



TO:	Horsham District Council – Planning Dept
LOCATION:	Land West of Bines Road Bines Road Partridge Green
DESCRIPTION:	Development of 101 dwellings (including 45% affordable), creation of new access, public open space, creation of a cycle path, allotments, and associated landscaping.
REFERENCE:	DC/25/1922
RECOMMENDATION:	Holding objection / Modification
2nd Response in Red	Advice
<p>SUMMARY OF COMMENTS & RECOMMENDATION:</p> <p>While it is acknowledged that my response to the previous application at the site (ref. DC/24/1699) was Advice / Modification, regrettably, the concerns previously raised have not been satisfactorily addressed. Accordingly, the response has been amended from Advice / Modification to Holding Objection / Modification.</p> <p>No trees on or adjacent to the site are protected by Tree Preservation Orders, and the site is not located within a Conservation Area. As such, there are no statutory tree-related planning constraints affecting the site.</p> <p>The submitted Arboricultural Impact Assessment (AIA) provides a fair and proportionate assessment of the tree stock present on the site, including their quality, landscape value, and habitat potential. The overall approach to tree retention and protection is acceptable and broadly compliant with BS5837:2012.</p> <p>However, minor amendments to the site layout are required in order to fully align the scheme with current national standing advice in respect of veteran trees and their associated buffer zones. Subject to these amendments, there would be no substantive arboricultural objections to the proposal.</p> <p>Should the scheme be approved, a detailed Arboricultural Methods Statement would be required, setting out step-by-step working methods to prevent damage to retained trees during the course of the development.</p> <p>Additionally, although the AIA refers to a pre-commencement meeting, there is no further reference to appropriate arboricultural supervision or monitoring during the build out stages of the development. The project arboriculturist must undertake regular site monitoring visits, typically every three to four months for general supervision, and more frequently for sensitive operations such as excavations within the Root Protection Area (RPA). This requirement should be secured by condition.</p>	

MAIN COMMENTS

Site Layout and Future Resident Pressure

The site layout is broadly favourable in arboricultural terms. Most retained mature trees are located along site boundaries or within open areas, with proposed dwellings and private gardens set back accordingly.

This arrangement is welcomed, as it materially reduces the risk of post-development pressures such as requests for pruning or removal arising from shading, leaf fall, or perceived nuisance. The spatial separation between retained trees and residential plots represents a positive and appropriate design response.

Tree and Hedgerow Removals

No individual trees or tree groups are proposed for removal to facilitate the development, which is welcomed.

Approximately 35 metres of hedgerow removal is proposed to accommodate vehicular access and the cycle path. While the retention of established countryside hedgerows is desirable due to their landscape and ecological value, from an arboricultural perspective these limited losses are capable of being mitigated through appropriate replacement planting elsewhere within the site.

It is acknowledged that replacement hedgerows will take time to establish and will not provide an immediate ecological equivalent. Ecological impacts should therefore be addressed separately by the Council's ecologist.

Veteran Trees and Buffer Zones

Five individual veteran trees have been identified on site, with a further three veteran trees located within Group G10. All are English oak and represent a highly valuable and irreplaceable ecological resource.

In accordance with the National Planning Policy Framework, and standing advice from Natural England and the Forestry Commission, veteran trees require buffer zones, with a minimum recommended distance of 15 times stem diameter, measured radially from the trunk. The submitted Arboricultural Impact Assessment (AIA) generally applies appropriate buffer zones, and in most instances these areas remain free from development.

Veteran Tree Buffer Encroachment

Notwithstanding the above, a proposed cycle path is shown to pass within the veteran tree buffer zone of T23, although it remains outside the calculated Root Protection Area (RPA) defined under BS5837:2012.

The AIA seeks to justify this encroachment on the basis of historic agricultural use, suggesting that repeated ploughing may have reduced rooting within this area. However, tree roots are typically concentrated within the upper soil profile, commonly within the top

1 metre, and ploughing depths rarely exceed 20–30 cm. In my opinion, it is therefore likely that rooting remains present throughout the veteran tree buffer zone, despite the historical land use. I note that the Cycle path is proposed to be built using a above ground construction technique which is generally considered to be acceptable when building within the key rooting area of a retained tree or trees.

