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RESPONSE SUMBITTED BY EMAIL ONLY

12th July 2023

Dear Tim Salter,

Appeal reference: APP/C1435/W/23/3321978
Appeal by: Gleeson Land and John Alison Land and Research Ltd
Proposal: HYBRID PLANNING APPLICATION COMPRISING: OUTLINE APPLICATION (WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS) FOR THE ERECTION OF UP TO 424 NO. RESIDENTIAL DWELLINGS INCLUDING AFFORDABLE HOUSING, THE PROVISION OF VEHICULAR, PEDESTRIAN AND CYCLE ACCESS AND SEPARATE EMERGENCY ACCESS FROM THE UCKFIELD BYPASS (A22), PEDESTRIAN AND CYCLE ACCESS FROM SNATTS ROAD, OPEN SPACES INCLUDING CHILDREN'S PLAY SPACE, SUSTAINABLE URBAN DRAINAGE SYSTEMS, ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND EARTHWORKS; AND FULL APPLICATION COMPRISING CREATION OF A STRATEGIC SANG, ASSOCIATED LANDSCAPING AND CAR PARKING, AND DEMOLITION OF EXISTING RESIDENTIAL PROPERTY AND OTHER BUILDINGS AND PROVISION OF PEDESTRIAN AND CYCLE ACCESS FROM ROCKS ROAD, ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND EARTHWORKS. | LAND AT DOWNLANDS FARM, UCKFIELD

Position of Woodland Trust: Objection

Following the refusal of planning application WD/2022/1637/MEA by Wealden District Council, and subsequent appeal from the applicant to the Planning Inspectorate, the Trust wishes to submit its comments to appeal case APP/C1435/W/23/3321978.

This response includes a re-submission of the Trust's original response (objection) to planning application WD/2022/1637/MEA, and concludes with further comments relating to information made available since our original response; for example, where the applicant has responded to concerns that ourselves and/or other parties have raised. We request that our original comments are considered on their own merits, irrespective of the applicant's further comments, and that our further comments are considered in respect of the later submissions and responses from the applicant and other parties.

Please note that due to limited capacity and resource, the Trust has not been able to consider every submitted document in full detail. Due to assumptions made throughout the planning application by consultants working on behalf of the applicant, we ask that the applicant refrains from insisting that the absence of comment on certain matters is an indication that the Trust (or any other party for that matter) agrees with the applicant's position or does not hold concerns on such matters. These assertions are not appropriate to be making on behalf of the Woodland Trust or other parties, such as Natural England. If there are elements that the Inspector, Council or applicant consider that the Trust has not addressed in its response to the application or appeal, then we would be willing to provide clarification on request.

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Original submission as provided on 16 September 2022:

The following section contains the Trust's original comments on planning application WD/2022/1637/MEA, submitted to Wealden District Council on 16 September 2022.

Objection – deterioration of ancient woodland, veteran trees and Woodland Trust-owned site, Lake Wood

As the UK's leading woodland conservation charity, the Woodland Trust aims to protect native woods, trees and their wildlife for the future. We own over 1,000 sites across the UK, covering over 30,000 hectares and we have over 500,000 members and supporters. We are an evidence-led organisation, using existing policy and our conservation and planning expertise to assess the impacts of development on ancient woodland and ancient and veteran trees. Planning responses submitted by the Trust are based on a review of the information provided as part of the application to the local authority.

Woodland Trust Position

The Trust **strongly objects** to planning application WD/2022/1637/MEA on the basis of deterioration of ancient woodland and veteran trees, and adverse impacts on our Lake Wood site. The ancient woodland sites are designated as a mix of ancient semi-natural woodland (ASNW) and plantation ancient woodland sites (PAWS) on Natural England's Ancient Woodland Inventory (AWI). The specific woods are detailed below.

We have particular concerns relating to Lake Wood, a Woodland Trust-owned site that borders the southern edge of the development site. Further details of our concerns in respect of ancient woodland, veteran trees and our site are provided in this letter, though to summarise our main concerns relate to the following:

- Intensification of human activity and recreational disturbance on ancient woodland, veteran trees and Lake Wood, particularly the inclusion of ancient woodland with designated SANG.
- Fragmentation of ancient woodland sites from adjacent semi-natural habitats.
- Noise, light and dust pollution affecting habitats and important flora and fauna.
- Threats to long-term retention of notable and veteran trees from increased safety concerns, and removal of important habitat features
- Adverse hydrological impacts across the site.
- Wider impacts on ecological connectivity and functioning of site, and concerns regarding the overall suitability of the site for development purposes.
- Cumulative effect of the above impacts resulting in long-term deterioration of the natural landscape.

