

Response to Woodland Trust comments, dated 20th April 2022

Land north of Long Copse Lane, Emsworth, ref:
APP/21/00893

11th May 2022

Introduction

1. This technical note has been produced to respond to comments received from the Woodland Trust, dated 20th April 2022. The note has been prepared by Pegasus Group and reviewed by Barrell Tree Consultancy.

Matters Raised

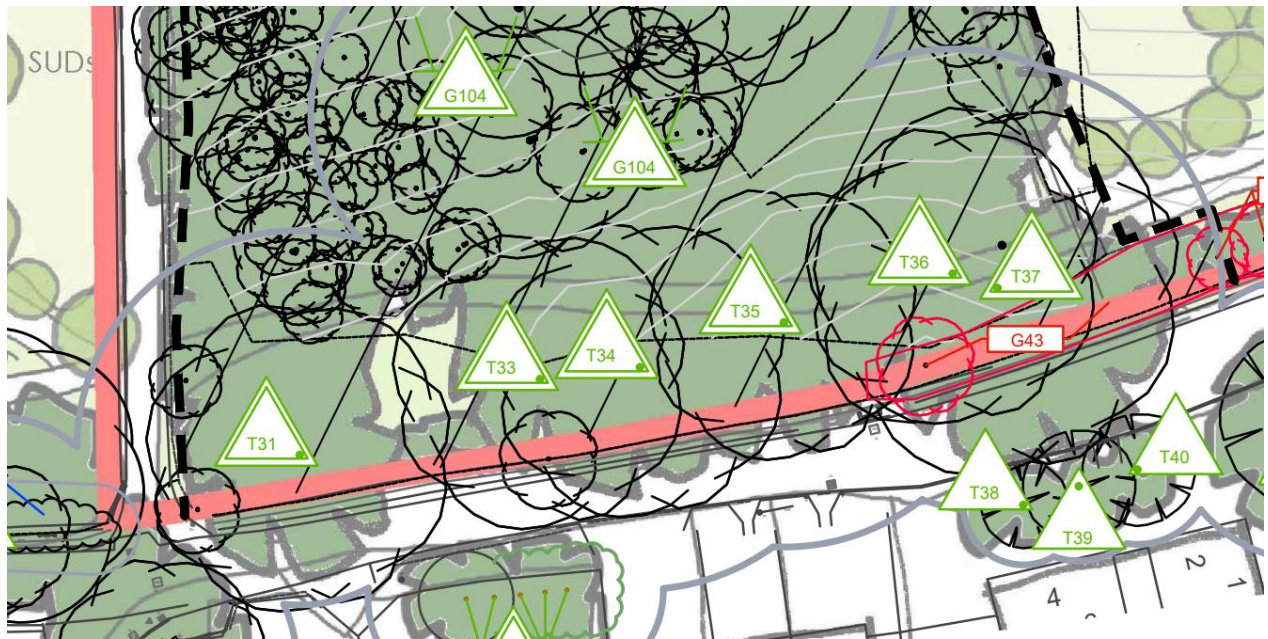
2. A number of matters have been raised by the Woodland Trust, namely:
 - Impacts to Veteran Trees
 - Impacts to Ancient Woodland and Buffering
 - Mitigation
3. We deal with each matter in turn, below.

Impacts to Veteran Trees

4. We note from the Woodland Trust's inventory that the following trees are classified as veteran: T31, T33, T34, T35, T36 and T101. All are oak trees. Of these, T31, T33, T34, T35 and T36 are located close to the Long Copse Lane frontage, whilst T101 is located at the western edge of the site at the edge of woodland that sits between Hollybank House and the site.
5. In the first instance, we draw the Council's attention to the 24 March 2022 consultation response from the Council's Arboricultural Officer, which states: *"I note that the RPAs of trees T31, T33, T34, T35, T36, and T37 have now been amended to reflect their veteran status and I am in agreement with the consultant that their RPAs will not be affected by the proposal due to the ditch running along the road and this is the same for other trees along the road. The majority of the housing is located well away from the existing trees within and around the boundaries. Services will need to be routed outside of the RPAs of the trees".*

