Forestry Commission

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Area Director
Jane Hull

13/07/2023

APP/C1435/W/23/3321978 - WD/2022/1637 – Land at Downlands Farm

Dear Planning Inspector,

This planning appeal has come to our attention due to the associated impacts development at this site would be expected to have on Ancient Woodland and our role as non-statutory consultees for developments that could impact Ancient Woodland.

As a Non-Ministerial Government Department, we do not provide an opinion supporting or objecting to planning applications. Instead, we provide advice on the potential impact that proposed developments could have on trees and woodland using our local knowledge and expertise, planning policy and legislation that could be relevant and measures that could help to avoid or limit impacts and result in overall gains wherever possible.

Impacts from development

As we were not made aware of this application at the consultation stage, we are outlining our comments now which we advise the Inspector consider in their decision making regarding this Appeal:

- **The proposed access roads for this development would result in direct loss of woodland which was previously designated as Ancient Woodland and is directly connected to a corridor of woodland that is still designated as Ancient Woodland (Thirty Acre Shaw)**. While we have not assessed the site ourselves, we understand that there is an abundance of evidence from surveys and local knowledge submitted for consideration in this Appeal by other consultees which suggest that the woodland contains Ancient Woodland features. We understand that there is an application with Natural England to update the Ancient Woodland Inventory.

- **The development's proposed the access roads are expected to result in fragmentation of a woodland corridor of high ecological potential** that appears to be well connected within the wider ecological network of habitats and species, of which ecological surveys suggest there are many including rare and protected species. The woodland corridor provides a direct connection that would be severed between multiple Ancient and Semi-Natural Woodland (Budlett's Wood and Shermanreed Wood to the North and Lake Wood to the South) by the development.

- **Ancient Woodland within and adjacent to the site is likely to be impacted by the development**. For example, the proposed SANG relies heavily on Ancient Woodland (Shermanreed Woodland) which could cause impacts from increased recreational pressure (eg soil compaction, litter) so needs careful consideration, as outlined by Natural England's consultation response. We also note the extensive ecological, landscape and historical value at Lake Wood (ASNW) adjacent to the site that has been demonstrated by documents submitted by consultees and needs very careful consideration, especially given its connectivity within the wider landscape and network of habitats including Ancient Woodland. The development would be likely to result in increased recreational pressure from residents in addition to other potential impacts such as changes to hydrology that may need to be considered (further advice on this is given in the below paragraphs).

Policy

Ancient woodlands, ancient trees and veteran trees are irreplaceable habitats. Paragraph 180(c) of the NPPF sets out that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In considering the impacts of the development on Ancient Woodland, Ancient and Veteran trees, the planning authority should consider direct and indirect impacts resulting from both construction and operational phases.

Please refer to Natural England and Forestry Commission joint Standing Advice for Ancient Woodland and Ancient and Veteran Trees, updated in January 2022. The Standing Advice can be a material consideration for planning decisions, and contains advice and guidance on assessing the effects of development, and how to avoid and mitigate impacts. It also includes an Assessment Guide which can help decision makers assess the impact of the proposed development on ancient woodland or ancient and veteran trees in line with the NPPF.

Existing trees should be retained wherever possible, and opportunities should be taken to incorporate trees into development. Trees and woodlands provide multiple benefits to society such as storing carbon, regulating temperatures, strengthening flood resilience and reducing noise and air pollution.[1] Paragraph 131 of the NPPF seeks to ensure new streets are tree lined, that opportunities should be taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible. Appropriate measures should be in place to secure the long-term maintenance of newly planted trees. We can give further support in developing appropriate conditions in relation to woodland creation, management or mitigation.

Biodiversity Net Gain (BNG): Paragraph 174(d) of the NPPF sets out that planning (policies and) decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 180(d) encourages development design to integrate opportunities to improve biodiversity, especially where this can secure net gains for biodiversity. BNG offers opportunities for

protecting (retaining) trees and woodlands, as well as new planting and enhancement of existing trees and woodlands, and the planning authority also should consider the wider range of benefits trees, hedgerows and woodlands can provide as part of delivering good practice biodiversity net gain requirements. Ancient woodlands (including PAWS) and ancient & veteran trees are already recognised as irreplaceable habitats and as such are exempt from the net gain requirement.

Avoiding and mitigating impacts

Based on the desk-based information available for this planning application, the proposals as they stand are expected to result in direct loss and impacts to woodland, including Ancient Woodland. In our view the proposals are likely to need significant changes before impacts could be considered as mitigated. We would be happy to work with the Council and developer to identify measures and design features that could help to protect woodland from development on the site. For example, solutions that could help achieve this include a much more extensive buffer area between development and woodland areas, minimising reliance on Ancient Woodland as part of SANG provision, sensitive management of any access and environmental gains including habitat enhancement and creation targeted at safeguarding and bolstering woodland habitat

We can also carry out our own site assessments regarding how trees and woodland could be impacted by development including the significance of woodland that may be affected. We ask that we are given the chance to provide more detailed advice based on site observations if the Inspector is minded to accept the appeal.

Given the extensive local landscape, historical and environmental value of Lake Wood indicated by the evidence submitted by local consultees, this site is likely to provide local strategic significance and is likely to be well placed to provide impactful environmental gains as part of nature recovery efforts being driven by national policy and legislation including the Environment Act 2021 and emerging Local Nature Recovery Strategies. We would encourage any development to be sensitive to this and to maximise these opportunities.

Please note that our comments are restricted to our remit regarding trees and woodland and we advise the Inspector to consult Natural England regarding other environmental and landscape impacts if further input is required.

I hope these comments are helpful. Please let me know if we can advise further and I will be happy to help.

Yours sincerely,

Richard Cobb
Local Partnership Advisor - South East and London
Forestry Commission

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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 RICHARD COBB
Address	Forestry Commission South East & London Area Office Bucks Horn Oak, Farnham GU10 4LS
Company/Group/Organisation Name	Forestry Commission - South East and London Area Team

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
- ☑ 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: APPC1435W233321978 - WD20221637 - Forestry Commission comments.pdf

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