

# Land known as Bull Field, Warish Hall Farm Consultation Response Document

## Appendix I

Arboricultural Response Note - Bull Field - Dated: 27<sup>th</sup> September 2023.



## Arboricultural Response Note - Bull Field

Application reference: S62A/2023/0019

Site: Land to the north of Roseacres, between Parsonage Road and Smiths Green Lane, Takeley, Essex, CM22 6NZ (Land known as Bull Field, Warish Hall Farm, Takeley, Essex)

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Date: 27<sup>th</sup> September 2023

### APPENDICES

Appendix 1: Appellant Proof of Evidence on Arboricultural Matters (Appeal Scheme)

Appendix 2: Arboricultural Technical Note - Airspading Investigation

Appendix 3: Rebuttal Statement on Arboricultural Matters (Appeal Scheme)

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### 1.0 INTRODUCTION

1.1 This Briefing Note has been prepared by Richard Hyett of Barton Hyett Associates Ltd on behalf of Weston Homes PLC, in relation to the proposed development on land known as Bull Field, Takeley.

1.2 This note provides a response to comments made in relation to the proposed development and its relationship to Prior's Wood, its associated 'Buffer', and potential impacts. The relevant comments can be found within the following documents:

- Uttlesford District Council (UDC) letter to the Planning Inspectorate - 4<sup>th</sup> September 2023
- Woodland Trust letter to the Planning Inspectorate - 7<sup>th</sup> September 2023

1.3 In so far as the comments relate to the woodland buffer, the above is reflected within the Inspectors Issue Report (although not specifically within the Main Issues), which states:

*'Also relevant is the extent of buffer protection proposed between development and the wood and the weight to be given to the recommendations of the Woodland Trust'.*

## 2.0 UDC LETTER

2.1 The relevant comments within the UDC letter are reproduced below:

*'Notwithstanding the Council's concerns regarding the impact of the proposals upon the landscape setting of the wood, the Council urges that the Inspector carefully considers any buffer protection between any development and the wood.'*

*The matter over the appropriate buffer was not satisfactorily addressed in the previous dismissed appeal UTT/21/198//OP (APP/C1570/W/22/3291524). The Council is strongly of the view that any buffer area between the development and the wood should be a minimum of 15 metres, as recommended by the Woodland Trust. In order for such a buffer zone to be effective it should be measured for the development to the canopy of any tree. The Council urges the Inspector to give this matter the highest consideration in their determination of this application.*

*It should be noted that there is a clear "pinch-point" on the western end of the site as it borders the adjacent site & 7 Acres. It is quite clear at this point that no reasonable buffer could be achieved'.*

2.2 In response to the second paragraph above, I would respectfully point out that the matter of the appropriateness of the buffer was in fact *fully* considered by the Inspector as part of the previous appeal. In addition, no Statutory consultees have objected to the proposed buffer (either as part of the previous application or the current S62 application).

2.3 The size and application of the buffer was the subject of written evidence submitted by both UDC and the appellant as part of the previous appeal. The appellants evidence was also provided orally and subjected to cross examination through the Inquiry process.

2.4 In order to provide the detailed background to the woodland buffer, the evidence base used, and the approach adopted I attach to this note at Appendix 1, the 'Proof of Evidence on Arboricultural Matters' submitted by the appellant as part of the previous appeal. In addition, I attach at Appendix 2 the 'Arboricultural Technical Note - Airspading Investigation'; referenced in the Appendix 1 document as CD1.81. At Appendix 3 I also attach a Rebuttal Proof of Evidence which sets out in more detail the application of the buffer.

2.5 Within the previous appeal the point from where the buffer should be measured was in debate. I set out in detail within paragraph 8.4 to 8.8 of the evidence at Appendix 1, why a 15m buffer is appropriate in this case and within paragraphs 2.5 to 2.8 of Appendix 3 why buffers should be measured from the boundary of the woodland and not the canopy edge.

- 2.6 With the exception of the 'pinch point' (discussed further below) the proposed access road is greater than 15m from the woodland edge. In addition, the current scheme achieves a 25m distance between the woodland edge and the majority of the proposed dwellings (however, I acknowledge that a single plot is at 20m and 2 plots are at 18m, however these are all outside of the 15m buffer and further away from the woodland than the closest dwelling of the appeal scheme). It is important to note that even if a 15m buffer were to be measured from canopy edge (as stated by UDC in their letter of the 4<sup>th</sup> September) the proposed dwellings are all in the region of 15m to 20m from the woodland canopy edge.
- 2.7 The UDC letter goes on to highlight that an appropriate buffer cannot be provided due the 'pinch point' where the access road crosses the buffer.
- 2.8 A woodland buffer is a tool that can be used in the preparation of a proposed development. The recommendations for a minimum 15m buffer come from the Standing Advice prepared by Natural England and the Forestry Commission. It is important to note that paragraph 180c of the NPPF, sets the test against which applications must be judged and the test applied is not the compliance, or otherwise, with the Standing Advice.
- 2.9 The previous appeal Inspector considered this point in detail. The text within paragraphs 70 to 78 of the appeal decision letter should be read in full but the most relevant sections are reproduced below:
- Paragraph 73 - *'Indeed, it is common ground between the Council and the appellant that there is no objection to the technical design of the proposal as a result of any impact on trees, and no trees within Prior's Wood are to be removed or would be impacted on directly as a result of the proposed route through the buffer'.*
  - Paragraph 74 - *'I heard, as agreed in the SoCG, that no trees within Prior's Wood would be removed or would be impacted on directly as a result of the proposed access road and cycle way route within the buffer, including the road layout at the pinch point'.*
  - Paragraph 75 - *'I agree with the Inspector in a previous appeal concerning an issue with strong similarities to this case where that Inspector noted that "some development is proposed within the buffer, through a mixture of road or car parking and re-grading and other landscaping works". In considering the Standing Advice and the recommendation for a 15m buffer, that Inspector found that there was compliance with what is now para 180(c) of the NPPF. This was on the basis that "no above ground built form is proposed in that area, such as housing" and "the level of incursion is relatively minor. I consider that the circumstances of this case are very similar'.*
  - Paragraph 76 - *'That Inspector also accepted that the development that would take place would be contrary to the Standing Advice, as is the situation in the*

*appeal before me, but went on to note that it had "been demonstrated that there would be no incursions into the root protection area. From my assessment of this proposal, I consider that there would be no incursion into the root protection area and no harm to trees would result, as set out in the SoCG'.*

- Paragraph 77 - *'I am content from the submitted written evidence and what I heard at the Inquiry, that neither the proposed road or cycleway within the buffer or proposed housing in the vicinity, would lead to indirect effects on the ancient woodland as identified in the Standing Advice'.*

2.10 With regards to the woodland buffer the Appeal Inspector is very clear in his findings within his decision letter dated the 9<sup>th</sup> August 2022. In my professional opinion, significant weight should be attached to evidence submitted to the Inquiry and to the findings of the Appeal Inspector, given its direct relevance to the application before you.

### **3.0 WOODLAND TRUST LETTER**

3.1 The Woodland Trust are a conservation charity that is not a statutory consultee for planning applications. Limited weight should be attached to their submission for the following reasons. The Woodland Trust set out in their letter of the 7<sup>th</sup> September that a buffer of 30m should be applied to Prior's Wood. This has decreased from the 50m buffer they requested on the appeal scheme. The previous appeal Inspector did not specifically address the Woodland Trust representations, nor their request for a 50m buffer within the text of his decision letter nor at any point during the Inquiry.

3.2 As set out in this note, and for the reasons within paragraphs 8.4 to 8.8 of the evidence at Appendix 1, a 15m buffer is appropriate in this case.

3.3 The 15m buffer was accepted by the relevant statutory consultees and ultimately by the Inspector, on the previous scheme, as well as also being accepted on the current scheme.

### **4.0 SUMMARY**

4.1 In summary, the approach to Prior's Wood is appropriate and it has been fully tested through the previous application and the associated appeal process where the Inspector found the scheme was in compliance with paragraph 180c of the NPPF, with specific acknowledgment that this paragraph sets the test against which applications must be judged and the test is not the compliance, or otherwise, with the Standing Advice.

Appendix 1:

Appellant Proof of Evidence on Arboricultural Matters (Appeal Scheme)

## **LAND AT WARISH HALL FARM, SMITHS GREEN, TAKELEY**

### **PROOF OF EVIDENCE ON ARBORICULTURAL MATTERS**

Prepared by: Richard Hyett. MSc, BSc (Hons), MArborA. MICFor

### **ON BEHALF OF WESTON HOMES PLC**

**APPEAL REF: APP/C1570/W/22/3291524**

**LPA REF: UTT/21/1987/FUL**

**DATE: 23RD MAY 2022**

**REPORT REFERENCE: W.4006/7/8\_POE\_RH**

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## 1. QUALIFICATIONS AND EXPERIENCE

- 1.1. I hold a Master of Science degree in Arboriculture and Urban Forestry, a Bachelor of Science degree (Honours) in Geology and a Technicians Certificate in Arboriculture. I am a professional member of the Arboricultural Association and a professional member of the Institute of Chartered Foresters holding Chartered Arboriculturist status since 2015.
- 1.2. I have wide ranging experience in all aspects of Arboriculture, gained over the last 18 years, which includes working as a Principal Arboricultural Officer within a Local Planning Authority, as the Head of Arboriculture at a national multi-disciplinary planning and environmental consultancy, and for the last 6 years as a Director at Barton Hyett Associates.
- 1.3. I have considerable experience of a wide range of development projects from householder applications to major urban expansions and Nationally Significant Infrastructure Projects (NSIPs) and Developments of National Significance (DNS) within Wales. My experience includes dealing with sites that are the subject of statutory landscape designations and Tree Preservation Orders, as well as non-statutory tree and landscape designations. I also have experience of presenting evidence at public inquiries and hearings in relation to arboricultural matters.
- 1.4. As a professional arboriculturist, I undertake my work in accordance with the Institute of Chartered Foresters 'Code of Ethics' and the Arboricultural Associations 'Code of Ethics and Code of Conduct'. The evidence which I have prepared and provide for this appeal reference within this proof of evidence is true and has been prepared in accordance with the guidance of my professional institutions and I confirm that the opinions expressed are my true and professional opinions.

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## 2. INTRODUCTION

- 2.1. I am instructed by Weston Homes Plc (the Appellant) to present evidence relating to arboricultural matters in respect of a refusal of planning permission for proposed mixed use development on land to the north of Takeley, Essex.
- 2.2. In presenting my evidence I explain why the proposed development is acceptable in arboricultural terms by addressing the relevant matters set out in the decision notice (CD 4.1).
- 2.3. A Statement of Common Ground (SofCG) has been prepared by the Appellant (CD 5.2A) in conjunction with Uttlesford District Council (UDC). I will refer to the relevant common ground between these parties in section 7 of my evidence.

### Scope of evidence

- 2.4. My evidence addresses the arboricultural matters set out in reason for refusal 3 (RfR3) which highlights concern over the effect of the development on the adjacent Ancient Woodland at Prior's Wood. RfR3 states:

***'The proposed development does not provide sufficient mitigation in terms of its impacts upon the adjacent Ancient Woodland at Prior's Wood'.***

***'In particular, the location and layout of the principal roadway serving the residential and commercial development does not provide a sufficient buffer afforded to Prior's Wood, to address the potential detrimental impacts associated with the siting of a large-scale housing development adjacent to its boundary'.***

***'The proposal is therefore considered contrary to the implementation of Policy ENV8 of the adopted Uttlesford Local Plan 2005, and relevant sections of the National Planning Policy Framework 2021'.***

- 2.5. Therefore, the focus of RfR3 is:
- (i) on a lack of sufficient mitigation; and
  - (ii) in particular on the effects of the proposed roadway.

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- 2.6. Within RfR3, there is particular reference to the principal roadway, proposed at the southwest corner of Prior's Wood. The inclusion of the word 'particular' implies there are other concerns relating to impacts upon Prior's Wood, but these are not specifically stated within RfR3 and it is not clear what they might be. In addition, UDC's Statement of Case (CD 5.5) provides no further detail on its case in relation to RfR3. Furthermore, the wording initially focuses on the location of the proposed roadway, but then conflates this with the position of the housing development, which RfR3 alleges is, 'adjacent' to its boundary.
- 2.7. My evidence will demonstrate the extent of proposed mitigation (Direct and Indirect) is sufficient and that the effects of the proposed roadway are acceptable. In relation to the location of housing development more generally, I consider this wholly unparticularised issue raised in RfR3 briefly at the end of this proof.
- 2.8. Matters relating to ecology are being dealt with in the evidence of Mr Hadfield, matters relating to landscape are being dealt with by Mr Crawford, matters relating to design are dealt with by Mr Pullan, matters relating to Heritage by Mrs Cooke, and matters relating to planning are being dealt with by Mr Poole.
- 2.9. Where necessary, I refer to and draw upon relevant information from the Core Documents and reference appropriately where used. In presenting my evidence I do not unnecessarily repeat significant amounts of information particularly where this has been stated elsewhere.

