

Arboricultural Note - Response to DC Consultation Comments

Site Name: Land at Bird in Eye Farm, Uckfield

Planning Application Reference: WD/2021/2198/MAO

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1.0 INTRODUCTION

- 1.1 This document has been prepared in response to the development control consultation response provide by David Massheder, the Wealden District Council Tree and Landscape Officer, dated the 12th of November 2021. For clarity, each of the 6 points raised by the Officer are reproduced below with an associated response comment also provided.

2.0 OFFICER COMMENTS

Comment 1:

'1. This is an outline application that seeks development of a large area of open agricultural land to the east of Uckfield'.

Response:

Statement of fact - no response required.

Comment 2:

'2. The site is bounded to the south and south west by an extensive area of ancient semi natural woodland (ASNW) recognised by Natural England as Nightingale Shaw'.

Response:

Statement of fact - no response required.

Comment 3 and 3i:

'3. An arboricultural impact assessment (AIA) carried out to BS 5837:2012 standards has been submitted in support of the application. Briefly the key findings of the AIA are:

- i. The site is host to a high number of higher quality arboricultural features providing significant biodiversity value and contributing to the wider landscape character'.*

Response:

Statement of fact - no response required.

Comment 3ii:

'ii. The proposed development would require the removal of a small number of C cat trees and a short run (approx. 17m) of hedgerow – these losses could be compensated for in the scheme landscaping proposal and by improving and extending retained pre-existing hedgerows'.

Response:

Further details on the proposed extensive new tree and hedgerow planting will be provided at the Reserved Matters stage.

Comment 3iii:

'iii. RPA encroachment occurs to tree group G4 and tree T2, the default position should be that structures are located out of the RPAs of retained trees, however the AIA identifies some existing hard standing in this area from a container storage area and therefore some RPA impact has already occurred. The proposal would provide an opportunity to mitigate some of the impact caused by this informal use'.

Response:

Agreed - no response required.

Comment 3iv:

'iv. Provision for street lined trees does seem to have been made in line with the requirements of NPPF 131 and further detail of this would presumably be incorporated into the wider landscaping proposal in due course'.

Response:

Extensive new tree planting is proposed across the site as indicated on the submitted drawings. This includes tree lined primary roads within the development as indicated on the Landscape Strategy drawing (drawing reference: 2646_114_H_Landscape Strategy & SANG design). However, the 2021 revision of the NPPF had not been published when the application was prepared and submitted and therefore for Paragraph 131 (as it is now) was not in existence at the time. The applicant and the design team are aware of the importance of tree lined streets and the contribution they can make to new developments. It is agreed that through the preparation of a detailed layout design at the Reserved Matters stage the provision of appropriate new tree planting to comply with Paragraph 131 of the NPPF will be provided.

Comment 4:

'4. 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'.

Response:

It is correct that a 15m buffer has been applied to the areas of ASNW adjacent to the site. However, this buffer has been applied to the canopy edge the trees located within the ASNW (as shown on the submitted Tree Survey & Constraints Plan drawing reference: BHA_741_01 - Rev A - 12/05/20) rather than to the extent of ASNW as shown in the Natural England Ancient Woodland Inventory dataset. This results in a buffer being applied to the stems of any trees on the edge of the woodland that actually extends to circa 20m (and in some places up to circa 23m).

In addition, and as shown on the submitted Indicative Tree Retention & Removal Plan (drawing reference: BHA_741_02 - 08/04/2021), additional clearance beyond the ASNW buffer has been provided. The proposed location of built form development has been carefully considered as part of the design process in order to ensure the ASNW and its buffer are not compromised. The submitted Indicative Tree Retention & Removal Plan demonstrates that in reality a minimum buffer of circa 25-30m will be provided between any built form (anticipated to be tertiary access roads) and the ASNW.

The submitted Landscape Strategy drawing (drawing reference: 2646_114_H_Landscape Strategy & SANG design) details out the approach to the proposed treatment of the ASNW buffer with the establishment of semi-natural habitats through new tree and shrub planting that will also provide a varied and graded woodland margin and ensure the buffer area is maintained in line with the Natural England and Forestry Commission Standing Advice.

