, a settlement or its setting.'*

4.5. With regards to policy EN12, and in arboricultural terms, the proposed development is compliant with the policy as it appropriately incorporates trees and woodland in to the site layout except where minor tree loss is required (i.e. to the east of the proposed main access, in order to achieve the necessary visibility splays) and has been accepted by WDC. With regards to the contribution of the trees and woodland to landscape character of the District, I understand matters relating to landscape character are not contested.

4.6. Policy EN13 is stated within RfR2. The policy states:

'EN13 The Council will resist development proposals that involve the clear felling or otherwise prejudice the ecology of Ancient Semi-Natural Woodlands, as defined by English Nature.'

4.7. With regards to policy EN13, and in arboricultural terms, the proposed development as set out in the appeal submission, is compliant with this policy as no Ancient Semi-Natural Woodland is to be clear felled nor removed in part.

4.8. Policy EN15 is stated within RfR2. The policy states:

'EN15 The Council will seek to safeguard designated nature conservation sites by resisting development or land use changes which would be likely to adversely affect their nature conservation value. The weight to be afforded to nature conservation interests will have regard to their status:-

(1) Within Ashdown Forest SSSI and Special Protection Area for Birds, and Pevensey Levels SSSI (proposed "Ramsar" site), development which would be likely to have an adverse effect on the nature conservation interest will not be permitted, unless otherwise in accordance with international obligations.

(2) Within SSSIs, including Lullington Heath NNR, as shown on the Proposals Map, development which would be likely to have an adverse effect on the nature conservation interest will not be permitted unless there is no reasonable alternative means of meeting the development need which also outweighs the nationally recognised nature conservation interest.

(3) Development which would be likely to have an adverse effect on a Local Trust Reserve or a Site of Nature Conservation Importance will not be permitted unless it can be demonstrated that the need for development outweighs the identified nature conservation interest and that there are no reasonable alternative means of meeting that development need.

In all cases, every effort should be made to minimise any damage to the nature conservation interests. Where appropriate, conditions and/or planning obligations may be used to provide appropriate compensatory measures'.

4.9. Compliance with ecology elements of policy EN15 is dealt with in the evidence of Mr Rose.

Local Plan Policy - Wealden District Core Strategy Local Plan 2013:

4.10. Policy WCS12 is stated within RfR2. The policy states (as amended in 2015):

'In order to avoid the adverse effect on the integrity of the Ashdown Forest Special Protection Area and Special Area of Conservation it is the Council's intention to reduce the recreational impact of visitors resulting from new housing development by creating an exclusion zone of 400 metres for net increases in dwellings in the Delivery and Site Allocations Development Plan Document'

4.11. Matters relating to the compliance with policy WCS12 are dealt with by other witnesses.

4.12. Policy WCS14 is stated within RfR2. The policy states:

'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- Specific policies in that Framework indicate that development should be restricted.'*

4.13. Matters relating to the compliance with policy WCS12 are dealt with by Mr. Brown.

National Planning Policy Framework 2021 (NPPF) (CDL.1)

4.14. RfR2 refers to paragraph 180(c) of the NPPF. Paragraph 180(c) states:

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

4.15. It is my view, that the proposed development is NPPF compliant. No loss of ancient woodland is proposed, and no detrimental impacts to the trees within ancient woodland, or veteran trees outside of it, need occur. It is also the case that an appropriate and informed woodland buffer,

which reflects the Standing Advice (CDG.3) and is relevant to the site context and the identified constraints, has been provided. I explore below in more detail the issue of compliance with the Standing Advice.

5. WDC STATEMENT OF CASE (CDC.4)

- 5.1. The WDC SofC (CDC.4) adds background behind the reasoning of RfR2. The SofC is helpful in understanding WDC's position with regards to ancient woodland and veteran trees. I will address the points raised in the SofC as they relate to RfR2. Firstly, I set out some points of clarification on the WDC SofC.
- 5.2. Paragraph 5.21 of the WDC SofC refers to the submitted arboricultural impact assessment (AIA). This paragraph suggests that the submitted AIA (CDA.26) was subject to a later amendment in order to rectify an inadequacy with regards to the veteran tree buffer applied to T6. This is incorrect as only one version of the AIA was submitted as part of the application and this shows the veteran tree buffer for T6 being 21m radius and calculated in accordance with the Standing Advice.
- 5.3. Paragraph 5.21 highlights potential anomalies in the constraints mapping around veteran trees by conflating root protection areas (RPA's) and veteran trees buffers (VTB's). There are no anomalies and this was clarified in my Arboricultural Response Note (CDA.35) and the matter was accepted by the WDC Tree and Landscape Officer in the response (CDB.17).
- 5.4. Paragraph 5.31 of the SofC quotes the WDC Tree and Landscape Officer as sharing the view *'that the proposed solution would be wholly unacceptable and contrary to both Paragraph 180 para c of the Framework and Saved Policy EN13 of the Local Plan'*. It is not confirmed in the SofC what *'proposed solution'* is being referred to, but when cross checked against the specific comments made by the WDC Tree and Landscape Officer (Paragraph 6 of CDB.13) it is apparent that this relates to an element of development that does not form part of the appeal scheme (the original drainage outfall). There is no specific objection from the WDC Tree and Landscape Officer with regard to the appeal scheme.
- 5.5. The WDC SofC sets out at 5.14 (second paragraph) that the proposed scheme is *'likely to result in the deterioration of ancient woodland in the following material respects'*:
- through the inappropriate drainage proposals (not part of the appeal scheme)

-
- through the failure to provide adequate buffer zones
 - through the provision of a path through the ancient woodland
 - through the likelihood of recreational disturbance/damage.

5.6. I will address each the above points as they relate to arboricultural matters along with the alleged loss ancient woodland and alleged threat, harm and degradation to veteran trees in Sections 6 to 12 of my evidence.

6. DRAINAGE

- 6.1. At paragraph 5.16 WDC discuss their view on the unsuitability of an attenuation basin in the proposed location without a piped outlet. A piped outlet is proposed as part of the appeal scheme. The paragraph goes on to reproduce the Standing Advice (CDG.3) in relation of Sustainable Urban Drainage Scheme (Suds). The Standing Advice states that Suds should only be approved if *'they do not affect root protection areas'*. To confirm all the proposed Suds features and the outfall point are located outside of root protection areas. The Standing Advice also states that Suds should only be approved if *'any change to the water table does not negatively affect ancient woodland or ancient and veteran trees'*.
- 6.2. As set out in the Technical Note on hydrology at Appendix D of the evidence of Ms Hensler, (paragraph 4.3) it is confirmed that *'The new urban area covers approximately 7.5% of the total catchment area of the watercourse draining east-west through the parcel of ancient woodland to the south, and so overall this effect is not expected to be significant'*.
- 6.3. In conclusion Ms Hensler advises (paragraph 5.3) *'The impact of this change, to 7.5% of the catchment, is likely to be minor. The ancient woodland would receive a similar volume of rainfall as currently, though with a greater proportion of that rainfall being slower moving interflow'*. On the basis of the hydrological assessment there is no material change in the hydrology as a result of the proposed development. In addition, there will be no change to the hydrology of the land to south of the ancient woodland and within the SANG. Lastly, as a result of the proposed development, there will be no change in the flow input of the existing water course where it enters the ancient woodland from the east.

6.4. At paragraph 5.17 the WDC SofC states that '*major engineering*' works are proposed '*abutting the very edge the buffer*'. The location of the proposed outfall pipe is outside of the buffer and some 18m away from the ancient woodland at its closest point. The pipe route itself is 3m outside of the buffer at its closest point. This alignment allows for a suitable wayleave, (within which any future maintenance, if required, will need to take place), to be provided outside of the ancient woodland buffer. However, appropriate controls through the reserved matters process and implementation stage will still need to be adopted. These controls will ensure that the buffer and the ancient woodland beyond remain intact and are safeguarded throughout construction. The controls will include:

- the use of robust tree protection barriers, in line with the specification set out in Figure 2 of BS5837:2012 (CDG.1);
- box trench supports to achieve the 4.5m trench depth (maximum) whilst restricting the excavation to the width of the trench;
- the use of a bagged headwall (as opposed to concrete) at the outfall point;
- backfilling the trench with site won material, reinstated to match the existing soil bulk densities on site, and;
- a requirement that the works are undertaken in accordance with an appropriately detailed construction management plan and arboricultural method statement.

7. BUFFERS ZONES

7.1. At paragraph 5.19 WDC state that the siting of development so close to ancient woodland is wholly unacceptable. However, this point has never been raised directly by any statutory consultee, including the WDC Tree and Landscape Officer, the WDC Biodiversity and Arboriculture Officer, Natural England, nor Forestry Commission.

7.2. The WDC Biodiversity and Arboriculture Officer in his consultation response of the 30th November 2021 (CDB.16) stated:

'A minimum 15 metre buffer zone has been proposed from development to ancient woodland, this is greater in places and appears to have been taken account of in proposed development design'.

7.3. The WDC Tree and Landscape Officer in his consultation response of the 12th November 2021 (CDB.13) stated:

'Whilst the standard recommended 15m buffer has been allocated to the ASNW surrounding the site, given the significant size of the development, a case may be made for a bigger buffer zone in order to limit the impact to the ASNW habitat to the south and south west of the site'.