Key documents on arboricultural issues

- 2.10. Below I set out the key Core Documents that relate to arboricultural issues.
- CD 1.5 - Dwg. No. WH202\_10\_P\_20 Rev B - Master Plan - General Arrangement
  - CD 1.68 - Design & Access Statement - June 2021
  - CD 1.70 – Planning Statement – June 2021
  - CD 1.76 - Ecological Assessment - October 2021
  - CD 1.78 - Woodland Management Plan - October 2021
  - CD 1.79 Arboricultural Impact Assessment - June 2021
  - CD 1.80 - Arboricultural Response to Comments – 28<sup>th</sup> September 2021
  - CD 1.81 - Arboricultural Technical Note - Airspading Investigation - October 2021
  - CD 1.97 - Landscape Strategy - June 2021
  - CD 3.4 - Place Service Ecological Advice – 08.07.2021
  - CD 3.6 - Place Service Ecological Advice – 16.11.2021
  - CD 3.13 - Natural England – 29.07.2021
  - CD 3.19 - ECC Green Infrastructure – 11.10.2021
  - CD 3.24 - Landscape Officer – 30.09.2021
  - CD 4.1 – Decision Notice – Dated: 20.12.2021 (Ref. No. UTT/21/1987/FUL)

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- CD 4.2 - Officer Report – Dated: 29.11.2021 (Ref. No. UTT/21/1987/FUL)
  - CD 5.2A – Final Agreed Statement of Common Ground between Council and Appellant
  - CD 5.5 - Uttlesford District Council Statement of Case and appendices - March 2022
  - CD 6.8 – Extract of Uttlesford Local Plan Policy GEN7 – Nature Conservation
  - CD 6.15 – Extract of Uttlesford Local Plan Policy ENV7 – The protection of the natural environment designated sites
  - CD 6.16 – Extract of Uttlesford Local Plan Policy ENV8 – Other landscape elements of importance for nature
  - CD 7.1 – The National Planning Policy Framework - 2021
  - CD 8.2 – Appeal Decision – Land off Isabel Drive and Land off Stansted Road, Elsenham (up to 99 dwellings) 3256109)
  - CD 8.12 - Appeal Decision - Land at Moorthorpe Way, Sheffield - 2 March 2021 - 3258555
  - CD 12.1 - Ancient woodland, ancient trees and veteran trees: advice for making planning decisions: 14 January 2022 (Standing Advice)

### **3. SITE, CONTEXT AND PRIOR'S WOOD**

#### Site:

- 3.1. A full description of the site and its surroundings is available within the submitted Design and Access Statement (CD 1.68) and within the agreed Statement of Common Ground (CD 5.2A).

#### Prior's Wood:

- 3.2. Prior's Wood is described in more detail within the submitted Ecological Assessment (CD 1.76) and Arboricultural Impact Assessment (CD 1.79).
- 3.3. Prior's Wood is defined as Ancient Semi-Natural Woodland (ASNW) within the Natural England Ancient Woodland inventory. Inclusion on the inventory is primarily based on a desk top assessment of historic maps that must show continual woodland coverage since 1600. It is not clear if in the case of Prior's Wood, if Natural England have carried out any ground truthing of their findings.
- 3.4. The oldest map of Essex (made by Christopher Saxton (c.1540-c.1610) in 1576 (see image 1 below) shows the presence of Hatfield Forest (a nearby former royal hunting forest of national significance) and also potentially Prior's Wood itself. However, the scale and resolution of the 1576 map makes it difficult to confirm if the woodland on the 1576 map is indeed Prior's Wood. However, within the evidence of Mr Pullan, he sets out a chronology of maps from 1777, 1805 and 1876, all of which show Prior's Wood.



Image 1: showing an excerpt from the 1576 map of Essex. Hatfield Forest can be clearly seen in the centre of the image. The area of woodland that could be Prior's wood is highlighted in red. (Essex Record Office).

- 3.5. Interestingly, Oliver Rackham, the eminent academic from the University of Cambridge who studies of the ecology, management and development of the British countryside, (with particular regard to trees, woodlands and wood pasture) are well known, surveyed the area in the 1970s. Prior's Wood received a passing mention in Rackham's 1989 book, "The Last Forest – The Story of Hatfield Forest". However, notes from his field work in the 1970's are available and include his observations on numerous areas of Ancient Woodland in the vicinity of the appeal site. These areas of Ancient Woodland include Hatfield Forest itself and Priory Wood (further north of Prior's Wood) but not Prior's Wood itself. See extract of Oliver Rackham's field notes in Appendix 1.
- 3.6. Prior's Wood is a broadleaved<sup>1</sup> woodland primarily comprised of English oak and hornbeam. In general, there is very limited understorey<sup>2</sup>. The woodland has poor lateral/horizontal structure<sup>3</sup> and stark margins (see image 2 below). Although, it is established that Prior's Wood has been present for many centuries, the woodland currently has the appearance of war

<sup>1</sup> Woodland primarily comprised of deciduous broadleaf species and not needle bearing coniferous trees.

<sup>2</sup> A layer of shrubs and smaller trees species growing beneath the main canopy layer of a woodland.

<sup>3</sup> Horizontal structure refers to the horizontal spatial distribution of trees and other vegetation across a woodland e.g. one extreme, are even-aged plantations which have uniform horizontal structure and stark margins

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time/post war woodland coppice with no particularly aged trees given its ancient semi-natural woodland (ASNW) status (see image 3 below). There is no management plan currently in place for the woodland and there is no evidence of recent management i.e. prior to Weston Homes purchasing the woodland in 2020 (See paragraph 6.2 of Mr Hadfields evidence). A public right of way (PRoW 48\_40) runs along the southern edge of Prior's Wood.



*Image 2: Looking north along the western edge of Prior's Wood. The image shows the stark edge to the woodland with no grading or variation in woodland edge vegetation. Graded margins provide more ecologically valuable habitats. Note the proximity of the ploughed land to woodland edge.*



*Image 3: showing a typical area of Prior's Wood with very limited understorey and informal footpaths.*

- 3.7. The woodland has clearly been used for many years by local residents as a local amenity for exercise and dog walking. There are numerous informal paths around the woodland that have been created by the foot traffic of local residents (see image 2). The positive impacts on the mental and physical well-being of people being able to access woodlands for recreational purposes are now well researched and documented. This is something that is also considered in Mr Hadfield's proof.
- 3.8. Currently the Woodland Trust are actively campaigning for increased public access to woodlands to deliver the benefits highlighted above (see Appendix 2). Furthermore, the Forestry Commission also have improving public access to woodlands as a priority across the national forest estate through Forestry England and supported by research carried out by Forest Research (see Appendix 6 of Mr Hadfield's evidence).

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3.9. Additionally, the mitigation proposed as part of this development contributes to 2 out of 6 Key Performance Indicators (KPIs) that the Forestry Commission have for woodland across the UK (see Appendix 4). The relevant KPIs are:

1. *'Expanding – Area of new woodland'*, and;
2. *'Improving – Percentage of woodland that is sustainably managed'*.

3.10. The Forestry Commission's KPIs show the organisation's contribution towards forestry and woodlands in England. The indicators reflect the Commission's priorities to expand, protect, improve and connect England's woodlands. These KPIs are monitored and reported across all woodland in the UK.

#### **4. RELEVANT PLANNING POLICY**

4.1. Planning policy is being considered within the evidence of Mr Poole, and he also deals with the issue of weight to be attached to policies, but I have set out the planning policy context relevant to RfR3 and those local plan policies that have a bearing on arboricultural matters with regards to this development.

Local Plan Policy - Uttlesford District Council Local Plan 2005 (Adopted 2005):

4.2. Policy ENV8 (CD 6.16) is stated within RfR3. The policy states:

'Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation  
Development that may adversely affect these landscape elements:

- Hedgerows
- Linear tree belts
- Larger semi natural or Ancient Woodlands
- Semi-natural grasslands
- Green lanes and special verges
- Orchards
- Plantations
- Ponds
- reservoirs
- River corridors
- Linear wetland features
- Networks or patterns of other locally important habitats.

Will only be permitted if the following criteria apply:



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- a) The need for the development outweighs the need to retain the elements for their importance to wild fauna and flora;
  - b) Mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality.

Appropriate management of these elements will be encouraged through the use of conditions and planning obligations’.

- 4.3. With regards to paragraph a) of ENV8, no loss of Prior's Wood is being proposed and the woodland will be retained in its entirety. Therefore, this element of policy ENV8 is deemed to be complied with.
- 4.4. With regards to paragraph b) of ENV8, through adopting appropriate technical design, it my view that the proposed development does not result in any harm to the trees within Prior's Wood as a result of the proposed roadway. I deal below more generally with the reference in RfR3 to proximity of residential development. Nonetheless, appropriate enhancements and wider mitigation (new woodland planting and management works to enhance the woodland) is proposed by the Appellant.
- 4.5. With regards to the last paragraph of ENV8, Prior's Wood has not been the subject of any recent proactive and considered management. The proposed development includes comprehensive proposals for the appropriate management of Prior’s Wood to increase its area, enhance its quality, increase its longevity and improve its biodiversity value. The Appellant has committed to undertaking this management and its implementation can be secured by the LPA. It is therefore the case that the proposed development complies with this policy requirement.
- 4.6. Other relevant Local Plan Policies include, ENV 7: The Protection of the Natural Environment (CD 6.15), and GEN7: Nature Conservation (CD 6.8). Neither of these policies are cited in RfR3 as being breached and therefore it follows that UDC's position must be that it accepts that the proposed development accords with these policies. This is dealt with in more detail in the proofs of Mr Hadfield and Mr Poole.

Local Plan Policy Performance Indicators:

- 4.7. As stated within 'APPENDIX 2 - Performance indicators and targets' of the Uttlesford Local Plan (page 83) a key policy performance indicator for ENV8 is the area of Ancient Woodland within the District (see Appendix 4). The associated target of policy ENV8 is to ensure there is

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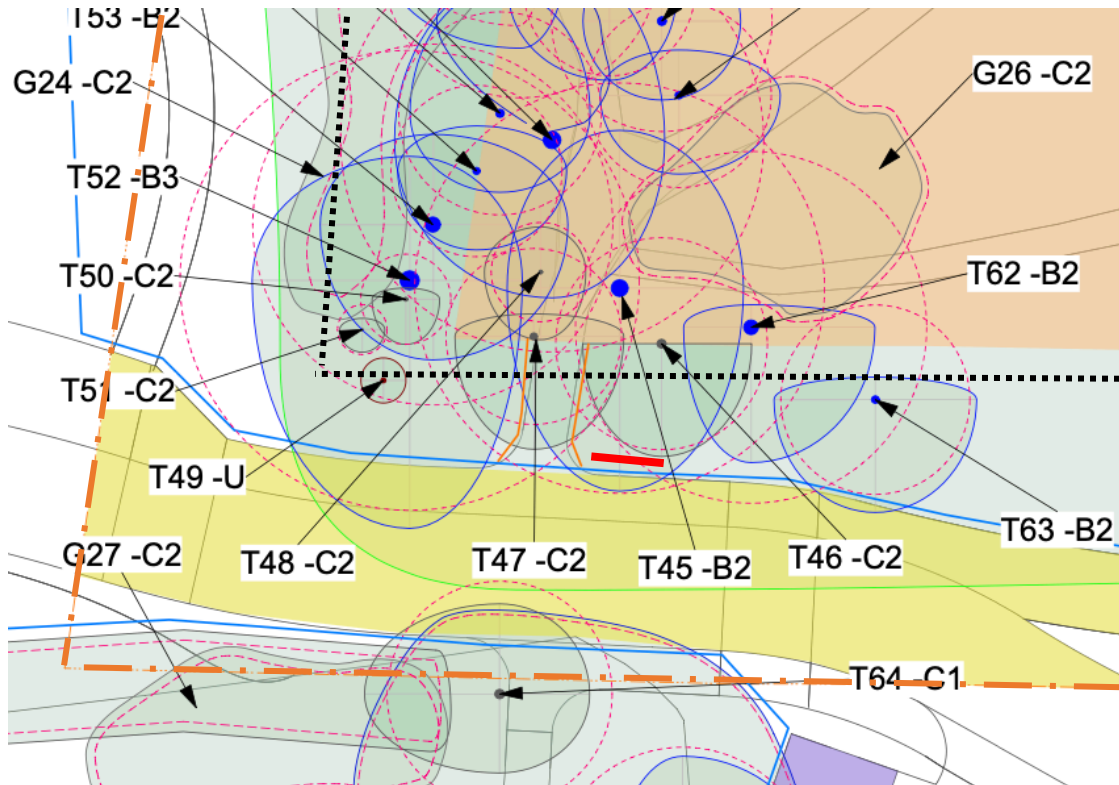
no reduction in the area of Ancient Woodland within the District. The proposed development does not result in any loss of Ancient Woodland and it is therefore my opinion that compliance with these indicators further support the view that the proposed development meets the policy objective of ENV8 with regard to Ancient Woodland.

