ARBORICULTURAL PROOF OF EVIDENCE

In respect of:

Planning Appeal ref: APP/M3645/W/24/3345915

Planning Application ref: TA/2023/1345

Land at Chichele Road, Oxted.

3rd September 2024.

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Contents

‘CD’ references in brackets refer to the Core Document List

1.0 Introduction

1.1 I am Mark Carter and I have been instructed by Ms J. Sparkes of Cala Homes South Home Counties and Legal & General Homes to produce a Proof of Evidence to refute Tandridge District Council's arboricultural reasons for refusal of planning permission for the above site.

2.0 Qualifications and Caveats

2.1 I am a:

- Fellow of the Institute of Chartered Foresters:
- Professional Member of the Royal Institution of Chartered Surveyors:
- Registered Consultant of the Institute of Chartered Foresters.
- Professional Member of the Arboricultural Association.

I hold the Royal Forestry Society's Professional Diploma in Arboriculture and have over 30 years' experience in UK arboriculture. My full Curriculum Vitae (CD 11.7) forms Appendix 1 of this report.

2.2 I have been supplied with and/or will refer to the following documents as listed in the Core Documents (CD) List:

- Cala drawing no. 'CB_36_313_001' (CD 1.9).
- Cala drawing no. 'CB_36_313_001 revision C' (CD 2.6).
- Cala drawing no. 'CB_36_313_001 revision D' (CD 7.1) (see Appendix 3).
- Cala drawing no. 'CB_36_313_001 revision E' (CD 7.17) (see Appendix 4).
- Tandridge District Council's 'Decision Notice Final 2023-1345' (CD 3.2).
- Tandridge District Council's 'Oxted - Officer Report'.
- ACD Environmental's 'Arboricultural Impact Assessment & Method Statement reference CALA24033aia-ams revision A' (CD 2.1).
- '3179-5-2-DR-5703-P5 Illustrative Ancient Woodland Mitigation Plan' (CD 7.5) (see Appendix 2).

- 2007 Appeal Hearing decision regarding ‘Land to the south west of Haywards Heath known as Bolnore Village, Phases 4 & 5’ references APP/D3830/A/05/1195897-98 & APP/D3830/A/06/1198282-83 (CD 6.2).

2.3 I have been to the site on a number of occasions and are familiar with it and the abutting ancient woodland.

3.0 Scope

3.1 Tandridge District Council’s ‘Decision Notice Final 2023-1345’ (CD 3.2) contains the following reasons for refusal (Rfr) that refer to arboricultural matters.

3.1.1 Rfr no. 2.

By neglecting to provide a sufficient semi natural buffer, the proposed development would be likely to cause a deterioration of ancient woodland and fails to properly consider its protection contrary to NPPF 2023 paragraph 186 (c) which requires that development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. The proposal is also contrary Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7 which requires that proposals protect and, where opportunities exist, enhance valuable environmental assets. The proposal is also contrary to Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP19 which provides that where a proposal is likely to result in direct or indirect harm to an irreplaceable environmental asset of the highest designation, such as ancient woodland, the granting of planning permission will be wholly exceptional, and in the case of ancient woodland exceptions will only be made where the need for and benefits of the development in that location clearly outweigh the loss. Impact or loss should not just be mitigated, but overall ecological benefits should be delivered.

3.1.2 Rfr no. 5.

The proposed development by reason of its siting , form and appearance would result in harm to the Green Belt, the National Landscape, Ancient Woodland, open countryside and potentially biodiversity. The proposal therefore does not constitute' sustainable development contrary to Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP1.

3.1.3 Rfr no. 6.

Due to the potential impact on important trees by unjustified encroachment into root protection areas, and the potential for post development pressure on retained trees due to proximity to dwellings and parking areas, the application fails to recognise the constraints posed by the most important existing trees, which are important by virtue of their significance within the local landscape. As such, the proposal is contrary to Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7 and Tandridge Core Strategy 2008 policy CSP18, and Key Consideration 2 and 4 of the Tandridge District Trees and Soft Landscaping Supplementary Planning Document 2017.

3.2 The national planning policy and guidance relevant to this proof of evidence are as follows.

3.2.1 'National Planning Policy Framework 2023' (CD 8.1) (NPPF), specifically paragraphs 180b) and 186c).

3.2.2 National Planning Policy Guidance 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions' 2022 (CD 8.10) (NPPG).

3.3 The local planning policies relevant to this Proof of Evidence are as follows.

3.3.1 Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP1

3.3.2 Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7.

3.3.3 Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP19.

3.3.4 Tandridge Core Strategy 2008 policy CSP18.

3.4 The national best practice guidance relevant to this Proof of Evidence is as follows.

3.4.1 British Standard 5837:2012 ‘Trees in relation to design, demolition and construction – Recommendations’ (BS5837:2012).