7.4. The WDC Tree and Landscape Officer did seek clarity on the buffers applied, as seen above. An explanation on the buffers was provided in my Arboricultural Response Note (CDA.35) and in the final response from the WDC Tree and Landscape Officer on the 8th December 2021 (CDB.17) the approach to the buffers was 'noted' and no objection or further comment were made.

7.5. The Forestry Commission in their consultation response of the 6th January 2022 (CDB.21) stated with regards to buffers:

'We note that the majority of the development will be sited away from ancient woodland, and we are pleased to see that buffer zones have been taken into account, and planting of trees incorporated into the buffer zones to further protect the ancient woodland'.

7.6. The appropriateness of the applied buffer zone and more importantly the distance to the proposed development, is set out in my Arboricultural Response Note (CDA.35). However, as this matter was raised explicitly within the WDC SofC I will address this point further in the following paragraphs.

Summary of buffer zone considerations highlighted within Standing Advice:

7.7. The Standing Advice states that buffers to ancient woodland may vary and that *'For example, larger buffer zones are more likely to be needed if the surrounding area is:'*

'less densely wooded'

7.8. At paragraph 5.20 of the WDC SofC it is stated *'it will be seen on the site visit that Nightingale Wood is a remnant from a much larger wooded area that is long since removed to facilitate other land-based activity'*. I have not seen that WDC have provided any direct documentary evidence that this is the case.

7.9. Of course, if one considers time back to the prehistoric wildwoods of southern England then it is likely that the site, along with the majority of southern England, was once covered in trees. However, it is accepted that the demise of the wildwood occurred during the onset of

agricultural practices during the Bronze Age likely reaching a peak in the Iron Age (Rackham, 1990⁵). The oldest map available of Uckfield (at an appropriate resolution to view the site and its surroundings woodland) is the 1841 Tithe map as shown in Figure 2. It can be seen, when compared to Figure 3, that the woodland boundaries have remained much the same for at least the last 180 years.



Figure 2: Extract from the 1841 Tithe map showing the approximate extent of the ancient woodland (Nb: due the reproduction of copies of the original Tithe map this figure is not orientated north/south)

- 7.10. Paragraph 5.20 of the SofC also suggests that the woodland along Framfield Stream is a 'fragmented' 'island' of woodland and concludes that because of this, the area surrounding the site 'can only be described as less densely wooded'. I wish to highlight that this section of woodland does indeed have connectivity with other woodland areas as shown in the aerial image in Figure 3. Even if it did lack connectivity WDC have not made clear how this would make the surrounding area less densely wooded.

⁵ Oliver Rackham: Trees and Woodland in the British Landscape (2nd edition), London,



Figure 3: Recent aerial imagery of the site showing the approximate extent of the ancient woodland (highlighted by a green line) and the other woodland in the vicinity of the site (Google 2023).

- 7.11. I put forward the case that '*less densely wooded*' within the Standing Advice actually refers to woodland cover in the vicinity. In areas that have very limited woodland cover the importance of any woodland present (as a limited resource for that particular area) may increase and therefore it may require a larger buffer. In my opinion this is a more appropriate interpretation of the Standing Advice, especially when considering this is national guidance prepared to cover all LPAs areas with varying amounts woodland cover. I would also highlight that when compared to other parts of the country Wealden and Uckfield are certainly more densely wooded. In fact, recent research carried out by Friends of the Earth⁶ found that the WDC jurisdiction has 26% tree and woodland cover which stands well above the 12.8% national average for England. This ranks WDC it 16th in the country for tree cover.
- 7.12. Notwithstanding my opinion above, the ancient woodland parcels themselves could not be described as '*less densely wooded*'. As can be seen in Figure 3 the woodland areas are very well populated with trees, with no appreciable gaps and the upper canopy trees forming full canopy closure over the woodland area. Coupled with the proposed fencing and defensive planting, I do not see how a larger buffer is indicated here, no matter the purpose of the "*less densely wooded*" bullet point.

⁶ Friends of the Earth, Tree cover assessment - England. 2023

'close to residential areas'

- 7.13. No further explanation from Natural England/Forestry Commission is provided on this point. However, my view is that the guidance was prepared to inform the location and design of new development and so the '*close to residential development*' would relate to the presence of existing residential areas that might already be impacting the relevant ancient woodland, and not those proposed, as put forward by WDC in 5.20. If so, it can be noted that the ancient woodland is not presently accessible (to anyone but the site owners) via the appeal site. Even if WDC were correct that this bullet point relates to proposed residential areas, my evidence and the analysis prepared by Mr Rose and Ms Hensler explain how the proposed residential areas in the appeal scheme will have no appreciable impact on ancient woodland interests. On this basis, the proposed buffer does not need to be extended because of proximity of residential areas (existing or proposed).

'steeply sloped'

- 7.14. As stated in paragraph 5.20 of the WDC SofC, no further explanation of 'steeply sloped' is provided by Natural England/Forestry Commission. There are many definitions as what a steep slope can be, and as WDC rightly point out that this can be seen by the Inspector on site. However, it may be helpful to understand that the slope of site across the green space provided around the ancient woodland ranges from 1 in 3 on the southern edge, to 1 in 25 in the south west corner, to a maximum of 1 in 6 on a small part of the western edge. None of these, with the possible exception of the small part of the western boundary are, in my view, particularly steep slopes. The ground levels do vary within the ancient woodland, particularly where the water courses are present. If the "steeply sloped" bullet point relates to drainage and run-off matters, while noting the steep slopes immediately adjoining the watercourse to the west of the appeal site, Ms Hensler's evidence confirms that drainage matters provide no justification for consideration a larger buffer than proposed.
- 7.15. To summarise, a 15m buffer was applied as part of the original constraints mapping exercise. At no point through the evolution the development layout has the 15m been taken as the closest point the built development could get to the ancient woodland. To the contrary, throughout the design process the applicant and their design team have actually achieved much greater offsets to the development (See Arboricultural Response Note CDA.35). As seen

on the submitted site layout (CDA.52) appropriate offsets to built form development, that far exceed 15m, have been achieved.

- 7.16. Ultimately the buffers applied to the ancient woodland and veteran trees are appropriate and were accepted as such by Natural England and other consultees.

8. PROVISION OF PATH IN ANCIENT WOODLAND

- 8.1. At the request of Natural England a foot path to form a broader circular walking route around the SANG was included in the proposals.
- 8.2. The proposed path follows the alignment of an existing bare earth, compacted path that runs, via a wood and steel bridge, through the ancient woodland from north to south.
- 8.3. It is proposed that the upgraded path will be constructed in a 'no dig' fashion requiring no excavation into the existing ground (See Figure 4). The wearing course will be formed using a bound gravel that will be permeable, and which is not likely to wash away even in a flooding event. The bound gravel will be held in place by timber edging boards secured in place with short timber stakes. Where slopes are encountered, steps will be created, again secured with timber edging, or similar, and filled with bound gravel. The existing bridge will be replaced, if required, with a new timber bridge in the same location.
- 8.4. This is a common approach used within woodlands and ancient woodland across the country. Organisations that manage ancient woodlands such as the Forestry Commission, National Trust, Woodland Trust all adopt similar approaches to woodland path construction.



Figure 4: An example of a bound gravel 'no dig' path through a woodland. NB: this example does not include the edge fencing proposed in the appeal scheme.



Figure 5: An example of a bound gravel path on a slope through a woodland and held in place with timber. NB: this example does not include the edge fencing proposed as part of the appeal scheme.

- 8.5. The path can be installed without impacting upon adjacent trees. It will of course be necessary to control the installation of the path. This can be done by ensuring the works are undertaken in accordance with an approved Arboricultural Method Statement setting out the exact approach required. However, it is already known at this stage in the process that no machinery shall be used to install the path and all the works will be carried out by hand (using wheel barrows for the movement of the gravel surfacing). It will also be necessary for the location of each fence post, and timber edging stake, to be checked for significant roots prior to installation. This can be done through the hand digging of initial trial excavations in each location or by using test probes (e.g. thin metal rods that are gently tapped into the ground to test for resistance). These approaches will be used to assess for the presence of significant roots and, if encountered, minor adjustments to the final fence post/stake locations can be made. The fence posts will not be held in place with concrete. All of this work will also be undertaken with an arboricultural watching brief in place.
- 8.6. The proposed path has been accepted by Natural England, if fenced, and the path drew no objection from the WDC Tree and Landscape Officer with regards to impacts upon trees.
- 8.7. The Forestry Commission have raised concerns in their last consultation response (CDB.21) but this appears to be based on this being a completely new path and that this new path would result in the loss of ancient woodland and does not acknowledge the presence of the existing path, and in any case this consultation response is superseded by Natural England's later consultation response (CDB.26) endorsing the proposals, specifically the proposed route through the ancient woodland (which, as I understand it, Natural England itself suggested). The Forestry Commission do agree with Natural England that the path should be fenced.
- 8.8. The Land Trust will take over the management of the path have accepted the use of the bound gravel surface as an appropriate and low maintenance surfacing option. This is expanded on further in the evidence of Mr Rose.
- 8.9. In my view it is relevant to consider the appeal decisions for *Land at Moorthorpe Way, Sheffield* (CDK.9) and *Warish Hall Farm, Takeley* (CDK.9), both of which have a number of similarities with the appeal scheme and in particular with regards to paragraph 43 where the Inspector considered the drainage proposals. The inspector concluded there would be no development for drainage purposes either within the RPA or buffer. He went on to confirm that the 'total

area of soft landscaping, and therefore potential drainage area, adjacent to the ancient woodland is greater than a 15m buffer line on its own, because of the areas where the landscaping extends beyond the 15m minimum. The combination of this and the clear protection of the RPAs of the trees is sufficient to demonstrate that there is very little likelihood of there being any deterioration of the ancient woodland'. This is the same situation as the appeal scheme whereby all the drainage features are outside of the RPA and buffers, and the area of landscaping containing the drainage affords a much larger offset between the ancient woodland and the proposed development. The decision also went on to allow the regrading of ground, car parking and road within buffers which is beyond what is proposed in this appeal scheme (See plan at Appendix 2).