6. The Woodland Trust also refers to up-to-date standing advice 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions (AWATVT) published 14 January 2022 by Natural England and the Forestry Commission, which is a material planning consideration for Local Planning Authorities, provides advice on mitigation measures, use of buffer zones including recommendations on size, connectivity and composition and compensation measures that could be employed to offset impact. We follow this advice appropriately, as referenced within following paragraphs.
7. T31, T33, T34, T35 and T36 are located towards the southern edge of the site close to the border with Long Copse Lane. In considering the impact on veteran trees, Natural England in its consultation response, provided December 2021 note: *"Ancient woodland, ancient and veteran trees You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances"*.
8. Paragraph 180 of the NPPF, to which Natural England advice points identifies *inter alia* that *"When determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

...b) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;..."
9. Taking into consideration the above guidance it is firstly important to note that no loss of veteran trees is proposed, as identified in the tree protection plan. All matters are reserved and the masterplan is illustrative. Nevertheless, no new buildings, curtilages or streets are proposed where they would impact on veteran trees, i.e. they sit outside of the street network and developable area for dwellings and garden spaces. In terms of the culvert development on Long Copse Lane, this will take place within the existing ditch which in itself acts as a severance to tree roots.
10. Accordingly, only the proposed footpath poses a potential impact to the veteran trees, these already having been affected historically by the development of Long Copse Lane and the imposition of the ditch to the north of this road. In this regard, it is contended that the approach proposed by Barrell Tree Consultancy is appropriate and sufficiently sensitive.

