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Dear Andrew Clarke

Reference: DM/25/1556

Proposal: Retrospective planning application for x2 glamping pods for overnight guest use, associated decking, pergolas, footpaths, solar panels, updates to existing permeable track and parking and turning area by each pod. | Bucklands Farm Brantridge Lane Balcombe Haywards Heath West Sussex RH17 6JT

The Woodland Trust is the UK's largest woodland conservation charity. We are an evidence-led organisation, using existing policy and our conservation and planning expertise to assess the impacts of development on ancient woodland and veteran trees. Planning responses submitted by the Trust are based on a review of the information provided as part of a planning application.

Woodland Trust Position

The Trust **objects** to this planning application on the basis of loss and deterioration of Birchett's Wood (grid ref: TQ 28301 30025), designated as Ancient Semi Natural Woodland on Natural England's Ancient Woodland Inventory (AWI), and deterioration of Bittham's Wood (grid ref: TQ 28379 29978), designated as Ancient Replanted Woodland (PAWS) on Natural England's Ancient Woodland Inventory (AWI).

Ancient Woodland

Ancient woodland is an irreplaceable resource of great importance for its wildlife, soils, recreation, cultural value, history and the contribution it makes to our diverse landscapes. It is a scarce and threatened resource, covering only 2.5% of England's land area, and has a high level of protection in planning policy. Natural England and the Forestry Commission, the Government's respective bodies for the natural environment, define ancient woodland as follows within their standing advice¹:-

"Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It is a valuable natural asset important for: wildlife (which include rare and threatened species); soils; carbon capture and storage; contributing to the seed bank and genetic diversity; recreation, health and wellbeing; cultural, historical and landscape value. It has been wooded continuously since at least 1600AD. It includes:-

¹ <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

- *Ancient semi-natural woodland [ASNW] - mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.*
- *Plantations on ancient woodland sites [PAWS] - replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi”*

Both ASNW and PAWS woodland are given equal protection in government’s National Planning Policy Framework regardless of the woodland’s perceived condition, size or features.

Planning Policy

The National Planning Policy Framework (NPPF), paragraph 193, states: *“When determining planning applications, local planning authorities should apply the following principles:-*

c) 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 reasons⁷⁰ and a suitable compensation strategy exists;”

Footnote 70, defines exceptional reasons as follows: *“For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.”*

There are no wholly exceptional reasons for the development in this location and as such this development does not comply with national planning policy.

Impact on Ancient Woodland

This retrospective application is for the installation of two glamping pods each with decking, a parking/turning area, a solar panel, sewage treatment plant, service ducting for power and water, and a footpath leading to a separate decking and pergola area. It is stated that the access tracks and turning areas were existing and updated for the purpose of woodland management prior to the site opening. The site operates all year round.

The development is entirely within ancient woodland designated as Ancient Semi Natural Woodland. The location of the pod to the south is also immediately adjacent to ancient woodland designated as Ancient Replanted Woodland.

Natural England and Forestry Commission have identified impacts of development on ancient woodland within their standing advice (please see the annex at the foot of this document for the full range of impacts outlined). This guidance should be considered Government’s position with regards to development impacting ancient woodland.

As this is a retrospective application our concerns relate to the impacts the woodlands have already been subject to, in addition to future impacts arising from use of the site. We are specifically concerned about the following impacts on the ancient woodlands: -

- Loss of ancient woodland from installation of the pods, associated infrastructure and package treatment plants, excavation and levelling works, installation of drainage channels, gravel and turf.

