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Avant Homes Central
Land off Moorthorpe Way
Owthorpe, Sheffield
Arboricultural Proof of Evidence

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1. Qualifications and Experience

1.1.1 My name is Mark Topping and this document is my Proof of Evidence in relation to the Appeal against the refusal of Full Planning Permission (LPA ref 19/03143/FUL) for 72 dwellings on Land at Moorthorpe Way, Owlthorpe, Sheffield. I am a Chartered Landscape Architect and have been a professional member of the Landscape Institute for 13 years.

1.1.2 I hold a Masters of Arts degree in Landscape Architecture with honours and have specialised in Trees in relation to design demolition and construction - Recommendations and landscape assessment including landscape character assessment, and landscape and visual impact assessment for over 19 years. I have previously held posts in a number of consultancies (GSP Planning, Whitelaw + Turkington, Popplewell Associates (now Rosetta Design) and URS/Aecom); and in the community regeneration sector (Groundwork).

1.1.3 I am currently an Associate Director of Landscape Architecture, Urban Design and Arboriculture at Arcus Consultancy Services Ltd and Surface Property (Surface Property is a trading name of Arcus Consultancy Services, Registered in England & Wales No. 5644976) and have held this post for over five years, and I am sub contracted to BWB Consulting on behalf of Avant Homes.

1.2 Relevant Experience

1.2.1 During my career I have been involved in the preparation of numerous tree surveys and arboriculture related assessment, specialist arboriculture design work for a wide range of developments, including development adjacent to and within Ancient Woodland. I have significant experience in the use of BS5837:2012 in relation to construction for development sites in particular in relation to residential development but also arboricultural issues in relation to, Infrastructure (road, rail, airport, ports) highway, energy, industrial, commercial, renewable energy, historic, healthcare and agricultural developments. My experience includes the preparation of EIA chapters as part of NSIP projects, written representations, proof of evidence, hearing statements and undertaking Public Inquiries, hearings and a DCO hearing including acting as an expert witness on several occasions in relation to arboriculture and BS5837:2012.

1.3 Involvement in the Project

1.3.1 I was approached by BWB in November 2020 to provide evidence on arboriculture and landscape matters in relation to an appeal against the decision of Sheffield City Council (SCC) to refuse planning application 19/03143/FUL (the Planning Application) on Land at Moorthorpe Way, Owlthorpe, Sheffield (the Site) for residential development of the Site (the Development). Following a review of the relevant information, I agreed to represent Avant Homes on behalf of BWB and Surface were subsequently appointed to prepare a proof of evidence in support of the application. Following the decision of the Planning Inspectorate (PINS) to determine the application by way of a Public Inquiry, I have prepared this Arboricultural proof of evidence in relation to the planning appeal. I have prepared the evidence and visited the Site and the surrounding landscape in order to satisfy myself of the context of the Site and its ability to accommodate the Development.

2. Introduction and Context of Evidence

2.1 Purpose of this Proof of Evidence

2.1.1 By reference to the available information I have provided a balanced assessment, considering the points raised by the consultees and objectors and have considered the potential for adverse effects on trees both within and adjacent to the Development; alongside effects on the landscape character of the Site and wider context as a result of tree loss due to the Development. My evidence also reviews whether the development accords with local and national planning policy and legislation and considers the likelihood of the proposed mitigation and enhancement measures being successful. These aspects have been considered in relation to the reason for refusal as set out below:

2.1.2 The Reason for Refusal reads: "This standalone proposal relating to the site known as 'Owlthorpe E' is prejudicial to the proper planning of the wider area, contrary to paragraph 3.2.6 of the 'Housing Sites (C,D,E), Moorthorpe Way, Owlthorpe Planning and Design Brief' (July 2014, Updated November 2017), which supports a comprehensive scheme for the application site together with neighbouring sites C and D. The proposal does not respond sufficiently to the area's prevailing character of abundant green infrastructure and open space, contrary to paragraphs 122 and 127 of the National Planning Policy Framework. In addition the proposal fails to make efficient use of land due to the low housing density proposed and fails to adequately integrated the affordable housing into the proposed layout, contrary to paragraphs 8, 122 and 123 of the National Planning Policy Framework, Core Strategy Policies CS26 and CS40 as well as Policy GAH5 of the CIL and Planning Obligations Supplementary Planning Document and is not considered to be sustainable development."