- 8.10. In the decision for Warish Hall Farm decision (appeal dismissed on other grounds), the Inspector accepted the principle of public access throughout the majority of an adjacent ancient woodland and within its buffer. The Inspector went on to accept the construction of an access road within the buffer, as it was outside of the root protection area of retained trees, and the upgrade of Public Right of Way to a bound gravel footway/cycleway (See plan at Appendix 3). These last elements are far beyond what is proposed in this appeal scheme.

9. LIKELIHOOD OF RECREATIONAL DISTURBANCE/DAMAGE

- 9.1. Recreational disturbance can arise when the public are able to enter woodland areas in large numbers and in an uncontrolled manner.
- 9.2. In the case of the appeal scheme it is not proposed to allow public access to areas of ancient woodland. The ancient woodland buffers will be planted with areas of defensive planting (as shown on the plan at Appendix C of the evidence of Mr Rose) and areas also fenced. In addition, the entire SANG boundary, and in particular where it adjoins ancient woodland, will also be fenced. The buffers adjacent the development area will not form part of the SANG and will be planted and managed for the benefit of wildlife. The woodland itself is not desirable, nor easy, to access due to its topography and the presence of a stream running through its centre that can only be crossed at the existing bridge (part of the path through the ancient woodland). The provision of a large, accessible SANG area will also reduce the potential for access to the ancient woodland.

-
- 9.3. Sections of mown grass paths, forming part of the 'Primary route' for SANG access, are proposed to the north of the ancient woodland. A short section of this path (north of veteran tree T6) is located within the ancient woodland buffer at its very northern edge (as shown on the plan at Appendix C of the evidence of Mr. Rose). This section of path is outside of the veteran tree buffer of T6 and the RPA of the ancient woodland. The proposed path is only mown grass with no hard surfacing proposed. The alignment runs through an area that is currently used as horse paddocks.
- 9.4. A further section of 'Secondary route', again comprising a mown grass path (south of 'No. 8 - Broadleaved woodlands' as shown on the plan at Appendix C of the evidence of Mr. Rose) is also located, in part, within the ancient woodland buffer and in a small number of locations crosses the edge of the RPA of the ancient woodland. Importantly, this section of path follows an existing access route between the ancient woodland and the much younger woodland area to the north.
- 9.5. Given the existing site usage in the area of these paths, and that any incursion into the RPA of the woodland is minor, and the fact that nothing more than a mown path (that in part follows an existing route/path) is proposed, it is my opinion that the paths will not result in any material harm to the adjacent trees.
- 9.6. As stated within the Standing Advice with regards to access within buffers, the guidance states '*You can allow access to buffer zones if the habitat is not harmed by trampling*'. In this instance, access to the buffers via the mown grass path will not result in harm to the woodland habitat by trampling. This is because the routes are defined outside of the ancient woodland habitat and coupled with the proposed fencing and defensive planting, I am not of the opinion the paths would result in damage to the habitat. To the contrary, the new planting around the woodland margin will provide a benefit to the lateral woodland structure and address the stark margins highlighted in paragraph 3.8.
- 9.7. In my opinion, all of the proposed locations for the mown grass paths to the north of the ancient woodland are acceptable and will not result in any harm to the ancient woodland habitat.
- 9.8. The use of the eastern route to the southern SANG land (just south of G9 on the plan at Appendix 1) runs through the ancient woodland buffer. The use of this route as an access to the SANG will not cause any direct harm to the ancient woodland due to the fact that this is a

well-established and compacted farm access track (similar to that passing G9 seen in the images on the plan at Appendix 4) that crosses an existing bridge/culvert. In addition, there will be no indirect impact from the use of this route in term of pressure from tree risk management (i.e. the need to prune or remove branches to limit the risk posed to path users). The route of the path follows the existing track that is beyond the canopies of the adjacent trees. In addition, the adjacent trees are all small in size with no significant trees (such as mature oak trees) located next to the proposed route.

- 9.9. It is for the above reasons why, in my view, the likelihood of recreational disturbance of the ancient woodland will be very low and no deterioration of the ancient woodland will occur.

10. THE ALLEGED LOSS OF ANCIENT WOODLAND

- 10.1. No loss of ancient woodland is proposed as part of the appeal scheme. Appropriate robust protection measures (in accordance with BS5837:2012) will be used to protect all retained woodland, trees and hedgerows during construction.

11. THE ALLEGED EFFECT OF THE DEVELOPMENT ON VETERAN TREES

- 11.1. Within RfR2 there is an allegation that the development would '*threaten, harm and cause degradation to veteran trees*'. The RfR does not make clear what these potential harmful impacts are, and the suggested link between the proposed housing development and the alleged detrimental impacts upon veteran trees has not been clearly evidenced.
- 11.2. To clarify, all of the identified veteran trees will be retained and incorporated appropriately in to the development.

G9 - oak

- 11.3. Within the buffer for G9 a mown grass path is proposed. The path is proposed over an area that has been covered with hardcore and brick rubble in the past. The area around G9 is far from a pristine semi-natural environment. G9 stands on the edge, and partially within, an active farm yard. The area around the trees has been much disturbed over the years. However, despite this, the trees are currently in an acceptable condition physiologically (e.g. good leaf

density, colour, size). In my opinion, a short section of mown grass path through the already very well disturbed buffer will not lead to any deterioration in the long-term health of the trees.

- 11.4. The impact of the mown grass path on G9 was not raised by the Natural England, The Forestry Commission, the WDC Biodiversity and Arboriculture Officer nor the WDC Tree and Landscape Officer; all are natural environment specialists with the majority having a specific focus on trees.
- 11.5. As stated within the Standing Advice with regards to access within buffers, the guidance states '*You can allow access to buffer zones if the habitat is not harmed by trampling*'. In considering the area of rough grass below G9, the previous ground disturbance, and current site conditions, it is my view that the mown grass path could be accommodated within the buffer without threatening, harming or causing degradation to veteran trees. Therefore, the proposal for the path would meet the tests set out in paragraph 180(c) of the NPPF in that no loss or deterioration will occur.
- 11.6. In fact, actions that may harm and degrade the trees can actually be reduced/removed. This includes the removal of storage agricultural equipment and trailer parking area, removal of stockpiles of material. Enhancements could also be provided, including rooting area enhancements (soil improvements), mulching, interpretation boards, new grass habitats beneath the trees, and a defined fenced area (e.g. knee rails) to deter, but not prevent access. A proposed approach, with photos of the current situation, are shown on the plan at Appendix 4.

T6 - Ash

- 11.7. Although tree T6 is not specifically mentioned in the WDC SofC with regards to potential impacts upon it, the putative RfR2 refers to undefined 'veteran trees'.
- 11.8. The buffers associated with T6 sit wholly within the ancient woodland buffer for Nightingale Shaw. T6 is at the edge of the woodland and would be within the area of fenced off ancient woodland. The buffer of T6 would be treated with the same way as the woodland buffer. Appropriate marginal, defensive planting will be carried out as undertaken elsewhere along the edge of the ancient woodland. This would be of some benefit as the current buffer of T6 extends into the area that is currently covered by only rough grass horse paddocks.

-
- 11.9. This new planting could be accommodated within the buffer of T6 without threatening, harming or causing degradation to the veteran tree. Therefore, the proposals near this tree would meet the tests set out in paragraph 180(c) of the NPPF in that no loss or deterioration will occur.

