



Woolf Bond Planning

Chartered Town Planning Consultants

Our Ref: SB/7336

Email: [REDACTED]

2nd December 2021

Mrs C Turner
Planning Officer
Planning & Environmental Services
Wealden District Council
Vicarage Lane
Hailsham
BN27 2AX

Dear Mrs Turner,

OUTLINE PLANNING APPLICATION - LAND AT BIRD IN EYE FARM, SOUTH OF BIRD IN EYE HILL, UCKFIELD (LPA REF: WD/2021/2198/MAO)

Surface Water Drainage Strategy and Ancient Woodland

General

We have been monitoring the consultation responses received upon the planning application.

This letter seeks to address the specific comments raised by officers and the LLFA in relation to the proposed outfall to the Framfield Stream as part of the surface water drainage strategy.

A separate response is being prepared and will be submitted in due course in relation to the issues raised by interested parties, including Framfield Parish Council.

Context

You have already received a Technical Drainage Note prepared by Stantec and submitted by email dated 4 November 2021. That document responded to the observations received from the Council's Drainage Engineer dated 25th October 2021 which commented upon the proposed surface water drainage strategy including the proposal to discharge into the Framfield Stream.

We also note the content of the Drainage Engineer's recent response to that submission (26th November 2021) which references your observation by email reply to Stantec on 18th November 2021 that in your view discharge through an ancient woodland is normally unacceptable.

Notwithstanding, the Drainage Engineer then sets out the wording for a suggested drainage condition should the LPA be minded to recommend approval of the application.

The proposed drainage strategy has also attracted comments from the LLFA (letter dated 4th November 2021) and the Council's Tree and Landscape Officer (email dated 12th November 2021).

We also note the consultation response received from your Biodiversity Officer (email dated 30th November 2021).

All the consultee responses have been considered in our below response.

Issues

The consultation responses identify the following issues:

- (i) Extent of Buffer Zone to the Ancient Woodland and impact upon retained trees generally.
- (ii) Proposed pathway through the Ancient Woodland between the development area and proposed SANG.
- (iii) The absence of infiltration as part of the drainage strategy
- (iv) The impact of the proposed outfall to the Framfield Stream through Ancient Woodland to the south of the site.

Responding to the Issues Raised

The Applicants' responses to the issues raised is summarised below and is supported by the content of the following additional supporting information:

- Arboricultural Response Note – Barton Hyett Associates (29 Nov 2021)
- Outfall Concept Design Plan No. 48494/2002/SK01A – Stantec (Nov 2021)
- Surface Water Drainage Outfall Photo Plan No. 48494/2002/SK02 – Stantec (Nov 2021)

Overall, and for the reasons set out in the submitted application material, together with the additional particulars referenced above, the proposed surface water drainage strategy, to include the outfall to the Framfield Stream, is demonstrated to be appropriate including having regard to the need to respect the Ancient Woodland and to have regard to identified ecological constraints.

Fundamentally, and as set out in the application particulars, the proposed route for the outfall has been informed by the technical disciplines; the alignment of which has been carefully considered.

The issues raised in the consultation responses are addressed in turn below.

(i) Extent of Buffer Zone to the Ancient Woodland and impact upon retained trees generally.

The Arboricultural Response Note explains the acceptability of the scheme design in relation to the retention and protection of existing trees. It also explains and justifies the approach to the proposed outfall (see response to (iii) below).

We welcome receipt of your Tree Officer's comments by reply.

(ii) Proposed pathway through the Ancient Woodland between the development area and proposed SANG

As shown on the submitted application plans, the red line planning application site boundary includes a footpath connection between the proposed dwellings in the northern part of the site and the SANG to the South.

The redline has been drawn to include an existing footpath through the Ancient Woodland which is to be upgraded as part of the scheme. No trees are required to be felled as part of the proposal as it is an existing footpath.

As set out in the representations upon the application received from Natural England and the Council's Ecologist, agreement does need to be reached as to the construction of the footpath and whether it comprises bark chip, a bound gravel path or board walk. These are matters that can be secured at the reserved matters stage including by means of a detailed management plan.

The remainder of the Ancient Woodland between the northern and southern parcels of the application site has been excluded from the application site boundary because it is within third party ownership. That is why it forms no part of the application. Moreover, the proposed footpath upgrade between the residential part of the site and the proposed SANG to the south would be fenced to prevent public access into the Ancient Woodland.

We welcome receipt of your Biodiversity Officer's comments by reply.

(iii) The absence of infiltration as part of the drainage strategy

As set out in The SuDS Manual (CIRIA) (2015), the surface water drainage discharge hierarchy is as follows:

- i. Into the ground (infiltration);
- ii. To a surface water body;
- iii. To a surface water sewer, highway drain or another drainage system;
- iv. To a combined sewer.

As to site-specifics, the British Geological Society (BGS) online mapping and a Phase 1 Desk Study Land Contamination Assessment (Land Science) both indicate that the site is underlain by Lower Tunbridge Wells Sand, which is described as "silty fine-grained sandstone".

At this stage, this underlying geology was identified as potentially suitable for infiltration.

Further investigation into the suitability of the Lower Tunbridge Wells Sand indicated that whilst its permeability may permit infiltration, its structure may not. Both Kent Council Council's Soakaway Design Guide (Jul 2000) and Making it Happen – Sustainability (Drainage Systems) (Feb 2007) state that “Lower Tunbridge Wells Sand tends to be fissured... the use of this material should, however, be seriously questioned because the soil is easily eroded and could again lead to surface collapse” and “the silty nature of the deposit often makes it easily eroded and could lead to surface collapse particularly where open fissures are encountered at depth” respectively.