3.5 The local supplementary planning guidance relevant to this Proof of Evidence is as follows.

3.5.1 Tandridge District Trees and Soft Landscaping Supplementary Planning Document 2017.

3.6 The initial proposed development layout is illustrated in the Cala drawing no. ‘CB_36_313_001’ (CD 1.9).

3.6.1 Late in the application determination process a revised proposed development layout was submitted with the objective of addressing a number of negative planning comments received from Tandridge District Council. This revised proposed development layout is illustrated in the Cala drawing no. ‘CB_36_313_001 revision C’ (CD 2.6). It is this proposed development layout that has been refused planning permission by Tandridge District Council, although it is possible that that the above Rfr were drafted in response to the Cala drawing no. ‘CB_36_313_001’ (CD 1.9).

3.6.2 As part of the appeal process, the design team have drawn up a revised proposed landscaping scheme in order to illustrate landscaping measures that address a number of the negative planning comments received from Tandridge District Council, and that could be implemented by way of appropriately worded planning conditions. This revised proposed landscaping scheme is illustrated in the '3179-5-2-DR-5703-P5 Illustrative Ancient Woodland Mitigation Plan' (CD 7.5), see Appendix 2.

3.6.3 During the appeal process, the design team drew up and submitted a revised proposed layout plan to address one specific arboricultural issue i.e. the juxtaposition of tree no. T51.2 and the dwellings on plot nos. 51 and 52. This revised proposed layout plan is illustrated in the Cala drawing no. 'CB_36_313_001 revision D' (CD 7.1), see Appendix 3.

3.6.4 Late in the appeal process, the design team drew up and submitted drawn up a revised proposed layout plan to address one specific arboricultural issue i.e. the proximity of the 109 and 116 to the edge of the ancient woodland buffer zone. This revised proposed layout plan is illustrated in the Cala drawing no. 'CB_36_313_001 revision E' (CD 7.17), see Appendix 4.

4.0 Context

4.1 The site.

4.1.1 The site comprises an open field made up of improved grassland that is bounded to the north and north west by woodland edge trees and shrubs with ancient semi natural woodland beyond, with various other trees and groups of trees around the periphery of this field. It must be noted that the ancient woodland does not abut the site as it is set back from the edge of the site and is separated from the site by woodland edge trees and shrubs.

4.1.1.1 The improved status of the grassland is obvious from its composition and growth. At the time of my site visits the grass was tall and comprised a dense sward that seemed to be destined for cutting as hay or other preserved forage. This composition strongly indicates that the field has received artificial fertilizer over recent years as unfertilized grassland would be shorter with a less dense sward.

4.1.1.2 The grassland contained few large broad leafed weed species such as Ragwort, Dock, Creeping Thistle and Scotch Thistle. This suggests that the grassland has been sprayed with a broad leafed herbicide at some point in the past, further confirming its improved status.

4.1.1.3 Improved grassland is of less ecological value than long standing and natural grassland because of its reduced species diversity.

4.1.1.4 For the avoidance of doubt on the part of the reader, my previous agricultural training and career experience more than qualifies me to make these assessments.

4.2 The ancient woodland.

4.2.1 The ancient woodland is set back from the edge of the field with a margin of smaller trees and shrubs forming a woodland edge/field hedge separating the ancient woodland from the field. The ancient woodland is predominantly an Oak and Ash woodland with a sparse understorey of predominantly Hazel, Holly, Dogwood, Hawthorn and Field Maple, and a field layer of predominantly Bramble, Nettle and Cow Parsley. As such it is fairly unremarkable compared to other ancient woodland in Southern England, and the nearby ancient woodlands to the north seem to be more diverse and of better overall condition.

4.2.2 The fact that the field layer in the ancient woodland comprises predominantly Bramble, Nettle and Cow Parsley suggests that agricultural fertilizer run off from adjoining fields has increased the nutrient status of the soil within the woodland, to the detriment of a wider range of traditional and native woodland plants. This finding is consistent with the observed condition of the improved grassland in the field.

4.2.3 The woodland has historically been managed as coppice with standards, i.e. the majority of the trees in the woodland have been felled/coppiced close to ground level and allowed to regrow at regular periods in the past, and at each felling/coppicing a small number of well-formed single stem trees were selected to be retained as standard trees and to grow on to become larger timber trees in the future. However, this management clearly lapsed many decades ago and the woodland is slowly reverting to high forest. The evidence of past coppice with standards management can be summarised as follows.

4.2.3.1 The woodland contains many well-formed single stemmed Common Oak trees, the vast majority of which fall into one of two distinct size/age classes. These are the standard trees that were selected to be retained and to grow on during two specific past coppice events. When a coppice with standards woodland is coppiced, a number of well-formed young trees (normally Common Oak) are selected and retained to grow on and provide larger structural timber in the future. As a result, a coppice with standards woodland will contain batches of even aged standard trees. These batches of even aged standard trees are clearly present in this woodland.

4.2.3.2 Clumps of Hazel are present in the middle of the woodland. Hazel will not survive in the dense shade cast by the closed canopy of high forest. The fact that Hazel has survived so deep within the woodland demonstrates that high natural light levels have been present in the middle of the woodland in the past. If the woodland had traditionally been high forest, then the Hazel in the middle of the woodland would have died out, and Hazel would be restricted to the periphery of the woodland where there is more natural light. Past coppice management of the woodland has periodically cleared away the canopy over the Hazel, allowing light to reach the woodland floor and the Hazel to thrive, and that is why the Hazel is still present in the middle of the woodland.