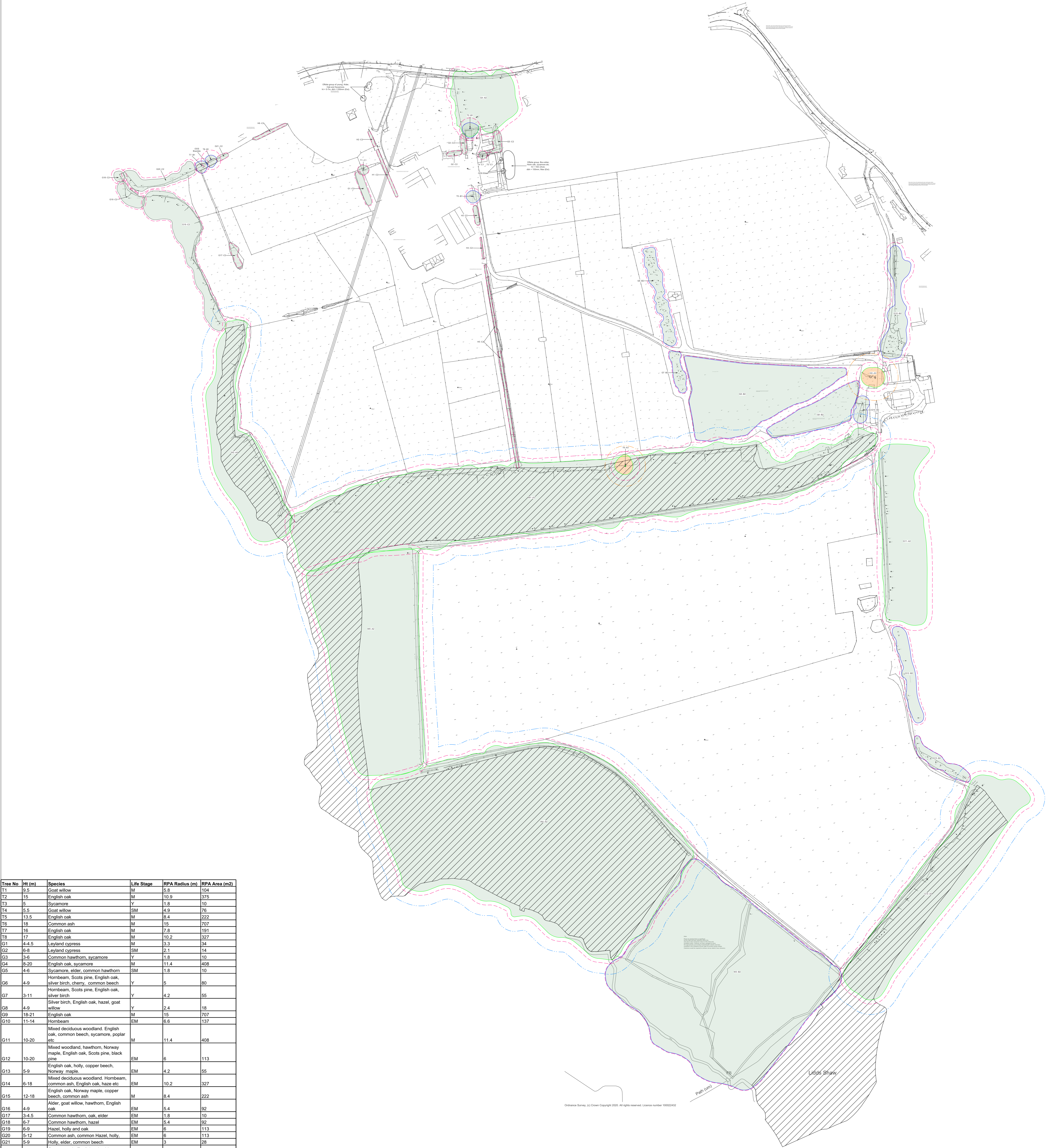
12. SUMMARY ASSESSMENT OF POTENTIAL HARMFUL FACTORS - STANDING ADVICE

- 12.1. A table that sets out each of the potentially harmful factors within in the Standing Advice (CDG.3) as they relate to the appeal scheme is provided at Appendix 5. The table includes commentary from myself, as well as from Mr Rose and Ms Hensler.

13. CONCLUSION

- 13.1. The proposed development has been informed by detailed, accurate and appropriate baseline assessment (in line with relevant standards and guidance) to support the design of the proposed development.
- 13.2. No direct loss of ancient woodland will occur as a result of the proposed development put forward as part of the appeal.
- 13.3. Whilst I acknowledge a section of footpath is within the ancient woodland, it is an existing established path that can be upgraded appropriately so as not to result in any material damage or removal of understorey nor any damage to tree roots so far as it would affect tree health.
- 13.4. As set out in the evidence of Mr Hensler there will be no significant change to the hydrology of the site as a result of the proposed development.
- 13.5. The mown grass path within the buffer of G9 will not impact upon the health and longevity of the adjacent trees, and enhancements to the rooting environment can be provided.
- 13.6. On the basis of the evidence I put forward the proposed development, in arboricultural terms, is compliant with the relevant policies set out in RfR2 and accords with the National Planning Policy Framework and Standing Advice in regard to ancient woodland and veteran trees.

APPENDIX 1:
TREE SURVEY AND CONSTRAINTS PLAN



Tree No	Ht (m)	Species	Life Stage	RPA Radius (m)	RPA Area (m2)
T1	9.5	Goat willow	M	5.8	104
T2	15	English oak	M	10.9	375
T3	5	Sycamore	Y	1.8	10
T4	5.5	Goat willow	SM	4.9	76
T5	13.5	English oak	M	8.4	222
T6	18	Common ash	M	15	707
T7	16	English oak	M	7.8	191
T8	17	English oak	M	10.2	327
G1	4-4.5	Leyland cypress	M	3.3	34
G2	6-8	Leyland cypress	SM	2.1	14
G3	3-6	Common hawthorn, sycamore	Y	1.8	10
G4	8-20	English oak, sycamore	M	11.4	408
G5	4-6	Sycamore, elder, common hawthorn	SM	1.8	10
G6	4-9	Hornbeam, Scots pine, English oak, silver birch, cherry, common beech	Y	5	80
G7	3-11	Hornbeam, Scots pine, English oak, silver birch	Y	4.2	65
G8	4-9	Silver birch, English oak, hazel, goat willow	Y	2.4	18
G9	18-21	English oak	M	15	707
G10	11-14	Hornbeam	EM	6.6	137
G11	10-20	Mixed deciduous woodland: English oak, common beech, sycamore, poplar etc.	M	11.4	408
G12	10-20	Mixed woodland: hawthorn, Norway maple, English oak, Scots pine, black pine	EM	6	113
G13	5-9	English oak, holly, copper beech, Norway maple	EM	4.2	55
G14	6-18	Mixed deciduous woodland: Hornbeam, common ash, English oak, hazel etc.	EM	10.2	327
G15	12-18	English oak, Norway maple, copper beech, common ash	M	8.4	222
G16	4-9	Alder, goat willow, hawthorn, English oak	EM	5.4	92
G17	3-4.5	Common hawthorn, oak, elder	EM	1.8	10
G18	6-7	Common hawthorn, hazel	EM	5.4	92
G19	6-9	Hazel, holly and oak	EM	6	113
G20	5-12	Common ash, common Hazel, holly	EM	6	113
G21	5-9	Holly, elder, common beech	EM	3	28
W1	6-20	Common ash, English oak, alder, hazel, elder, goat willow, sycamore, silver birch	M	9	255
W2	4-17	Common ash, English oak, alder, hazel, elder, goat willow, sycamore, silver birch, holly	M	7.8	191
W3	4-10	English oak, silver birch, hazel	Y	3	28
W4	4-18	English oak, common ash, hazel, common beech, hornbeam	M	9	255
W5	6-20	English oak, common ash, hazel, common beech, hornbeam, sweet chestnut, larch	M	8.4	222
H1	3	Common hawthorn, sycamore, elder	M	1.3	5
H2	1.5	Common hawthorn, elder	M	1	3
H3	5	Common hawthorn, blackthorn	M	2.4	18
H4	2	Sycamore, elder, common hawthorn	M	1.3	5
H5	1.8	Common hawthorn, blackthorn	EM	1	3
H6	2	Hazel, blackthorn, bramble	EM	1	3

TS - 'Section 2'

Category A Tree - High quality
(Retention highly desirable)

Category A - Hedgepole, Group, Woodland - High quality
(Retention highly desirable)

Category B Tree - Moderate quality
(Retention desirable)

Category B - Hedgepole, Group, Woodland - Moderate quality
(Retention desirable)

Category C Tree - Low quality
(May be retained but should not constrain development)

Category C - Hedgepole, Group, Woodland - Low quality
(May be retained but should not constrain development)

Category U Tree - Very low quality
(Should be removed for retention)

Category U - Hedgepole, Group, Woodland - Very low quality
(Should be removed for retention)

River Protection Area (RPA) - Layout design tool indicating the minimum
area around a tree deemed to contain sufficient roots and soil volume
to maintain the tree's viability

Shrub mass/offtake tree(s) of slope (COS)

Ancient Trees / Woodland or Veteran Trees

Ancient trees/woodland or Veteran trees: Important trees that require special consideration

Ancient trees/woodland or Veteran tree buffer: As per published standing advice from
Natural England and the Forestry Commission

Statutory Protection

Ancient Semi Natural Woodland

Ancient Semi Natural Woodland buffer

PROJECT TITLE

Bird in Eye Farm, Uckfield (C.3574)

DRAWING TITLE

Tree Survey & Constraints Plan

SCALE

1:2000 @ A1

DRAWING NUMBER

BHA_741_01

DRAWN BY

SD

APPROVED BY

RH

REVISION

A

SHEET

-

DATE

12/05/2020

LAYOUT USED WITHIN DRAWING

n/a

CLIENT

Croudace Homes Ltd and Mr & Mrs Berry

COORDINATE SYSTEM / DATUM

British National Grid / Newlyn Datum (AOD)

Crown copyright. All rights reserved. 2020 Emapsat Licence number 0100061264.
Ordnance Survey Copyright Licence number 100054267.