2.1.3 Following a review of the information submitted as part of the Planning Application; a desk based assessment and site visit; consultation with the design team; and a review of local and national planning policy and legislation I have considered in detail the single reason for refusal (above); alongside the Rule 6 Statement of Case by Owlthorpe Action Group (OAG) and the letter dated 03rd November 2020 from the woodland Trust who raised their objection to the application as part of the appeal process. I am aware of and have read other letters of objection from other parties, both to the application and appeal.

2.1.4 In order to address the reasons for refusal by SCC and respond to the objections raised by the OAG and the Woodland Trust I have structured my proof of evidence to respond to these points in the following order:

- *Landscape Character and Green Infrastructure;*
- *Loss of Category B trees and other trees on Site;*
- *Loss of footpath link to the north;*
- *Ancient Woodland; and*
- *Ancient and Veteran Trees.*

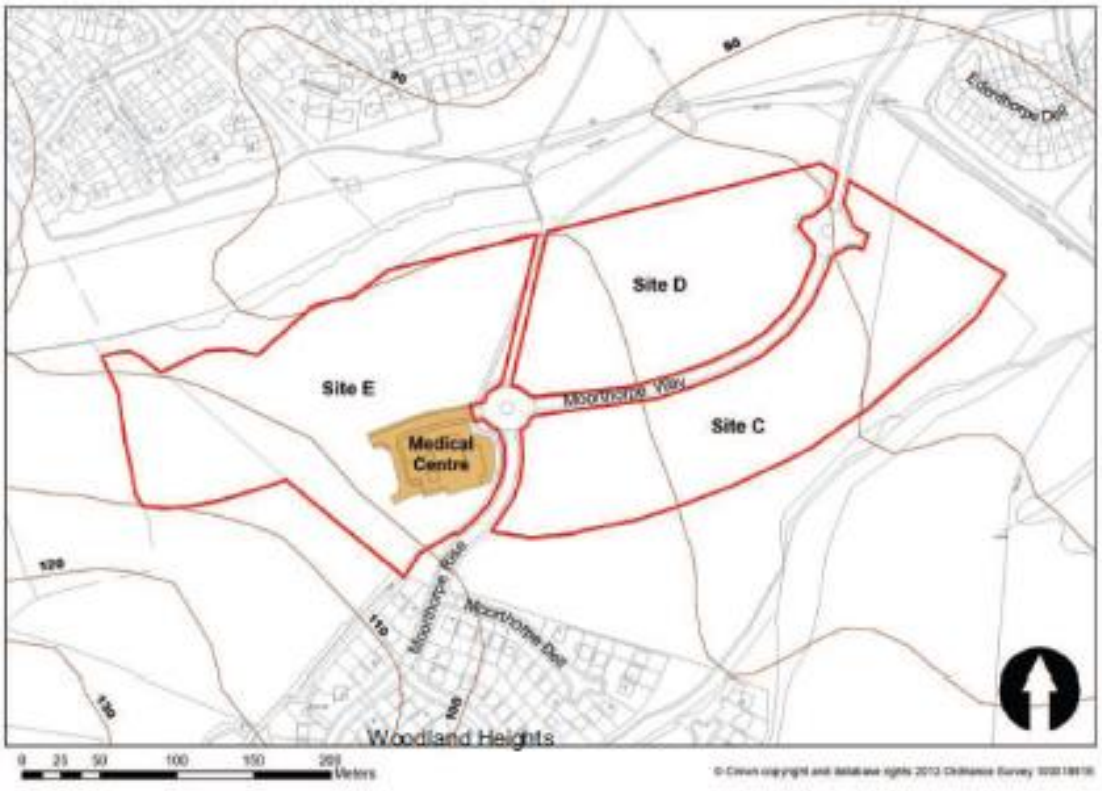
2.2 Background

2.2.1 Avant Homes seek full planning permission for a residential development of 72 dwellings along with associated access, parking, engineering, landscaping and ancillary works on land off Moorthorpe Way, known as Site E, along with the construction of a Locally Equipped Area of Play (LEAP) and an attenuation pond.