National Planning Policy Framework 2021 (NPPF) (CD 7.1)

- 4.8. RfR3 does not state which elements of the NPPF are being relied on as part of this reason for refusal but, in relation to arboricultural matters, I believe this is most likely to be paragraph 180(c) of the framework. It is my view that the proposed development is NPPF compliant in this respect. No loss of Ancient Woodland is proposed and no detrimental impacts to tree roots need occur. It is also the case that an appropriate and informed woodland buffer, which reflects the Standing Advice (CD 12.1) and is relevant to the site context and the identified constraints, has been provided. I explore below in more detail the issue of compliance with the Standing Advice (CD 12.1).

**5. THE PROPOSED ROADWAY**

5.1. It is worth highlighting at this point in my evidence the location of the proposed roadway in relation to Prior's Wood and the woodland buffer.



Key:





	Applied ASNW buffer
	Extent of roadway within the buffer and where roadway/footway will be narrowed and a 'no dig' and 'reduced dig' approach will be used
	Location of trial trench 1 from Airspade investigation (CD 1.81)
	Approximate alignment of the centre line of the ditch on the southern and western side of Prior's Wood

Image 4: An excerpt from the Tree Retention/Removal and Protection plan from within **CD 1.79** drawing reference: BHA 1030\_02B\_TRR - sheet 4). The image includes additional mark up for clarity and shows the extent of the proposed roadway (area with yellow fill) within the woodland buffer.

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5.2. As shown in image 4, the proposed roadway only crosses the woodland buffer at the south western corner of Prior's Wood. The length of the roadway within the buffer is circa 35m. I discuss the impact of this roadway later in my evidence.

## **6. OFFICERS REPORT (CD 4.2)**

6.1. The Officer's report prepared in relation to the appeal scheme discusses the proposed development and sets out their conclusion that the development should be conditionally approved.

6.2. Of most relevance to the matters addressed in my evidence is the final consultation response from the Ecology Consultee (ECC Place Services - Ecology) which is included in paragraph 7.6 of the Officer's report as *'No objection subject to securing biodiversity mitigation and enhancement measures'*.

6.3. The Officer's report (CD 4.2) goes on to state in paragraph 10.34, *'The design and scale of the proposed dwellings is now considered appropriate for this location. A landscape buffer has also been incorporated into the design to protect the ancient woodlands to the rear of the woodland parcel of land'*. This paragraph is particularly relevant as it confirms that the nature of the proposed development and the buffer provided to Prior's Wood is appropriate. This seems to contradict the wording within RfR3 which alleges detrimental impacts will occur to Prior's Wood due to the *'siting of a large-scale housing development adjacent to its boundary'*.

6.4. With regard to Prior's Wood the Officer's report concludes in paragraph 10.71 that *'Subject to appropriate mitigation measures recommended no objection has been received, the application is considered therefore compliant with Policy GEN7, ENV7 and the specific requirements of the NPPF'*.

## **7. STATEMENT OF COMMON GROUND (CD5.2A)**

7.1. A final and agreed SofCG has been prepared between the Appellant and UDC. Before looking in more detail at the proposed mitigation and the effect of the proposed roadway, it is important to highlight the matters agreed within the SofCG. With regards to ecology and trees, and with particular references to the ASNW of Prior's Wood, it is agreed that:

- 
- No objection to any of the technical design of the Appeal scheme was raised during the course of the application, as a result of any impact on trees or biodiversity.
  - There is no impact on the ANSW by reason of air quality.
  - There are no statutory consultees who have objected to the proposal having regard to any adverse impact on ecology or the ANSW.
  - No trees within the ANSW are to be removed or impacted on directly as a result of the proposed route through the buffer.
  - Mitigation of impact on the woodland includes the draft woodland management plan and can be secured via conditions or planning obligation
  - It is agreed that public access to the woodland should not be excluded but carefully managed.

## **8. MITIGATION**

- 8.1. It should be noted that prior to the consideration of the application at Planning Committee, Officers were content with the proposed mitigation put forward and did not seek to obtain more.
- 8.2. The presence of Prior's Wood has been a key consideration throughout the design process. This is reflected throughout the submission documents that considered Prior's Wood, these include the Planning Statement (CD 1.70), the Design and Access Statement (CD 1.68), Ecological Assessment (CD 1.76) and the Arboricultural Impact Assessment (CD 1.79).
- 8.3. The below paragraphs set out the mitigation to be implemented as part of the proposed development. This demonstrates that sufficient mitigation is being put forward. The mitigation has been separated in to Direct; that which is deemed appropriate to address a specific potential impact and Indirect; additional mitigation measures that are proposed. Some of the Indirect mitigation could be considered to be enhancements.

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### Direct mitigation

- 8.4. As detailed in the Standing Advice of Natural England and the Forestry Commission, the preferred technique to mitigate potential impacts of development upon Ancient Woodland is the use of a buffer. The layout was prepared using a minimum 15m buffer from Prior's Wood. I advised the use of a minimum 15m buffer was appropriate based on the following factors:
- the level nature of the site topography;
  - the presence of deep ditch around the woodland edge (1m in depth on average) that is likely to inhibit significant root growth beyond it; and
  - the past agricultural land management that has seen the ground beyond the field margin (containing PRow 48\_40) ploughed to at least 300mm. This is very likely to have further inhibited any root growth that extended beyond the ditch.
- 8.5. The above was further supported by the results of the ground investigation undertaken with an Airspade<sup>4</sup>. The findings of these ground investigation were summarised in a separate Arboricultural Technical Note - Airspading Investigation - October 2021 (CD 1.81). A total of 4 trenches were excavated at suitable locations along the southern boundary of Prior's Wood. The trench locations were selected to be south of the ditch that borders Prior's Wood, and within the existing field margin. The locations were selected so the trenches were within relatively close proximity (i.e. within a normally expected rooting distance), and directly in line with, the larger and more mature oak trees on the southern edge of Prior's Wood. These locations were chosen in order to try and maximise the probability of finding roots. All the trenches were excavated in an east/west direction to be parallel to the southern edge of Prior's Wood; again, this was to maximise the probability of finding roots.
- 8.6. These investigations revealed no tree roots were encountered in the vicinity of the proposed roadway within the buffer. Trench 1 (see image 4) was located approximately 5m from the base of the largest mature oak tree on the south west corner of Prior's Wood (stem diameter of approximately 750mm). Grass and bramble roots were observed down to a depth of 150mm but no tree roots were encountered within Trench 1.

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<sup>4</sup> An Airspade uses compressed air forced through a small diameter high pressure nozzle to loosen and crumble soil to excavate and expose tree roots with minimal to no damage.

- 
- 8.7. The 15m buffer was used as a guide to design and wherever possible additional clearance beyond the edge of the buffer has been achieved and despite the limiting factors detailed above a precautionary approach to the woodland buffer has been applied.
- 8.8. As shown in the site layout within the general arrangement masterplan (CD 1.5) appropriate buffers that exceed 15m have, in general, been achieved. A summary is provided below:
- 8.8.1. *Parking bays* - proposed parking bays to the south of Prior's Wood are at least 15m from the woodland and located within previously ploughed agricultural land. In my opinion, this distance provides sufficient protection for tree roots.
- 8.8.2. *Internal access road* - The carriageway of the internal access road to the south of Prior's Wood is (with the exception of the south west corner of Prior's Wood) proposed at a minimum distance of 17m from Prior's Wood and again, within previously ploughed agricultural land. In my opinion, this distance provides sufficient protection for tree roots.
- 8.8.3. However, a 35m long section of the proposed roadway that connects to the western most parcel of land is within the 15m buffer. At its closest point the roadway is 7m away from the nearest tree at the woodland edge (T63) and the footway is 5m away. T63 is located just outside of the main body of woodland and to the south of the ditch that surrounds Prior's Wood.
- 8.8.4. *Dwellings* - the position of the proposed have been designed to maximise the clearance to Prior's Wood. In general, the dwellings are located at a minimum distance of 26m from Prior's Wood. The only exceptions are plot 107 (at 18m) and plot 88 (at 16m). However, both dwellings on plots 107 and 88 are outside of a minimum 15m buffer. Again, all of the proposed dwellings are within previously ploughed agricultural land. In my opinion, these distances provide sufficient protection for tree roots and allow for a suitable relationship between the proposed dwellings and the retained woodland.
- 8.9. In my view it is relevant to consider the appeal decision for Land at Morrthorpe Way, Sheffield (CD 8.12) which has a number of similarities with the appeal scheme. This appeal decision confirms the acceptability of an access road within the buffer of an Ancient Woodland. The relevant paragraphs of the Inspector's decision are reproduced in the evidence of Mr Hadfield.

- 
- 8.10. The design of the roadway within the buffer has been considered carefully. Further detailed technical design will also be undertaken. Based on the findings of the field surveys and ground investigations the key principles to the roadway design are to ensure minimal excavation within the existing ground and to limit the width of the combined roadway/footway/cycleway. However, this approach is a precautionary one.
- 8.11. The width of the combined roadway/footway/cycleway has been reduced to 8 metres where it passes through the woodland buffer and the alignment has been located as far south as possible to maximise the clearance to Prior's Wood.
- 8.12. The effect of the design being based on detailed baseline survey is that the proposed roadway is located outside of the default Root Protection Areas (RPAs), as calculated in line with BS5837:2012, of all of the trees within Prior's Wood.
- 8.13. In order to ensure minimal excavation (reduced dig) into the existing ground the roadway through the buffer will be formed from a 'table top'<sup>5</sup> as to install a complete 'no dig' solution for a roadway such as this will not be possible.
- 8.14. The above approach to the roadway construction will be adopted in the yellow hatched area shown on the combined Tree Retention/Removal and Protection Plan at Appendix 5k (drawing reference: BHA\_1030\_02 Rev B - Sheet 4 of 4) and as shown within image 4.

#### Indirect mitigation

- 8.15. The wider mitigation provided by the proposed development can be summarised as:
- Cessation of ploughing disruptive to soil structure and soil biota within the woodland margin area (notwithstanding the presence of the perimeter ditch to Prior's Wood);
  - Cessation of agricultural practices including herbicide/pesticide application within, and close to, the woodland margin;
  - Creation of a new woodland extension over an area of 8,788m<sup>2</sup> (0.87ha) to the east of Prior's Wood. The Landscape Strategy (CD 1.97) sets out the general prescriptions for

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<sup>5</sup> A table top in highway terms is a raised section of road, with a ramp on both sides that can be used to reduce construction depth and/or used as a traffic calming feature



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establishing an effective and valuable woodland area, but the LPA are able to influence, by agreement, the detailed specification of works;

- Creation of varied and diverse woodland margin to the south and west of Prior's Wood as set out within the Landscape Strategy (CD 1.97);
- Bringing the woodland under appropriate long-term management (e.g. thinning,<sup>6</sup> coppicing<sup>7</sup> and habitat creation) to improve its overall structure and longevity, as set out in the proposed Woodland Management Plan (CD 1.78).

8.16. In my opinion, the mitigation set out above provides significant benefit to Prior's Wood. The increase in woodland area is in line with the national priorities and certain KPIs of the Forestry Commission. The creation of new margin planting will improve the variety of habitat present in the area. Most importantly, however, ensuring the long-term management of Prior's Wood will allow it to be safeguarded in a more favourable condition for many years.

8.17. This view is supported by the following consultees as detailed in the Officers Report (CD 4.2):

- ECC Place Services - Ecology, consultation response on ecological matters (16th November 2021) (CD 3.6)
- ECC Place Services - Green Infrastructure, consultation response on Green Infrastructure 11th October 2022) (CD 3.19)
- The consultation response of Natural England (29th September 2021) (CD 3.13)
- The consultation response of the UDC Landscape Officer (30th September 2021) (CD 3.24)

8.18. Within the case officer's conclusions in their Officer Report (CD 4.2) they do not state that there are any unacceptable impacts upon Prior's Wood and nor do they state that the proposed development is not in accordance with Local Plan Policy ENV8.

8.19. Ultimately, officers were content there would be no impact on Prior's Wood. On the date of the refusal there was no evidence available before committee members of any impacts on Ancient Woodland.

8.20. Notwithstanding the extensive mitigation detailed above, at the Case Management Conference (CMC), Paul Brown QC, on behalf of UDC, said there was potential to provide

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<sup>6</sup> The process of removing trees within a woodland to increase light and space availability for the benefit of other trees and understorey

<sup>7</sup> The periodic cutting back (of a tree or shrub) to ground level to stimulate growth

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additional mitigation and to remove this objection. However, through the process of preparing the SofCG the Appellant has not received any additional information on what such additional mitigation may be.

