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DOWNLANDS

TOWN AND COUNTRY PLANNING ACT 1990
(as amended)
Section 78 — APPEAL

PINS Ref: APP/C1435/W/23/3321978

EXPERT EVIDENCE OF JULIAN FORBES-LAIRD

ON BEHALF OF THE APPELLANT,
IN RELATION TO ARBORICULTURAL MATTERS

Vol. 1—SUMMARY

Prepared for: *Gleeson Land and John Allison Land & Research Ltd*

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I am Julian Forbes-Laird, Expert Witness for the Appellants on arboricultural matters,
And I will say:

i) My evidence covers harm to irreplaceable habitat, as defined in Annex 2 of the Framework.

ii) Specifically, I address various allegations made by the Council, and other objecting parties, that the Appeal Scheme would result in the loss of ancient woodland; the deterioration of ancient woodland due to hydrological change; and the deterioration of veteran trees.

iii) Deterioration of ancient woodland for reasons other than hydrological change is addressed in evidence for the Appellants by Mr Baxter.

iv) Paragraph 180c of the Framework is *relevant* to a determination of this Appeal insofar as irreplaceable habitats are present and potentially affected by development. However, as I explain, it is not *engaged*. This is because engagement of the policy occurs only if the irreplaceable habitats in question would suffer loss or deterioration, which would not happen.

v) Loss and deterioration would not happen because proposals that interface with and/ or insert within irreplaceable habitat have been subject to a detailed study to establish baseline conditions, and to a careful design process to ensure that impacts are, at least, minimised to below the level of materiality.

vi) The impact minimisation process includes a suite of mitigation measures, including use of pile-supported boardwalks for ground protection; access control; woodland management; and localised translocation of woodland herbs.

vii) I set out the arboricultural impacts of the Appeal Scheme, including beneficial impacts, and summarise those points raised in objection to which I then go on to respond, including allegations made by Dr Alan Thompson that hydrological and hydrogeological links exist between the Appeal Site and Lake Wood. I explain how Dr Thompson is in fact offering assertions rather than evidence: his hypothesis, when properly examined, does not bear scrutiny.

viii) I draw attention to Dr Thompson's attempt to challenge the British Geological Survey's understanding of one of the strata present on the Appeal Site. However, his challenge rests on an alternative definition of this stratum that the BGS does not itself adopt.

ix) Be this as it may, I set out in detail the interface between the proposed drainage solution and its receptor woodlands, citing with approval the support of Natural England and two recent Appeal decisions that all endorse our approach.

x) I also set out in detail the use and efficacy of pile-supported boardwalks within woodland. These minimally-invasive structures have a solid track record of successful access delivery near to retained trees, with one recent example being provided by Centre Parcs at Woburn.

xi) In addition, I address the allegation of harm to veteran trees, and note that even the Woodland Trust has accepted our proposals in this regard as providing effective safeguarding. Indeed, I would argue that the bespoke management of veteran trees is in fact strongly net beneficial, especially where supported by new planting of native, open-grown trees, as would be the case here.

xii) Inspectors considering other schemes at Appeal have recently endorsed our approach, attaching positive weight to the preservation and care of veteran trees.

xiii) My evidence also addresses the allegation from one respondent, Dr Martyn Stenning, that some of the secondary woodland adjacent to the A22 is in fact ancient. Dr Stenning appears to base his claim on the presence of 'ancient woodland indicator species', a subject with which he is seemingly unfamiliar at the necessary level of detail. I explain why this is so, and use map-based evidence to demonstrate that the woodland in question lacks evidence of antiquity prior to 1829. By this means, I show that Dr Stenning's suggestion of additional ancient woodland lacks any credible foundation.

xiv) I take issue with two aspects of the Natural England and Forestry Commission *Standing Advice*, explaining why these aspects of this guidance are not rational and should be afforded minimal weight. The first aspect is the recommendation that the condition of an ancient woodland be disregarded within the context of assessing whether it would suffer deterioration. This is clearly wrong, as an understanding of the start-point is essential if one is to understand the end-point, i.e. whether the outcome of development is better, the same, or worse.

xv) The second aspect of the *Standing Advice* I criticise, is the characterisation of management of a woodland effected by development as *compensation*. This is also wrong: where woodland management would cure an impact occurring to the same woodland as that proposed for management, this is straightforwardly *mitigation*.

xvi) I conclude by reviewing the three Reasons for Refusal that refer to irreplaceable habitats. Reason 4 rests on Reason 2, which itself is an umbrella complaint against loss or deterioration of these habitats. If Reason 2 is not made out, and I say it is not, then Reason 1, disapplication of the tilted balance due to engagement of paragraph 180c of the Framework, must come under pressure. I leave this final point for Mr Mellor to consider within his planning evidence.