HORSHAM DISTRICT COUNCIL CONSULTATION

TO:	Horsham District Council – Planning Dept
LOCATION:	Mowbray Sub Phase 2 Old Holbrook Horsham
DESCRIPTION:	Application for approval of Reserved Matters pursuant to Condition 5 of Outline Planning Permission DC/16/1677 for extension of the primary road between Phases 1 and 2, temporary turning head, provision of pedestrian/ cycle paths, SUDS basins and associated landscaping. OPP accompanied by an Environmental Statement.
REFERENCE:	DC/23/2328
RECOMMENDATION:	~~Holding Objection / Modification~~ Holding Objection withdrawn/Advice
RE-CONSULTATION:	1st set of comments in Black 2nd set of comments in Red 3rd set of comments in Blue

SUMMARY OF COMMENTS & RECOMMENDATION:

The submitted Arboricultural Impact Assessment, Method statement and Tree removal Plan provides a fair assessment of the potential impact of this proposal on trees. However, to enable a proper assessment of the impact on the trees within the site's boundaries It would have been beneficial if the submitted Tree Removal Plan had numbered the trees included in the plan, and if the AIA, & AMS had included a survey schedule with the surveyed trees, there numbers DBH's and crown spread etc; please request this information.

The recently updated TRP, AIA & AMS now include the survey schedule and the trees on the TRP have been numbered, which is positive. However, concerns are still raised with the location of the cycle path set within the AW in the southern portion of the site, Tree loss and development within the RPA.

MAIN COMMENTS:

Tree removals

In total, 158 trees and groups of trees are proposed to be removed to facilitate the development, these being one category A tree, one category B tree, 155 category C trees and one category U trees. Category 'C' and 'U' trees account for over 98% of all trees which are indicated for removal; the majority of these trees are in the eastern section of the site and currently form a small orchard. The bulk of the trees in this area appear to be in good health, and although young, they do seem to have good future potential. One tree in particular was surprising to find randomly in the English countryside; this was the ***Quercus suber***, commonly known as Cork oak, tree number unknown. It would be good to see if some of the trees in this area can be retained in some form and integrated into the development either through translocation or selective retention in their current locations.

I note that the ***Quercus suber***, mentioned above has been re-categorised as a B1 tree with good physiological condition, which is positive, although it is still indicated for removal despite the new B1 allocation. As before, it is felt that consideration should be given to where possible integrating the better-quality trees in this area into the development proposals at the site through selective retention or translocation to alternative parts of the site. It is positive to see that the ***Quercus suber*** is now indicated for retention, while the rest of the trees in the area are not. Subject to appropriate mitigation planting I am confident that these losses can be appropriately compensated for elsewhere at the site.

For the most part, the trees indicated for removal have a degree of localised amenity value when viewed from within the site; however, from further afield outside of the site boundaries, they do not.

The replanting proposals appear robust and commensurate with the number of trees proposed to be removed.

Root Protection Area (RPA) incursions.

Under the current industry standard **BS 5837 Trees in relation to design demolition and construction (2012)** development within the RPA of a retained tree is undesirable, and where the is unavoidable no dig construction methods should be used. Additionally, the extent of the encroachment must not exceed 20% of the previously undeveloped areas of the RPA.

Para 5.17 of the AIA advises that a new footway would pass through the RPA of T194, (T number taken from the AMS) which is a tree stated as being of moderate vitality. Although the level of encroachment with the RPA is stated as being 14.9%, and it is acknowledged does not exceed the recommended 20% for new areas of hardstanding within an RPA. However, Given the presently undeveloped nature of the site and the authors comments on the trees condition I am struggling to see what the justification is for placing the footway within the RPA of T194, and I would recommend that consideration is given to altering route outsider of the RPA of T194.

Concerns are still raised with this aspect of the proposal. To the south of T194, a high number of for the most part lesser quality trees are indicated for removal. This suggest that the footway and the road could be moved further south outside of the RPA of T194, or that the parts of the footway that pass though the RPA could be omitted and placed on the southern side of the road. In addition, the plans imply that the area north of the footway will be altered and it appears to be shown as a slope or bank? The bank is shown to start at around 1.4m from the base of T194, on its southern side. The engineering works required to create the slope, although less than 20% of the tree's total RPA would result in a high level of root severance within the tree's key rooting area. Not only would this action result in a loss of

major structural roots but also a large amount of smaller fibrous feeder roots which are needed to maintain the tree in a safe and reasonable condition. If the tree is due to be retained as part of the development, because of its future roadside location and the potential safety issues associated with this change of context; the amount of root severance and development within its RPA must be restricted to an amount that gives the tree the best chance of survival following the completion of the development.