## **9. EFFECT OF THE PROPOSED ROADWAY**

9.1. In light of the mitigation (relevant to the roadway design and construction) detailed in Section 8, the arboricultural effects of the proposed roadway will, in my opinion, be negligible. This is based on appropriate working methods being adopted during construction and on the basis that the construction is undertaken in accordance with a detailed Arboricultural Method Statement.

9.2. The main factors I have considered in coming to this view are as follows:

- the area is an existing agricultural access and the only one into the western most field;
- the area is a key pedestrian route into Prior's Wood;
- a visual and tactile assessment of the soil in this area indicates it is likely to be compacted (CD 1.81);
- the presence of previously disturbed and made ground within this area (CD1.81);
- presence of ditch along the southern edge of Prior's Wood;
- the fact that no roots were observed in the trial trench that was undertaken in this area (see CD1.18);
- The roadway itself (but not the footway/cycleway) is located outside of the default RPAs of the trees within Prior's Wood as shown on the combined Tree Retention/Removal and Protection Plan at Appendix 5 (drawing reference: BHA\_1030\_02 Rev B - Sheet 4 of 4);
- Sufficient ground clearance exists so that no pruning of the high canopy trees within Prior's Wood will be necessary (although some trimming of the low-quality vegetation that is outside of the ASNW and to the south of the roadway will likely be required).

9.3. With regards to the effects of the proposed roadway on air quality matters, I defer to the evidence of Mr Hadfield.

- 
- 9.4. For clarity I can confirm that the improvements to the existing public right of way (PRoW 48\_40) that is located within the woodland buffer can also be implemented without impacting upon the roots system of trees within Prior's Wood.
- 9.5. This is supported by the UDC Landscape Officer where he confirmed he is satisfied with new appropriate surfacing within the buffer zone, on the basis that 'Details of path construction should be required to be submitted for approval' as confirmed within the email from Ben Smeeden dated 30th September 2021 (CD 3.24). This matter is also agreed by Ella Gibbs of Place Services in her advice note to UDC 08th August 2021 (CD 3.4).
- 9.6. In considering the above factors I do not believe that the proposed development would cause unacceptable harm to the trees located adjacent the proposed roadway and within Prior's Wood.
- 10. UNPARTICULARISED FURTHER POTENTIAL IMPACTS UPON PRIOR'S WOOD**
- 10.1. Within RfR3 there is a unparticularised allegation in regard to Prior's Wood and 'the potential detrimental impacts associated with the siting of a large-scale housing development adjacent to its boundary'. The RfR does not make clear what these potential impacts are, and the suggested link between the location the proposed housing development and the alleged detrimental impacts has not been evidenced.
- 10.2. Within section 7 of my evidence I have already demonstrated that housing development is not proposed adjacent to the boundary of the Ancient Woodland and at no point is there any built form adjacent to the woodland edge. The general minimum distance between the woodland edge and residential dwellings is 26m with only two dwellings located closer at 16m from the woodland edge.
- 10.3. Prior's Wood has clearly been accessed and used for many years by local residents as a local amenity. There are numerous informal paths around the woodland that have been created by local residents and historically this access has been unrestricted and unmanaged.
- 10.4. The positive impacts on the mental and physical well-being of people being able to access woodlands for recreational purposes should be considered.
- 10.5. In my view it is relevant to consider the appeal decision for Land off Isabel Drive and Land off Stansted Road, Elsenham, Essex (CD 8.2). This appeal decision discusses the acceptability of

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a public access to Ancient Woodland as a recreational facility with an appropriate woodland management plan in place. The relevant paragraphs of the Inspector's decision are reproduced in the evidence of Mr Hadfield. The Inspector in that case considered managing the use of Ancient Woodland whilst encouraging public access was appropriate. It is my opinion that same managed approach, as proposed, should be adopted with Prior's Wood.

## **11. CONCLUSION**

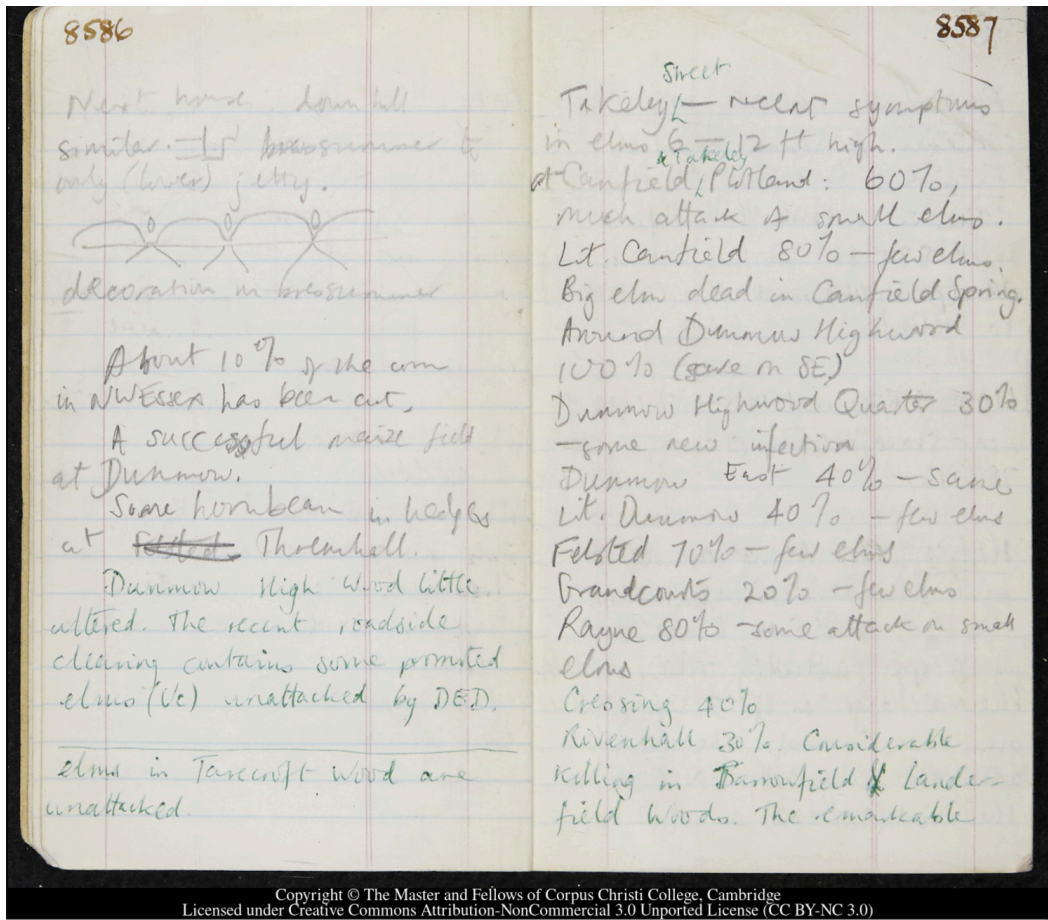
- 11.1. In summary, no loss of Ancient Woodland will occur as a result of the proposed development.
- 11.2. The proposed development has been informed by detailed baseline assessment and ground investigation has been undertaken to support the preparation of the layout design and roadway alignment. Notwithstanding this, a precautionary approach has been adopted in the design of road including its localised narrowing where located within the woodland buffer, and through careful consideration of finished levels.
- 11.3. Whilst I acknowledge a section of the proposed roadway is proposed within the woodland buffer, it is located outside of the RPAs of the trees within Prior's Wood. In addition, the site-specific ground conditions have highlighted to me that (subject to appropriate working methods during construction) the roadway will not impact upon the health and longevity of the adjacent trees within Prior's Wood.
- 11.4. Prior's Wood has been accessed and used by local residents for many years. The alleged and unparticularised potential impacts upon Priors' Wood have not been evidenced. The positive impacts on the mental and physical well-being of local residents with access to woodlands for recreational purposes should also be considered. Managing the use of Prior's Wood (in association with a woodland management plan) whilst allowing public access is, in my opinion, appropriate.
- 11.5. On the basis of the evidence I put forward, the proposed development is compliant with policy ENV8 (CD 6.16) and accords with the principles of the National Planning Policy Framework in regard to Ancient Woodland.

APPENDIX 1:

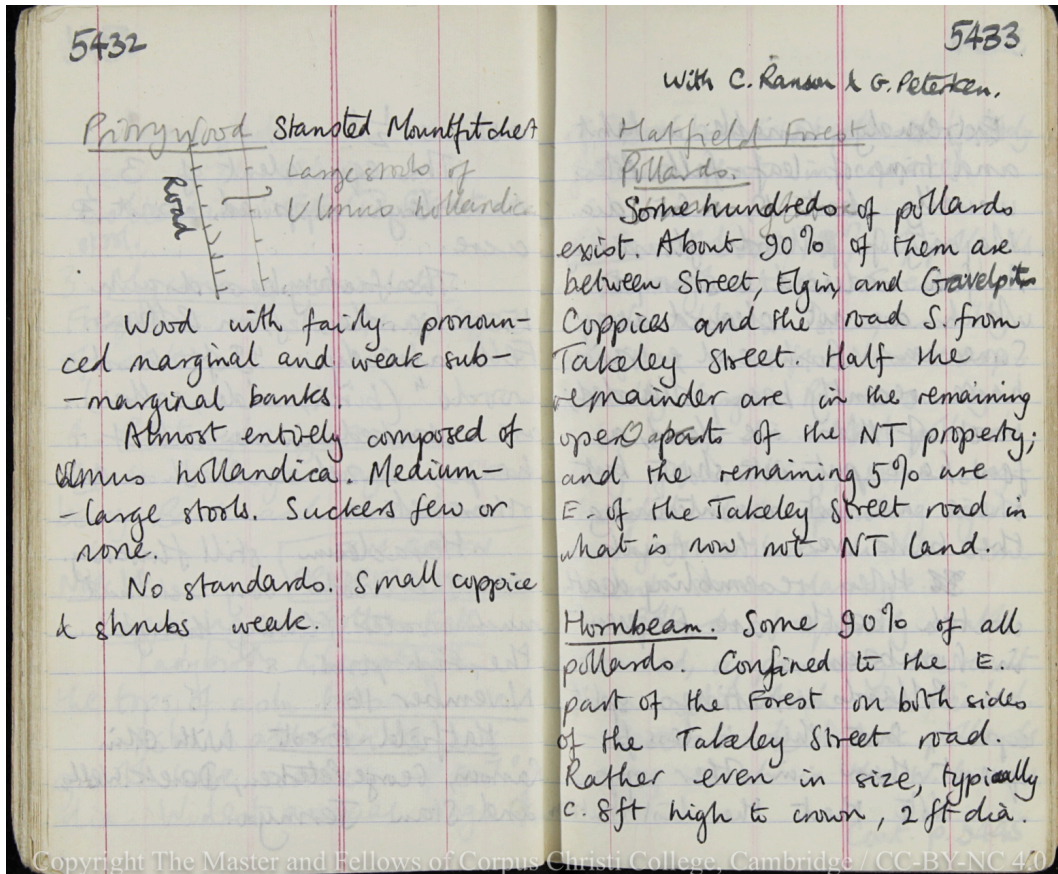
EXTRACTS OF OLIVER RACKHAM'S FIELD NOTES

(NOTEBOOK 196, COVERING 30 OCTOBER TO 16 NOVEMBER 1971 -  
CCCC14/6/2/1/196 PAGE: 15432-15433 AND NOTEBOOK 240, COVERING 4 AUGUST TO 10  
SEPTEMBER 1977 (CCCC14/6/2/1/240 PAGE: 18586-18587)

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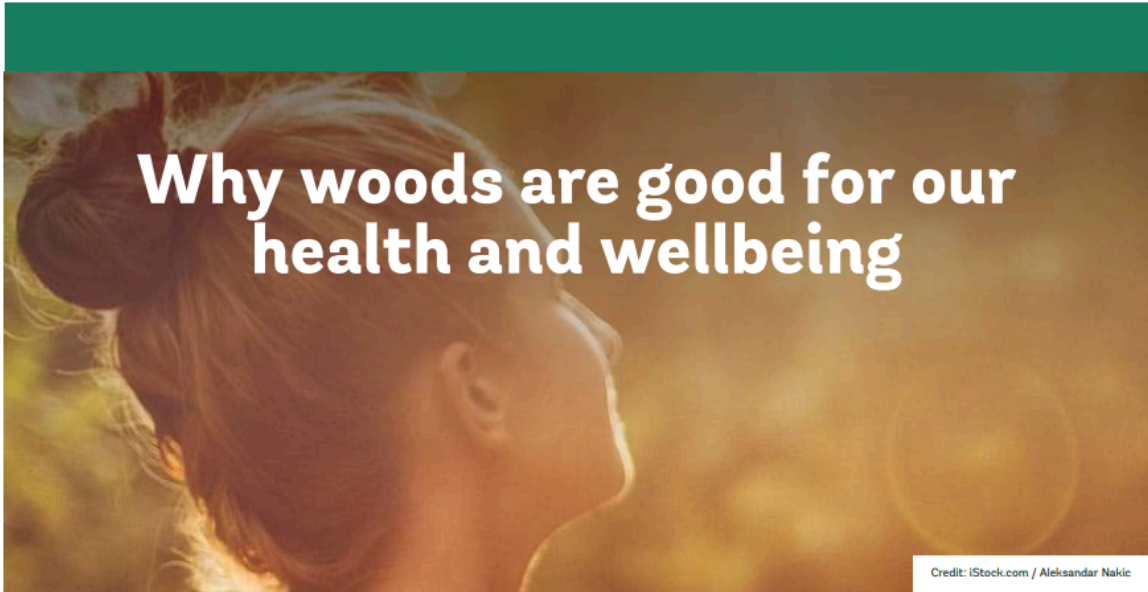