2.2.2 Sites C,D and E are defined as allocated sites for housing and as such the following document was prepared by SCC:

2.2.3 Housing Sites (C,D,E), Moorthorpe Way, Owlthorpe - Planning and Design Brief - July 2014 (updated 2017) (Design Brief). This document prescribes how the site should be developed and sets out the four key objectives of the brief:

- *Promote high quality and sustainable development that contributes positively to the local neighbourhood;*
- *Enable a co-ordinated and comprehensive approach to the future uses of the site;*
- *Enable commercially viable development; and to*
- *Optimise the value of the setting and site features, such as its distinctive landscape and topography.*



2.2.4 Figure 1: Site Plan showing the location of Sites C, D and E. Source (Design Brief)

2.2.5 The Design brief provides guidance as to what is required to meet the objectives outlined above and those details relevant to this proof of evidence are listed below:

2.2.6 Movement

M1

- *The strategic movement framework should consider the surrounding neighbourhood context and optimise the value of the existing infrastructure. It should promote more sustainable transport modes, and show how to enable a continuous and safe footpath and cycle network from people's homes to popular local destinations.*

2.2.7 Green Environment

G1

- *It is essential that the interfaces between the development and open space or the woodland edges are carefully designed to provide value to new residents and to enhance landscape quality.*

2.2.8 G2

- The landscape setting must feature significantly in the development of character.

2.2.9 G3

- The development must contribute to the success of the green infrastructure in this area to enable more sustainable development and lifestyles.

Open Space

Paragraph 5.4.2

- *Due to poor local facilities, the provision of children's play is required. There are numerous possible locations including:*
- *by the medical centre, by the tram stop, adjacent to the kick pitch, by one of the roundabouts. It is preferable for the children's play to be delivered at an early stage in the development. Proposals should be developed and influenced by what there is a need for in the area.*

2.2.10 Landscape and Ecology

Paragraph 5.5.1

- *UDP policy GE15 requires developers to retain mature trees, copses and hedgerows, wherever possible, and replace any which are lost. A significant feature of the site is its landscape and ecological setting, and volunteers, working with wildlife groups, have contributed significantly to enhancing the wildlife and amenity value of the area. There is potential to improve or create further wildlife habitats around the site.*

Site E

2.2.11 Paragraph 5.5.8

- *Just outside the site's northern boundary, there is an ancient woodland containing Ochre Dyke (sic). A 15-metre buffer between the trees (measured from trunk) to new development is required).*

2.2.12 Paragraph 5.5.10

- *A tree survey to BS 5837 is required including establishing the tree root protection areas. This will establish the trees to be protected and those that may be subject to Tree Preservation Orders (TPO).*

2.2.13 The above extracts from the design brief provide guidance as to how the Site should be developed. An important point to note is the reference to Ancient Woodland to the north of the Site outlined in section 5.5.8. It was agreed in the Statement of Common Ground that the council did not believe the woodland to the north of the Site to be Ancient woodland; however on the 15th December 2020 correspondence was received by Natural England confirming that an undefined area within the woodland to the north is now classified as Ancient Woodland in two separate parcels to the north and north east (within G15 and G16). The boundary of the Ancient Woodland is yet to be determined by Natural England and is subject to assessment of Detailed Historical mapping As such a woodland buffer of 15m from the outer stems of what was originally thought to be Ancient Woodland was reviewed (CD2.12.A.2. Following a Site visit it is determined that in order to assess a worst case scenario a buffer of 15m has been applied to the original fence line (CD2.12.A.3) that until 2000 divided the woodland to the north and the agricultural land to the south. This may prove to be more onerous on the development than the actual boundary once defined by Natural England, but it is clear that this could not realistically be any further south than the fence line that I have used. The parameters of the 15m woodland buffer are illustrated on drawing 51371_DR_ARB_101 (Appendix 1- CD4.9.1.2).