Barton Hyett Associates

Arboricultural Consultants

in association with

CSA

environmental

Tel: 01386 576161
Address: Barn 2, Opens Farm, Yanworth,
Chelltenham, Gloucestershire, GL54 3QE

Note: The original of this drawing was produced in colour –
a monochrome copy should not be relied upon. This
drawing should be interpreted with reference to the
accompanying tree schedule and written advice

APPENDIX 2:

MOORTHORPE WAY TREE PROTECTION PLAN

Key	
	Tree Showing tree location, category colour, canopy and tag number.
	Tree groups Shown as dashed centre line. Colour represents category (see above).
	Tree Root Protection Area
	Trees & Groups For Removal
	Tree Root Protective Fencing BS5837 specification (braced and waisted).
	Mini pile foundations In close proximity to RPA.
	No-dig Surface Construction
	15m Woodland Buffer
	Area of ground to be raised as part of regrading

Client			
Project			
Owlthorpe, Sheffield.			
Drawing Title			
Tree Protection Plan			
Scale	Date	DB	CB
1:500 A0	Dec 2019	CS	JS
Drawing Number			Rev
			1

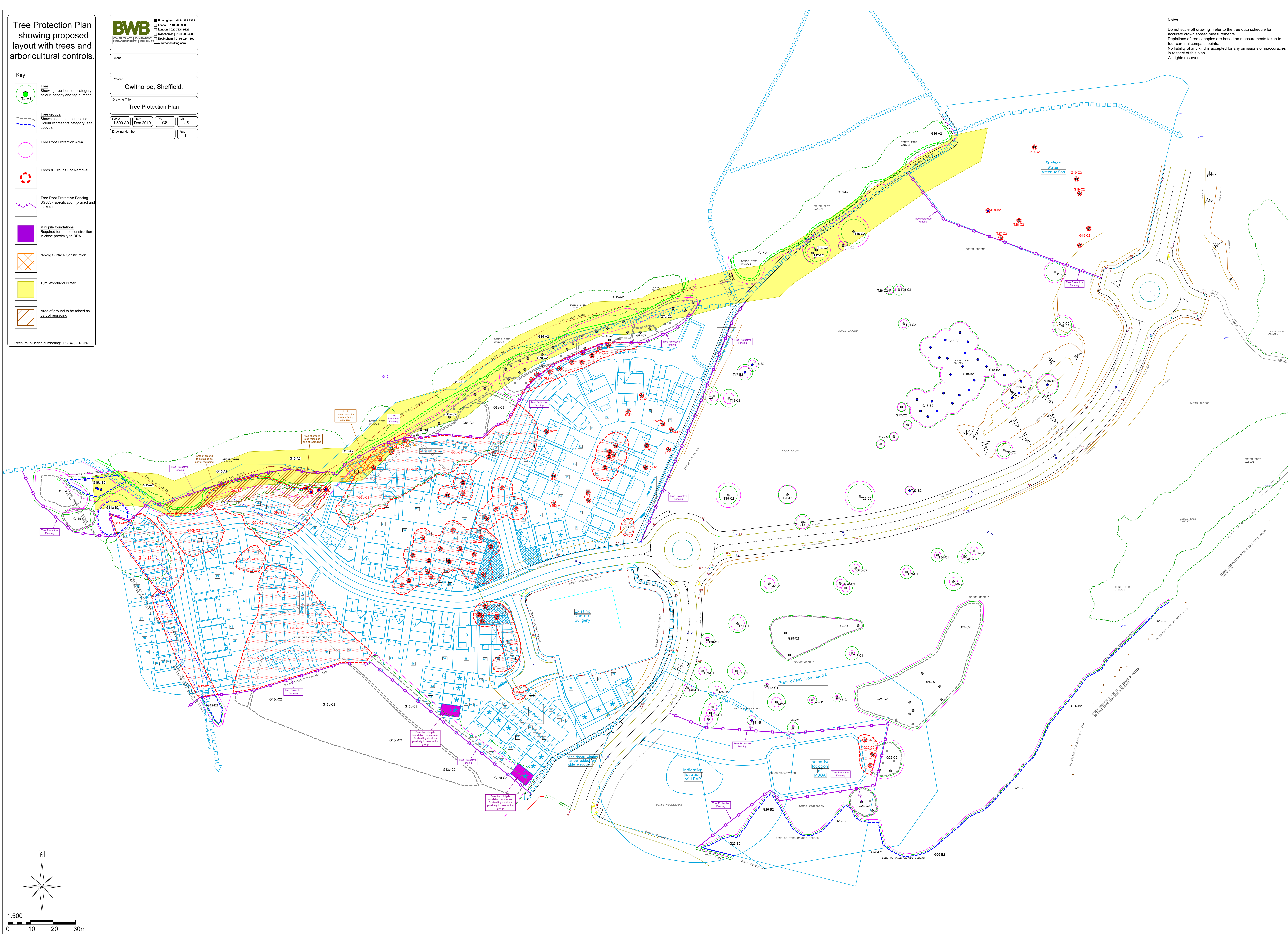
Notes

Do not scale off drawing - refer to the tree data schedule for accurate crown spread measurements.

Depictions of tree canopies are based on measurements taken to four cardinal compass points.

No liability of any kind is accepted for any omissions or inaccuracies in respect of this plan.

All rights reserved.



APPENDIX 3:

WARISH HALL LANDSCAPE STRATEGY PLANS

WARISH HALL, TAKELEY

ADDENDUM TO LANDSCAPE STRATEGY

Prepared on behalf of
Weston Homes

September 2021

2953-RE-03

Rev E (01/10/21)





1 INTRODUCTION

1.1 INTRODUCTION

Introduction

This landscape addendum is to be read in conjunction with the submitted Landscape Strategy document. The principles of the original document are still relevant, but the plan opposite and the following pages of the report captures amendments made following the consultation responses and officers' comments relating to:

- Further landscape details to street typologies
- Further details of the Linear Park
- Southern PRow / school access details
- Garden Village landscape detail to corner locations
- Landscape details to parking courtyards
- Seating strategy
- Green corridor diagram
- LAP coverage diagram

2.1 STREET FURNITURE

Street furniture

It is recognised that the provision of seating opportunities throughout the site, in particular associated with open spaces, leisure routes and play areas is an important step towards inclusiveness of all ages and abilities. Regularly spaced benches will also benefit social interaction and thus help create a thriving community.

Formal seating in the form of benches with backrests will be provided at roughly 50m intervals along foot and cycle routes. Informal seating arrangements such as carved seating, wooden blocks or other incidental seats will supplement this strategy at entrances into the woodland and within play areas.

A large, amphitheatre style arrangement within the southern part of the Village Park will not only provide informal seating but also allow spectator sports and events to be held within the park.

There will be no seating provision within the Ancient Woodland in accordance with consultation response from the Woodland Trust.



Site



Approximate seating location at 50m intervals

2 GREEN INFRASTRUCTURE

2.2 PLAY COVERAGE

Doorstep play coverage

The development will be well served with open space and play opportunities; however, some gaps in toddler play coverage were identified during consultation.

It is considered that all of the public open space counts towards the coverage with toddler doorstep play, providing a space for the very young to play close to home without the need for formal equipment.

Furthermore, two additional, informal play spaces has been indicated within the Garden Village; one within the southern tip and one at the junction with the PRow running along the eastern boundary.