Ancient Woodland

Natural England and the Forestry Commission, the Government's respective bodies for the natural environment, define ancient woodland as follows within their standing advice[1]:
"*Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It is a valuable natural asset important for: wildlife (which include rare and threatened species); soils; carbon capture and storage; contributing to the seed bank and genetic diversity; recreation, health and wellbeing; cultural, historical and landscape value. It has been wooded continuously since at least 1600AD. It includes:*

[1] https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions

- *Ancient semi-natural woodland* [ASNW] *mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.*
- *Plantations on ancient woodland sites* – [PAWS] *replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi"*

Veteran Trees

Natural England's standing advice on veteran trees states that they "*can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are also irreplaceable habitats. A veteran tree may not be very old, but it has significant decay features, such as branch death and hollowing. These features contribute to its exceptional biodiversity, cultural and heritage value."* We consider that not all veteran trees are ancient, but all ancient trees are also veteran trees.

We note that a number of trees have been identified within the arboricultural survey as being veteran specimens. There are no trees on site recorded as veteran on the Trust's Ancient Tree Inventory[2], though this is not unexpected as the inventory does not represent a comprehensive record of ancient and veteran trees across the UK. We have provided further detail below with respect to veteran trees that require protection.

Planning Policy

The National Planning Policy Framework, paragraph 180, states: "*When determining planning applications, local planning authorities should apply the following principles:*

c) 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[63] and a suitable compensation strategy exists;"

Footnote 63, defines exceptional reasons as follows: "*For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat."*

As there is no wholly exceptional reason for development in this location then the development should only be allowed where it complies with national planning policy. At present, we consider that this is not the case and the application should be refused.

The council should also have regard to local planning policies and decisions. For example, 'Policy EN13 Ancient semi natural woodland' aims to protect the ecology of Ancient Semi-Natural Woodlands and states: "*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*."

We would also question the suitability of the site for new development. We understand that other stakeholders have also flagged this concern and would like to draw the council's attention to Wealden District Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) report from 2019[3]. It was concluded that 'Land at Downlands Farm,

[2] http://www.ati.woodlandtrust.org.uk/

[3]https://www.wealden.gov.uk/UploadedFiles/A29._Strategic_Housing_Economic_Land_Availability_Assessment_reduced-1.pdf

Snatts Road, Uckfield' (site reference: 137/1410) is not suitable for development, with the document stating: *"This is an area of attractive rural landscape on the fringes of Uckfield, containing much ancient woodland. Development of the site would entail considerable adverse landscape impact and would compromise its nature conservation integrity and biodiversity interests. In addition, development of the site is unacceptable on transport sustainability grounds and because of its relative inaccessibility from the town centre. The site was also subject to an appeal which was dismissed by the Secretary of State in 2008 due to specific site constraints."*

Impacts on Ancient Woodland

The development proposed as part of this application would involve the creation of a new residential development of a significant size and scale (400+ dwellings). Where development is sited in close proximity to ancient woodland there is the potential for the woodland and its wildlife to be adversely affected by this change of land use and the associated impacts of increased activity. This application has the potential to impact on several areas of ancient woodland, resulting in their long-term deterioration. We consider that the following areas of ancient woodland could be subject to adverse impact:

- Longwood Gill (or Long Gill Wood) (grid ref: TQ 46597 22117)
- Shermanreed Wood (TQ 46824 22284)
- Lake Wood (TQ 46454 21797)
- Thirty Acre Shaw 2 (southern wood alongside A22) (TQ 46397 22179)
- Thirty Acre Shaw (TQ 46486 22354)
- Fir Tree Grove (TQ 46730 21758)
- Part of Thirty Acre Wood west of A22 (TQ 46246 22110)
- Budletts Wood (TQ 46803 22530)

Natural England and Forestry Commission have identified impacts of development on ancient woodland or ancient and veteran trees within their standing advice (please see the annex at the foot of this document for the full range of impacts outlined). This guidance should be considered the Government's position with regards to development impacting ancient woodland, although Natural England and Forestry Commission should still be consulted for specific comment on this application.

It must be recognised that the entirety of the site, from ancient woodland to ghylls to grassland are intrinsically linked at an ecological level. This landscape of natural habitats and their wildlife populations are functionally dependent on each other. Below we have set out our main areas of concern in respect of ancient woodland.

Recreational pressure

We consider that the size and scale of the development (400+ dwellings) has the potential to result in significant indirect impact on ancient woodland. The change in land use and increased human activity (as well as the impact of domestic pets) is likely to adversely affect the ancient woods and their wildlife through pollution and disturbance during both construction and operation. Our concerns align with those detailed in government's standing advice. We also have concerns with respect to the inclusion of ancient woodland within the site's SANG designation, which are discussed further below.

Fragmentation and isolation

Fragmentation is another significant concern for ancient woodland on this site considering the existing and proposed residential areas. The proposed development would further encase sides of ancient woodland areas within the site that are not presently developed and that

currently adjoin semi-natural habitat. This is particularly the case for Longwood Gill, which would be largely encased by urban development and isolated from other natural habitat, impacting its wildlife populations. The introduction of significant amounts of new infrastructure and loss of semi-natural habitat for housing, roads and other infrastructure will result in a significant barrier to commuting and foraging routes for wildlife, permanently altering the functionality of the existing network of habitats.