Notwithstanding, current guidance is clear that veteran tree buffers should comprise semi-natural habitat and should not incorporate features that encourage regular access or trampling. The introduction of a cycle path, and pedestrian footways, within the buffer is therefore likely to result in increased disturbance and soil compaction, and other harmful tree related impacts over time.

It is also noted that both the Tree Retention, Removal and Protection Plan (dated 01/10/2024) and the Landscape Strategy Plan No. CSA/5573/105 appear to show the introduction of new pedestrian footways within veteran tree buffer zones (Please see below). These footways are not referenced within the supporting arboricultural documents and create uncertainty as to the full extent of development proposed within the buffers; please seek clarification on this point.



The introduction of development and post-development activity within veteran tree buffer zones would be inappropriate. To ensure the long-term protection of T23 and the other

veteran trees on site, it is still recommended that the cycle path and any additional pedestrian footways are rerouted entirely outside all veteran tree buffer zones.

Paragraph 180(c) of the National Planning Policy Framework states that development resulting in the loss or deterioration of irreplaceable habitats, including veteran trees, should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy is secured.

It is widely recognised that veteran trees retained within development sites are particularly vulnerable to post-development pressures and can be susceptible to rapid physiological decline resulting from a range of factors associated with changes to their environment. These include soil compaction, alterations to ground levels and drainage, increased human activity, and heightened scrutiny related to perceived safety risks. Such pressures can accelerate deterioration and undermine both the ecological and heritage value of these trees.

In this context, the introduction of built infrastructure such as new footways, together with the apparent intensification of recreational use within veteran tree buffer zones, is not considered to be consistent with the objectives of paragraph 180(c) of the NPPF.

The removal of the mowed pathways in the VT buffers is welcome.

The cycle path is still proposed to pass through the VT buffer, but outside of the trees' RPA as defined under BS5837. Therefore, consideration as to the acceptability of this aspect of the scheme should be assessed in line with the Planning Practice Guidance: *Ancient woodland, ancient trees and veteran trees – advice for making planning decisions*. Within this guidance, the section referring to buffer zone recommendations advises that, where possible, buffer zones should form part of the area's green infrastructure and wider ecological networks, consist of semi-natural habitats such as woodland or a mix of scrub, grassland, heathland and wetland created using appropriate local native species, and allow access only where habitats will not be harmed by trampling.

If the cycle path cannot be rerouted, it would need to be constructed using an above-ground, no-dig construction method as advised in the AIA, coupled with additional permanent fencing running parallel to the path where it falls within the VT buffer.

My primary concerns, as set out in my previous comments on Paragraph 180(c) of the NPPF, mainly relate to the post-development impacts on the VT buffer zones if certain safeguards are not put in place to manage these impacts. Therefore, I recommend that, if permitted, a bespoke Veteran Tree Management and Protection Plan is secured by condition.

Additionally, although the AIA is relatively comprehensive and the supporting Tree Protection Plan is acceptable, it would be beneficial if the application were supported by an Arboricultural Method Statement. This would provide detailed, site-specific measures for tree protection, including working methods within sensitive areas, sequencing, and site supervision. Please see the suggested conditions below.

Veteran Tree Buffer Management

Should the development proceed, all veteran tree buffer zones should be clearly defined and protected, for example through post-and-rail fencing, to restrict access and prevent soil compaction, in accordance with current guidance.

Interpretive signage should be installed at appropriate locations to explain the purpose of the buffer zones. This would also assist in addressing duty-of-care considerations under the Occupiers' Liability Acts 1957 and 1984, particularly in relation to future residents' perceptions of risk associated with large veteran trees.

All veteran tree buffer zones should NOT be treated as amenity or recreational space, and should be maintained in perpetuity.

Root Protection Areas and Facilitation Pruning

With the exception of the cycle path works and the unreferenced pedestrian footways noted above, no buildings or hard surfacing are proposed within the Root Protection Areas of retained trees.

A minor RPA incursion is proposed in relation to a goat willow within Group G9 associated with the cycle path. This encroachment is limited in extent, occurs within an existing compacted field access, and, given the species and moderate quality of the tree, is not considered likely to materially affect its long-term viability.

No significant facilitation pruning is proposed or required to deliver the scheme.