- Damage to ancient woodland soils, ground flora, fungi and understorey during construction (for example, from stockpiles, equipment or machinery) and from subsequent use of the site by visitors.
- Noise and light pollution during the construction and operational phases, including from vehicular use, servicing operations and use of the woodland as a year-round holiday destination.
- Intensification of recreational activity within the woodland during the day and potentially into the hours of darkness resulting in disturbance to breeding birds and other sensitive fauna, vegetation damage and trampling. In this respect we note that whilst lighting has been chosen to “*minimise*” the effects on local wildlife, there will nevertheless be an impact associated with placing intermittent motion sensor lighting within ancient woodland, and it will not be possible to condition visitor behaviour through the planning system to control other sources of noise and light pollution associated with use of the facilities.
- Long-term future requirements for managing the adjacent woodland canopy where it overhangs the glamping pods or associated infrastructure for reasons of safety, shading or leaf fall. This can result in a reduction of the woodland canopy, affecting the long-term condition of the woodland. It can also result in a greater need for management of important habitat features in the woodland such as deadwood, which reduces the ecological integrity of the site. It is stated in the Design and Access Statement that “*In the upkeep of the woodland and site, the applicants regularly commission Quantified Tree Risk Assessments (QTRA) to ensure proper safety for the guests.*” We note that the tree survey carried out in October 2023 recommended the removal of deadwood from oak trees T14, T16, T17 to ensure safety of the pod users, the parking area and the solar panels.
- Cumulative impact of the above leading to long-term deterioration of the ecological condition of the woodland.

It is not clear whether the construction has involved the removal of trees or vegetation as conflicting information is provided in the Design and Access Statement. However, irrespective of whether trees were removed, open areas are an important part of the woodland and provide vital and specialised habitats that support a variety of species. The siting of infrastructure in these areas represents a loss of available habitat and will permanently prevent future vegetation growth and natural regeneration.

A woodland habitat does not solely consist of trees and loss of ancient woodland should not be interpreted simply as the loss of trees within an ancient woodland. Natural England and Forestry Commission’s standing advice states that: “*‘Wooded continuously’ does not mean there’s been continuous tree cover across the whole site. Not all trees in the woodland have to be old. Open ground, both temporary and permanent, is an important component of ancient woodlands.*”

The applicant’s assessment of impact suggests that due to the existing poor condition of the woodland any concerns about loss or deterioration “*fade into the background.*” This is contrary to the standing advice, which makes clear that the poor ecological condition of the existing site is not a justification for allowing development. The standing advice states: “*Where a proposal involves the loss or deterioration of ancient woodland or ancient or veteran trees you should not take account of the existing condition of the ancient woodland or ancient or veteran tree when you assess the merits of the development proposal. Its existing condition is not a reason to give permission for development. A woodland or tree in poor condition can be improved with good management.*”

It is also suggested that the obligation imposed by the Forestry Commission to carry out re-planting will not satisfactorily compensate for the loss or damage to the existing woodland, and that this application provides an opportunity to agree and implement a woodland management plan. Whereas the Woodland Trust is generally supportive of sensitive ancient woodland management and restoration, such works should be undertaken for the purpose of bringing a woodland back into favourable condition and not as a trade-off for development which results in loss or deterioration of ancient woodland. Furthermore, a woodland management plan cannot be considered as compensation for loss or deterioration of irreplaceable habitat. The development would need to be evaluated as meeting the “*wholly exceptional*” test before any compensation strategy is considered for the loss of irreplaceable habitats (this is discussed further below).

It is suggested that the impacts of the pods are “*de minimis*’, *especially when compared to the levels of recent damage by harvesting operations*” and that the development has not created a “*significant level of harm*”. In this respect we would advise that a glamping pod leisure facility within ancient woodland will give rise to different impacts than those associated with commercial forestry which need to be assessed in their own right. This development has given rise to loss of ancient woodland and will continue to give rise to deterioration of ancient woodland as a result of its presence within and adjacent to ancient woodland and its use throughout the year. The installation of multiple permanent structures, together with the long-term adverse impacts arising from occupational use and the recreation of visitors, both within Birchett’s wood and adjacent to Bittham’s Wood, cannot be considered a “*de minimus*” impact on irreplaceable habitat.