Hydrological impacts

We have concerns in relation to the potential impact of the development on the hydrology of the ancient woods, the watercourses and the wetland habitats present both on and off site. With development at a high elevation than many of the ancient woodland ghylls within the site and the introduction of a significant amount of hard-standing, the woodlands and their wet features are likely to be subject to increased urban run-off and associated pollutants/contaminants. We do not consider that enough consideration has been afforded to this and it is unclear how such impacts would be avoided or mitigated. While impacts may be monitored after the development has been built, this would be too late to prevent adverse impacts on the ancient woods and their hydrological condition.

Main access

We have concerns with respect to the main access and roundabout proposed for the site. While the applicant has stated that all areas of ancient woodland would be retained, this access road would result in the loss of important woodland habitat and sever important connecting habitat between Lake Wood and other areas of ancient woodland within the development site. The proximity of this access is also likely to result in indirect impacts on nearby areas of ancient woodland on both the eastern and western side of the A22, with impacts during both construction and operation. We would appreciate clarification around whether a new junction/roundabout at this location is likely to result in increased traffic emissions and other airborne particulates affecting the nearby ancient woodlands. Emissions associated with traffic, such as nitrogen oxides (NO_x) and ammonia (NH_3) can severely adversely impact ancient woods and trees and their associated wildlife[4]. Furthermore, while the woodland areas to be lost in this area are not designated as ancient woodland, they should be considered valuable habitat regardless and their loss is not insignificant.

Emergency access

We have concerns in respect of the emergency access road that would cut through a small sliver of woodland between the designated ancient woods of Thirty Acre Shaw 3 and Shermanreed Wood. As noted by the applicant, construction of this emergency access would impact the root protection areas (RPAs) of trees on the edge of the ancient woodlands of Thirty Acre Shaw 3 and Shermanreed Wood. Indeed, this emergency access would encroach within what should be a buffer zone for these areas of ancient woodland and likely result in these ancient woods being subject to adverse impacts of construction activity. This clearly contravenes national planning policy and government guidance. Both the main access and emergency access would act to sever the connectivity of areas of ancient woodland from each other and other semi-natural habitat on site.

SANG designation

We are concerned by the inclusion of areas of ancient woodland (Shermanreed Wood and Budlett's Wood) within the application's SANG designation. We wish to outline that the Trust does not oppose the use of ancient woodland for public access, indeed the Trust's own ancient woodland sites are all open to public access; however, any usage should be provided

[4] https://www.woodlandtrust.org.uk/media/1687/ammonia-impacts-on-ancient-woodland.pdf

sensitively to ensure that these irreplaceable habitats are not irrevocably damaged through increased recreational use. Given the nature of SANG – the principle being that SANG was first introduced as a means of diverting people away from sensitive habitats – we consider that the use (and therefore potential damage) of ancient woodland for this purpose is inappropriate and must be avoided. While we recognise ancient woodlands are not statutorily protected sites, they are recognised for their sensitive nature regardless.

This is supported by wording within the 'Guidelines for creation of SANGS' document produced by Natural England[5], which states: "*The identification of SANGS should seek to avoid sites of high nature conservation value which are likely to be damaged by increased visitor numbers. Such damage may arise, for example, from increased disturbance, erosion, input of nutrients from dog faeces, and increased incidence of fires. Where sites of high nature conservation value are considered as SANGS, the impact on their nature conservation value should be assessed and considered alongside relevant policy in the development plan.*"

As highlighted within Sussex Wildlife Trust's response to this application, there are some concerns with respect to the use of ancient woodlands as recreational spaces and how visitors will be encouraged to use the proposed SANG. We are sceptical in respect of how these woods will cope with the additional recreational use from 400+ new houses and increase in local populations and the mitigations proposed to deal with increased use. We commend the fencing off of sensitive areas of ancient woodland, including Longwood Gill and Shermanreed Wood and plans to manage these sites for biodiversity purposes, as well as implementation of interpretation boards. However, we remain concerned by plans to encourage the use of other areas of ancient woodland (that are presumably considered to be 'lower value') for recreational purposes and would expect to see detailed plans to reduce such impact if it is found that the ancient woods within and adjacent to the site are being adversely affected.

Boardwalk through Fir Tree Grove

We have some concerns in respect of a boardwalk proposed by the applicant through an area of ancient woodland (Fir Tree Grove). We understand that the applicant has stated that the boardwalk would be routed through areas of lower value in respect of ground flora and that any important species would be moved elsewhere within the woodland. It is difficult to see how such an approach would have benefit for the ancient woodland, and would more realistically result in damage to this ancient woodland area from the construction of the boardwalk, the loss of available habitat around the boardwalk, and intensified management of the ancient woodland and its trees for health and safety purposes. We would appreciate clarification as to why a footpath is required in this location and why a boardwalk has been proposed as opposed to other types of path.