4.2.3.3 Several old and multi stem Ash trees are present, and these stems are attached to decaying stumps. These trees were clearly cut close to ground level during the last coppice cycle, and they have regrown. The stumps created by this coppice felling have subsequently decayed, thereby creating the large and multi stem Ash trees attached to decaying stumps now present.

4.2.4 Whilst the ancient woodland as a whole is ancient, as a result of the past coppice management of the woodland, and as is the case with the majority of ancient woodlands that have been managed as coppice with standards in the past, virtually none of the standard trees present are ancient or veteran trees as referred to in paragraph 186 c) and Annex 2 of 'National Planning Policy Framework 2023' (CD 8.1). The one possible exception to this is a Common Oak tree on the north eastern corner of the woodland that seems to have been retained untouched for several centuries, and this is most likely to have been an historic boundary marker, located as it is on the corner of the woodland and two fields.

4.2.5 Several well-trodden pedestrian paths, along with an amount of litter, criss cross the woodland, clearly indicating regular pedestrian access to the woodland. The most used of these paths runs from the south western corner of the northern section of woodland to the north eastern corner where it links with another footpath. It is reasonable to conclude that this path is being used by local residents as a cut through from the village end of the field to the footpath network beyond. The use of this path by pedestrians is causing disturbance and harm to the flora and fauna in the ancient woodland i.e. it is having a detrimental impact on the ancient woodland.

4.2.6 A large percentage of trees in the woodland are Common Ash, and many of these are showing signs of crown dieback. This dieback is likely to be the result of Ash Dieback caused by the exotic fungus *Hymenoscyphus fraxineus*. This fungus is endemic across the South of England and it is invariably fatal to native Common Ash trees, with only a small proportion of the native Common Ash population having an effective degree of resistance. It is therefore reasonable to conclude that a significant number of the trees making up this woodland will die in the foreseeable future. This will have the following consequences.

4.2.6.1 The canopy cover across the woodland will reduce, and light levels reaching the woodland floor will increase. This will recreate many of the effects of coppice management, and will promote new tree, shrub and herbaceous growth from the woodland floor. Given time, the woodland will naturally regrow and fill the gaps created by the loss of the Common Ash trees, but a lot of the new trees that grow will be Common Ash and these will be susceptible to Ash Dieback. Therefore, it is advisable to either: selectively thin out the regrowth to reduce the number of Ash trees and to encourage the growth of other species such as Field Maple, Hazel and Common Oak, or: actively plant new native trees of local provenance that are not Common Ash.

4.2.6.2 The Tree Council's publication 'Ash dieback disease: a guide for tree owners – June 2020' confirms that Common Ash trees infected with Ash Dieback experience an embrittlement of the timber, and are vulnerable to infection by other fungi that also compromise the structural stability of the timber. Healthy Common Ash timber is noted for its flexibility, hence its traditional use as a coach building timber, tool handles and cart shafts. In a healthy Common Ash tree, this flexibility of the timber is a valuable characteristic that allows the tree to flex and bend in high winds rather than break. Ash Dieback effectively reduces the tree's ability to flex and bend when subjected to high winds. Therefore, Common Ash trees showing signs of Ash Dieback must be considered at increased risk of branch and trunk failure in high winds. This introduces an increased risk of harm to persons walking in and close to the ancient woodland and, given the fact that there are well used pedestrian paths through the ancient woodland, this is a health and safety concern for the woodland's owner.

4.2.6.3 The retention of dead Common Ash trees in the woodland while new trees establish and grow on will create a valuable aerial deadwood habitat that will increase the ecological value of the woodland. If these dead Common Ash trees have to be felled for reasons of health and safety, this will reduce the biodiversity and ecological value of the ancient woodland.

4.2.7 In summary, and in comparison to typical ancient semi natural woodlands in Southern England, the ancient woodland close to the site is still an irreplaceable habitat, but it is also unremarkable and in a poor condition.

4.3 The individual trees and groups of trees around the periphery of the site are adequately described in the ACD Environmental's 'Arboricultural Impact Assessment & Method Statement reference CALA24033aia-ams revision A' (CD2.1).

4.4 I accessed the interactive online mapping system provided by Tandridge District Council on the 26th July 2024 in order to check whether any of the trees on and close to the site were protected by a Tree Preservation Order. This research indicated the following (N.B. the reference numbers used below to identify specific trees are taken from the ACD Environmental's 'Arboricultural Impact Assessment & Method Statement reference CALA24033aia-ams revision A' (CD 2.1)).

4.4.1 Tree no. T50 is protected by Tree Preservation Order no. 8/2013/TAN. In this Order, T50 is protected as an individual tree.

4.4.2 Tree nos. T65, T66 and T70 are protected by Tree Preservation Order no. 5/2013/TAN. In this Order, T65, T66 and T70 are protected as individual trees.

4.4.3 The ancient woodlands near the northern and north western boundaries of the site, are protected by Tree Preservation Order no. 7/2013/TAN. In this Order, the north western woodland is protected as a woodland with the number W1, and the northern woodland is protected as a woodland with the number W2.