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APPENDIX 2:  
EXTRACT FROM WOODLAND TRUST HEALTH AND WELLBEING

23/05/2022, 21:55

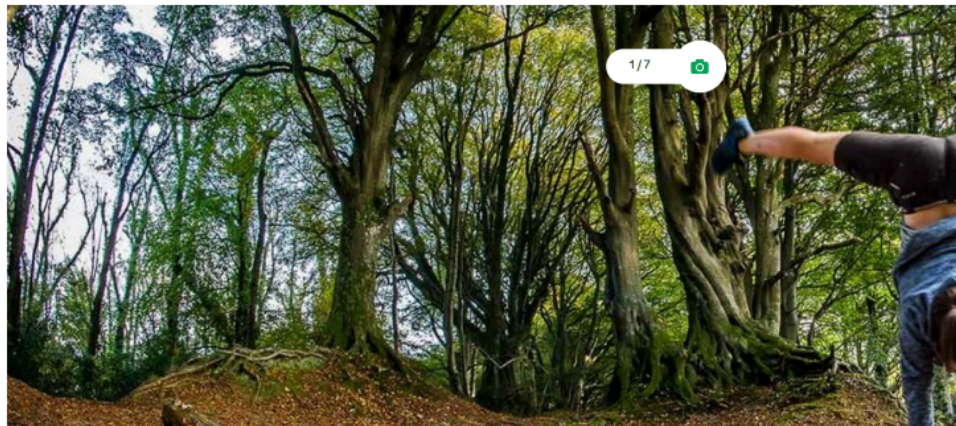
Woods for Health and Wellbeing - Woodland Trust



## Woods and trees are good for our health and wellbeing.

Many of us feel this intuitively. But there is also an ever-growing mountain of scientific evidence, brought into even sharper focus since the coronavirus pandemic, that's painting a picture of the health benefits of trees, woods and the natural environment.

Discover how we're fighting to ensure more people have access to woods and working with experts nationwide, launching health programmes and researching the benefits that nature and woods bring.



Studies across the globe have measured the comparative benefits of sitting or walking in a green space versus the same area, and invariably the natural environment offers far greater rewards.

Credit: Ben Lee / WTML

<https://www.woodlandtrust.org.uk/trees-woods-and-wildlife/british-trees/health-and-wellbeing>

1/7



**Never before have nature's healing powers been so vitally needed.**

## Nature makes us better

Along with improving our quality of life, green spaces can help to make us physically healthier and improve our mental wellbeing.

Nature alleviates stress, stabilises blood pressure and treats anxiety and depression. Its effects have even been shown to increase anti-cancer cells, reduce the incidence of underweight births, and accelerate recovery from surgery.



Credit: Ben Hall / naturepl.com

### Mental health

1 in 4 people will be affected by mental illness at some point during their lifetime. Statistics also show that mental health issues are more common, long-lasting and impactful than other health conditions. Spending time in nature is a great way to **support mental health**, as it can boost mood and decrease stress.

23/05/2022, 21:56

Woods for Health and Wellbeing - Woodland Trust



Credit: Jill Jennings / WTM

## Physical health

Lack of exercise is a well-known problem in UK healthcare. A quarter of adults are obese, and physical inactivity is predicted to cost the NHS £10bn a year by 2050. **Exercising in nature** can offer a better workout, increase your vitamin D and provide a much more pleasant setting than your average gym.

“

**We are nature. And what the evidence shows is that spending time in the outdoors isn't just a luxury or a leisure activity - it's a human need.**

—  
**Dr Lucy Loveday**  
GP, Resilient Young Minds programme

## What we're doing

Yet not everyone can take advantage of this nature prescription.

The number of people with easy access to woodland has declined since 2016. In 2020 16.2% of people in the UK had access to a wood of at least 2ha within 500m of their homes (down from 21.1% in 2016), and 66.6% had access to a wood of at least 20ha within 4km of their homes (down from 72.7% in 2016). Also, 13% of people in the UK don't have access to a garden, meaning woodland and green spaces are more essential than ever.

The closer our homes are to green spaces, the more likely we are to use them. This is why we are committed to making the case for accessible woodland close to where people live.

## How we're fighting for green spaces for all

<https://www.woodlandtrust.org.uk/trees-woods-and-wildlife/british-trees/health-and-wellbeing>

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23/05/2022, 21:56

Woods for Health and Wellbeing - Woodland Trust

- **Supporting the expansion of tree cover** to increase UK woodland cover from its current 13% of land area to 19% by 2050.
- **Campaigning to protect woods and trees** through the planning system, ensuring their role as a public health resource is safeguarded for future generations.
- **Increasing public involvement** in the planning and management of green space. Processes such as **neighbourhood planning** should generate opportunities for community care for nature.
- **Recognising the savings to the public purse** that can be achieved by using wooded green space as a preventative health care tool. This is particularly critical in the design of new developments. This should be complemented by increased resources to encourage active and healthy lifestyles through visits to woods close to where people live.
- **Making woods more accessible.** We want to promote a long-term connection with nature, to make existing woods more accessible with new footpaths, close to where people live. We're adopting standards that ensure everyone has reasonable access to woodland.
  - Nobody should live more than 500 metres from accessible woodland of no less than 2 hectares.
  - There should also be at least one area of accessible woodland of no less than 20 hectares within 4 kilometres of people's homes.
- **Promoting learning and understanding of woods and trees at all levels.** Increased appreciation of the environment starts at school, and around 23% of all UK schools have applied to plant native trees with us since 2017, with 40% of all schools (12,830) taking part in our **Green Tree Schools Award** which promotes environmental awareness and action. And learning doesn't stop at the school curricula. Our work permeates all levels of education from college and university courses to communities and professionals such as land-use planners, woodland managers, and arborists.



The closer our homes are to green spaces, the more likely we are to use them.

Credit: Michael Heffernan / WTML

**We want people to enjoy and value woodland, not only for their own benefit but for the benefit of our woods and wildlife too.**

## Nurturing through nature in our woods

### Smithills Estate, Lancashire

With the help of its National Lottery funding, our team at **Smithills** provide support for marginal and isolated groups in and around Bolton. 'Walk & Talk' sessions, organised with the Bolton Council of Mosques and aimed at those with anxiety and agoraphobia, have introduced Smithills Estate to 65 people who lack confidence in the outdoors.

<https://www.woodlandtrust.org.uk/trees-woods-and-wildlife/british-trees/health-and-wellbeing>

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23/05/2022, 21:56

Woods for Health and Wellbeing - Woodland Trust

Meanwhile, a series of walks run with **Greater Manchester Mental Health NHS Trust** have provided respite for those caring for loved ones with schizophrenia.

Monthly dementia events have also proved a particular success. As many as 40 people have attended dementia walks, which begin and end with tea and cake, and are designed to suit all abilities.

## Fingle Woods, Devon

Dr Lucy Loveday works with our team at **Fingle Woods** and has piloted a scheme to help troubled young people gain access to green spaces through the NHS, known as the Resilient Young Minds programme. It's designed to help local people facing addiction issues, homelessness and clinical depression into the woods, and involves everything from fire-building to photography. So far it's been a resounding success, with patients seeing immediate improvement in almost every measure, from confidence and mood to independence and awareness.

The team have run more than 50 sessions for hard-to-reach groups in the region so far, touching the lives of 325 vulnerable people through forest schooling for troubled pupils, guided walks for the disabled and many more invaluable initiatives.

It's now been accepted by the local NHS primary care network, and GPs across North Dartmoor can now refer their patients directly into the woods. Gaining the NHS's support is a monumental step, since mental health costs the NHS more than £22bn every year in England alone, and the wider knock-on effects cost the economy another £77bn.

While the scheme is currently funded entirely by the Woodland Trust, investing £10,000 of National Lottery funding, it is hoped that green prescriptions will be placed at the heart of UK healthcare with NHS groups funding similar projects nationwide.

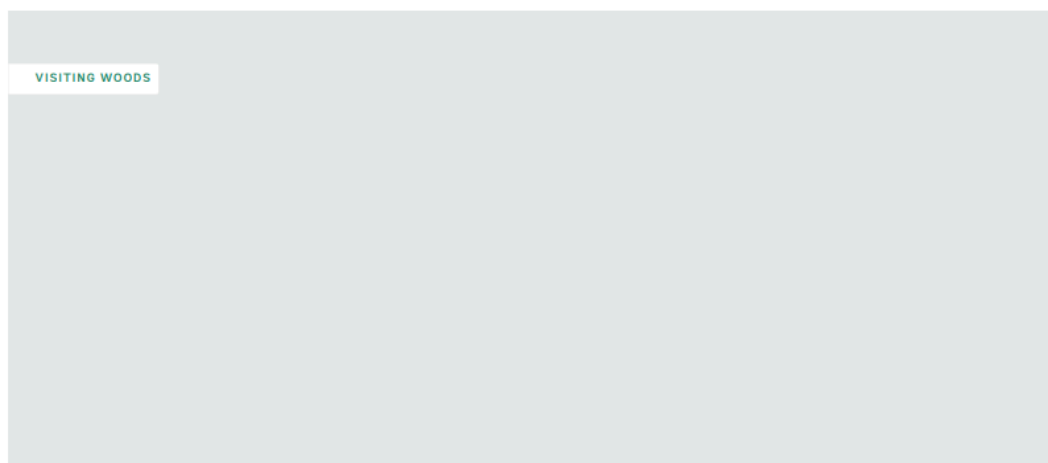
## Great Chart Wood and Packing Wood, Kent

'Green Gyms' are becoming a regular fixture in green spaces across the UK. Despite the name, these 'gyms' are less about barbells and bench presses and more about keeping woods and other green spaces spick and span.

Woodland Trust woods **Great Chart** and **Packing** are often visited by Ashford Green Gym. It was set up in 2008 and it's the largest self-funded group in a network of almost 50 across the UK, mostly overseen by the conservation volunteering charity **TCV**.

Groups of volunteers take part in the green gym movement by getting together on a weekly basis to work on keeping woods looking their best, helping out with activities such as coppicing, hedgelaying and trail clearing.

Research has shown a session in a green gym can burn up to a third more calories than an aerobics class, while a study from the University of Westminster has shown those working in green gyms saw their cortisol awakening response - that's the change in cortisol concentration that occurs in the first hour after waking from sleep - boosted by up to 35%.



<https://www.woodlandtrust.org.uk/trees-woods-and-wildlife/british-trees/health-and-wellbeing>

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APPENDIX 3:

EXTRACT FROM FORESTRY COMMISSIONS KPI REPORT (2020 - 2021)



Table 2: Short term trends in the indicators

Indicator	Short-term trend <sup>1</sup>	Page
<b>Part 1. Forest Services Headline Key Performance Indicators</b>		
<b>Expanding</b>		
Area of woodland in England	Marginal increase	12
New planting of woodland and trees in England	Improving	14
<b>Improving</b>		
Percentage of woodland that is sustainably managed	Little change	17
Percentage of the annual growth of trees in English woodlands that is a harvested	Little change	19
<b>Protecting</b>		
Number of additional tree pests and diseases becoming established in England within a rolling 10-year period	Little change	20
Percentage of known tree felling carried out with Forestry Commission approval	Little change	22

Note 1: See page 5 for the method of assessment of short-term trends in the indicators.