Impacts on Veteran Trees

From the documentation provided, we have identified the following trees (in line with the applicant's identification process and our own observation of the tree survey) as being of importance and requiring protection in line with national policy, government guidance and BS5837 guidelines (we have also provided comments on particular trees regarding their proposed management):

- 3001 – ash – veteran
- 3003 – ash – veteran
- 3004 – ash – veteran

[5] https://www.woking2027.info/allocations/sadpdexam/neguidelinessang.pdf

- 3005 – ash – veteran
- 3006 – ash – veteran
- 3007 – gean – veteran
- 3021 – oak – notable
    - We consider that removal of deadwood on the basis of its potential to affect nearby highway is not appropriate if the mentioned highway is newly proposed.
- 3026 – oak – veteran
- 7041 – beech – veteran
- 7053 – oak of 1210mm listed as possible future veteran
    - Future veterans must be afforded suitable space to avoid their loss or deterioration, protecting their rooting environments. While not required through guidance or policy, we consider that the application of a buffer zone in line with veteran tree recommendations should be considered to ensure future veterans have the space required for their long-term vitality.
- 7054 – coastal redwood of 1750mm listed as possible future veteran
    - As above for the other future veteran.
- 7058 – sweet chestnut of 1180mm listed as possible future veteran
    - As above for the other future veterans
- 7075 – oak of 1250mm listed as excellent specimen
    - While this oak may not have the features presently to qualify as a veteran, it is likely a notable tree and future veteran given the appropriate time and space to develop. As much space should therefore be afforded to this tree and its rooting environment as possible.
- 8036 – oak – veteran
    - Recommended to "*stabilise dead wood according to occupancy levels beneath the crown*". We would ask that measures are implemented to prevent ingress of persons beneath its crown.
- 8038 – Monterey pine of 1540mm listed as notable
    - As above comments for future veterans.
- 8039 – beech – veteran (relic) tree
- 8045 – oak of 1200mm listed as notable
    - Recommended to "*stabilise dead wood according to occupancy levels beneath the crown*". We would ask that measures are implemented to prevent ingress of persons beneath its crown.
- TG3013 – ash – veteran coppice

While there are clearly a number of veteran and other important trees present within the development site, it does not appear that any of those identified as veteran by the applicant would face direct impacts from the proposals. We ask that the council ensures that appropriate buffer zones have been afforded to all of the above trees and that the council is satisfied with proposed management to ensure avoidance of their deterioration. While there would be no direct loss of veteran trees, we consider that they do form an important part of the landscape and have a role in the ecological functionality of the wider natural landscape and to wildlife populations that are present within and adjacent to the development site.

We would question the comments from the applicant that "*Veteran trees are not generally susceptible to other types of effects that might arise during construction, such as those arising from dust deposition, or light pollution or changes in air quality.*" While studies conducted in the UK are rather limited in respect of indirect effects on trees, international studies have shown that dust load on trees does have negative impacts on leaf growth and can induce

changes in physiological and micro-morphological characteristics of trees. Such changes could be particularly impactful to veteran trees. With regards to other indirect effects of construction and operation of residential development, impacts such as light, noise pollution and air quality changes do have the potential to adversely affect species associated with the old-growth and deadwood habitat of such trees, i.e. lichens, fungi, bats, invertebrates, etc., and should therefore be considered also. We would expect to see further information provided on whether such effects would adversely impact veteran trees on site.

Furthermore, increased human activity in the vicinity of veteran trees will increase the need to manage such trees more intensively so as to reduce associated health and safety risks. As stated above, veteran trees typically feature significant deadwood habitat of great value for biodiversity, e.g. retained deadwood in the crown, broken/fractured branches and trunk cavities/wounds, and the removal of such features in the interests of managing safety risks can result in loss of habitat and/or consequential decline or removal. Therefore, where such trees are to be located within public areas, other mitigations should be considered to reduce human activity around these trees, i.e. restricting access within their canopy area and rooting environment.

Our concerns regarding the increased risk that veteran trees can pose when more exposed to human contact is supported by the guidance within David Lonsdale's 'Ancient and other Veteran Trees: Further Guidance on Management' (2013), which states in paragraph 3.5.2.1 *"… avoid creating new or increased targets: as happens for example following the construction of facilities (e.g. car parks or buildings) which will bring people or property into a high risk zone. Not only does this create targets, it also harms trees and therefore makes them more hazardous*".

Impacts on Lake Wood, Woodland Trust-owned Site

Our Lake Wood site, which abuts the southern boundary of the development site is an area of ancient semi-natural woodland that is currently accessible to the public. At present, Lake Wood is used by local residents; there is limited access to the woodland as our site does not have an associated car park and is only accessible via existing footpaths. The proposed application would constitute an additional 400 plus residential dwellings within the local area, increasing the local population near to our ancient Lake Wood site by a significant amount. The change in land use, creation of hundreds of new dwellings and new parking areas would all act to increase visitor pressure on our site and with it, associated disturbance.