2.2.14 The appeal site, Site E, along with adjacent sites C and D consist of former agricultural land which has been left unmanaged since approximately 1999/2000 (see figure 2 below). A search of historical OS maps indicates the appeal site has been managed agriculturally since as early as the mid 1800s (see figure 3).

2.2.15 Following agricultural practices ceasing around 2000, the site has been left unmanaged, with resultant natural succession of vegetation, eventually resulting in the growth of small to medium sized trees of a predominantly low arboricultural value.

2.2.16 An updated trees survey was undertaken in November 2020 in order to provide greater clarity to the trees on Site in response to stakeholder comments, and categorisation of Ancient/Veteran trees and Ancient Woodland, this was necessary given the dense nature of naturalising vegetation on Site (see Arboriculture Survey (CD2.10A) and associated Tree Constraints Plan (CD2.12A). The trees which have established on site and adjacent to it, are generally fast growing pioneer species predominantly willow with approximately 13 years of growth.

2.2.17 These trees provide dense coverage across the site, dispersed as groups and individual specimens, and are categorised in line with BS5837:2012 as predominantly category C trees with the exception of two category B groups (G9a) growing along the northern boundary and G26 located within the LEAP to the south east (CD4.9.1.6). The categorisation of group G9a is elevated only due to its proximity to the mature woodland to the north, hence is categorisation as B2. A further two offsite groups in proximity to the Site (G11 and G12) are located along the western Site boundary and are essentially unaffected by the development.

2.2.18 These offsite trees at G11 and G12, growing in conjunction with group G11c, provide a green link between the woodland to the north (described below) and further offsite vegetation and trees to the south. They form part of the green infrastructure of the wider landscape and form a vegetated edge between the Site and the adjacent Local Wildlife Site to the west. A category C, sparse boundary hedgerow is located along the southwestern boundary (H1). The northern boundary of the Site is defined by the start of mature, predominantly Oak woodland (G15 – Ancient Woodland) assessed as category A2. This woodland is located on a steep slope falling to Ochre Dike to the north. This wooded valley provides an attractive feature along and beyond the Sites northern boundary and forms part of the green infrastructure of the Site and wider context linking to that found along the western boundary described above. This woodland extends to the north east of the Site (G16) following Ochre Dike where it terminates at the edge of the footpath adjacent to the location of the proposed attenuation Basin. Whilst the woodland is offsite it contributes to the character of the wider landscape and green infrastructure of the local area.

2.2.19 Figure 2: Aerial Image from 1999 showing land in agricultural use (Google Earth 2020)

2.2.20 Figure 2 shows the Site in 1999 whilst it remained in agricultural use. This image shows a clear distinction between mature woodland to the north G15/G16 and the extent of agricultural land use on Site and within the wider context. This figure also highlights the presence of the western boundary vegetation. This image also shows a hedgerow running diagonally across the Site, which is assessed as H1 in the Arboriculture Survey (CD2.10A). That hedgerow was subsequently removed to the north (as shown by figure 7) and in part to the south and some aspects of it have grown back, as described by Mr Baker. The image also shows the construction of the housing estate to the south of the Site and the access road to the east of the Site (Moorthorpe Rise and Moorthorpe Gate.