5.0 Assessment

5.1 Potential impact on individual trees (N.B. the reference numbers used below to identify specific trees are taken from the ACD Environmental's 'Arboricultural Impact Assessment & Method Statement reference CALA24033aia-ams revision A' (CD 2.1)).

5.1.1 Rfr no. 6 states:

Due to the potential impact on important trees by unjustified encroachment into root protection areas, and the potential for post development pressure on retained trees due to proximity to dwellings and parking areas, the application fails to recognise the constraints posed by the most important existing trees, which are important by virtue of their significance within the local landscape.

5.1.1.1 The proposed development as set out in Cala drawing no. 'CB_36_313_001' (CD 1.9) encroaches over the root protection areas (RPA) of tree nos. T65, T66 and T70 with the construction of the main site access road, and over the RPA of tree no. T50 with the construction of parking bays.

5.1.1.1.1 Section 5.3.1 of BS5837:2012 does allow for the construction of structures that encroach into the RPA of retained trees if there is an overriding justification for that encroachment and technical solutions are available that prevent damage to tree roots.

5.1.1.1.2 The only location that is suitable for the main site access road passes over the RPA of tree nos. T65, T66 and T70. **Therefore, if the site is to be developed for residential use, the construction of the main site access over the RPA of tree nos. T65, T66 and T70 is unavoidable, and therefore justified.**

5.1.1.1.3 In ACD Environmental's 'Arboricultural Impact Assessment & Method Statement reference CALA24033aia-ams revision A' (CD 2.1) it is proposed to use a three-dimensional cellular confinement subbase installed using a no dig technique for the construction of the main site access road where it passes over the RPA of tree nos. T65, T66 and T70. This form and method of construction is specifically referenced at NOTE 1 of section 7.4.2.7 of BS5837:2012 as an appropriate technical solution to the construction of hard surfaces such as roads over the RPA of retained trees whilst protecting tree roots. **Therefore, an appropriate technical solution that prevents damage to tree roots has been proposed for the construction of the main site access, and the proposed main site access road complies with the requirements of Section 5.3.1 BS5837:2012.**

Implementation of ACD Environmental's 'Arboricultural Impact Assessment & Method Statement reference CALA24033aia-ams revision A' (CD 2.1) can be achieved by Tandridge District Council applying an appropriately worded planning condition to a grant of planning permission for the proposed development requiring the strict following of the Method Statement throughout the construction phase.

5.1.1.1.4 In the Cala drawing no. 'CB_36_313_001 revision C' (CD 2.6), the Cala drawing no. 'CB_36_313_001 revision D' (CD 7.1), and the Cala drawing no. 'CB_36_313_001 revision E' (CD 7.17), the previously proposed parking bays that encroached into the RPA of tree no. T50 have been removed. **Therefore, the encroachment of parking bays over the RPA of tree no. T50 is no longer relevant.**

5.1.1.1.5 **In successfully retaining and protecting tree nos. T50, T65, T66 and T70, the proposed development complies with the requirements of NPPF paragraph 180b), and complies with Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7, Tandridge Core Strategy 2008 policy CSP18, and Key Consideration 2 and 4 of the Tandridge District Trees and Soft Landscaping Supplementary Planning Document 2017, by recognising and preserving the value of these trees in the local landscape.**

5.1.1.2 In email communications with my Client, Tandridge District Council's Tree Officer confirmed that '*the potential for post development pressure on retained trees due to proximity to dwellings*' stated in Rfr no. 6 referred specifically to the juxtaposition of tree no. T51.2 and the dwellings on plot nos. 51 and 52.

5.1.1.2.1 In the Cala drawing no. 'CB_36_313_001' (CD 1.9) and the Cala drawing no. 'CB_36_313_001 revision C' (CD 2.6), the crown edge of tree no. T51.2 was, when measured in plan view, approximately 2 metres away from the front elevation of the dwellings on plot nos. 51 and 52. In discussions with myself, the design team understood that such a close proximity of tree crown and dwelling was likely to create feelings of overbearance and dominance in the minds of future residents, which would result in future pressures to have tree no. T51.2 pruned or even felled.

5.1.1.2.2 In Cala drawing no. ‘CB_36_313_001 revision D’ (CD 7.1) and Cala drawing no. ‘CB_36_313_001 revision E’ (CD 7.17), the dwellings on plot nos. 51 and 52 have been set further back from the crown edge of tree no. T51.2. This setting back has created a clearspace between the crown edge of T51.2 and the front elevation of the dwellings on plot nos. 51 and 52 of over 5 metres i.e. it has more than doubled the clearance proposed in the Cala drawing no. ‘CB_36_313_001’ (CD 1.9) and the Cala drawing no. ‘CB_36_313_001 revision C’ (CD 2.6).

5.1.1.2.3 A clearance of 5 metres between a tree’s crown edge and a dwelling is sufficient to avoid the creation of any legitimate feelings of overbearance and dominance in the minds of future residents, and thereby avoid any legitimate future pressures to prune or fell the tree, as a result of its proximity to the dwelling. If Tandridge District Council will accept the layout in the Cala drawing no. ‘CB_36_313_001 revision D’ (CD 7.1) and the Cala drawing no. ‘CB_36_313_001 revision E’ (CD 7.17), as the proposed development layout for the purposes of this appeal, then the issue of ‘*the potential for post development pressure on retained trees due to proximity to dwellings*’ as stated in Rfr no. 6 is resolved.