While the Trust encourages public enjoyment and access of ancient woodland, it must be managed sensitively to prevent damage to its important ecological features and avoid long-term deterioration that often occurs where urban development is in close proximity to ancient woodland.

The applicant has recognised that the proposals would likely result in indirect effects that they consider would lead to 'short-term' minor degradation of the woodland and wetland habitats within Lake Wood. We have serious concerns regarding the impact of indirect effects within the ancient woodland and consider that the 15m buffer applied between the woodland edge and development is insufficient to prevent impacts in both the long and short-term. While impacts such as airborne pollution, are likely to be more prevalent during the construction period, consideration must be given to how the operational phase of the development will impact our ancient woodland.

The change in land use and increase in local population in close proximity to our site and with easy access to our site will undoubtedly exacerbate the adverse impacts of recreational pressure that Lake Wood is already subject to. In particular, the creation of new car parks on site is likely to generate additional traffic and footfall, as well as that expected from future occupiers of the residential development.

Therefore, we request that the largest possible buffers are implemented between the development and the boundary of Lake Wood, with a minimum of 50 metres being considered. We understand that a break in the mowing regime for the site has resulted in some natural regeneration in areas with oak, birch, willow and blackthorn coming through and forming scrubby edges to the woods and hedges across the site. We would expect to see allowance for wide strips of scrubby habitat adjacent to Lake Wood as part of any mitigation plans to avoid deterioration of our site and prevent informal and unwanted access points and desire lines being created.

As mentioned above however, the Trust has fundamental concerns with the change of land use proposed for this site, and the impact this would have on the wider ecological functionality of the area and on our own Lake Wood site. Therefore, we remain opposed to development in this location. We would refer the council to the submission from Dr Martyn J. Stenning in this respect, as a professional ecologist with long-standing experience of studying and observing the ecology of the area within and around the development site, with particular expertise and knowledge relating to Lake Wood's ecology.

Mitigation

Considering the size and scale of the development and its location in the wider landscape, with several distinct areas of ancient woodland and other wooded habitat in proximity to the development, we consider that extensive mitigation measures are required to prevent ancient woodland and veteran trees are protected from damage and deterioration. Natural England and Forestry Commission have produced guidance on mitigation measures to alleviate impacts to ancient woods and trees within their standing advice (please see the annex at the foot of the document).

Additional mitigation approaches are also outlined in our Planners' Manual[6]; these measures would help ensure that the development meets policy requirement and guidance and include (we recognise the applicant has already implemented some of these):

- Retaining and enhancing natural habitats around ancient woodland to improve connectivity with the surrounding landscape.
- Measures to control noise, dust and other forms of water and airborne pollution.
- Woodland restoration – such as in PAWS.
- Sympathetic design and use of appropriate lighting to avoid light pollution.
- Producing and funding an access management plan for the woodland, and/or providing alternative natural greenspace to reduce additional visitor pressure.
- Introduction of sympathetic management for neglected woodlands or trees.
- Implementation of an appropriate monitoring plan to ensure that proposed measures are effective over the long term and accompanied by contingencies should any conservation objectives not be met.

Regarding the proposed buffer zones to ancient woodland, we understand the applicant has proposed minimum buffers of at least 15 metres between areas of development and ancient

[6] https://www.woodlandtrust.org.uk/media/3731/planners-manual-for-ancient-woodland.pdf

woodland. The minimum 15m is accepted as a means of protecting the roots of trees at the edge of the ancient woodland, however Natural England consider that larger buffer zones should be considered where impacts are likely to occur beyond this distance. In this case the buffer zones should be proportionate to the scale of the development.

We consider that the applicant must implement **buffer zones of at least 50 metres** between any area of development and ancient woodland, particularly in respect of the Trust's own ancient woodland, Lake Wood. The council should take account of Natural England's recent recommendation for a 50m buffer to ancient woodland for a large-scale housing development in Basingstoke[7]. Consideration should also be given to reports produced by the Woodland Trust[8] and the Yorkshire Wildlife Trust[9], both of which detail the impacts that can be felt by ancient woods from residential development and the need to maintain distances to avoid such impacts.

With respect to veteran trees, Natural England and Forestry Commission's standing advice should be followed to ensure suitable buffer zones, with incursions into these zones from any infrastructure entirely avoided.

Conclusion

Ancient woods and veteran trees are irreplaceable habitats and must be protected at all costs. Any damage or deterioration to these habitats must be avoided and appropriately mitigated in line with local and national policies, and government guidance.

In summary, the Woodland Trust would like to register a **strong objection** to this application on the basis of deterioration of several areas of ancient woodland, including our own Lake Wood site, as well as potential for adverse impact on veteran trees, local wildlife populations and the wider ecological functioning of this natural landscape.