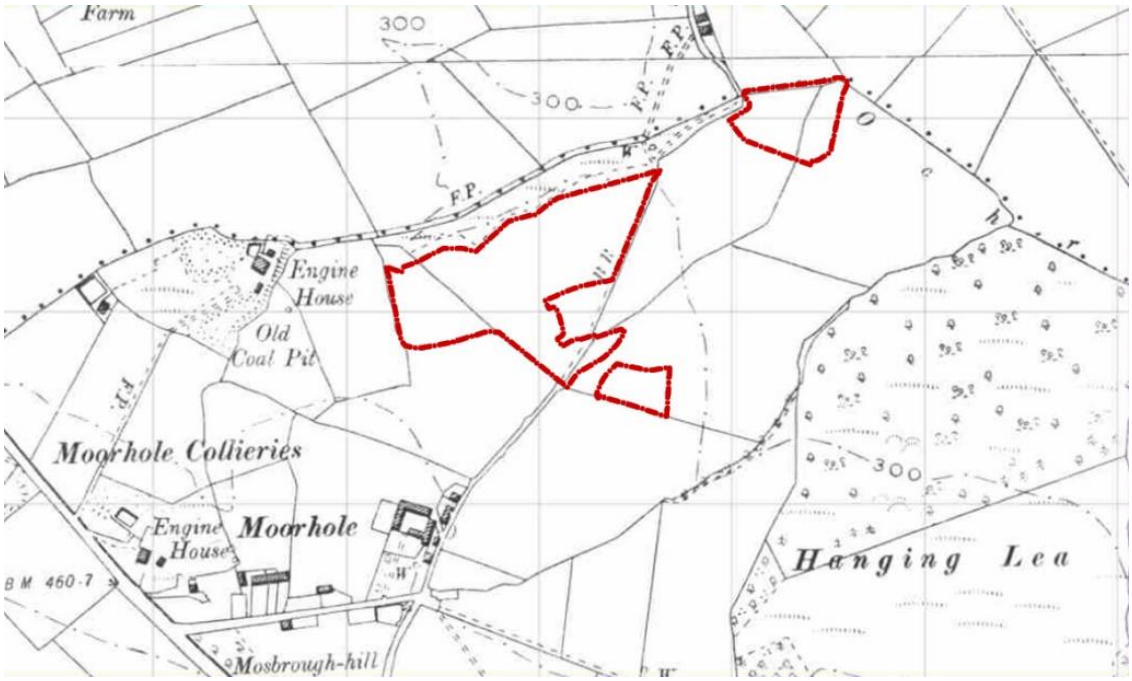


Figure 3 1897 map of the site showing land in agricultural use

2.2.21 Figure 3 shows the Site in 1897 defined by agricultural field boundaries and a similar arrangement of fields as seen in figure 2.

2.2.22 Figure 4 Aerial image from 2002 (Google Earth 2020)

2.2.23 Figure 4 shows the Site in 2002 showing the construction of the medical centre to the east of the Site and the presence of predominantly grassland across the Site.

Figure 5: Aerial image showing earliest tree establishment on the site dated 2007 (Google Earth 2020)

2.2.24 Figure 5 shows the Site in 2007 showing the constructed medical centre and access road. This image shows the start of the establishment of vegetation within the Site and wider landscape.

2.2.25 Figure 6: Aerial image dated 2010 (Google Earth 2020)

2.2.26 Figure 6 shows the Site in 2010 showing the constructed medical centre and access road. This image shows the establishment of vegetation within the Site and wider landscape and the natural succession of vegetation spreading across the Site.

Figure 7: Aerial Image dated 2018 (Google Earth 2020)

2.2.27 Figure 7 shows the Site in 2018 showing the progression of natural succession of vegetation across the site and wider landscape. The image shows the same boundary line for the mature woodland to the north, vegetation developing along the western boundary, and the majority of hedgerow H1 removed.

2.2.28 The above suite of figures illustrates where tree growth has occurred following secession of agricultural land use in 2000.

2.2.29 The earliest record of tree growth within the site is 2007 (Figure 5), showing small trees developing within the central areas of the site. This indicates that trees (apart from the northern woodland) are a maximum age of 13 years old.

2.2.30 The site is now a mix of dense predominantly willow scrub in the central areas with young individual trees sporadically located across the open areas of the Site. Very dense growth of small, young trees has occurred along the northern boundary of the site adjacent to the established woodland boundary of G15.