5.1.1.3 Tandridge District Council have indicated they will not pursue RfR no. 6 since their concerns have been met by the layout changes as detailed in in the Cala drawing no. ‘CB_36_313_001 revision D’ (CD 7.1).

5.2 Potential impact on ancient woodland.

5.2.1 Rfr no. 2 states:

By neglecting to provide a sufficient semi natural buffer, the proposed development would be likely to cause a deterioration of ancient woodland and fails to properly consider its protection…

5.2.1.1 The proposed development as illustrated in both Cala drawing no. 'CB_36_313_001' (CD 1.9) and Cala drawing no. 'CB_36_313_001 revision C' (CD 2.6) proposed to retain an undeveloped buffer zone against the edge of the ancient woodland with a minimum width of 15 metres in one place, and a width of greater than 15 metres for the majority of the buffer zone. It was proposed to retain the existing woodland edge tree and shrub cover and the existing improved grassland ground cover in this buffer zone, and for the buffer zone to be unfenced, thereby allowing future residents to walk up to the existing woodland edge trees and shrubs, and to use the areas of improved grassland in the buffer zone as informal amenity space.

5.2.1.2 Rfr no. 2 questions the sufficiency of the proposed buffer zone. This sufficiency can reasonably be assessed against two measures, size and effectiveness i.e. the width of the buffer zone and the effectiveness of the buffer zone at providing protection to the ancient woodland.

5.2.1.3 With regard to the width of the buffer zone, National Planning Policy Guidance 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions' 2022 (CD 8.10) states the following;

For ancient woodlands, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area).

5.2.1.3.1 As has been stated earlier, the ancient woodland close to the site is unremarkable and in poor condition. It is therefore reasonable to conclude that such an ordinary ancient woodland warrants a buffer zone no wider than the minimum 15 metres recommended by the National Planning Policy Guidance ‘Ancient woodland, ancient trees and veteran trees: advice for making planning decisions’ 2022 (CD 8.10).

5.2.1.3.2 In the 2007 Appeal Hearing decision regarding ‘Land to the south west of Haywards Heath known as Bolnore Village, Phases 4 & 5’ references APP/D3830/A/05/1195897-98 & APP/D3830/A/06/1198282-83 (CD 6.2), the Secretary of State determined that a 15 metres wide buffer zone between a residential development and an ancient woodland was appropriate and acceptable. As the proposed development for this site is a similar residential development to that at Bolnore Village, it is reasonable to conclude that a 15 metres wide buffer zone against the ancient woodland is equally acceptable for this site.

5.2.1.3.3 With regard to the width of the buffer zone, it must also be noted that all the dwellings are set back from the edge of the buffer zone, thereby creating a separation distance of dwellings to ancient woodland of greater than 15 metres.

5.2.1.3.4 The entire development side edge of the buffer zone is abutted by amenity grassland, grass verges, cul-de-sac access roads and parking bays, all of which pose low potential disturbance pressures on the buffer zone.

5.2.1.3.4.1 Traffic movements in the road abutting the buffer zone will be intermittent as they are not through roads, and the vehicles will be moving slowly given the cul-de-sac nature of these roads, therefore the level of noise and exhaust gas pollution disturbance created by these movements will be very low and a 15 metres wide buffer is sufficient to protect the ancient woodland from these disturbances.

5.2.1.3.4.2 As is confirmed in the Ecology Proof of Evidence at sections 4.4.17, 4.4.18 and 5.3.5, the street lighting strategy has been carefully designed to maintain the buffer zone as a dark area, thereby avoiding any artificial light disturbance of the ancient woodland.

5.2.1.3.4.3 These measures demonstrate how the proposed development layout has been carefully designed to minimise the disturbance pressures of the proposed development on the ancient woodland, and as such a 15 metres wide buffer zone is sufficient to protect the ancient woodland from these very low disturbance pressures.

5.2.1.3.4.4 In communications with my client, Tandridge District Council have indicated that they are specifically concerned about the proximity of the proposed dwellings on plot nos. 109 and 116 to the edge of the ancient woodland buffer zone as set out in the Cala drawing no. ‘CB_36_313_001 revision D’ (CD 7.1). In the Cala drawing no. ‘CB_36_313_001 revision E’ (CD 7.17), minor changes have been made to the proposed layout of plot nos. 109 and 116 that increase the separation distance between these dwellings and the edge of the ancient woodland buffer zone. Tandridge District Council have indicated they will not pursue RfR no. 2 in respect of the ancient woodland since their concerns regarding the proximity of the proposed dwellings on plot nos. 109 and 116 to the edge of the ancient woodland buffer zone have been met by the layout changes as detailed in in the Cala drawing no. ‘CB_36_313_001 revision E’ (CD 7.17).