- Site
- Proposed location of provision
- 60m straight line distance for LAP (1-minute walk)
- 60m straight line distance from POS edge - counted into LAP coverage
- 240m straight line distance for LEAP (5-minute walk)
- 600m straight line distance for NEAP (off-site on Clarendon Rd)
- 420m straight line distance for MUGA/skate park

2.3 VEGETATION & WILDLIFE CORRIDORS

- Existing, retained vegetation sets the framework for wildlife movement around the site with POS, verges and corridors creating opportunities to traverse the site
- Woodland directly connected to surrounding countryside through Village Park
- Habitat connectivity along existing hedgerows, ditches and green corridors
- All rear gardens fences to have Hedgehog friendly gravel boards to allow free movement
- Verges associated with streets to be planted with species-rich grass mixtures that even with regular cuts provide increased bio-diversity
- Wildlife-friendly ornamental planting to private frontages too provide connectivity for wildlife along streets

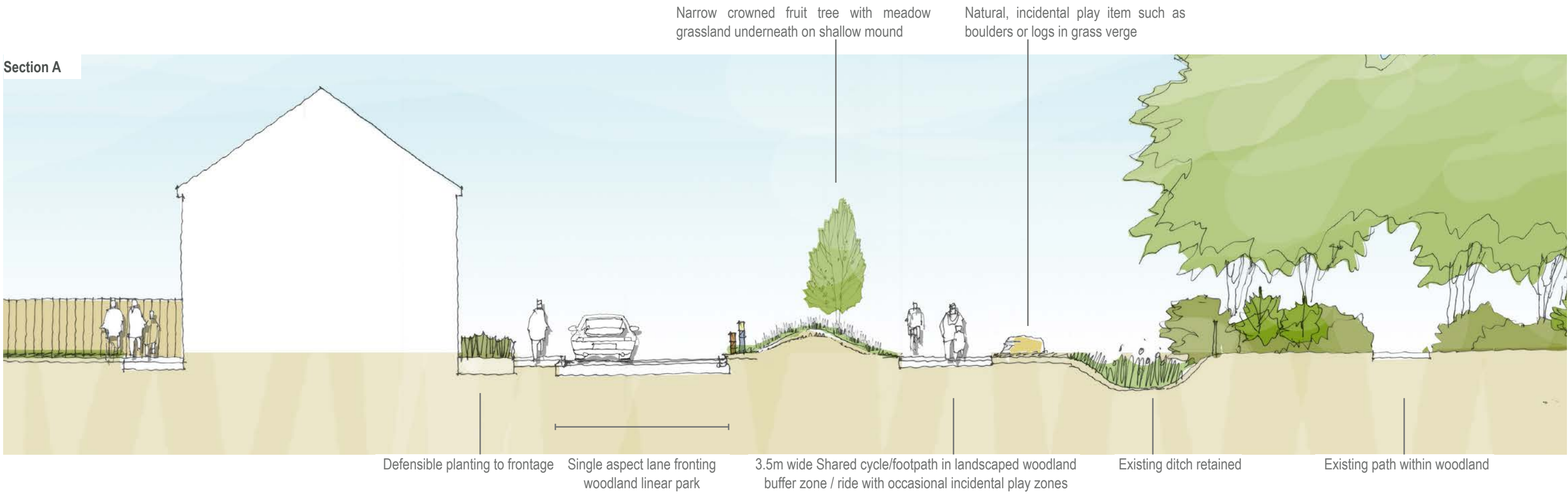


-  Site
-  Existing boundary vegetation
-  Public open space
-  Species-rich grassland
-  Grass or planted verges



HEDGEHOG FRIENDLY GRAVEL BOARDS TO ALLOW FREE MOVEMENT THROUGH GARDENS

Section A



PYRUS 'CHANTICLEER'



CRAB APPLE 'JOHN DOWNIE'



NATURAL DOORSTEP PLAY & ECOLOGICAL ELEMENTS



NATURAL DOORSTEP PLAY & ECOLOGICAL ELEMENTS



LOW TIMBER BOLLARDS ALONG GREEN VERGE TO PREVENT VEHICULAR OVERRUN

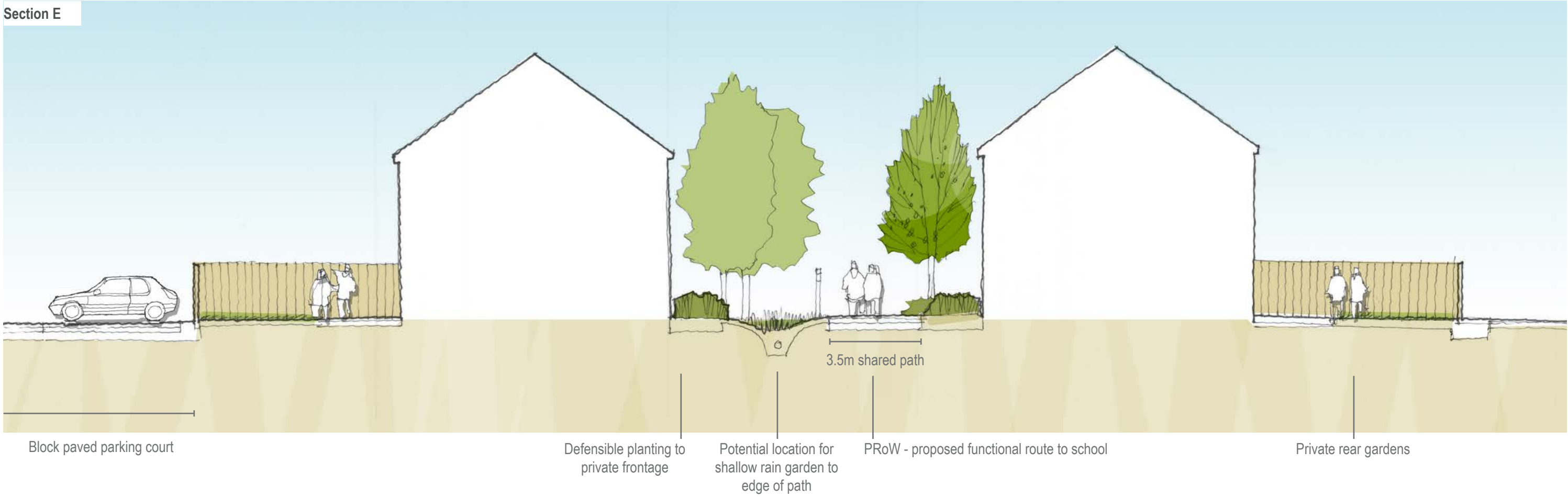
3 LANDSCAPE CHARACTER

3.2 LINEAR PARK

- 22m+ open edge comprising single aspect lanes/drives overlooking min 15m grass ride with separate cycle lane
- Pedestrian connections between drives
- Timber bollards and shallow earth mounding to stop parking on verge
- Grass managed and seeded to encourage woodland edge flora
- Existing ditch maintained along edge of woodland
- Potential for limited access connections into woodland path network



Section E



MIXED, SEASONAL PLANTING TO LANDSCAPE NODES



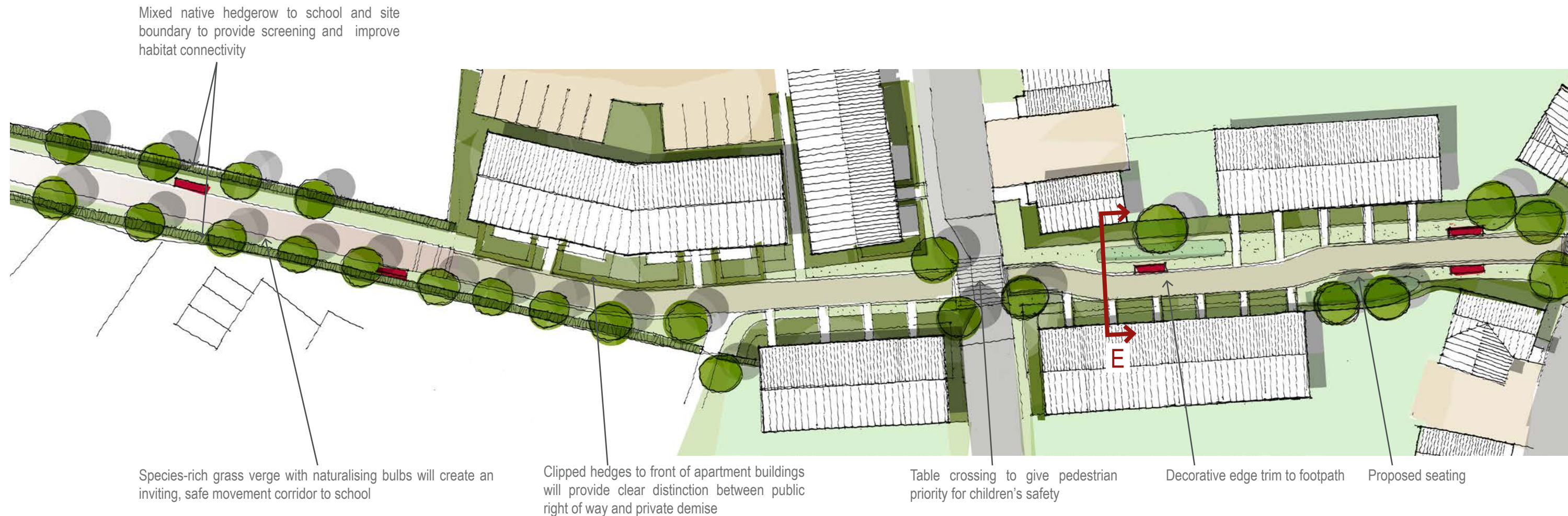
FUNCTIONAL SOUTHERN PRoW IN TAR SPRAY AND CHIP THROUGH GENEROUS LANDSCAPED CORRIDOR



TREE PLANTING TO SOFTEN AND BREAK UP PARKING BAYS AND COURTS

3 LANDSCAPE CHARACTER

3.3 SOUTHERN PUBLIC RIGHTS OF WAY - SCHOOL ACCESS



The southern Public Right of Way will be serving as a non-vehicular access paths into the school. The route has deliberately been kept direct and free from distractions such as play elements once the Village Park has been left.

In order to create an inviting route, the rear garden fences and school boundaries will be screened by managed hedgerows with taller, intermittent trees. Trees will be chosen for their wildlife benefit and provide spring or autumn colour to add seasonal interest.