2.2.31 Figure 8: Established woodland boundary during agricultural use of the Site (Google Earth 2020)

2.2.32 Figure 9: Established woodland boundary on present Site conditions (Google Earth 2020)

2.2.33 As requested within the Design Brief a tree survey of Site E was carried out in February 2019 by BWB consulting Ltd. This survey area was extended to cover the majority of Site D with a survey undertaken in May 2019. A further survey was carried out in November 2019 to gather more information on trees in the Western section of Site C to cover the area proposed for the LEAP. An Arboricultural Impact Assessment was undertaken in December 2019 in order to outline trees to be removed and retained alongside an assessment of the impacts of Development upon retained trees. The identification of proposed mitigation measures required to reduce the impact upon retained trees was also undertaken as part of this process.

2.3 Amendments to Plans

2.3.1 Following comments received from the Woodland Trust in relation to the presence of Ancient and Veteran trees on Site or in the vicinity of the Site (as set out in section 7); together with correspondence received from Natural England designating the mature woodland to the north as Ancient Woodland (as set out in section 6) further baseline details were undertaken. This included further topographical survey work to provide further identification of trees along the northern, western and southern Site boundaries given the dense nature of vegetation in some areas on Site. Following the receipt of the revised topographical survey the information was used to provide greater detail to the tree survey which necessitated a revision to the suite of Arboriculture and Landscape drawings and documents with revised information set out below:

- *CD2.10.A; Arboricultural Survey*
- *CD2.12.A; Tree Constraints Plan_050_BWB_tcp_6_aaa Rev6;*

2.3.2 Following the comments received by OAG a review of the submitted proposals in relation to landscape and arboreal treatments on site was undertaken. The original landscape proposals sought to provide a Wood Meadow to preserve the character of the mature woodland to the north. Wood Meadows are a valuable natural woodland edge feature and part of the Green Infrastructure of a local area and it was felt that this provided an openness to the landscape along this sensitive boundary with the mature woodland and provided a clear visual offset between the Development and woodland. It was assessed that the quality of trees within the Site located along this boundary along with their age and ease of mitigation did not justify their retention particularly on a site of this complexity in terms of topography. This design approach is still regarded as an appropriate treatment along this boundary and for this Site given the local context and previous agricultural setting.

2.3.3 However, further to the comments received from SCC, OAG and Natural England a further scheme layout was developed. This layout (scheme B) provides a greater offset from parts of the Development and the Woodland to the north. Plot 27 was reconfigured and two plots removed to create a linear area of new diverse woodland planting allowing the older woodland to essentially extend into the Site in a uniform way across the whole northern boundary through this new planting. The layout also amended the potential future access to the north west (identified within the Design

Brief to provide access to site F) to an indication of where such an access might go, marked "potential future access", where no development is proposed as part of this application/appeal. This remains in line with the design brief but will not be constructed as part of the Development. The following drawings were amended to incorporate changes to the layout as follows:

- *CD1.14.B; (Landscaping);*
- *CD1.15.B; (Landscaping); and*
- *CD1.16.A; (Detention Basin Rev E).*

2.3.4 This alternative approach looks to address concerns about the loss of vegetation cover within the Site and replacement of the category C and a section of category B vegetation proposed for removal with a high quality and diverse planting composition. This planting not only seeks to provide a greater level of compensatory planting than the previous scheme but also creates a far greater quality of new vegetation cover/woodland than the existing baseline scenario, replacing the low quality (category C) monoculture of regenerating willow vegetation with a species rich woodland of varied form. This approach was undertaken across the northern boundary, and continued with the use of native street trees to the front gardens of adjacent properties within the Development fronting onto the woodland character area (CD1.14.B and CD1.15.B). It is assessed that this approach will integrate the Development into the woodland to the north as opposed to creating a setting for the woodland in its own right as was the design approach of the application scheme. As a result of the updated layout the following drawing and report was updated to assess the impact of the proposed layout on existing trees on Site:

- *CD2.9B - Arboricultural Impact Assessment; and*
- *CD1.10.B - Tree Protection Plan.*

2.4 Consultation Responses

2.4.1 My evidence makes reference to the following consultation responses:

- SCC statement of case;
- Decision notice indicating refusal;
- Sheffield and Rotherham Wildlife Trust comments;
- Owlthorpe Action Group Rule 6 Statement of Case;
- Correspondence with LPA Ecology officer February 2019; and
- Natural England December 2020.