5.2.1.3.5 **The width of the ancient woodland buffer zone proposed in the Cala drawing nos. 'CB_36_313_001' (CD 1.9), 'CB_36_313_001 revision C' (CD 2.6), 'CB_36_313_001 revision D' (CD 7.1) and 'CB_36_313_001 revision E' (CD 7.17), and the proposed site layout illustrated in the Cala drawing no. 'CB_36_313_001 revision E' (CD 7.17), exceeds the requirements of national planning guidance and appeal hearing precedent, and the proposed development layout has been carefully designed to minimise the risk of detrimental impacts on the buffer zone and thereby the ancient woodland. Therefore, it is not necessary to increase the width of the buffer zone beyond that proposed.**

5.2.1.3.6 **The Cala drawing no. 'CB_36_313_001 revision E' (CD 7.17) can either be accepted as the proposed layout for the purposes of this appeal, or an appropriately worded condition can be applied to a grant of planning permission requiring the confirmation of the proposed layout, at which time the Cala drawing no. 'CB_36_313_001 revision E' (CD 7.17) can be submitted and formally approved by Tandridge District Council.**

5.2.1.3.7 In the Tandridge District Council's 'Oxted - Officer Report' (CD 3.1), the Officer quotes the Woodland Trust publication 'Planning for Ancient Woodland' by stating: *As a precautionary principle, a minimum 50 metre buffer should be between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice.*

I can understand why Tandridge District Council have referred to this document as it seems to support Tandridge Districts Council's position in respect of their desire for a wider buffer zone. However, the weight given to this document must be tempered for the following reasons.

5.2.1.3.7.1 The Woodland Trust document referenced in the 'Oxted - Officer Report' (CD 3.1) and advocating a minimum 50 metre width buffer zone is dated June 2019. The National Planning Policy Guidance 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions' (CD 8.10) that specifies a minimum 15 metres wide buffer zone is dated is dated January 2022. Therefore, the National Planning Policy Guidance 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions' (CD 8.10) post dates the Woodland Trust document, and must be accepted as the more recent and pertinent guidance. As such, greater weight should be given to the National Planning Policy Guidance 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions' (CD 8.10) than the Woodland Trust document.

5.2.1.3.7.2 The Woodland Trust document does not provide any research that demonstrates a 50 metre wide buffer zone is necessary to protect ancient woodland, and nor does it identify any research which demonstrates that a 15 metre wide buffer zone is insufficient to protect ancient woodland. Therefore, the assertion contained in the Woodland Trust document that a minimum 50 metre wide buffer zone should be used to protect ancient woodland is nothing more than the opinion of a non-statutory woodland conservation charity. However, the document 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions' (CD8.10) is published by the Government and is National Planning Policy Guidance. Therefore, the National Planning Policy Guidance 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions' (CD 8.10) and its recommendation that a minimum 15 metre wide buffer zone is used to protect ancient woodland is the more credible guidance and must be given more weight than the Woodland Trust document.

5.2.1.3.7.3 **The National Planning Policy Guidance 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions' (CD 8.10) must be given more weight than the Woodland Trust publication 'Planning for Ancient Woodland' as it is the more recent guidance, and it is provided by a more credible source. The proposed development layout has been carefully designed to minimise the risk of detrimental impacts on the buffer zone and thereby the ancient woodland, see section 5.2.1.3.3 and 5.2.1.3.4 above. This fact, combined with the unremarkable condition of the ancient woodland, means it is completely reasonable and correct to apply the minimum 15 metres wide buffer zone stipulated by the National Planning Policy Guidance 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions' (CD 8.10), and not the 50 metres advocated in the Woodland Trust document.**

5.2.1.4 With regard to the effectiveness of the buffer zone, National Planning Policy Guidance 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions' 2022 (CD 8.10) states the following:

Where possible, a buffer zone should:

- *contribute to wider ecological networks*
- *be part of the green infrastructure of the area*

A buffer zone should consist of semi-natural habitats such as:

- *woodland*
- *a mix of scrub, grassland, heathland and wetland*

The proposal should include creating or establishing habitat with local and appropriate native species in the buffer zone.

5.2.1.4.1 The appellant has proposed a revised composition for the buffer zone, and this revised composition is described and explained below and illustrated in the '3179-5-2-DR-5703-P5 Illustrative Ancient Woodland Mitigation Plan' (CD 7.5).

5.2.1.4.2 A post and rail fence faced with galvanised steel stock net will be erected along the development edge of the buffer zone. This will effectively prevent pedestrians from entering the buffer zone, and will also effectively prevent pedestrians accessing the paths through the ancient woodland from the site. This measure will significantly reduce the existing and potential future human disturbance of the buffer zone and the ancient woodland, will effectively eliminate the need to carry out the felling of dead and declining Common Ash trees in the ancient woodland for reasons of health and safety, and will reduce the requirement to have the dead and declining Common Ash trees close to the woodland edge pruned or felled on the grounds of health and safety. **Therefore, the post and rail fence faced with galvanised steel stock net proposed in the '3179-5-2-DR-5703-P5 Illustrative Ancient Woodland Mitigation Plan' (CD 7.5) will provide effective protection to both the buffer zone and ancient woodland from the proposed development, and represents a net ecological benefit to the ancient woodland.**