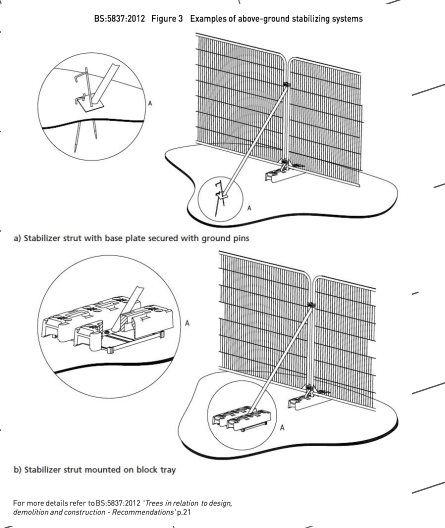
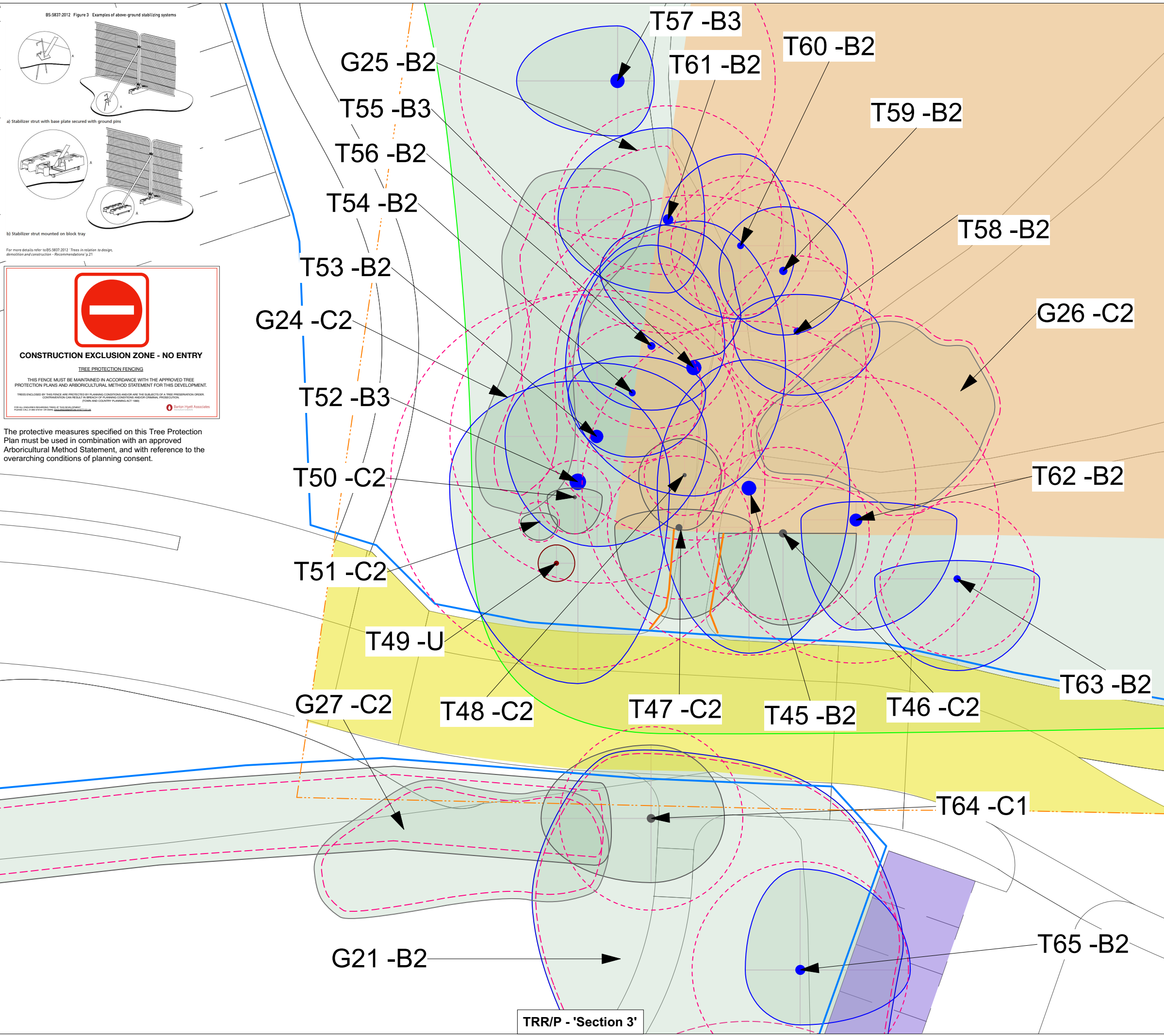
APPENDIX 4:  
KEY POLICY PERFORMANCE INDICATOR FOR POLICY ENV8

## Uttlesford Local Plan – Adopted January 2005

Planning Objective	Relevant Policy	Indicator of Policy Performance	Relevant Target
<b>ENVIRONMENT</b>			
To conserve and enhance the historic buildings & their setting	ENV1 Design of Development within Conservation Areas	Number and type of developments permitted in Conservation Areas	No departures from the Plan
	ENV2 Development affecting Listed Buildings	Number and type of listed building consents permitted	No departures from the Plan
	ENV3 Open Spaces & Trees	Number of developments resulting loss of open spaces and trees	No loss of open spaces or trees through inappropriate development
To protect Ancient Monuments and archaeological sites	ENV4 Ancient Monuments and Sites of Archaeological Importance	Number and type of developments permitted each year on archaeological sites	No loss of nationally or locally important archaeological sites;
To protect the natural environment for its biodiversity and agriculture, cultural and visual qualities	ENV5 Protection of agricultural land	Number and types of development permitted on agricultural land.	No departures from the Plan
	ENV6 change of use of agricultural land to domestic garden		
	ENV7 The protection of the natural environment – designated sites	De-designation or damage to SSSIs, NNRs or other nationally designated sites.	No departures from the Plan
	ENV8 Other landscape elements of importance for nature conservation	Number of developments on other sites of importance for nature conservation	No departures from the Plan
Area of Ancient Woodland		No reduction area	

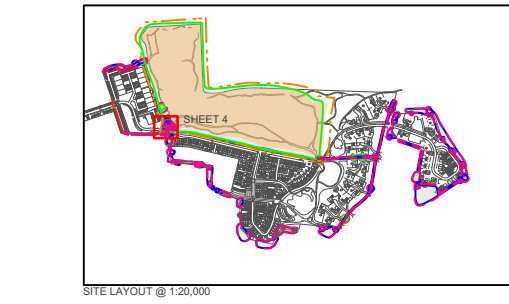


APPENDIX 5:  
TRRP (BHA 1030\_02B\_TRR)



The protective measures specified on this Tree Protection Plan must be used in combination with an approved Arboricultural Method Statement, and with reference to the overarching conditions of planning consent.

- KEY**
- Category A Tree - High quality (Retention highly desirable)
  - Category A - Hedgerow, Group, Woodland - High quality (Retention highly desirable)
  - Category B Tree - Moderate quality (Retention desirable)
  - Category B - Hedgerow, Group, Woodland - Moderate quality (Retention desirable)
  - Category C Tree - Low quality (May be retained but should not constrain development)
  - Category C - Hedgerow, Group, Woodland - Low quality (May be retained but should not constrain development)
  - Category U Tree - Very low quality (Mostly unsuitable for retention)
  - Category U - Hedgerow, Group, Woodland - Very low quality (Mostly unsuitable for retention)
  - Root Protection Area (RPA) - Layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and soil volume to maintain the tree's viability
  - Shrub mass/offsite tree/out of scope (OOS)
  - \* Tree/Group not on topo stem location given is estimate
  - Tree / Hedgerow / Group to be removed
  - Area of 'No Dig' Construction to BS 5837:2012
  - Area of reduced dig and narrowed highway construction through ASNW buffer and RPA's - See AIA report for further details.
  - Tree Protection Barrier
  - Secondary location of tree protection barrier to allow path construction.
- Ancient Tree / Woodland or Veteran Trees**
- Ancient tree/woodland or Veteran tree: Important trees that require special consideration
  - Ancient tree/woodland or Veteran tree buffer: As per published standing advice from Natural England and the Forestry Commission



**Note:** The original of this drawing was produced in colour – a monochrome copy should not be relied upon. This drawing should be interpreted with reference to the accompanying tree schedule and written advice

PROJECT TITLE **Warish Hall Farm, Takeley**

DRAWING TITLE **Tree Retention, Removal & Protection Plan**


SCALE <b>1:200 @ A3</b>		DRAWING NUMBER <b>BHA_1030_02</b>		
DRAWN BY <b>SD</b>	APPROVED BY <b>RH</b>	REVISION <b>B</b>	SHEET <b>4/4</b>	DATE <b>07/06/2021</b>

LAYOUT USED WITHIN DRAWING **Masterplan**

CLIENT **Weston Homes**

COORDINATE SYSTEM / DATUM **British National Grid / Newlyn Datum (AOD)**

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**Barton Hyett Associates**  
Arboricultural Consultants

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Address: Barn 2, Oxpens Farm, Yanworth, Cheltenham, GL54 3QE

Appendix 2:

Arboricultural Technical Note - Airspading Investigation

# Arboricultural Technical Note (Airspade Investigation)

**Site:** Land at Warish Hall Farm, Smiths Green, Takeley

**Application reference:** UTT/21/1987/FUL - Mixed use development

**Prepared by:** Richard Hyett, MSc, BSc (Hons), MICFor. MArborA. Chartered Arboriculturist

30<sup>th</sup> September 2021

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## 1.0 INTRODUCTION

- 1.1 This Technical Note has been prepared by Barton Hyett Associates Ltd on behalf of Weston Homes PLC, in relation to the proposed development on land at Warish Hall Farm. This note relates to investigations undertaken to confirm the presence or absence of roots (as well as their significance) in order to further inform the assessment of potential impacts upon the Ancient Semi Natural Woodland (ANSW) known as Prior's Wood. It provides a summary of findings from an Airspade investigation undertaken adjacent to Prior's Wood.
- 1.2 Due to the current, and past, land use surrounding Prior's Wood the nature of the land within the woodland margin (where the Airspade investigation was undertaken) does not have the appearance of an irreplaceable habitat as defined within the National Planning Policy Framework (NPPF) 2021. That is to say it does not appear to be a habitat that *'would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account age, uniqueness, species diversity or rarity'*. However, it is important not to detract from the wider value of Prior's Wood as a woodland habitat.
- 1.3 Instead of the appearance of an 'irreplaceable habitat', the woodland margins are stark (with little lateral and vertical variation in structure) and formed by intensively managed agricultural land that has been ploughed and disturbed on a regular basis for many years.

## 2.0 SCOPE OF WORKS

- 2.1 An Airspade is a high-pressure, hand-held air tool that emits a jet of air to excavate and carefully remove soil from around roots whilst leaving them intact. An Airspade is the most appropriate tool to allow the presence or absence of roots to be confirmed without damaging them. This is particularly relevant where trees are mature, aged or protected (e.g. a Tree Preservation Order).

- 2.2 Whilst there is some generally accepted guidance on where tree roots are likely to extend it is often not possible to accurately predict the presence or absence of roots without physically looking below the ground. In this case the presence of a ditch along the southern edge of Prior's Wood (and the existing soil conditions) was anticipated to have inhibited root growth to the point where no (or very few) roots are present within the field margin area to the south of Prior's Wood.
- 2.3 A total of 4 trenches were excavated at suitable locations where ground conditions allowed. The trenches were all excavated on the 17<sup>th</sup> August 2021 when the weather was dry and the ground conditions allowed access for the required equipment.
- 2.4 The trench locations were selected to be located south of the ditch that borders Prior's Wood, and within the existing field margin. The locations were selected so the trenches were within relatively close proximity (i.e. within a normally expected rooting distance), and directly in line with, the larger and more mature oak trees on the southern edge of Prior's Wood. These locations were chosen in order to try and maximise the probability of finding roots. All the trenches were excavated in an east/west direction to be parallel to the southern edge of Prior's Wood; again this was to maximise the probability of finding roots. The dominant tree species present within Prior's Wood are oak and hornbeam. The approximate locations of the trenches are shown on the aerial image below.



*Image 1: Showing the approximate locations where the trial trenches were excavated. The locations chosen were all to the south of the ditch that borders Prior's Wood and within the field margin.*

### 3.0 AIRSPADE INVESTIGATION FINDINGS

3.1 The following pages provide a photographic record of the investigations, along with summary text of the findings for each trench.

#### Trench 1:

3.2 Located approximately 5m from the base of the largest mature oak tree in the vicinity (stem diameter of approximately 750mm). Trench excavated was 1000mm long, 300mm wide. Due to a high soil bulk density the Airspade, (with pressure of 120psi) was only effective to 300mm depth. Hand tools were used to carefully excavate to 400mm depth. Trench was terminated at 400mm depth.

3.3 Grass and bramble roots were observed down to 150mm in depth. Topsoil horizons were also observed down to 150mm in depth. Dense, firm clay with an observable high bulk density (visually assessed) down to 400mm depth were encountered. Evidence of made ground (including brick fragments and stone) was present from 300mm to 400mm.

3.4 The soil's clay component combined with the passage of pedestrians and agricultural vehicles has likely compacted the soil overtime. No tree roots (e.g. oak and hornbeam) were encountered within Trench 1.



*Image 2: Showing the western end of Trench 1. The grass and bramble roots can be seen within the upper soil horizon. Below this, no roots were encountered. The clay was firm and, as can be seen, contained evidence of made ground.*

**Trench 2:**

- 3.5 Located at edge of crop line immediately adjacent a mature oak (stem diameter of approximately 750mm). The oak is set back into the woodland so the trench was at 12.5m from the tree. This is located outside of the default Root Protection Area (RPA) for this tree, which has been calculated at circa 9m radius. Therefore, the calculated RPA would be acceptable for root protection.
- 3.6 The trench excavated was 750mm in length and circa 150mm in width. The trench reached a depth of 500mm before the bulk density of the soil prevented further Airspade/hand excavation.
- 3.7 Only roots associated to adjacent, overspill crops, were identified. No tree roots (associated to oak or other species) were encountered.