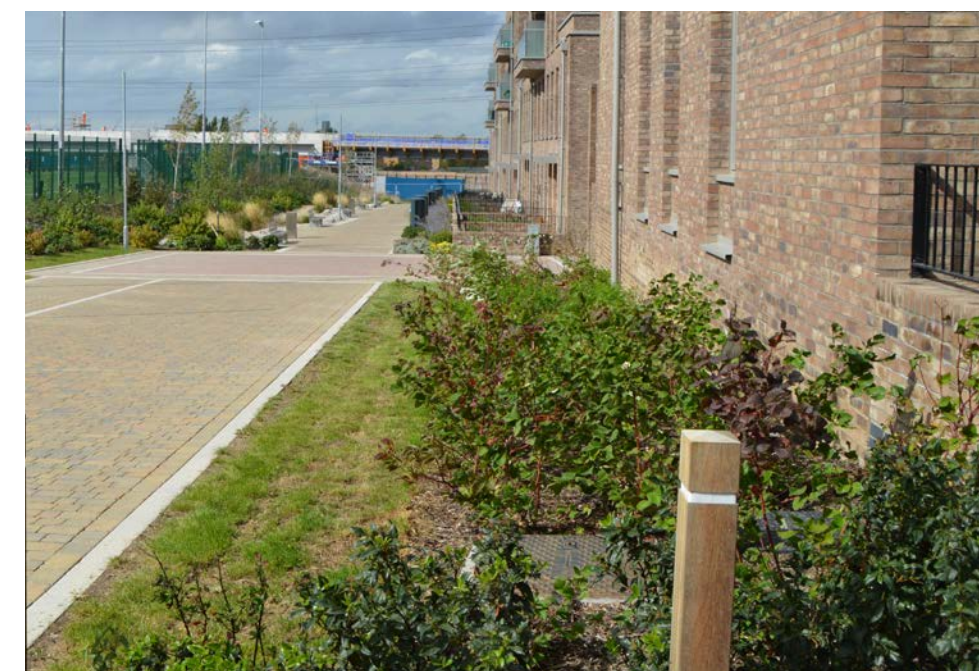
The verges will be species rich grassland which will be cut at lower intervals to increase biodiversity and provided ecological benefits as well as habitat connectivity.

Clipped, low hedgerows along the apartment block entrances will demarcate the private realm from the public access to provide defensible space as well as an attractive, colourful edge treatment to the route. The front gardens of private properties will be laid to grass (with the opportunity for rain-gardens taking up the run-off from the pathway) and defensible mixed planting towards the building façades.

The hard surface path will be sufficiently wide to allow use by multiple users simultaneously and benches will be located at regular intervals to aid accessibility.



FRONTAGE HEDGEROW DEFINING EDGE OF FOOTPATH



DECORATIVE EDGE TRIM, GRASS VERGE AND MIXED PLANTING

Opportunity for large boundary tree with potential to break the roof line and provide significant crown cover

Small, narrow-crowned trees to provide vertical accents and screening as well as shading to parked cars

Domestic-scale trees to provide vertical accents and screening as well as shading to parked cars

Planting strip to soften edge of car park and building



MALUS TRILOBATA



PRUNUS 'AMANOGAWA'

3 LANDSCAPE CHARACTER

3.4 PARKING COURTS

Smaller tree to break up car parking bays

Generous grass verge to provide opportunity for larger, native boundary trees with significant crown cover

Planting creating green gateway into parking court, including feature tree aiding legibility and character

Existing vegetation retained to screen car parking court and provide green backdrop and outlook for properties

Trees to provide vertical accents between parking bays and provide shade to parked cars

Larger trees in private rear gardens to provide additional greening

Pockets of planting to provide softening to fences



PYRUS 'CHANTICLEER'



PARKING COURT WITH PERMEABLE TIMBER FENCE AND PLANTING STRIP



Single-sided footpath

Private frontages laid to species-rich grass with planted strip to building façades and garden boundaries

Small accent trees to key junctions and nodes

ACCESS ROAD



Native parkland trees in grass verge along street on POS side

Narrow defensible planting to building frontage

Low timber bollards to edge of POS to prevent rogue parking

SHARED ACCESS



PRUNUS 'SUNSET BOULEVARD'



BOLLARDS PROTECTING POS VERGE



FIELD MAPLE



SPECIES-RICH, REGULARLY MOWN GRASSLAND



PAVED NODAL JUNCTION WITH SMALL, NARROW-CROWNED TREES AND DEFENSIBLE PLANTING TO FRONTAGE



PAVED NODAL JUNCTION WITH SMALL, NARROW-CROWNED TREES AND DEFENSIBLE PLANTING TO FRONTAGE

3 LANDSCAPE CHARACTER

3.5 STREET TYPOLOGIES



MIXED PLANTING TO FRONTAGES



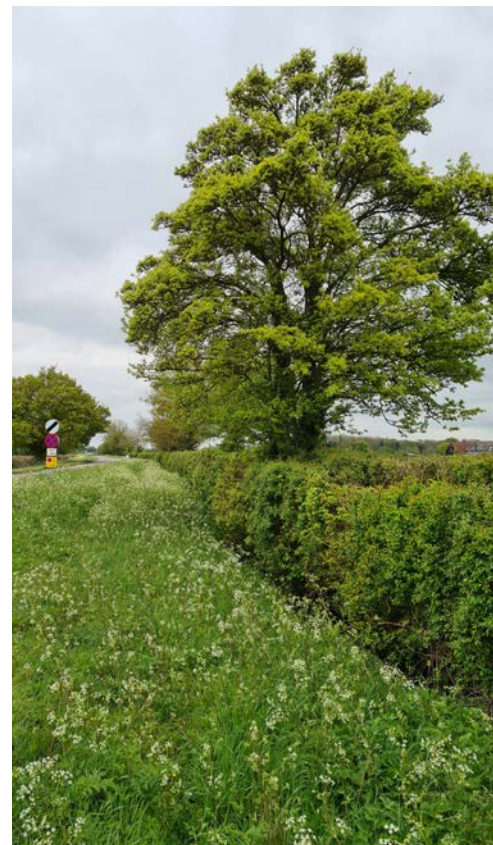
SHARED SURFACE LANE WITH PRIVATE PARKING AND DEFENSIBLE PLANTING



TAR SPRAY AND CHIP ASPHALT SURFACE TO DRIVES WITH PLANTED FRONTAGE TO PROPERTIES



BETULA 'FASCINATION'



EXISTING HEDGE WITH TREES IN GRASSLAND VERGE

Shared surface street

Narrow-crowned street trees providing domestic scale and vertical dimension to street scene and aiding legibility

Planting to all building edges and fences to create aesthetic interface between hard and soft landscape



MINOR ACCESS ROAD

Deep, open grassland verge to lane in keeping with character

Tar spray and chip shared drives

Ornamental planting directly associated with frontages to provide year-round interest

Select parkland trees to strengthen existing vegetated edge



SHARED DRIVEWAY



GARDEN VILLAGE RESIDENTIAL PARCEL

3 LANDSCAPE CHARACTER

3.6 GARDEN VILLAGE



DOORSTEP PLAY PROVISION



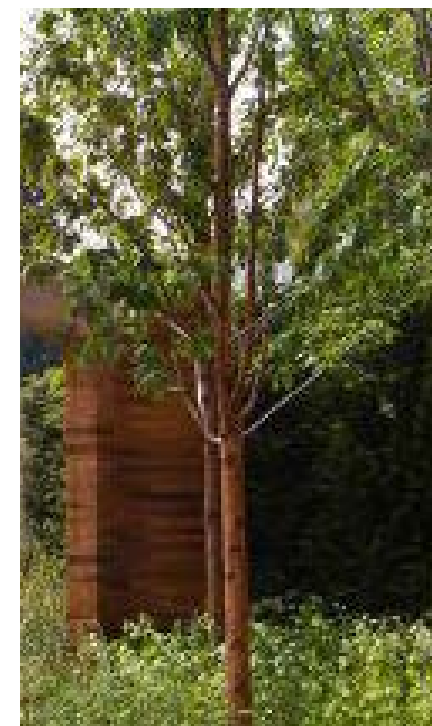
TODDLER PLAY PROVISION WITHIN THE RESIDENTIAL NEIGHBOURHOOD



DEFENSIBLE PLANTING



AMELANCHIER LAMARCKII 'BALLERINA'



PRUNUS MAACKII 'AMBER BEAUTY'