We anticipate that local habitats are likely to be subject to considerable indirect impact, namely in the form of fragmentation, pollution and disturbance, and will face long-term deterioration as a result. As such, this application contravenes both local and national planning policies designed to protect natural landscapes and irreplaceable habitat. We ask that Wealden District Council considers this application for refusal.

If you would like clarification of any of the points raised please contact us via campaigning@woodlandtrust.org.uk.

Additional comments as provided on 11 July 2023:

The following section constitutes further comments that the Trust would like to submit as part of appeal case APP/C1435/W/23/3321978. These comments have been provided in respect of further submissions to planning application WD/2022/1637/MEA since the Trust's original response on 16 September 2022.

[7] https://pad.basingstoke.gov.uk/documents/4753/01/19/16/01191671.PDF
[8] https://www.woodlandtrust.org.uk/media/43619/impacts-of-nearby-development-on-the-ecology-of-ancient-woodland-addendum.pdf
[9] https://connectingfornature.files.wordpress.com/2017/11/inpractice97_sep2017_rylattgarsiderobin.pdf

Woodland Trust position

The Woodland Trust continues to maintain an **objection** to these development proposals on the basis of deterioration of a number of areas of ancient woodland and impacts to its own Lake Wood site.

Since the Trust's original response in September 2022, a number of documents have been submitted to the Council for application WD/2022/1637/MEA. In our following comments, we intend to address those documents which pertain to the applicant's response to ecological concerns raised by the Trust and other parties (including other environmental NGOs, council experts and local persons).

One of the over-arching themes of the environmental objections to the scheme and a key focus of our original objection is the deterioration of several areas of ancient woodland (the woods in question have been detailed in our original response). While the Trust acknowledges that the applicant has sought to introduce mitigation measures to alleviate impacts on ancient woodland, we fundamentally disagree with the applicant's position that the proposals would not result in deterioration of ancient woodland.

We must stress that in considering national planning policy relating to ancient woodland, it is clear that development must not result in any deterioration of ancient woodland. National policy does not suggest that there is an appropriate level of deterioration, only that where deterioration is likely to occur then the development in question should be refused. We remain concerned that numerous areas of ancient woodland will be subject to indirect effects arising from the development and consider that the scale of the development and mitigation measures proposed will not prevent deterioration of the ancient woodlands on site.

As such, the harm to ancient woodland from the proposed development directly contravenes paragraph 180(c) of the National Planning Policy Framework and considering that there is no wholly exceptional reason for development in this location, **we ask that Wealden District Council's refusal of planning permission for this development is upheld by the Inspector**.

Inclusion of ancient woodland in SANG and recreational impacts

The Trust retains concerns regarding the inclusion of a significant amount of ancient woodland within the proposed SANG areas for this development. As acknowledged by the applicant, the site currently has very low levels of visitor traffic and no formal public access provision.

We note that the applicants have sought to exclude some areas of ancient woodland from the SANG area due to sensitivity. While we appreciate the concept, we consider that this reasoning is not consistent with how NE and FC intend for ancient woodland to be considered, as per the standing advice for ancient woodland[10]. In the standing advice, NE and FC make clear that "*Where a proposal involves the loss or deterioration of ancient woodland or ancient or veteran trees you should not take account of the existing condition of the ancient woodland or ancient or veteran tree when you assess the merits of the development proposal. Its existing condition is not a reason to give permission for development. A woodland or tree in poor condition can be improved with good management.*"

Throughout the application, the applicants have sought to demonstrate how a woodland management plan and other mitigation measures would improve the condition of the ancient

[10] https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions

woodlands on site, recognising the ability to improve condition through good management. While we understand the thought process from the applicants in excluding areas of ancient woodland considered to be sensitive, we would expect that part of the intention of introducing a woodland management plan is to improve the condition of the ancient woodland and allow for more woodland specialist species (which are typically more sensitive and vulnerable to change) to develop and thrive. By including what the applicant considers to be non-sensitive ancient woodland in the SANG area, the applicants are opening these woods up to increased recreational disturbance and visitor pressure (as well as other indirect effects), and effectively hampering the improvement of their ecological value (and ability to support sensitive species).

We ask that all areas of ancient woodland are excluded from the SANG area and subsequently provided sufficient protection in line with standing advice. At present, the minimum buffers to ancient woodland, fragmentation of the landscape, and inclusion within the SANG area leaves the ancient woods within and adjacent to the development site (and their associated wildlife) open to significant recreational disturbance and other indirect effects that will result in their deterioration.

Emergency access between ancient woodland areas

We remain concerned regarding the development's proposed emergency access from the A22 road. As detailed by the applicant, the emergency access will be sited in a narrow gap between two areas of ancient woodland. While we recognise that this small gap is not designated as ancient woodland, it serves as an important connection between two areas of ancient woodland.

We note that the applicants have stated that no buffer is required to the ancient woodland directly adjacent, however, it is not clear why that is considered the case. The aforementioned standing advice for ancient woodland does not detail the scenarios in which a buffer to development may not be required. Instead, the standing advice simply states that buffers will be required where impacts are likely to occur and should not include development proposals.