2.5 Legislation, Policy and Guidance

2.5.1 The key legislation and planning policy referred to in my evidence is as follows:

- Natural England and Forestry Commission standing advice on Ancient Woodland and Veteran Trees;
- BS5837:2012 - Trees in relation to design, demolition and construction - Recommendations;
- Owlthorpe Planning and Design Brief (Updated 2017);
- UDP Policy GE15 Trees and woodlands;
- National Planning Policy Framework (NPPF) 175c; and
- NatureScot and The Countryside Agency (2002) Landscape Character Assessment Guidance for Scotland and England;

3. Landscape Character and Green Infrastructure;

3.1.1 In SCC Statement of Case at paragraph 5.2 they state that 'the *development fails to respond to the green and open character of the site'* in accordance with UDP Policy H14, Core Strategy Policy CS74(a), Paragraph 127 of the NPPF and paragraphs G1 and G2 of the Design Brief.

3.1.2 In order to address these points it is important to understand and define landscape character and the components of character. Box 2.1 of Landscape Character Assessment Guidance for England and Scotland defines character with associated descriptions as follows:

Landscape Character relates to:

3.1.3 Character

- *'A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse.*

3.1.4 Characteristics

- *Elements, or combinations of elements, which make a particular contribution to distinctive character.*

3.1.5 Elements

- *Individual components, which make up the landscape, such as trees and hedges.*

3.1.6 Features

- *Particularly prominent or eye-catching elements, like tree clumps, church towers, or wooded skylines.*

3.1.7 Characterisation

- *The process of identifying areas of similar character, classifying and mapping them and describing their character.*

3.1.8 The character of the Site and surrounding landscape is defined by several natural features. The first key component is topography where the site lies on the side of a shallow valley falling from south to north towards Ochre Dike. The area is also suburban in nature containing natural elements such as Ochre Dike with wooded slopes, which compartmentalise the landscape providing structure and enclosure, and which enclose the wider development site including sites C, D and the Site at E. The landscape of Sites C, D and E is similar and defined by topography and wooded boundaries and the land cover consists of grassland and generating scrub and woodland, on previously farmed land. Beyond this lies wider parcels of grassland and woodland associated with a Local Wildlife Site (LWS). Within these natural components runs Moorthorpe Gate and Rise, large access roads built purposefully to facilitate development on Site C, D and E. To the north lies residential development off Moorthorpe Rise part of an earlier phase of the wider masterplan for these allocated sites. The wider natural landscape described above is bounded on all sides by residential land use at Mosborough, Owlthorpe, Westfield, Waterthorpe, Hackenthorpe and Highlane. The Sheffield Super Tram lies to the north of the Site and a 400 Kv overhead power line running in an east west direction broadly aligns with Ochre Dike.

3.1.9 The defining character of the landscape of the Site is the topography and the mature woodland (G15 and G16). The site is allocated for development in the development plan and this has been reiterated and refined in a series of subsequent documents, as explained by Mr Bolton in his evidence. The Development responds to the policy, the topography and the adjacent woodland. In relation to the components of the Site and wider landscape, the Site preserves the woodland in its entirety. The design approach to the Development is covered in Mr Walshaws evidence; however it is assessed that the character of the woodland in relation to the Development is preserved. The woodland character is defined predominantly by native oak trees growing on a valley side creating a distinct character along the northern boundary of the Site.