*Image 3: Showing the part excavation of Trench 2. No roots were encountered, other than those emanating from remnant, overspill crops within the field margin, (as seen to the right of frame).*

**Trench 3:**

- 3.8 Located in the existing field margin immediately adjacent two mature oak trees (stem diameters of approximately 750mm and 650mm). The oaks are set back into the woodland so the trench was at circa 10m from the base of the trees. This is located outside of the default Root Protection Area (RPA) for this tree, which has been calculated at circa 9m radius and 8m radius. Therefore, the calculated RPA would be acceptable for root protection.
- 3.9 At this point on the edge of Prior's Wood the ditch is 1.3m deep. All the mature oak trees are located to the north of this ditch. On the edge of the woodland (in the location of Trench 3) and to the south of the ditch are some smaller tree species including a single hornbeam (with a stem diameter of approximately 300mm).
- 3.10 The trench excavated was 750mm in length and circa 150mm in width. The trench reached a depth of 500mm before the bulk density of the soil prevented further excavation. The Airspade (120psi) became ineffective at 300mm. Hands tools were used to carefully excavate to 500mm depth. The trial trench was terminated at 500mm.



*Image 4: Showing the single 4mm diameter woody root encountered at 250mm depth. A visual assessment of the root bark with hand lens suggested this root is from a hornbeam.*



3.11 A 4mm diameter woody root was encountered at 250mm depth. The soil at this depth was very firm suggesting a high bulk density. A visual assessment of the root bark with hand lens suggested this root is from a hornbeam. No other tree roots were encountered. It is likely that the hornbeam root encountered emanates from one of the smaller hornbeams located to the south of the 1.3m deep ditch rather than any of those on the other side of the ditch that are set back within the body of the woodland itself.

**Trench 4:**

3.12 Located at edge of crop line adjacent a mature oak tree (stem diameter of approximately 690mm). The trench was 10.5m from the base of the tree. This is located outside of the default Root Protection Area (RPA) for this tree.

3.13 At this point on the edge of Prior's Wood the ditch is 1.2m deep. All the mature oak trees are located to the north of this ditch.

3.14 The trench excavated was 500mm in length and circa 150mm in width. The trench reached a depth of 400mm before the bulk density of the soil prevented further excavation. The Airspade (120psi) became ineffective at approximately 350mm. Hands tools were used to carefully excavate to 400mm depth. The trial trench was terminated at 400mm.

3.15 No roots were encountered, other than those within the upper soil horizon and emanating from adjacent crops.



*Image 5: Showing the part excavation of Trench 4. The soil was very firm and no tree roots were encountered.*

## 4.0 SUMMARY

4.1 A summary of the trial trench findings and some analysis of these findings is provided below:

- The trial trenches provide a sample of soil conditions and rooting activity along the woodland margin. The locations were chosen to maximise the chances of finding significant roots.
- Overall, there was a distinct absence of tree roots observed in the trenches.
- Soil conditions were not ideal for tree root growth, with the clay soil being very firm; likely as a result of long-term compaction.
- Made ground was observed in Trench 1 on the south west corner of Prior's Wood. This is consistent with anecdotal evidence of the farm access track being 'improved' over time.
- Root growth is likely inhibited within the upper soil horizons (i.e. to a depth of 400-500mm) by the presence of the ditch. The soil conditions may have inhibited root growth below this depth but this cannot be confirmed at this stage.
- Roots may be present below the depth of trench excavations but at a depth where proposed alterations at the surface will unlikely impact upon them (e.g. given that surface loads applied to soils dissipate with increasing depth).
- The proposed foot/cycle path is located primarily within the significantly disturbed soil of the ploughed field. A visual assessment in the trenches suggests this has been ploughed to depth of circa 300mm.
- The lack of roots, as well as the soil condition at the depth where minor roots were encountered, confirms that the 15m ASNW buffer for root protection is adequate.
- Significant enhancements could be made to the soil present within the existing field margin and this will assist (in conjunction with appropriate planting) in delivering a more ecologically valuable woodland margin.

4.2 This note should be used to inform the assessment of the proposed development and its potential impact, and benefits, it may have with regards to Prior's Wood.

4.3 Should any questions arise regarding the contents of this note, I would be happy to discuss further.

Appendix 3:

Rebuttal Statement on Arboricultural Matters (Appeal Scheme)

## **LAND AT WARISH HALL FARM, SMITHS GREEN, TAKELEY**

### **REBUTTAL STATEMENT ON ARBORICULTURAL MATTERS**

Prepared by: Richard Hyett. MS.c, BSc (Hons), MArborA. MICFor

### **ON BEHALF OF WESTON HOMES PLC**

**APPEAL REF: APP/C1570/W/22/3291524**  
**LPA REF: UTT/21/1987/FUL**  
**DATE: 10 JUNE 2022**  
**REPORT REFERENCE: W.4006/7/8\_RS\_RH**

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## 1. INTRODUCTION

- 1.1. The rebuttal statement has been prepared in response to the arboricultural evidence submitted by Mr. Graeme Drummond on behalf of Uttlesford District Council (UDC). Although not stated within the evidence of Mr. Drummond, his evidence relates to RfR3. I also provide further comments on the landscape evidence of Ms. Jaqueline Bakker that was prepared on behalf of UDC (where it relates to the effect on Prior's Wood).
- 1.2. Additionally, and where relevant to the effect on Prior's Wood, I also provide comment on the planning evidence of Mr Tim Dawes (acting on behalf of UDC) and the planning evidence of Mr Paul Harris acting on behalf of Takeley Parish Council (TPC).
- 1.3. With regards to the letter received from the Woodland Trust dated the 6<sup>th</sup> May 2022, I defer to the rebuttal statement of Mr. Hadfield.
- 1.4. The evidence of Mr. Drummond was provided to me following the exchange of the Landscape evidence on the 31st May 2022. Within the Landscape evidence prepared by Ms. Bakker, UDC also included, as appendix 4, the evidence of Mr. Drummond which takes the form of a standalone Proof of Evidence. Within the document Mr. Drummond states he has been appointed "*at late notice by Uttlesford District Council to act as the Council's arboricultural expert to this Public Inquiry*" (see paragraph 1.1 of Mr Drummond's Proof of Evidence).
- 1.5. The timetable set at the CMC clearly stated that the "*Deadline for submission of all proofs (excepting those for the Character & Appearance RTS)*" was the 24<sup>th</sup> May 2022.
- 1.6. The arboricultural evidence of Mr. Drummond should therefore have been submitted and exchanged on the 24th May 2022 and at the same time as my evidence.
- 1.7. Despite the submission of Mr. Drummond's evidence, it has been confirmed by UDC's planning witness that it remains the case that Mr. Drummond will not be present at the Inquiry to present evidence and it is intended that Ms. Bakker will '*present evidence*' on the "*Effects of Prior's Wood*" (set out at Section 9.8 of her evidence). It is noted that this appears to be a matter for which she is not instructed nor indeed qualified having regard to her qualifications and experience and as confirmed at the CMC matters of landscape will be dealt with by a roundtable and landscape witnesses will not be presenting evidence or subject to cross examination.

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- 1.8. It is therefore highly unusual, that when the evidence of Ms. Bakker and Mr. Drummond was prepared my Proof of Evidence, that was submitted on the 24<sup>th</sup> May 2022, was available to them.
- 1.9. Given the way in which the evidence of Mr. Drummond has been submitted to the Inquiry and the limited time available to provide comprehensive responses, the appellant reserves the right to submit further responses on the evidence of Ms. Bakker and Mr. Drummond during my Evidence in Chief.
- 1.10. In preparing this rebuttal I have not addressed every point submitted in evidence by UDC and the Rule 6 party but this does not mean that I am in agreement with any point by virtue of omission. I continue to rely on the evidence of Mr. Hadfield with regard to ecological matters.
- 1.11. This rebuttal has been prepared on the same terms as my Proof of Evidence of May 2022 and it remains that the opinions expressed are my true and professional opinions given in accordance with the guidelines of my professional institution.

## **2. REBUTTAL OF THE EVIDENCE OF MR. DRUMMOND**

- 2.1. Section 2 of Mr. Drummond's evidence describes the site and Prior's Wood. In paragraph 2.8, Mr. Drummond asserts his opinion that the extent of Prior's Wood should be defined by the canopy edge of trees. This, is an important point in relation ancient woodland buffers and one I consider in more detail later in this rebuttal.
- 2.2. Section 3 of Mr. Drummond evidence replicates sections of the Natural England and Forestry Commission's Standing Advice (referred to as Standing Advice from herein).
- 2.3. Mr. Drummond goes on to describe woodland buffer zones within Section 4. At paragraph 4.4 Mr. Drummond states he has not been provided with the topographic survey in dwg (cad) format. However, Mr. Drummond had available to him the application and appeal documents. In addition, the topographic survey (pdf format) of the site was provided to UDC (upon the request of Ms. Bakker) so this information should have been available to Mr. Drummond by the UDC. This is documented within the email chain from Mr Poole that forms Appendix C to his Rebuttal Proof.

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2.4. In paragraph 4.5 Mr. Drummond queries the content of the submitted Tree Retention/Removal and Protection Plan (TRRP) (within CD1.79). Mr. Drummond refers to the 'salmon' coloured area within the plan as not being identified. However, this area is keyed on the plan as 'an area of ancient woodland'. This area was taken from the open source Natural England (NE) mapping dataset of ancient woodland. The plan also shows the extent of the canopy of Prior's Wood. Therefore, there is no disparity in the submitted TRRP drawing but it simply shows two different things. The extent of Ancient Woodland according to the NE dataset (the 'salmon' coloured area) and the extent of the woodland canopy observed on site (the green area). I would also note that that the TRRP was submitted in support of the application in June 2021, so one year ago, and in all that time no one at UDC raised this issue or any other with the content of this document.

2.5. Mr. Drummond states in paragraph 4.7 of his evidence that he is of the opinion that a woodland and buffer should extend from the canopy edge rather than from the base of a tree trunk. I disagree. Although, I accept the canopies extend from trees within the Ancient Woodland the Standing Advice sets out the rationale for the extent of woodland buffers as stated by Mr. Drummond in his evidence. Mr. Drummond states in paragraph 7.2:

*'The Natural England Guidance suggests the minimum depth of a buffer zone to be 15 metres which accords with the maximum extent of a Root Protection Area (RPA) as set out within the British Standard – BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations.'*

2.6. When using RPAs they are centered on a tree trunk (so extend from the base of a tree trunk and not canopy edge). It therefore follows that Ancient Woodland buffers do the same. This is the case with other local sites and no issue has been raised by any statutory consultee with regards to the application of the buffer in this way.

2.7. In paragraph 7.3, Mr. Drummond suggests that the woodland buffer provided is based on the RPAs of the trees within the woodland and that it does not necessarily provide a woodland buffer (i.e. protection beyond RPAs):

*'in my opinion, it is not a case of just protecting the RPA of trees growing within the ASNW but to protect the woodland as a whole including its biodiversity'.*



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2.8. It is important to clarify that in fact, the woodland buffer extends far beyond the extent of any of the RPAs associated to trees within Prior's Wood (by example as shown on the plan in Appendix 5 of my Proof of Evidence).

2.9. Within Section 8 of Mr. Drummond's evidence, he discusses the proposed development and the proposed path within buffer. Mr. Drummond states in relation to the latter (at paragraph 8.2.1):

***'This is likely to be a considerable impact on the RPA's of nearby trees. In addition, children's play facilities will be incorporated along the buffer zone which is likely to lead to soil compaction and therefore harm to tree roots'.***

2.10. This statement very much overstates the impacts and also misrepresents the proposals on the southern edge of Prior's Wood. The assertion that a '*considerable impact*' upon the RPA's will likely occur is unfounded and not evidenced by Mr. Drummond. In fact, contrary to Mr. Drummond's assertion, the evidence I have put forward as part of the application and within my Proof of Evidence (Section 9) shows the path will have no impact upon the adjacent trees due to the absence of roots within the vicinity of the PRoW and within the field margin (as is explained in more detail in my Proof of Evidence this is due to the size of the trees, the presence of the ditch and the already compacted nature of the soil). This point has also been agreed by the UDC landscape officer in their consultation response (set out in paragraph 9.5 of my Proof of Evidence). Furthermore, the term '*child play facilities*' suggests something far more substantial than that which is proposed within page 8 of the Landscape Strategy Addendum (CD 1.98) which specifies very low impact natural play features which could be installed with no impact upon the roots of trees within Priors' Wood.