5.2.1.4.3 The open and improved grassland areas in the buffer zone and immediately behind the post and rail fence faced with galvanised steel stock net will be densely planted with native thorn bearing shrubs e.g. Hawthorn and Blackthorn to further deter pedestrian access into the buffer zone. The remaining areas of open and improved grassland between the woodland edge trees and shrubs and the thorn bearing shrubs will be left as they are to retain suitable commuting and foraging habitat that will ensure there is no negative impact on bats, see section 4.4.18 of the Ecology Proof of Evidence. This planting will effectively prevent pedestrians accessing the buffer zone and the paths through the ancient woodland from the site, whilst ensuring no negative impacts on bats. **Therefore, the buffer zone planting proposed in the '3179-5-2-DR-5703-P5 Illustrative Ancient Woodland Mitigation Plan' (CD 7.5) will provide effective protection to both the buffer zone and ancient woodland from the proposed development, and represents a net ecological benefit to the ancient woodland.**

5.2.1.4.4 These measures will significantly reduce the existing and potential future human disturbance of the buffer zone and the ancient woodland, will effectively eliminate the need to carry out the felling of dead and declining Common Ash trees in the ancient woodland for reasons of health and safety, and will reduce the requirement to have the dead and declining Common Ash trees close to the woodland edge pruned or felled on the grounds of health and safety. **Therefore, the buffer zone planting and fencing proposed in the '3179-5-2-DR-5703-P5 Illustrative Ancient Woodland Mitigation Plan' (CD 7.5) will provide effective protection to both the buffer zone and ancient woodland from the proposed development, and represents a net ecological benefit and improvement to the ancient woodland.**

5.2.1.4.5 By providing an enlarged, secure and dense transitional margin between the ancient woodland and the proposed development, the proposed planting and fencing of the buffer zone will increase the valuable ecotones associated with such woodland edge features, and will ultimately enlarge the overall size of the woodland as a whole. **Therefore, the buffer zone planting proposed in the '3179-5-2-DR-5703-P5 Illustrative Ancient Woodland Mitigation Plan' (CD 7.5) represents a net ecological benefit and improvement to the ancient woodland.**

5.2.1.4.6 The proposed planting of the buffer zone complies with National Planning Policy Guidance 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions' 2022 (CD 8.10) with regard to planting in the buffer zone, see section 5.2.1.4 above.

5.2.1.4.7 The measures proposed in the '3179-5-2-DR-5703-P5 Illustrative Ancient Woodland Mitigation Plan' (CD 7.5) and detailed and explained above, will create an effective protective buffer between the proposed development and the ancient woodland, will improve the ecological value of the woodland compared to its existing condition, and will reduce the human disturbance of the woodland compared to the existing situation. **Therefore, the measures proposed in the '3179-5-2-DR-5703-P5 Illustrative Ancient Woodland Mitigation Plan' (CD 7.5), and detailed and explained above, will not only provide a sufficient buffer zone between the ancient woodland and the proposed development, they will also enhance and improve the ecological value of the ancient woodland.**

5.2.1.4.8 All measures proposed in the '3179-5-2-DR-5703-P5 Illustrative Ancient Woodland Mitigation Plan' (CD 7.5), and detailed and explained above, can be secured by Tandridge District Council granting planning permission for the proposed development subject to appropriately worded planning conditions requiring the pre-commencement formalising and approval of the measures proposed in the '3179-5-2-DR-5703-P5 Illustrative Ancient Woodland Mitigation Plan' (CD 7.5) and detailed and explained above, and their implementation as part of the proposed development. **Therefore, a sufficient buffer zone between the ancient woodland and the proposed development can be achieved through the use of planning conditions.**

5.2.1.5 In the Cala drawing no. ‘CB_36_313_001 revision C’ (CD 2.6), Cala drawing no. ‘CB_36_313_001 revision D’ (CD 7.1), and the Cala drawing no. ‘CB_36_313_001 revision E’ (CD 7.17), a new pedestrian footpath is proposed through the eastern site boundary in order to connect the proposed development with the wider footpath network beyond. This proposed path will provide an effective and viable alternative to the main pedestrian path currently passing through the ancient woodland, and will reduce the need for pedestrians to walk through the woodland. **Therefore, this proposed footpath will further reduce human disturbance to the ancient woodland.**

6.0 Conclusions

6.1 The proposed development as set out in the Cala drawing no. ‘CB_36_313_001’ (CD 1.9) required the unjustified encroachment of hard surfaces over the root protection areas of high amenity value trees. However, in the Cala drawing no. ‘CB_36_313_001 revision C’ (CD 2.6), Cala drawing no. ‘CB_36_313_001 revision D’ (CD 7.1), and the Cala drawing no. ‘CB_36_313_001 revision E’ (CD 7.17), this unjustified encroachment has been eliminated and the proposed development complies with the requirements of Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7 and Tandridge Core Strategy 2008 policy CSP18, and Key Consideration 2 and 4 of the Tandridge District Trees and Soft Landscaping Supplementary Planning Document 2017 in respect of RPA encroachment. **Therefore, the encroachment of hard surfaces over the root protection areas of high amenity value trees as stated in reason for refusal no. 6 is not a valid reason to refuse planning permission for the proposed development.**