Mitigation

The entire site is within designated ancient woodland. The siting of infrastructure within ancient woodland will give rise to loss and deterioration of ancient woodland and as such is contrary to national planning policy and the standing advice. The impacts associated with this application cannot be mitigated. Simply put, the only appropriate mitigation in this scenario is the siting of the development outside of and away from ancient woodland. This application contravenes national planning policy designed to protect ancient woodland and should be refused planning permission.

The Town and Country Planning (Consultation) (England) Direction 2024 published 26th January 2024 requires local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development. This now includes development which would result in the loss or deterioration of ancient woodland, where the local planning authority considers that potential adverse impacts cannot be mitigated. We would advise that if the council were minded to approve the application it would need to be referred to the Secretary of State.

It is stated in the Design and Access Statement that: “*to revert the woodland to its original state would perhaps cause more impact than it did originally.*” In this respect we would advise that an arboricultural impact assessment is carried out to make recommendations as to the most effective way to remediate and mitigate adverse impacts and specify how restoration should be undertaken.

Wholly Exceptional Reasons

We have reviewed the 'Ancient Woodland Exceptional Circumstances Statement'. We note the proposal that there are wholly exceptional reasons for the development in accordance with Footnote 70 of para 193 (c) of the National Planning Policy Framework.

Please note that the following statements in the document are incorrect: -

- It is stated that paragraph 193 (a) of the National Planning Policy Framework (NPPF) requires that development in Ancient Woodland should be refused if it creates significant harm. This is incorrect. Paragraph 193 (a) relates to development causing significant harm to biodiversity. It is paragraph 193 (c) which specifically refers to ancient woodland. Paragraph 193 (c) does not refer to "significant harm". It refers to "loss or deterioration".
- It is stated that Birchett's Wood is designated a Plantation on Ancient Woodland Site. This is incorrect. Birchett's Wood is designated as Ancient Semi Natural Woodland.

Key elements of the applicant's proposal that there are wholly exceptional reasons for the development are that: -

- The glamping pods make a significant contribution to supporting the financial viability of the farm enterprise
- There is no alternative location within the holding that has the same unique selling point or that isn't already generating income
- The development has not given rise to a "*significant level of harm*" to ancient woodland
- Public benefits accrue in the form of woodland management; contribution to the local economy; and broadening the choice of overnight accommodation

It is also contended that the following constitute wholly exceptional reasons: -

- The development is in clearings
- It is close to access tracks and no trees were removed
- The removal of the pods would create more damage than their retention

With regards to the suggestions that the development has not given rise to significant harm; that benefit will accrue from woodland management; that the development is in a clearing; and that the removal of the pods would create more damage than their retention, we refer to comments we have made earlier in this letter.

With regards to the points about financial and economic benefits and broadening the choice of overnight accommodation below, we have the following comments. The NPPF is clear that where loss or deterioration of irreplaceable habitat has been identified there must be wholly exceptional reasons to approve the development. The strengthened test of "*wholly exceptional*" was introduced in July 2018. Prior to this, the test related to whether the need for and benefits of a development clearly outweighed the loss or deterioration that would occur. With the strengthened test, it is necessary also to demonstrate that the situation is "*wholly exceptional*". This sets a high bar.

The examples provided in Footnote 70 in the NPPF are "*For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration*".

of habitat.” Although the three examples of infrastructure projects are not a closed list, they indicate that wholly exceptional reasons are likely to be associated with essential infrastructure that is considered to provide clear public benefit. The reference to hybrid bills further indicates that such developments will not be common. Hybrid bills are quite rare - they are used to secure parliamentary approval to construct and operate major infrastructure projects of national importance (such as HS2).