We consider the emergency access would have impacts in line with those detailed in the standing advice, including (but not limited to): impacts on the roots of trees within the ancient woodland areas; breaking up working connections between woodlands; reducing adjacent semi-natural habitat; reducing the resilience of the woodland to change; and an increased need to manage the access likely requiring the cutting back of trees and vegetation associated with the ancient woodland.

Drainage strategies and hydrological impacts

The Trust is not able to comment in detail regarding drainage strategies and hydrological impacts, and refers the Inspector to our original response detailing our comments on hydrological impacts. We noted in our original response that hydrological changes have the potential to introduce pollutants and contaminants to the ground and surface waters of ancient woodland, though such changes can also alter the hydrological condition of ancient woodland and impact on species composition, particularly where ancient woodland sites presently support species accustomed to either wet or drier conditions.

We note that part of the strategy proposes directional drilling beneath the soil horizons of ancient woodland in order to allow flow into the existing ghylls and streams on site. While this may feasibly avoid direct loss of ancient woodland, we would question what works might

be required within ancient woodland if future maintenance of pipework is required. Clarification should be required on what the process would be in such a situation and whether digging would be required to access the pipework, if for example a fault were to occur. We would also question the applicant's assertion that such a technique is approved by Natural England. There does not appear to be any formal response from Natural England to this application or published advice/guidance that suggests this is an approved technique.

To conclude on this matter, we would question whether there is clear evidence that the hydrological condition of the ancient woods across the site (including our Lake Wood site) would be preserved and remain unaffected by the development. We ask that the Inspector has regard for the potential hydrological changes that may occur as a result of the development, and that those who are suitably qualified in hydrological matters are fully consulted to determine whether the proposed strategies can be shown to avoid the deterioration of ancient woodland.

Boardwalk through Fir Tree Grove ancient woodland

The matter of a boardwalk through the ancient woodland of Fir Tree Grove is addressed in our original response above, however, we note that the applicant has sought to justify its siting within ancient woodland and made reference to the use of boardwalks by other organisations. We remain entirely opposed to the proposed boardwalk through Fir Tree Grove from the point of view of impact and deterioration of ancient woodland, as well as necessity and purpose. We agree with the applicant that access to ancient woodlands is important (as outlined in Keepers of Time policy), however, such access must be facilitated in the appropriate way and not result in deterioration of irreplaceable habitat.

While construction of the boardwalk could be undertaken in a sensitive manner to limit impacts, it would still result in deterioration of ancient woodland through disturbance of soils, intensified management of trees and vegetation in the vicinity of the boardwalk, and increased light pollution that can elicit responses in fauna. Furthermore, the siting of such a boardwalk in this location would constitute loss of available habitat for woodland species. Again, considering that ancient woodland condition can be improved and populations of sensitive fauna and flora can be expanded through good woodland management, even if the applicant proposes to locate the boardwalk through areas that do not presently hold support species, management could feasibly introduce those species to those areas. If a boardwalk is sited there instead, that will not happen.

Finally, it is not clear why the applicant has already sought to exclude Fir Tree Grove from the SANG area due to sensitivity of this ancient woodland, yet also plans to locate an illuminated boardwalk through this same ancient woodland. We do not consider that a boardwalk in this location serves to improve the ecological condition of the ancient woodland, and considering the applicant has already sought to provide access to other ancient woods for future residents, we would question the need for access to this particular wood.

Updated comments on impacts to veteran trees

We note the applicant's technical response to the veteran tree matters raised in our original response. For clarity, we would like to note that the Trust has not adopted the applicant's own RAVEN methodology for identification of veteran trees. Rather, due to limited staff resource, e.g. being unable to visit the site or assess each tree individually, we have simply taken the applicant's assessment of veteran trees at face value and based our own comments on the assessment they have provided.

That being said, we note the assurances provided regarding the concerns we previously raised relating to potential impact from pollution and public access. We would welcome any measures that the applicant is able to incorporate to deter access and avoid potential impacts of veteran trees and ask that it is ensured that such measures feature as part of the proposals going forward. Considering the applicant's assertion that public access impacts can be suitably addressed, we would not continue to hold concerns regarding deterioration of trees identified as veteran by the applicant.

Involvement of Natural England in application consultation process

The Trust holds concerns with respect to the manner in which Natural England has been engaged in consultation on this application to date. It appears that the applicant has sought to provide details of conversations held with Natural England via email, with documents submitted to the application detailing said email exchanges. However, we consider that such conversations should not be regarded as official planning responses from Natural England on the various matters that applicant has sought a position on. While the applicant has responded to Natural England's initial consultation response, it should be made clear that there have been no further planning responses submitted by Natural England to the application prior to this appeal.