Given that a minimum 15m buffer will be provided and that substantial additional clearance beyond this buffer will also be provided the applicants approach to the ASNW is appropriate.

Comment 5:

'5. Veteran trees (VT) have been identified on the site, these are T6 Ash and G9 Oak, like ASNW VTs are recognised as irreplaceable habitat. I note that the AIA describes in detail the current standing in advice in regard to VTs and the required buffer zones, which should be 15x the stem diameter of the trees with no cap. However, in the AIA schedule both T6 and G9 have capped RPAs of 15m in line with BS standards, rather than using the current standing advice for veteran trees, which would in fact make the RPAs 21m and 23.8m respectively. I would be grateful if the applicant could clarify this apparent anomaly and confirm that the appropriate RPAs have been allocated'.

Response:

There is no anomaly within the submitted details.

There appears to be some confusion within the officer comments with regards to buffers and protection areas. To clarify, Root Protection Area's (RPA's) as calculated in line with BS5837:2012 are not Veteran Tree Buffers (VTB's) as detailed within the Natural England and Forestry Commission Standing Advice. The capping of an RPA at 15m radius does not affect the size of the applied VTB.

The approach to the veteran trees and ASNW is clearly stated within the submitted Arboricultural Impact Assessment (report reference: BHA_C.3574_AIA_Bird in the Eye Farm_RH_APR 2021).

The AIA report states at paragraph 3.9:

'A key method of mitigation is the use of a 'buffer zone'. So, in accordance with the standing advice an additional veteran tree buffer zone with a radius of 15 times the diameter of T6 and G9 has been shown on the Tree Survey and Constraints Plan. In addition, an ancient woodland buffer of 15m from the furthest edge of the woodland canopy has been applied'.

In addition, within the tree survey schedules included in Section 4 of the Arboricultural Impact Assessment it is clearly stated that the a VTB will be applied to T6 and G9. The schedules detail that a VTB of 21m radius has been applied to T6 and that a VTB of 24m radius has been applied to G9.

Furthermore, the VTB's and ASNW buffers are distinctly shown on both the Tree Survey & Constraints Plan (drawing reference: BHA_741_01 - Rev A - 12/05/20) and the Tree Retention & Removal Plan (drawing reference: BHA_741_02 - 08/04/2021).

The approach applied to veteran trees and ASNW buffers is entirely in line with the with the Natural England and Forestry Commission Standing Advice.

Comment 6:

6. A surface water drainage solution is proposed to the south west of the site which would run through the ASNW habitat of Nightingale Shaw. Whilst it is noted that the outfall would be through a cleared/coppiced area and that coppice stools could be translocated, current standing advice states that the current condition of ASNW should not be taken into account when making a decision. The ASNW habitat remains despite the condition or form of the above ground tree population and compensation measures can only be considered where the case meets the 'wholly exceptional' threshold set by the NPPF, the circumstances of this proposal do not meet that threshold (NPPF footnote 63: 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). This would be wholly unacceptable and contrary to both NPPF para 180c and WDC saved policy EN13.

Response:

The surface water drainage outfall has been considered very carefully.

The Natural England and Forestry Commission Standing Advice does state that condition of ancient woodland should not be taken into account, however it goes on to state that this is only where the loss of ancient woodland is proposed. No loss of ancient woodland is proposed. For clarity, the exact wording is reproduced below:

'Where a proposal involves the loss of ancient woodland, you should not take account of the existing condition of the ancient woodland when you assess the merits of the development proposal'.

The Standing Advice also states that Local Planning Authorities should decide on the weight given to ancient woodland and ancient and veteran trees in planning decisions on a case-by-case basis.

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 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. The management of the wayleave and the impacts associated to this work will continue to occur on a cyclical regime, which to date, has been undertaken at least every 2 years. 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.

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. of 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'.