A development of two glamping pods cannot be considered to be a nationally significant project. Whereas we acknowledge the economic difficulties facing many businesses, and the benefits that may be accrue from the availability of a wide range of tourist accommodation, we do not consider that it has been demonstrated that the public benefits of this development clearly outweigh the deterioration of ancient woodland and that the development can be considered “*wholly exceptional*.” Glamping pod businesses are being established throughout the country and although they may make a contribution to the national or local economy and to the financial situation of the owner/operator, it cannot reasonably be concluded that such developments are consistent with the strengthened test set by the NPPF and meet the high bar of “*wholly exceptional reasons*”.

Conclusion

In conclusion we consider that this development has given rise to loss and deterioration of ancient woodland and will continue to do so. The poor existing condition of a woodland or the ability to implement a woodland management plan are not relevant factors in assessing loss or deterioration arising from a development within or adjacent to ancient woodland. A development of this nature cannot be considered to meet the strengthened test of “wholly exceptional” set by the National Planning Policy Framework. The application is therefore contrary to national planning policy and should be refused.

Please contact us at planningcasework@woodlandtrust.org.uk if it would be helpful to discuss any of these points.

Kind regards

C Johannesen
Programme Officer
Woodland Trust

Natural England and Forestry Commission's standing advice:-

Ancient woodland, ancient trees and veteran trees: advice for making planning decisions

Direct and indirect effects of development:-

Development, including construction and operational activities can affect ancient woodland, ancient and veteran trees, and the wildlife they support on the site or nearby.

Direct effects of development can cause the loss or deterioration of ancient woodland or ancient and veteran trees by:-

- *damaging or destroying all or part of them (including their soils, ground flora or fungi)*
- *damaging roots and understorey (all the vegetation under the taller trees)*
- *damaging or compacting soil*
- *damaging functional habitat connections, such as open habitats between the trees in wood pasture and parkland*
- *increasing levels of air and light pollution, noise and vibration*
- *changing the water table or drainage*
- *damaging archaeological features or heritage assets*
- *changing the woodland ecosystem by removing the woodland edge or thinning trees - causing greater wind damage and soil loss*

Indirect effects of development can also cause the loss or deterioration of ancient woodland, ancient and veteran trees by:-

- *breaking up or destroying working connections between woodlands, or ancient trees or veteran trees - affecting protected species, such as bats or wood-decay insects*
- *reducing the amount of semi-natural habitats next to ancient woodland that provide important dispersal and feeding habitat for woodland species*
- *reducing the resilience of the woodland or trees and making them more vulnerable to change*
- *increasing the amount of dust, light, water, air and soil pollution*
- *increasing disturbance to wildlife, such as noise from additional people and traffic*
- *increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas*
- *increasing damaging activities like fly-tipping and the impact of domestic pets*
- *increasing the risk of damage to people and property by falling branches or trees requiring tree management that could cause habitat deterioration*
- *changing the landscape character of the area*

Mitigation measures

Mitigation measures will depend on the type of development. They could include:-

- *putting up screening barriers to protect ancient woodland or ancient and veteran trees from dust and pollution*
- *measures to reduce noise or light*
- *designing open space to protect ancient or veteran trees*
- *rerouting footpaths and managing vegetation to deflect trampling pressure away from sensitive locations*
- *creating buffer zones*

Use of buffer zones

Buffer zones can protect ancient woodland and individual ancient and veteran trees and provide valuable habitat for woodland wildlife, such as feeding bats and birds. The size and type of buffer zone should vary depending on the:-

- scale and type of development and its effect on ancient woodland, ancient and veteran trees*
- character of the surrounding area*

For example, larger buffer zones are more likely to be needed if the surrounding area is:-

- less densely wooded*
- close to residential areas*
- steeply sloped*

Buffer zone recommendations

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.

You should consider if access is appropriate. You can allow access to buffer zones if the habitat is not harmed by trampling.

You should not approve development proposals, including gardens, within a buffer zone.

You should only approve sustainable drainage schemes if:-

- they do not affect root protection areas*
- any change to the water table does not negatively affect ancient woodland or ancient and veteran trees*