2.11. In paragraph 8.2.2 Mr. Drummond states that the trial trenches excavated (see CD 1.81) are inadequate and that ground penetrating radar (GPR) should have been used instead. I do not accept this is the case. The use of trial trenches was appropriate as it allowed the actual below ground conditions to be seen, roots observed and identified, and the soil physically examined. GPR has severe limitations with regards to the resolution of information it can return. For example, it cannot pick up small diameter roots and it has no ability to distinguish between the roots of trees, crops, grasses and other vegetation (all of which are present in the area). There is no industry guidance or other document that would support the approach put forward

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by Mr Drummond over the methods used. At no time during the extensive period the application was being considered in pre-application stage or following any formal consultation as part of the planning application was any suggestion made that such a method should be investigated.

2.12. In paragraph 8.2.3 Mr. Drummond states that the proposed roadway will require ‘*substantial excavation*’ yet no evidence for this has been provided by Mr. Drummond. The matter of the roadway is comprehensively dealt with in Section 8 of my Proof of Evidence and I would draw attention to the SofCG (CD5.2A) where it has been specifically agreed that:

- *No objection to any of the technical design of the Appeal scheme was raised during the course of the application, as a result of any impact on trees or biodiversity.*
- *No trees within the ANSW are to be removed or impacted on directly as a result of the proposed route through the buffer*

2.13. It is unfortunate that Mr Drummond’s late evidence should be seeking to go behind what has been agreed by UDC in the SofCG.

2.14. In Mr. Drummond’s summary paragraph at 8.4 he states that there is a lack of ‘*positive mitigation*’ but does not state what additional mitigation should be. As stated in paragraph 8.1 of my Proof of Evidence, prior to the consideration of the application at Planning Committee, Officers were content with the proposed mitigation put forward and did not seek to obtain more. I would also repeat what I said at paragraph 8.20 of my Proof of Evidence. I would also refer to what is said in an email from Mr Poole that forms Appendix C to his Rebuttal Proof:

*“Since the CMC I have sent numerous further emails to the Council and Mr Dawes with regard to who was being appointed with respect to the substance of reason for refusal 3. The Council’s Advocate indicated at the CMC that he was to call an arboricultural witness and I have attempted through communication, including with Mr Dawes on the SoCG to establish who that was. My understanding from an email 20th April (attached) was that Place Services were appointed with respect to ecology and that arborist MAY be confirmed. Throughout this time, we have been seeking to understand the specificity over the terms expressed in RfR3 and in particular the extent of*

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*mitigation where it was suggested there would be merit in discussing this with the Council alongside the SoCG to assist in narrowing down issues. On 11th May it was only then that I was informed that a witness was not being called and "any tree related matters will be picked up by our landscape witness".*

- 2.15. It was suggested that the CMC meeting that an arboricultural witness had been appointed by the Council and my expectation following this would have been then to open up dialogue and discuss matters with a view to narrowing matters of dispute as had been suggested would be possible. In fact, Mr Drummond was appointed very late in the process such that this was not possible, nor will he be present at the Inquiry which is again most unorthodox.

### **3. THE EVIDENCE OF Ms. BAKKER**

- 3.1. Ms. Bakker has confirmed within her Proof of Evidence that she is a Chartered Landscape Architect, with a master's degree in Landscape Architecture, and also a Chartered Member of the Landscape Institute. She clearly details her experience working in professional practice covering Landscape Character Assessment and Landscape and Visual Appraisals.
- 3.2. It is clear that Ms. Bakker has the appropriate qualifications and experience to deal with matters relating to landscape and visual assessment and I agree that the presence of Prior's Wood does have some bearing on the assessment of visual impact. However, it is also clear from Ms. Bakker's introduction to her evidence that she holds no qualification, nor has any expertise, in dealing with arboricultural matters.
- 3.3. Furthermore, within Ms. Bakker's Proof of Evidence she explicitly states at paragraph 1.2.3 [my emphasis]:

*'My evidence, which addresses issues of the effect of the development on the character and appearance of the landscape is directly related to the first RfR. However, the presence of designated, non-designated heritage assets and Ancient Woodland inevitably has an influence on the character of the landscape and my evidence considers the role of these heritage and environmental assets in the character and appearance of the landscape as set out in the RfRs 1-3.'*

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- 3.4. With regards to Ancient Woodland, the scope of Ms. Bakker's evidence (as reproduced above) is to only consider the role of this non-designated environmental asset in the character and appearance of the landscape. It is therefore surprising that throughout paragraphs 9.8 to 9.8.25 of Ms. Bakker's evidence she appears to provide an expert view on the effects on Prior's Wood with regards to arboricultural matters. This is not evidence that she is qualified to give.
- 3.5. The fact that Ms. Bakker has had sight of the appellant's evidence while preparing her own proof, as she explicitly acknowledges (paragraph 9.8.14 of her Proof of Evidence), further highlights the difficulty and unfairness in Ms. Bakker straying on to ecological and arboricultural issues rather than restricting her evidence to her specific area of expertise.
- 3.6. In response to any points raised by Ms. Bakker I would refer to the expert evidence I have presented within my Proof of Evidence. On arboricultural matters Ms. Bakker is not in a position to gainsay that evidence.

#### **4. REBUTTAL OF THE EVIDENCE OF Mr. DAWES**

- 4.1. Within paragraph 4.11 of his evidence Mr. Dawes states [my emphasis]:

*'It is considered that the run of dwellings and in particular the distributor road from east to west are unnecessarily close to the protected ancient woodland of Priors Wood. This has the unfortunate impact of closing down the woodland and its current positive impressive impact in the open landscape. This road and run of residential units is in my view misplaced and misguided and does not respect the countryside and rural setting of the important woodland. It is my view that what is shown does not provide for an adequate buffer to the majesty of the woodland. Whilst the 15m buffer is a minimum (the least measurement), it must be for the developer to demonstrate that this is sufficient. My evidence and consideration is that the housing and road would be far too close to the woodland and that the buffer shown is not sufficient and would have a harmful impact on the established character.'*

- 4.2. The proximity of the dwellings to the Prior's Wood has not been raised as specific issue during the application process and appropriate distances to dwellings have been provided (as set out in paragraph 8.8.4 of my Proof of Evidence).

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- 4.3. Mr Dawes states that his evidence is that the housing and road would be too close to Prior's Wood, yet he has not presented any actual evidence within his proof to support his case. Nor has Mr Dawes provided evidence that the proposed development would result in harm to Prior's Wood.
- 4.4. As set out in section 7 of my Proof of Evidence, and contrary to the evidence of Mr Dawes, the SofCG (CD 5.2A) prepared between the Appellant and UDC (and actually jointly prepared and agreed by Mr Dawes himself) states:
- *No objection to any of the technical design of the Appeal scheme was raised during the course of the application, as a result of any impact on trees or biodiversity.*
  - *There are no statutory consultees who have objected to the proposal having regard to any adverse impact on ecology or the ASNW.*
  - *No trees within the ASNW are to be removed or impacted on directly as a result of the proposed route through the buffer.*
- 4.5. I agree with Mr Dawes statement that with regards to woodland buffers it must be for the developer to demonstrate that a proposed buffer is sufficient. It is my view that this has clearly been undertaken and the justification is set out in paragraphs 8.4 to 8.6 of my Proof of Evidence. This is also supported by the fact that the extent of the buffer was not questioned by any statutory consultee during the application process.
- 4.6. Within paragraph 4.16 of his evidence Mr Dawes states:
- 'The appeal scheme put forward does not respect the special nature of the woodland and comes far too close to the woodland to such an extent that it undermines and harms its status and critically impacts on the setting and space that it currently enjoys'.*
- 4.7. In response to the statement that the appeal scheme comes far too close to the woodland I refer to my 4.2 to 4.4 of this rebuttal.
- 4.8. With regard to the alleged harming of the status of Prior's Wood, Mr Dawes has presented no evidence. However, the status of Prior's Wood, as a non-statutory designated area of Ancient Woodland, will not change as a result of the proposed development. As demonstrated in my

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evidence (section 8 and 9 of my Proof of Evidence), and as confirmed in the SofCG (CD 5.2A), no harm to the trees within Prior's Wood occur.

4.9. Within paragraph 4.17 of his evidence Mr Dawes states:

*'There appears to be no reason why the road and housing needs to be so close to the ancient wood. The advice is that the buffer zone should be a minimum of 15 metres to provide adequate space and it is not clear from the submission that this will be realised along the entire stretch of road and housing closest to the woodland. In short the ancient woodland at Priors Wood is not being given the buffer or the space that it needs or deserves. The housing and road does appear to be perilously and unnecessarily close to the woodland edge. Its importance will be assessed in much greater detail by Jacqueline Bakker, a Chartered Landscape Architect and a Senior Landscape Architect at GUARDA, a registered Landscape Practice of Chartered Landscape Architects'.*

4.10. I am not sure why Mr. Dawes considers the approach to Prior's Wood and the development is not clear from the submission. The proposed masterplan (CD 1.5) clearly shows the proposed site layout and the AIA (CD 1.79) shows the proposed site layout in relation to arboricultural features. I have also set out the and the relevant distances between Prior's Wood and different elements of the development in section 8 of my Proof of Evidence.

4.11. The proposed dwellings are located in excess of 15m from the woodland edge. As noted at paragraph 8.8.4 of my evidence, the residential elements of the development are generally at a minimum distance of 26m from the woodland, with only two houses located at 16m. It is acknowledged that part of the roadway at the south west corner of Prior's Wood is within 15m, but as detailed in section 9 of my Proof of Evidence, this will not have an adverse effect on the woodland or any individual trees (as also agreed within the SofCG - CD 5.2A).

4.12. As identified in paragraph 3.3 of Mr Poole's rebuttal on planning evidence, neither the Council's nor the Rule 6 party's Statement of Case mentioned any 'breach' of the Standing Advice associated to Ancient Woodland.

4.13. Mr Dawes goes on to state the importance of Prior's Wood will be assessed in much greater detail by Ms Bakker. It is not clear whether Mr Dawes is referring to the importance of Prior's

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Wood from a landscape and visual assessment perspective or whether he is referring to the effect on Prior's Wood itself. If the latter, then I refer to section 3 of this rebuttal which deals with the evidence of Ms Bakker.

4.14. The evidence of Mr Dawes' goes on to state at paragraph 4.33 that "[r]egardless of these comments in consultation, and as referred to above the access road at the pinch point (where the road is inside the 15m buffer) is still considered an issue". This is somewhat perplexing, as it is not clear by whom this matter is considered an issue.

4.15. Place Services, are content with the proposals and within their final consultation response (see CD 3.6) concluded that:

*"[w]e are now satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable."*

4.16. This position is also supported within the Officer Report (CD 4.2), which recommends approval.

4.17. This position is further supported by the SofCG (relevant sections set out in paragraph 4.4 of this rebuttal).

4.18. Mr. Dawes does not present any evidence as to why this particular point is still an issue nor why it is considered unacceptable on ecological or arboricultural grounds.

## **5. REBUTTAL OF THE EVIDENCE OF Mr HARRIS**

5.1. Within paragraph 4.38 of his evidence Mr Harris states [my emphasis]:

*'The main access road is located well within this 15 metre buffer zone at the south west corner of the wood (the transition from 7 Acres to Bulls) in clear contravention of this advice. Moreover, the proposal seeks to formalise the footpath route within the buffer zone for almost its full extent'.*

5.2. It is acknowledged that part of the roadway at the south west corner of Prior's Wood is within 15m, but as detailed in section 9 of my Proof of Evidence, this will not have an adverse effect on the woodland or any individual trees (as also agreed within the SofCG - CD 5.2A). It is

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important to note that a 'contravention' of generic advice does not automatically mean that loss or deterioration of Prior's Wood will occur.

5.3. With regards to the proposed footpath adjacent Prior's Wood, I refer to paragraph 2.10 of this rebuttal where this matter is dealt with in response to Mr Drummond's evidence.

5.4. Within paragraph 4.40 of his evidence Mr Harris states:

*'On the basis that the proposed development is within the minimum 15 metres buffer zone, logic would indicate that the proposals run a significant risk of leading to a deterioration of the irreplaceable habitat'.*

5.5. The test that needs to be applied is not one of Mr Harris' logic, nor one of compliance with generic (non-site specific) advice but whether any loss or deterioration of Prior's Wood will occur. As agreed by Mr Harris in 4.36 of his evidence, no loss of Prior's Wood will occur. Furthermore, Mr Harris has not provided any evidence *that a 'significant risk of deterioration of the irreplaceable habitat' actually exists*. Conversely, the Appellant has demonstrated through the application process, and through the submission of evidence to the Inquiry, that no deterioration in Prior's Wood will occur and appropriate mitigation provided. This matter is agreed within the final consultation response of Place Services (see CD 3.6) as reproduce in paragraph 4.15 of this rebuttal.

5.6. Mr Harris provides no evidence on what the alleged deterioration might be, and the information presented in the application is not challenged. I again refer to the SofCG (CD 5.2A) prepared between the Appellant and UDC which states clearly that *'No trees within the ANSW are to be removed or impacted on directly as a result of the proposed route through the buffer'.*