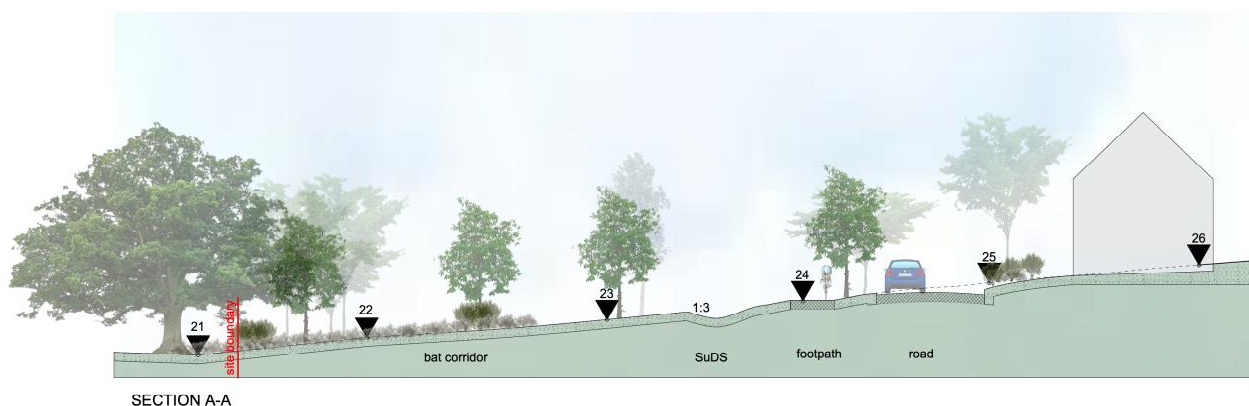


11. Section 1.5 of the Arboricultural Assessment sets out the approach, which states *inter alia* “There will be encroachment into the RPAs of these trees in the form of new no-dig surfacing. I have carefully reviewed the levels in these areas, and it would be feasible to install custom designed no-dig specification surfacing without causing any significant disturbance to the RPA. From our previous experience at installing such surfacing (www.barrelltreecare.co.uk/case-studies/SurfacingNearTrees.pdf), I am confident that this can be implemented without any long term detrimental impact on tree health, with the detail to be agreed as part of a planning condition. This surfacing solution is within the advice set out in BS 5837 (8.6) and would be appropriate in this situation. In summary, if the guidance set out in SGN 7 Excavating in RPAs and SGN 9 Installing/upgrading surfacing in RPAs are observed, I believe that the proposed works can be implemented without any long term detrimental impact on tree health, and therefore local character. All new surfacing must be installed before any construction access to prevent damage to the RPA from the construction activity”.
12. In line with AWATVT Advice and paragraph 180 of the NPPF, it is also clear that significant mitigation and compensation exists, on-site and off-site. The proposals seek to extend Colman’s Copse in which the majority of veteran trees are located, as well as providing additional tree planting along the western boundary where T101 is positioned. There will be a very significant net uplift in planting on-site.
13. In addition, It is proposed to plant an area of not less than 8ha new woodland on the nearby Stansted Estate to provide nitrate offset and a strategic ecological link between Southleigh and Stansted forests, which will act as compensation, although not providing or necessary for that purpose and as Natural England has advised will benefit the local bat population.
14. The Biodiversity and Environmental Management Plan (BEMP) requested by Natural England, and now signed off by HCC Ecology, provides for a robust management and monitoring regime with a view to protecting and enhancing biodiversity, including tree cover and the Construction and Environmental Management Plan (CEMP) and Barrell Tree Consultancy’s Manual for Managing Trees on Development Sites, also set out clear guidance relating to the construction process to ensure negligible impact on trees during construction.

15. Further, footnote 63 relating to paragraph 180 identifies possible examples of exceptional reasons, citing, but not limited to national significant infrastructure works amongst others. In light of the Council's current position on housing supply and housing delivery and its real need to progress and adopt a Local Plan to set the context for future development in the Borough, it is considered that exceptional reasons could be appropriately applied to this and other developments in the Borough that have been identified in DMP2 of the Housing Delivery Position Statement; the site has been subject to very rigorous scrutiny throughout every iteration of the planning process and has been continually identified as necessary to help meet Havant's housing need.

Impacts on Ancient Woodland and Buffering

16. The extent of buffer zones associated with the application has been subject to very significant discussion with Natural England and HCC Ecology, taking into account 'Trowbridge guidance' regarding minimum depths and lighting. The proposals succeed in the wider objective of providing dark zones for bats, including Bechstein's bats, whilst also leaving substantial distance to the area of ancient woodland on the northern boundary.
17. It should be noted that the land falls away from the middle of the site to the north, meaning that the ancient woodland area is sat significantly below the areas of development. This is as identified in the cross-section overleaf.



18. The landscape buffer also varies in depth with 30m forming the minimum, this being taken from section A-A on the cross-sectional plan. For much of the northern boundary where the ancient woodland is located, the buffer measures between 35m and 50m.
19. Alongside the minimum buffer set in the masterplan, a series of measures have been employed to respond to the December 2021 Natural England comments, these include:
- Provision of a wide strip of impenetrable scrub at the northern edge of the site to preclude trespass into the ancient woodland
 - Production of a lighting strategy to keep the buffer from the site's edge intentionally dark; the maximum lighting level to 20m is 0.2lux and to the back of the pavement at 30m minimum the maximum lighting level is 1lux (note this lighting level has been calculated not taking into account intervening vegetation or potential to add baffles or such like to the lighting columns, meaning that the lighting level is likely to be lower than that currently identified).

- Production of a Biodiversity and Environmental Management Plan (BEMP) to set out mitigation and to provide a management and monitoring structure to ensure landscape and habitats are protected and enhanced.