6.2 In the proposed development layout as set out in the Cala drawing no. ‘CB_36_313_001 revision D’ (CD 7.1) and the Cala drawing no. ‘CB_36_313_001 revision E’ (CD 7.17), the clearance between the crown edge of tree no. T51.2 and the dwellings on plot nos. 51 and 52 has been more than doubled compared to the Cala drawing no. ‘CB_36_313_001’ (CD 1.9), thereby negating the likelihood of future pressures to prune or fell tree no. T51.2 for reasons of tree juxtaposition to development. The proposed development layout in the Cala drawing no. ‘CB_36_313_001 revision D’ (CD 7.1) and the Cala drawing no. ‘CB_36_313_001 revision E’ (CD 7.17) complies with the requirements of Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7 and Tandridge Core Strategy 2008 policy CSP18, and Key Consideration 2 and 4 of the Tandridge District Trees and Soft Landscaping Supplementary Planning Document 2017 in respect of proximity of retained trees to new development. **Therefore, the potential for post development pressure on retained trees due to proximity to dwellings as stated in reason for refusal no. 6 is not a valid reason to refuse planning permission for the proposed development.**

6.3 The proposed development as set out in the Cala drawing no. ‘CB_36_313_001 revision E’ (CD 7.17) proposes a sufficient width of buffer zone between the proposed development and the ancient woodland. The buffer zone treatment measures illustrated in the ‘3179-5-2-DR-5703-P5 Illustrative Ancient Woodland Mitigation Plan’ (CD 7.5) and detailed and explained above, combined with the proposed new footpath linking the site and the existing footpath network to the east illustrated in the Cala drawing ‘CB_36_313_001 revision C’ (CD 2.6), Cala drawing no. ‘CB_36_313_001 revision D’ (CD 7.1), and the Cala drawing no. ‘CB_36_313_001 revision E’ (CD 7.17), and the proposed site layout illustrated in the Cala drawing no. ‘CB_36_313_001 revision E’ (CD 7.17), will ensure the buffer zone provides effective protection to the ancient woodland and will improve and enhance the ecological value of the woodland. These measures can all be achieved through the use of appropriately worded planning conditions. If these measures are implemented as part of the proposed development by way of planning condition, the proposed development will comply with ‘National Planning Policy Framework 2023’ (CD 8.1), Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP7, Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP19. **Therefore, if appropriately worded conditions are imposed upon the grant of planning permission for the proposed development to require provision of the measures proposed in the ‘3179-5-2-DR-5703-P5 Illustrative Ancient Woodland Mitigation Plan’ (CD 7.5) as detailed and explained above as part of the proposed development, and the site layout as proposed in the Cala drawing no. ‘CB_36_313_001 revision E’ (CD 7.17), reason for refusal no 2 is not a valid reason to refuse planning permission for the proposed development**.

6.4 The buffer zone treatment measures illustrated in the '3179-5-2-DR-5703-P5 Illustrative Ancient Woodland Mitigation Plan' (CD 7.5) and detailed and explained above, combined with the proposed new footpath illustrated in Cala drawing no. 'CB_36_313_001 revision C' (CD 2.6) and the site layout proposed in Cala drawing no. 'CB_36_313_001 revision E' (CD 7.17), will ensure effective protection to the ancient woodland and will improve the ecological value of the ancient woodland. These measures can all be delivered through the use of appropriately worded planning conditions, and if these measures are implemented as part of the proposed development by way of planning condition, the proposed development will comply with Tandridge Local Plan Part 2: Detailed Policies (2014) policy DP1 as far as it pertains to woodland. **Therefore, if appropriately worded conditions are imposed upon the grant of planning permission for the proposed development which require delivery of the measures proposed in the '3179-5-2-DR-5703-P5 Illustrative Ancient Woodland Mitigation Plan' (CD 7.5) and the site layout as illustrated in the Cala drawing no. 'CB_36_313_001 revision E' (CD 7.17), as part of the proposed development, reason for refusal no 5 is not a valid reason to refuse planning permission for the proposed development as far as it pertains to woodland.**

7.0 Summary

7.1 The arboricultural reasons for Tandridge District Council's refusal of planning permission can be summarised as follows:

- Unjustified encroachment of development over the root protection area of tree no. T50:
- Inappropriate proximity of a dwelling to the crown of tree no. T51.2:
- Insufficient protection provided to the ancient woodland.

All these factors have been addressed by the appellant to the satisfaction of Tandridge District Council by the submission of the revised site layout plan no. 'CB_36_313_001 revision E' (CD 7.17), and the '3179-5-2-DR-5703-P5 Illustrative Ancient Woodland Mitigation Plan' (CD 7.5). The implementation of both these documents can be achieved either by their acceptance as part of the appeal documents, or the granting of planning permission subject to appropriately worded conditions requiring the implementation of the measures set out in '3179-5-2-DR-5703-P5 Illustrative Ancient Woodland Mitigation Plan' (CD 7.5), and the pre-commencement approval of site layout that will need to match the layout in site layout plan no. 'CB_36_313_001 revision E' (CD 7.17).

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