At a meeting between Stantec and East Sussex County Council's LLFA in May 2020, this matter was discussed. It was agreed that the matter of infiltration testing could be dealt with by way of a suitably worded planning condition, provided an alternative strategy with an effective outfall could be proven viable.

In addition, delaying the testing would allow this to be undertaken in a more targeted manner and at the same time as an intrusive Phase 2 Ground Investigation whereby the structural suitability of the Lower Tunbridge Wells Sand could be ascertained.

A Phase 2 Ground Investigation provides a level of detail beyond that generally accepted for outline planning applications such as this. However, the Applicants' are seeking to instruct commencement of this investigation shortly, ahead of determination of this application.

Following the drainage hierarchy to the next preferred option; discharge to a surface water body, the topography of the site dictates that the nearest surface water body that could provide an effective outfall is the Framfield Stream at the site's western boundary.

Crucially, the land registry title for the site extends up to the top of bank of the Framfield Stream, therefore the landowner is also the riparian owner and does not need third party agreement to discharge at this location. No other surface water bodies are available that are within the applicant's control.

To reach the Framfield Stream for discharging surface water from the proposed development, the topography also dictates that the outfall must pass through an area designated as Ancient Semi-Natural Woodland (ASNW).

There is no route via gravity drainage alone that could circumvent the ASNW's northern extent nor its 15m buffer zone. The impact of the proposed outfall to the Framfield Stream through the ASNW is discussed separately as part of item (iv) of this letter.

The nearest surface water sewer which could provide an effective outfall for surface water can be identified in the Southern Water asset information provided within Appendix C of the Flood Risk Assessment (48494/2001/C). Again, this point cannot be reached via gravity alone due to the topography and the 15m ASNW buffer zone.

Therefore, given the accepted reasoning for deferring in-situ infiltration on site and following the drainage hierarchy, discharge to the Framfield Stream via the ASNW, as shown in the Flood Risk Assessment, is the only viable alternative effective outfall available to this site.

(iv) The impact of the proposed outfall to the Framfield Stream through Ancient Woodland to the south of the site.

The acceptability of the outfall alignment/proposal was assessed within the following submitted application material:

- Flood Risk Assessment¹ (Drainage Strategy and SuDS Report) (Stantec)
- Utilities Appraisal (Stantec)
- Ecological Impact Assessment² (CSA Environmental)
- Arboricultural Impact Assessment³ and Tree Survey (Barton Hyett Associates & CSA Environmental)

We would be grateful if you could confirm whether the aforementioned consultees from within the Council had availed themselves of that material before issuing their responses.

In addition to the above, the plans prepared by Stantec (48494/2002/SK01A and 48494/2002/SK02) should assist in fully understanding the proposals for the outfall, within a heavily managed wayleave through the Ancient Woodland and beneath overhead power lines.

Finally, the Arboricultural Response Note sets out further justification for the approach to the outfall through the Ancient Woodland, stating as follows:

- *In the location of the proposed outfall is a heavily managed wayleave beneath overhead powerlines. The wayleave has been cleared and the overhead powerlines installed through a section of ancient woodland. The wayleave is not managed for any ecological advantage nor does it consider the Ancient Semi-Natural Woodland ("ASNW") designation. The wayleave is managed, and will continue to be managed on a cyclical basis, in order to safeguard the power infrastructure.*
- *The management undertaken to date includes the removal of trees the coppicing of hazel and other trees, the removal of ground flora, and the pruning of trees adjacent to the over headlines. The management will continue with the indirect effects of trampling and plant machinery access (e.g. tracked wood chippers) will also continue to impact on the area within the wayleave. There is evidence that, due to the past management the wayleave has also become nutrient enriched as evidenced by the dense areas of nettles present.*
- *Appropriate mitigation in the form of an appropriate and low impact approach to installation can be provided. This will include, protection of retained trees, ground protection, retention of material from site for reinstatement, the possibility of alternative installation techniques (e.g. trenchless installation).*
- *The assessment that needs to be made in this situation is what is the long-term ecological harm that will occur as a result of the outfall installation.*

¹ Including Topographical Survey at Appendix B

² Including paragraphs 4.22, 4.23, 5.17, 5.18 and 5.75

³ See paragraphs 5.12 and 8.2.

- The Ecologist has observed that the wayleave contains vegetation mainly comprising tall herbs / ruderals (mainly nettle) and is notably different to the appearance of the adjacent woodland areas. The submitted Ecological Impact Assessment (document reference: 2646_11_EcIA_RevC_ISSUE) found the impact of the outfall to be temporary in nature. The Ecological Impact Assessment goes on to state:

'this is not expected to result in any long-term impacts to the ancient woodland as much of the existing vegetation in this corridor contains scrub species which will be allowed to recolonise the area post construction. Additionally, only a small number of hazel specimens are present in this area and will require removal, however these trees will be replanted post-construction to maintain habitat connectivity in this area'.

We hope this clarifies the acceptability of the Scheme in this regard and we welcome your comments from your Officer colleagues (drainage, trees and ecology) by reply.

Summary

Pursuant to the above and based upon the information provided by the consultant team, there would be no loss of ancient woodland as part of the proposal.

As demonstrated, the scheme represents an acceptable proposal having regard to drainage, impact on Ancient Woodland, important trees and ecology.

Next Steps

Subject to your review of the additional information, we welcome the opportunity to arrange a site visit to enable the technical disciplines (drainage, ecology and trees) to see at first hand the existing wayleave beneath the overhead powerlines.

We could also use the opportunity to walk the site and to discuss matters generally. We trust the above is clear and look forward to hearing from you.

Yours sincerely,



Steven Brown BSc Hons DipTP MRTPI
for Woolf Bond Planning LLP obo Croudace Homes Ltd and Mr & Mrs Berry

Enc.