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Dear Steven King

Reference: DM/25/0827

Proposal: Outline planning application for the erection of up to 130 dwellings, together with the change of use of an existing barn for a flexible community and/or commercial use, along with associated outdoor space and landscaping, drainage infrastructure, hard and soft landscaping, parking, access and associated works (all matters reserved except for access). | Land East Of Lunce's Hill Fox Hill Haywards Heath West Sussex

The Woodland Trust is concerned to ensure that there is no deterioration of Cleave Water Wood (grid ref: TQ 34243 21942), designated as Ancient Replanted Woodland on Natural England's Ancient Woodland Inventory (AWI).

We appreciate this is an Outline application and there will be opportunities to address indirect impacts later in the planning process. However, it is important to ensure at this stage that the scheme will be designed to ensure impacts are fully mitigated.

The development would introduce a considerable number of new dwellings and associated infrastructure in close proximity to Cleave Water Wood. At this stage we are primarily concerned to ensure an appropriate buffer is provided to mitigate the intensification of recreational activity adjacent to, and within, the ancient woodland. Without sufficient mitigation the development has potential to result in gradual and ongoing deterioration of the ancient woodland, including disturbance to breeding birds and other sensitive fauna, vegetation damage, removal of deadwood, predation and disturbance from cats and dogs, trampling, litter or fire damage.

There is a brief reference to ancient woodland impacts and mitigation in the Arboricultural Impact Assessment, which states (Paragraph 7.4) *"In respect of Ancient Woodland, the standing advice from Natural England and the Forestry Commission recommends that an appropriate buffer zone of semi-natural habitat is implemented between the development and the Ancient Woodland (depending on the size of the development, a minimum buffer should be at least 15m); therefore, a 15m buffer from the Ancient Woodland edge is illustrated on Plan EDP 1."*

However, it does not appear that the applicant has carried out an assessment to determine an appropriate buffer width. Although the plans delineate a 15 metre boundary, the Illustrative Masterplan DWG no. PO1 shows a design which affords approximately 40 metres from the boundary of the ancient woodland to dwellings. Footpaths are shown within 15 metres of the woodland.

Whilst we welcome the illustrative plans showing a larger than 15 metre buffer, we are concerned to ensure that future changes to the design, for example at Reserved Matters stage, do not erode the buffer provision.

The standing advice is that developments close to residential areas or where traffic will increase significantly are more likely to need a larger buffer. Therefore, the applicant needs to demonstrate the feasibility of delivering a design that provides sufficient open space to mitigate pressures on the woodland from the increase in people, dogs and cats associated with a development of 130 houses. Whether, and to what extent, the buffer would be accessible to the public is also a key consideration in calculating open space provision and determining the scale of development that is manageable.

We would recommend that the required buffer should be assessed and determined at this stage and reflected in the application and in any planning consent.

Alternatively, in the absence of an assessment by the applicant, we would suggest a buffer of **50 metres** as a precautionary principle. For a development of this size, part of the buffer should be treated as land that needs safeguarding rather than functioning open space. For example, if a 50 metre buffer is provided, we would recommend **access is discouraged for a minimum of 15 metres** adjacent to the ancient woodland.

Veteran trees

We are also concerned to ensure veteran trees on site are suitably identified and protected. Oak trees T3 and T13 in the Arboricultural Impact Assessment have numerous veteran features even though their girths are not particularly large. It is proposed to fell T3.

It is not clear from the details in the AIA whether a veteran tree assessment has been carried out and if so, what methodology has been used. We would recommend that an assessment of T3 and T13 is carried out by a veteran tree specialist. The Arboricultural Association provides further information here [Arboricultural Association - VETcert \(trees.org.uk\)](https://www.arboricultural.org.uk/vetcert). The Woodland Trust has recently published guidance on how to assess ancient and veteran trees, which can be found here [Recognising Ancient And Veteran Trees - Woodland Trust](https://www.woodlandtrust.co.uk/guidance/recognising-ancient-and-veteran-trees).

If T3 is found to be veteran then felling the tree would be contrary to national policy unless necessary for reasons of health and safety.

With regards to T13, whilst BS 5837 guidelines state that trees should have a root protection area of 12 times the stem diameter (capped at 15m), the guidelines recognise that veteran trees need particular care to ensure adequate space is allowed for their long-term retention. The standing advice is that *"For ancient or veteran trees (including those on the woodland boundary), the **buffer zone should be at least 15 times larger than the diameter of the tree.** The buffer zone should be **5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter.** This will create a minimum root protection area. Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone."*

We would ask that the Council's tree officer is fully engaged on this matter so they may provide opinion on the trees in question.

Planning Policy

The National Planning Policy Framework, 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 is **no wholly exceptional reason** for the development in this location and as such in its current form this application does not comply with national planning policy.

Summary

The Trust **objects** to this application as we consider the proposals, in their current form, could result in deterioration of ancient woodland, and loss and deterioration of veteran trees.

In its current form the application contravenes national planning policy. The applicant needs to provide clear and robust assessment to demonstrate that loss and deterioration of irreplaceable habitat will not occur as a result of the proposals.

Please contact us at planningcasework@woodlandtrust.org.uk to discuss any of the points raised in this letter.

Kind regards

C Johannesen
Programme Officer - Woods Under Threat