

Wealden District Council
Council Offices
Vicarage Lane
Hailsham
BN27 2AX

10th December 2021

Dear Mrs C Turner

Application: WD/2021/2198/MAO

Proposal: Outline planning application for the erection of up to 290 dwellings, associated landscaping, informal open space and strategic sang, with access from the B2102 | Land at Bird In Eye Farm, South of Bird In Eye Hill, Framfield, TN22 5HA

Objection – loss, damage and deterioration of ancient woodland

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 around 29,000 hectares (71,000 acres) and we have over 500,000 members and supporters.

The Trust **objects** to this application on the basis of damage, deterioration and potential loss of ancient woods, Bird-in-eye Shaw (grid ref: TQ 48498 20492) and Nightingale Shaw (TQ 48229 20503), both areas Ancient Semi Natural Woodland designated on Natural England's Ancient Woodland Inventory (AWI).

Ancient Woodland

Natural England¹ and the Forestry Commission defines ancient woodland *"as an irreplaceable habitat [which] is important for its: wildlife (which include rare and threatened species); soils; recreational value; cultural, historical and landscape value [which] has been wooded continuously since at least 1600AD."*

It includes: *"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"

Both ASNW and PAWS woodland are given equal protection in government's National Planning Policy Framework (NPPF) regardless of the woodland's condition, size or features.

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 reasons⁶³ 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.”*

There is no wholly exceptional reason for the development in this location and as it would result in both loss and deterioration of ancient woodland, we consider this development should be refused on the grounds that it does not comply with national planning policy.

Impacts to Ancient Woodland

The development in question is for a new housing development of a significant size and scale. As identified by the applicant, there are two areas of ancient woodland in close proximity to the proposed development site, Bird-in-eye Shaw and Nightingale Shaw. We also note the presence of veteran trees, though accept that the applicant has undertaken the necessary measures to protect them from adverse impact.

Where development is situated in close proximity to ancient woodland, it has the potential to adversely affect these sensitive habitats through increased exposure to outside influences or ‘edge effects’. These can impact cumulatively on ancient woodland, which is much more damaging than individual effects.

Furthermore, we have significant concerns around some elements of the development that would appear to result in direct loss and damage to ancient woodland, namely through the construction of a drainage outfall and new footpaths within the ancient woodland areas. Development in ancient woodland can lead to long-term changes in species composition, particularly ground flora and sensitive fauna, i.e. nesting birds, mammals and reptiles.

Natural England has identified the impacts of development on ancient woodland within their standing advice. This guidance should be considered as Natural England’s position with regards to development impacting ancient woodland.

“Direct impacts of development on ancient woodland or ancient and veteran trees include:

- 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 around the tree roots*
- polluting the ground around them*
- changing the water table or drainage of woodland or individual trees*
- damaging archaeological features or heritage assets”*

“Nearby development can also have an indirect impact on ancient woodland or veteran trees and the species they support. These can include:

- breaking up or destroying connections between woodlands and veteran trees*
- reducing the amount of semi-natural habitats next to ancient woodland and other habitats*
- increasing the amount of pollution, including dust*

- *increasing disturbance to wildlife from additional traffic and visitors*
- *increasing light pollution*
- *increasing damaging activities like fly-tipping and the impact of domestic pets*
- *changing the landscape character of the area*

We are specifically concerned about the following impacts to the ancient woodland:

- Direct loss of ancient woodland to facilitate a new drainage outfall and new footpaths.
- Intensification of the recreational activity of humans and their pets, resulting in disturbance to breeding birds, vegetation damage, trampling, litter, and fire damage.
- Fragmentation as a result of the loss and separation of adjacent semi-natural habitats, such as small wooded areas, hedgerows, individual trees and wetlands.
- Noise, light and dust pollution occurring from adjacent development, during both construction and operational phases.
- Where the wood edge overhangs public areas, such as the new footpath, trees can become safety issues and be indiscriminately lopped/felled, resulting in a reduction of the woodland canopy and threatening the long-term retention of such trees.
- Adverse hydrological impacts can occur where the introduction of hard-standing areas and water run-offs affect the quality and quantity of surface and ground water. This can result in the introduction of harmful pollutants/contaminants into the woodland.
- Development can provide a source of non-native and/or invasive plant species and aids their colonisation of the woodland;
- Any effect of development can impact cumulatively on ancient woodland - this is much more damaging than individual effects.

Mitigation

We note that some of the above impacts have been recognised by the applicant, such as the increased recreational activity and disturbance, however we do not consider that the direct loss and deterioration of the ancient woodland will be appropriately mitigated. Where a development results in the loss of ancient woodland, the only mitigation suitable would be to avoid siting such elements within the woodland. This has not been the case here.

We consider that permission should only be given to this scheme if all development is removed from the ancient woodland and other forms of mitigation are in place to alleviate the additional indirect impacts.

Natural England's standing advice for ancient woodland, states: "*Mitigation measures will depend on the development but could include:*

- *improving the condition of the woodland*
- *putting up screening barriers to protect woodland or ancient and veteran trees from dust and pollution*
- *noise or light reduction measures*
- *protecting ancient and veteran trees by designing open space around them*
- *identifying and protecting trees that could become ancient and veteran trees in the future*
- *rerouting footpaths*
- *removing invasive species*
- *buffer zones"*

Additional mitigation approaches are also outlined in our Planners' Manual²; these measures would help ensure that the development meets policy requirement and guidance, but must go hand in hand with avoidance of ancient woodland first and foremost.

We note that the applicant has provided a 15m minimum buffer to areas of ancient woodland, however considering the size and scale of the development, we consider that a **buffer of 50m** would be more appropriate in this instance. By using the 15m minimum recommended in the standing advice, we consider that the applicant has not suitably tailored the buffer to the development. While a 15m buffer zone will allow for the avoidance of root damage in most cases, it is unlikely to be a sufficient distance to alleviate other indirect impacts associated with a new large housing development.

This is backed up by Natural England's standing advice which states that *"you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic."*

As stated above, the loss of ancient woodland associated with this development is unacceptable, and regardless of whether larger buffers are implemented, the scheme should be refused on this basis. If the applicant were to redesign the scheme to avoid direct impact on the ancient woodland then they must also incorporate the other mitigation measures suggested above, such as a larger buffer to all areas of ancient woodland.

Conclusion

Ancient woodland is an irreplaceable habitat, once lost it is gone forever. Any development resulting in its loss, damage and deterioration should be refused unless such impacts can be avoided.

In summary, the Woodland Trust **objects** to this proposal on account of the direct loss of ancient woodland and the damage and deterioration to this habitat from insufficient mitigation to protect it from adverse impact. Due to the detrimental impact to ancient woodland, this development is in conflict with national planning policy and should be refused accordingly.

If you would like clarification of any of the points raised please contact us [here](#).

Yours sincerely,

Jack Taylor
Lead Campaigner – Woods Under Threat