Tree Protection Measures

It would be beneficial if the scheme were supported by a more detailed Tree Protection Plan, with any underground services denoted and referenced. None the less, the tree protection measures set out within the submitted Tree Retention, Removal and Protection Plan (dated 01/10/2024) broadly accord with the requirements of BS5837:2012 and are considered acceptable, subject to final clarification of development extents within veteran tree buffer zones and the exclusion of all access routes from these areas, and underground services routes being denoted/referenced.

ANY RECOMMENDED CONDITIONS: Yes- Planning Condition: Veteran Tree Management and Protection

Veteran Tree Management Plan

No occupation of the development hereby permitted shall take place until a Veteran Tree Management Plan (VTMP) has been submitted to and approved in writing by the Local Planning Authority. The approved VTMP shall be implemented in full prior to first occupation and shall thereafter be retained and managed in accordance with the approved details for the lifetime of the development. The VTMP shall include, but not be limited to, the following:

- a) Veteran Tree Buffer Zones - All veteran trees shall be retained, and minimum buffer zones shall be clearly defined in accordance with current best practice guidance for veteran tree management. The buffer zones shall be permanently protected by post-and-rail fencing or other approved means to restrict access and prevent soil compaction, changes in ground levels, or other potentially damaging activities.
- b) Restriction of Use- Veteran tree buffer zones shall not be used, laid out, or managed as amenity or recreational space and shall be excluded from public access. No paths, seating, play equipment, lighting, or other infrastructure shall be installed within these areas, other than those which have been approved as part of the scheme.
- c) Interpretive Signage - Interpretive signage shall be installed at appropriate locations adjacent to the veteran tree buffer zones. The signage shall explain the ecological and arboricultural importance of veteran trees, the purpose of the buffer zones, and the need for access restrictions. This measure shall also assist in addressing duty-of-care considerations under the Occupiers' Liability Acts 1957 and 1984, particularly in relation to future residents' perceptions of risk associated with large veteran trees.
- d) Long-Term Management and Maintenance - Details of long-term management responsibilities, inspection regimes, and maintenance of fencing and signage shall be provided. The veteran tree buffer zones shall be retained and managed in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the long-term protection, health, and ecological value of veteran trees, to prevent post-development damage arising from soil compaction and inappropriate use, and to ensure compliance with Policy 33 of the Horsham District Planning Framework, which seeks to protect important landscape features and trees of arboricultural and ecological value.

3.9 Arboricultural Method Statement – Protection details required

Pre-Commencement Condition: No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing all trees/hedgerows on site and adjacent to the site to be retained during construction works, and measures to provide for their protection throughout all construction works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Arboricultural Supervision and Reporting

a) No development (including site clearance, demolition, excavation, foundation works, or the installation of services) shall take place until an Arboricultural Supervision and Monitoring Plan has been submitted to and approved in writing by the Local Planning Authority.

The approved Plan shall include:

- i) The name, qualifications, and professional accreditation of the appointed Arboriculturalist (who shall be suitably qualified and experienced);
- ii) The scope of arboricultural supervision, including all works within or adjacent to Root Protection Areas and any tree protection measures;
- iii) A schedule of regular site inspections, to include as a minimum:
 - A pre-commencement site visit;
 - Visits at key stages of the development (including installation of tree protection, excavation works, and any works within Root Protection Areas);
 - Ongoing monitoring visits at intervals appropriate to the scale and nature of the development; and
 - A final post-construction inspection.
- iv) Details of the matters to be inspected at each visit and the method for identifying and addressing any non-compliance or tree-related risks.

The appointed Arboriculturalist shall undertake the approved supervision and shall submit written inspection reports to the Local Planning Authority within 10 working days of each site visit. Each report shall include:

- The date of the visit;
- Works observed;
- An assessment of compliance with approved tree protection measures;
- Any instances of non-compliance or potential harm to retained trees; and
- Recommended corrective actions and timescales.

All development shall be carried out in full accordance with the approved Arboricultural Supervision and Monitoring Plan and any recommendations or remedial actions identified in the submitted reports, unless otherwise agreed in writing by the Local Planning Authority.

b) This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during development to its completion.

Reason: As this matter is fundamental to ensure the successful and satisfactory retention of important trees and hedgerows on the site in the interests of visual amenity,

biodiversity, and environmental sustainability in accordance with Policy 33 of the Horsham District Planning Framework (2015).

NAME:	Andy Bush Arboricultural Officer
DEPARTMENT:	Strategic Planning (Specialist Team)
DATE:	02/01/26 02/02/26