20. As noted by HCC Ecology in its recent response, the *“BEMP proves additional details on the objectives, establishment and ongoing management of ecological compensation/enhancement areas across the site and helpfully divides the site into zones. The key objective overall is the buffering of woodland habitats at the site’s boundaries. Substantial unlit buffer zones are proposed, extending to c.30m. I note the objections from consultees such as the Woodland Trust, with recommendations for buffers extending to 50m. There is at present no statutory recommended buffer width for ancient woodland and I do consider that 30m is a satisfactory width, both to provide protection for trees and to provide an unlit bat corridor. The quality of any buffer, irrespective of width, is primarily dependent on its treatment and unlit buffers containing native vegetation are likely to be effective if at c.30m width”*.

Mitigation

21. The Woodland Trust sets out a range of additional mitigation measures to help ensure that the development meets policy requirements and guidance. These are welcomed in general and our response against each is set out below:

- Non-invasive root investigation for ancient trees and protection beyond the limit of the usual investigative tools

As noted in the preceding section, a landscape buffer of a minimum of 30m has been provided along the northern boundary with the ancient woodland. The tree protection plan identifies the location of protective fencing and also a construction exclusion zone, which accords with guidance in terms of distance offset to ancient woodland. Outside of this, there is no construction, save for implementation of SuDS features, within a 30m zone of the ancient woodland.

- Retaining and enhancing natural habitats around ancient woodland to improve connectivity with the surrounding landscape

A BEMP has been produced to set the approach to protection and enhancement of on-site landscape, alongside a robust management and monitoring plan. This identifies a strong buffer around the site’s edge, including that adjacent to the ancient woodland. In addition, a lighting strategy has been produced to ensure lighting levels towards the site’s perimeter accord with Trowbridge guidance and also that requested by the SDNPA in its comments of 9th November 2021, which state “With the intended luminaire, it is likely that the upward light ratio will be close - if not, will be – to zero. Although the development is within an E2 zone, we would prefer to see the luminaires installed at the E1 requirements with zero upward light. We request this is given further consideration”. The Lighting Strategy confirms that E1 requirements have been met in this regard.

- Measures to control noise, dust and other forms of water and airborne pollution

A CEMP has been produced to provide the necessary control over development during construction. It is considered that this matter will be subject to an appropriately-worded planning condition for which a detailed submission to the Council will need to be made and

approved prior to any works commencing. The condition will provide requirements on the management and monitoring of works during the construction period.

- Sympathetic design and use of appropriate lighting to avoid light pollution

As set out above, a Lighting Strategy has been provided to ensure that the buffer zone on the northern and eastern boundary creates a transition to a dark zone close to the site boundary. Whilst the site is not located within any of the SDNPA's Dark Skies Strategy zones, the scheme nevertheless provides lighting to 0.2lux within 20m of the site boundaries to the north and east and 1lux within 30m of the boundary.

- Producing and funding an access management plan for the woodland, and/or providing alternative natural greenspace to reduce visitor pressure.

The illustrative masterplan identifies an area of impenetrable scrub along the entire length of the northern boundary with the ancient woodland, which will ensure no trespass from the site direct into this area. To encourage use of open spaces within the proposed development site, the Landscape and Green Infrastructure Strategy submitted with the planning application sets out that 0.81ha (8,145m²) of formal public open space is provided, of which 0.1ha of this is provided for community growing spaces. A play area of 650m² is also proposed. Additional play is available informally throughout the external areas with natural play areas/elements. In total, the open and play spaces on site provide 1ha (10,050m²) of amenity open space for public use, with extensive additional multifunctional open space of 3.3ha provided through the green infrastructure areas. In addition to this, the Transport Assessment addendum has set out a thorough analysis of walking, horse riding and cycling routes and has suggested improvements and contributions to enable access to the countryside by users of the development, through formal routes.

- Implementation of an appropriate monitoring plan to ensure that proposed measures are effective over the long term and accompanied by contingencies should any conservation objectives not be met.

The proposals are accompanied by a BEMP and CEMP in line with Natural England advice, which have been reviewed and accepted by HCC Ecology for the purposes of ensuring protection and enhancement of on-site habitats, trees and hedgerows, as appropriate.

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