We are fully aware of the weight that the positions of government bodies, such as Natural England, hold on environmental matters in planning. Therefore, we ask that wherever it has been suggested that Natural England holds a position on a specific matter – and where Natural England has not addressed such a matter either within its own planning response to the application or through any published advice/guidance – then the Inspector seeks clarification from Natural England directly to ascertain its position.

Conclusion

In summary, the Trust maintains its **objection to the application on the basis of deterioration of several areas of ancient woodland**, including the Trust's own ancient woodland site, Lake Wood.

As stated in our above comments, we consider that the development will result in severe deterioration of several areas of ancient woodland and is therefore contrary to national and local policies and government guidance designed to protect irreplaceable habitats, such as ancient woodland, from harm. **As such, the Woodland Trust would urge the Inspector to consider the appeal case for refusal**.

Yours sincerely,

Jack Taylor
Lead Campaigner – Woods Under Threat
Woodland Trust

ANNEX:

Natural England and Forestry Commission's standing advice:
Ancient woodland, ancient trees and veteran trees: advice for making planning decisions

Direct and indirect effects of development:

Development, including construction and operational activities can affect ancient woodland, ancient and veteran trees, and the wildlife they support on the site or nearby.

Direct effects of development can cause the loss or deterioration of ancient woodland or ancient and veteran trees by:

- *damaging or destroying all or part of them (including their soils, ground flora or fungi)*
- *damaging roots and understorey (all the vegetation under the taller trees)*
- *damaging or compacting soil*
- *damaging functional habitat connections, such as open habitats between the trees in wood pasture and parkland*
- *increasing levels of air and light pollution, noise and vibration*
- *changing the water table or drainage*
- *damaging archaeological features or heritage assets*
- *changing the woodland ecosystem by removing the woodland edge or thinning trees - causing greater wind damage and soil loss*

Indirect effects of development can also cause the loss or deterioration of ancient woodland, ancient and veteran trees by:

- *breaking up or destroying working connections between woodlands, or ancient trees or veteran trees - affecting protected species, such as bats or wood-decay insects*
- *reducing the amount of semi-natural habitats next to ancient woodland that provide important dispersal and feeding habitat for woodland species*
- *reducing the resilience of the woodland or trees and making them more vulnerable to change*
- *increasing the amount of dust, light, water, air and soil pollution*
- *increasing disturbance to wildlife, such as noise from additional people and traffic*
- *increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas*
- *increasing damaging activities like fly-tipping and the impact of domestic pets*
- *increasing the risk of damage to people and property by falling branches or trees requiring tree management that could cause habitat deterioration*
- *changing the landscape character of the area*

Mitigation measures

Mitigation measures will depend on the type of development. They could include:

- *putting up screening barriers to protect ancient woodland or ancient and veteran trees from dust and pollution*
- *measures to reduce noise or light*
- *designing open space to protect ancient or veteran trees*
- *rerouting footpaths and managing vegetation to deflect trampling pressure away from sensitive locations*
- *creating buffer zones*

Use of buffer zones

For ancient woodlands, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.

For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This will create a minimum root protection area.

Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone.

Buffer zones can protect ancient woodland and individual ancient and veteran trees and provide valuable habitat for woodland wildlife, such as feeding bats and birds. The size and type of buffer zone should vary depending on the:

- *scale and type of development and its effect on ancient woodland, ancient and veteran trees*
- *character of the surrounding area*

For example, larger buffer zones are more likely to be needed if the surrounding area is:

- *less densely wooded*
- *close to residential areas*
- *steeply sloped*

Buffer zone recommendations

Where possible, a buffer zone should:

- *contribute to wider ecological networks*
- *be part of the green infrastructure of the area*

A buffer zone should consist of semi-natural habitats such as:

- *woodland*
- *a mix of scrub, grassland, heathland and wetland*

The proposal should include creating or establishing habitat with local and appropriate native species in the buffer zone.

You should consider if access is appropriate. You can allow access to buffer zones if the habitat is not harmed by trampling.

You should not approve development proposals, including gardens, within a buffer zone.

You should only approve sustainable drainage schemes if:

- *they do not affect root protection areas*
- *any change to the water table does not negatively affect ancient woodland or ancient and veteran trees*

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The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/C1435/W/23/3321978

DETAILS OF THE CASE

Appeal Reference	APP/C1435/W/23/3321978
Appeal By	GLEESON LAND AND JOHN ALISON LAND AND RESEARCH LTD
Site Address	Land at Downlands Farm Uckfield TN22 3PU Grid Ref Easting: 546619 Grid Ref Northing: 122026

SENDER DETAILS

Name	MR JACK TAYLOR
Address	The Woodland Trust Kempton Way Grantham Lincolnshire NG31 6LL
Company/Group/Organisation Name	The Woodland Trust

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground

- [x] Interested Party/Person Correspondence
- [ ] Other

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section:	REPRESENTATION
Document Description:	Your comments on the appeal.
File name:	Woodland Trust response to appeal APP-C1435-W-23-3321978 - Land at Downlands Farm.pdf

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