In addition, Para 5.18 refers to the potential removal of T194, where it is referenced that if during the works "large roots are found and need to be cut" that this decision would be made by the appointed Arboriculturist using their professional discretion to advise on whether it is appropriate to retain the tree. If the tree is to be felled, they have proposed to plant two additional Oaks elsewhere on the site near the Brook. However, If the footway needs to pass through the RPA of T194, this will need to be done using an above ground no-dig construction methods, to comply with the BS, hence, there should be no need for any excavations within the RPA or for any root severance to occur. Concerns are still raised with this aspect of the proposal, and confirmation should be sought on whether the retention of T194 is viable within the parameters of the current site layout or not. Concerns satisfactory addressed in para 4.13 of the supporting Landscape Statement prepared by David Jarvis Associates Limited.

Tree protection measures.
The tree Temporary protection measures as referenced in Para5.19 & 5.20 appear robust and complaint with BS 5837 and are acceptable.

Ancient Woodland impacts

A key consideration as to the suitability of this proposal regarding trees is the location of the proposed Cycle path, which is proposed to pass through the area of designated Ancient Woodland(AW) south of the access road, Which is also protected by a Tree Preservation Order (TPO/1476).

AW is classified as an irreplaceable habitat, and since AW now covers less than 3% of England's landmass, policies have arisen in recent years attempting both to stem the loss of such sites and, indeed, to protect them for future generations. Central to this consideration are the relevant paragraphs within the NPPF (National Planning Policy Framework (2023), setting out the principle regarding applications for planning permission on such sites that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; (Para. 186(a)). "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 reasons, and a suitable compensation strategy Exists" (Para. 186(c)).

The importance of AW centres on protecting the undisturbed soils, which are typically exceptionally rich in wildlife and support a seed bank of many rare and threatened species now seldom seen outside such sites. It is, therefore, essential that such areas are not harmed by development or through the domestication of such sites post-development. At the same time, it is acknowledged that there is currently an unpaved trackway In the area where the cycle path is proposed. However, while this may be the case my main concerns with this aspect of the proposal are the change of context and use of this area. As such, the introduction of a formal cycle path through the AW will likely lead to a high level of footfall and use of this area, thus increasing the risk from the potentially woodland-degrading effects as set out within the report by **Corney et al. ('Impacts of nearby development on the ecology of ancient woodland', Oct 2008)**, such as the chemical effects, disturbance, fragmentation, invasion by non-native plant species, and cumulative effects.

Additionally, current Government guidance sets out the principle of requiring a minimum 15m wide buffer zone between the development edge and adjacent AW to protect the woodland from the likely effects set out above. However, given that the cycle path is proposed to pass through the AW, it is impossible for the applicant to achieve the 15m buffer zone. This aspect of the scheme is thereby in conflict with the current guidance given regarding development and AW.

A simple solution to address the concerns raised with the location of the cycle path would be to alter its route outside of the AW and possibility integrate it within the new road to the north.