VILLAGE CHARACTER WITH PLANTED FRONT GARDENS

APPENDIX 4:
VETERAN TREE (G9) - DETAILED PLAN

APPENDIX 5:
SUMMARY TABLE OF EFFECTS ON ANCIENT WOODLAND/VETERAN TREES

Direct effects of development can cause the loss or deterioration of ancient woodland or ancient and veteran trees by:		
Potential Effects	Witness	Comments
Damaging or destroying all or part of them (including their soils, ground flora or fungi)	Mark Rose ("MR")	The Appeal Scheme will result in no loss of, or direct impacts to, ancient woodland or veteran trees. The proposed footpath improvements through the ASNW will directly follow the established informal footpath, characterised by bare and compacted ground. The proposed footpath is supported by Natural England.
	Richard Hyett ("RH")	No damage or destruction will occur, and all ancient woodland and veteran will be retained with no direct loss. Within the ancient woodland and within the veteran tree buffer of G9 there will be no impacts on adjacent trees from the proposed footpath upgrade (mown grass within buffer of G9 will be in area of existing hardcore and rough grass). The paths will be on disturbed ground already present due to current site usage. The path through ancient woodland will be fenced as agreed by Natural England.
Damaging roots and understorey (all the vegetation under the taller trees)	RH	The only locations where this could occur is the upgrade of the existing path in ancient woodland and the mown grass path in the veteran tree buffer of G9. In both cases the combination of existing site conditions, plus proposed approach to the path construction (No dig and permeable), will not result in any material damage or removal of understorey or any damage to tree roots where it would affect tree health. The proposed drainage works and fencing will equally cause no material harm or deterioration to these interests.
Damaging or compacting soil	MR	The only works to take place within the ancient woodland are the proposed footpath improvements, to follow the alignment of the established informal footpath, characterised by bare and compacted ground. These works are supported by Natural England.
	RH	The only locations where this could occur is the upgrade of the existing path (with associated fencing) in ancient woodland and the mown grass path in the veteran tree buffer of G9. In both cases the combination of existing site conditions, plus proposed approach will not result in any compaction of soil where it would affect tree health, and hence will not result in any material harm to relevant interests.
	Amy Hensler ("AH")	The surface water drainage strategy proposes an outfall that lies outside of the ancient woodland and its buffer zone and therefore there will be no impact to soils during construction or maintenance/operation.
Damaging functional habitat connections, such as open habitats between the trees in wood pasture and parkland	MR	There is no facet of the Appeal Scheme which risks compromising functional connectivity in relation to irreplaceable habitats. To the contrary, new woodland and scrub planting, as well as enhancement of existing woodlands, will promote functional connectivity. This is evidenced by

		the significant, quantified net gain in biodiversity (including woodland habitat units specifically) projected to be secured by the Appeal Scheme.
Increasing levels of air and light pollution, noise and vibration	MR	No lighting is proposed within the immediate environs of the ancient woodland or veteran trees, with additional screening provided by supplementary planting within buffers. It follows that there will be no lighting disturbance impact on nocturnal woodland fauna, such as dormice, or bats roosting within the woodland trees, or using woodland margins for foraging/dispersal. Noise and vibration impacts during construction, so far as there will be any, will be temporary, and the generous buffers are such that noise during operation will have no material effect on the ASNW ecology. The projected airborne pollutant concentration within the ASNWs is well below the relevant critical level with development of the Appeal Scheme, and increases in nutrient nitrogen / acid deposition attributable to Appeal Scheme vehicle movements will be well below 1% of the relevant critical loads; representing an imperceptible impact.
Changing the water table or drainage	MR / RH	The evidence of Ms Hensler shows that under normal conditions the hydrological regime within on- and off-site ASNWs will not be materially affected, particularly during summer months. Therefore, material effects on ground flora diversity, distribution or abundance, or tree survival, are unlikely to occur.
	AH	The surface water drainage strategy components lie entirely outside of the ancient woodland and its buffer zone. There will be a negligible impact on the hydrological regime to the parcel of ancient woodland as a result of the development proposals.
Damaging archaeological features or heritage assets	MR	Such features and assets are outside my sphere of expertise, though it is my understanding that none are present within the woodland or immediate environment.
Changing the woodland ecosystem by removing the woodland edge or thinning trees - causing greater wind damage and soil loss	MR	The woodland edge will, to the contrary, be strengthened through supplementary planting.
	RH	Not applicable - no tree removal at woodland edge or thinning is required or proposed. In fact, supplementary woodland edge margin and defensive planting is proposed.
Indirect effects of development can also cause the loss or deterioration of ancient woodland, ancient and veteran trees by:		
Potential Effects	Witness	Comments
Breaking up or destroying working connections between woodlands, or ancient trees or veteran trees - affecting protected species, such as bats or wood-decay insects	MR	There will be no negative impact on working connections between the various irreplaceable habitats, and therefore no negative effect on associated fauna. The Appeal Scheme will, to the contrary, result in enhancement of on-site woodlands (ancient and otherwise) through commitment of favourable management and features supplementary woodland planting, including 'stepping stone' habitat centrally within the SANG. The Appeal Scheme is projected to deliver a significant, quantified net gain in biodiversity (including woodland habitat units specifically).

Reducing the amount of semi-natural habitats next to ancient woodland that provide important dispersal and feeding habitat for woodland species	MR	No reduction in adjacent semi-natural habitats. The Appeal Scheme is, to the contrary, projected to result in a substantial biodiversity net gain, including through creation and enhancement of the habitats within the immediate environs of the ancient woodlands and veteran trees. These interventions will promote dispersal corridors and provide new and enhanced feeding habitats for woodland species.
Reducing the resilience of the woodland or trees and making them more vulnerable to change	MR	Not applicable. In accordance with recommendations contained within comments received from the Forestry Commission, appropriate species mixes will be used in woodland/scrub planting to reflect the changing climate and threats from pests and diseases. All stock sourced will be grown in the UK, to prevent the introduction or spread of pathogens and pests. The evidence of Ms Hensler shows that there will be no significant changes to woodland hydrology which might otherwise reduce resilience to climate change.
	RH	The concept of woodland resilience is generally applied in forestry and urban forestry but could also be applied in this instance. Forestry resilience promotes techniques such as continuous cover forestry, diversity of tree age, and diversity of species and genetics (to maximise resilience to climate change, as well as novel pests and diseases). The appeal scheme will not compromise the resilience of ancient woodland, because of the immaterial impacts of the scheme.
Increasing the amount of dust, light, water, air and soil pollution	MR	Substantial buffers (upward of 27.5m) have been incorporated into the illustrative layout, with the result that any such impacts will result in no deterioration of the irreplaceable habitats. The buffers feature tree, shrub and scrub planting, further attenuating noise pollution and limiting light penetration, such that disturbance impacts on woodland fauna will be insignificant. The submitted Air Quality Assessment presented analysis of potential dust creation during the construction, finding that with adherence to standard construction-phase mitigation measures construction dust impacts would not be significant. The projected airborne pollutant concentration within the ASNWs is well below the relevant critical level with development of the Appeal Scheme, and increases in nutrient nitrogen / acid deposition attributable to Appeal Scheme vehicle movements will be well below 1% of the relevant critical loads; representing an imperceptible impact.
	AH	The water treatment measures within the surface water drainage strategy provide a greater level of treatment than required by C753. There will be no deterioration in water quality entering the parcel of ancient woodland compared to existing. The detention basin to the north of the woodland incorporates 600mm freeboard in design and outfalls to the Framfield Stream outside of the ancient woodland designation and its buffer zone.

Increasing disturbance to wildlife, such as noise from additional people and traffic	MR	Access to the ASNWs will be restricted to the formalisation of an existing footpath, with measures in place to deter further access/trespass (fencing, defensive planting and interpretation). No regular vehicle traffic will be introduced to the immediate environs of ASNWs or veteran trees, with the exception of that for maintenance. There will therefore be no material disturbance to wildlife.
Increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas	MR	The proposed footpath improvements through the off-site ASNW will directly follow the established informal footpath, characterised by bare and compacted ground, with further measures (including fencing and defensive planting) to deter trespass.
	RH	Access to ancient woodland will be prevented with fences and barrier/margin planting. The exception being the access path upgrade through the ancient woodland. This will also be fenced as accepted by Natural England. The appropriately constructed 'no dig' woodland path will not result in deterioration in physiological condition of trees within ancient woodland due to nature of path construction, the presence of the existing path and the already disturbed ground and ground flora on the path alignment. The same is true of the mown grass path adjacent the veteran trees in G9 which will be located over an area of the farm yard area where hardcore type rubble has been distributed in the past.
Increasing damaging activities like fly-tipping and the impact of domestic pets	MR	The adoption of significant buffers, incorporation of defensive planting and absence of vehicular access are such that irreplaceable habitats are highly unlikely to be subject to fly tipping or dumping of garden waste. Although common small mammals and wild birds may experience some degree of predation pressure from additional domestic cats, the significant habitat creation and enhancement associated with the Appeal Scheme is such that the carrying capacity for wildlife is highly unlikely to be negatively affected.
Increasing the risk of damage to people and property by falling branches or trees requiring tree management that could cause habitat deterioration	RH	No new fixed tree risk targets (e.g. dwellings, roads, etc) are being introduced close to ancient woodland or veteran trees. The ancient woodland will be fenced around its perimeter as will the SANG. The overall risk of harm from falling trees or branches is very low nationally and also within the site (current and proposed). Reactive management after storm events (to clear fallen trees or branches) will still be required, as is the current situation. The eastern route to the southern SANG area (just south of G9) equally poses no risks of personal injury or tree management causing habitat deterioration, as the route in question is short and lies outside canopies of the relevant trees.
Changing the landscape character of the area	MR	Landscape character is outside my sphere of expertise, though it is my understanding that this is not a contested matter in the Appeal.