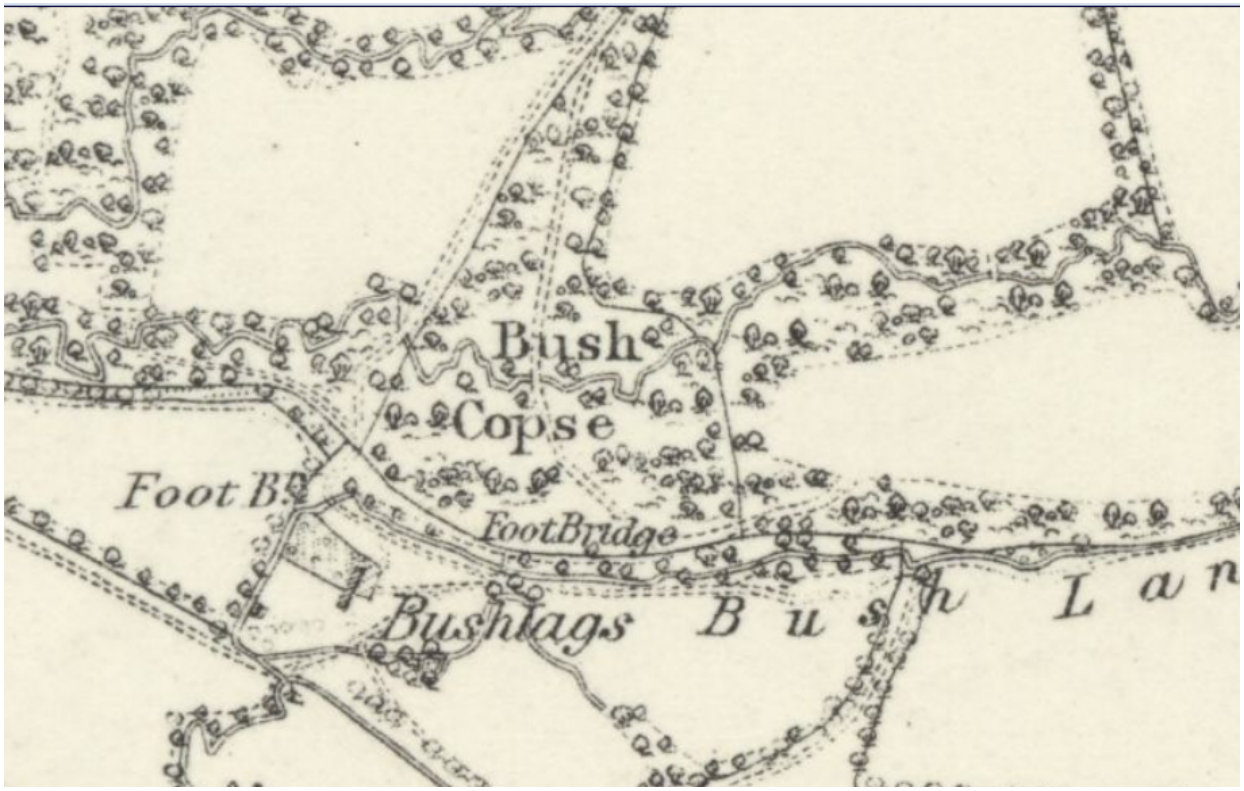
Concerns not addressed, and this aspect of the development proposal is still in conflict with the current national standing advice for new development that impacts Ancient Woodland and Veteran Trees. On 27th November 2017 Natural England and the Forestry Commission updated their Standing Advice (originally published 13 October 2014) on **'Ancient Woodland and Veteran Trees: protecting them from development'"** The 2014 advice was clear that development should be kept as far as possible from ancient woodland but, it was ambiguous in relation to appropriate buffer zones, referencing the need to **consider "local circumstances and type of development"**. In 2014 There was no specific mention of buffer zones for ancient and veteran trees in the guidance. Pointing to case law, a minimum buffer of 15 metres between ancient woodland and development was recommended, with the caveat that **"larger buffers may be required".** The 2017 advice was clearer and advised that mitigation will depend on the development but may include: **"leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland (depending on the scale and impact of development, a minimum buffer should be at least 15 metres to avoid root damage".** Hence, at the time when DC/16/1677 was validated in 2016, the standing advise did state that development should be kept as far as possible from AW and by 2018 when the application was determined the standing advise on AW 15m buffer zones carried more weight in the planning process than it had done previously. Moving forward, it is acknowledged it may have previously been deemed to be acceptable for the cycle path to be sited in its current location and pass through the area of AW and the AW buffer zone. However, 6 years on since DC/16/1677 was determined, this is no longer considered to be the case, a viewpoint which is supported at a national level by the relevant paragraphs in the **NPPF (2023),** which sets a high bar to meet with the **"wholly exceptional reasons"** required to justify **"Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees)".** As such, consideration should be given to removing the cycle path from the AW, and the 15m buffer zone for the development to meet with the requirements of the current planning guidance concerning development that impacts AW.

In the area where the cycle path is proposed to pass through the AW, there is currently an existing trackway, consisting of heavily compacted aggregate; which from looking at 2001 aerial photos of the site appears to have been in situ for almost 25 years. The 2001 images(please see below) also show the area each side of the path has been infilled with new trees. While it is evident that for the most part, the trees in this area are fairly young, this does not in my view call into question the ancient status of the woodland as a whole. Whereby the area in question is shown to be wooded on the 1870-1871 Os maps of the area (please see below.

However, it is clear that part of the wood was at some point felled and then re-stocked possibly sometime in the late 90s or early 2000s. Given the long-standing history of a trackway being present in this area, coupled with the relatively recent tree plantings I am satisfied that the proposed mitigation and compensation measures set out in para's 4.12, and 4.14 of the supporting Landscape Statement prepared by David Jarvis Associates Limited are adequate to ensure that the impact on the AW can be limited to minor disturbance during the works and post development. However, to ensure that this is the case the existing track should be retained and used as the subbase for the new cycle path, to

keep any ground disturbance within the AW to a minimum and thus ensure the successful and satisfactory retention of the wooded unit as a whole.





ANY RECOMMENDED CONDITIONS:	
NAME:	Andy Bush - Arboricultural Officer Planning
DEPARTMENT:	STRATEGIC PLANNING - SPECIALISTS
DATE:	21/03/2024 2nd - 10/05/2024 3rd – 27/08/2024