3.1.10 Whilst the regenerating vegetation within the Site creates an area of woodland cover, it is out of character with the mature woodland to the north and of a low and poor quality in the round as defined by BS5837:2012. The Woodland Meadow specified in the application scheme proposed to provide a buffer to the woodland edge providing an offset to the Development creating clear distinction in character between woodland and Development utilising a native wildflower meadow, forming a distinct woodland edge. The planting scheme submitted as part of this appeal (Scheme B) preserves the character of the woodland and mitigates the loss of moderate category B and low quality dense regenerating woodland groups with species rich woodland which within a relatively short period of time would extend the influence of the existing woodland into the Site and towards the Development. This will create both a large new addition of high quality woodland that will be appropriately managed in perpetuity, preserving and enhancing the characteristics of the mature oak woodland. This

creates linear planting along the full length of the northern boundary providing a further opportunity to extend the woodland into the Site and further integrate the Development into the wider landscape. It is assessed that the appeal scheme preserves the intrinsic green and open character of the Site and represents an appropriate and sensitively designed interface, with the Development enhancing the landscape and arboricultural quality in line with policies G1, G2 and G3 of the Design Brief and UDP Policy GE15 Trees and woodlands.

4. Loss of Category B trees and other trees on Site;

4.1.1 As described in section 3, all trees within the mature woodland along the northern boundary are to be retained as part of the Development and all development lies outside this woodland. These trees represent the highest quality specimen's found on or near the Site and are the highest category rating within BS5837:2012 (category A). The design process has recognised the importance of these trees and provided offsets sufficient to enable the retention of this woodland group (G15 and G16); together with its continued retention in perpetuity. There is no incursion from the Development into the Root Protection Area (RPA) of groups G15 or G16. All trees to be retained within G15 would be protected during construction works through provision and installation of Tree Protection Fencing in line with BS5837:2012 (CD1.10.B - Tree Protection Plan).

4.1.2 Concerns have been raised within the consultation responses and through objections to the removal of category B and C trees on Site. Removal of a large number of regenerating trees on site is necessary to accommodate the regrading works due to the complex nature of levels on this Site as acknowledged in the Design Brief. Regrading of the Site to facilitate the Development will involve the removal of material to the southern boundaries and the placement of fill material won from Site along the northern boundary. Levels within the Development would be managed through a series of retaining walls and structures and by the placement of earth embankments and retaining walls.

4.1.3 Tree group G9a located along the northern boundary is assessed as Category B in line with BS5837:2012 (Appendix 9 CD4.9.1.10). It falls outside the mature woodland and is located in the former agricultural land. The tree survey (CD2.10.A) defines this group as follows:

- *Mixed group of trees, dense growth with very dense undergrowth, mostly small narrow trees as pioneer species, some damage found throughout willow trees.*

4.1.4 This assessment elevated the group above surrounding category C trees due to the location of this young canopy lying to the south of, and adjoining the canopy of G15.

4.1.5 In order to facilitate levels on Site to accommodate the Development this group would require partial removal on the development side (south). In total 57% of the southern portion of G9a would be removed and 43% closest to the woodland would be retained. The group is approximately 0.095 ha. in size and whilst as a whole it borders G15 (which determines its retention category as B2), the individual specimens found within the group would be defined as category C due to their poor form, compact growth and excessive density of planting. As such it is the quantum of removal that should be assessed to understand whether its loss can be mitigated in a similar location

along the northern boundary of the Site, elsewhere on Site or as part of offsite contributions.

4.1.6 BS5837:2012 defines the quality of category B trees in Table 1 -page 9 as follows:

Category B

- *Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.*

4.1.7 BS5837:2012 further defines the quality of category B2 trees as follows:

- *Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality.*

4.1.8 It is recognised that whilst there is a desire to retain category B trees, they are also of moderate value and their removal should and can be mitigated as part of onsite or offsite planting.

4.1.9 As such, the planting proposals illustrate mitigation planting to mitigate the loss within G9a. G9a represents the only category B trees on Site to be removed (in part). The partial loss of G9a equates to a loss of 0.054 ha. of medium quality vegetation on Site. The landscape proposals drawings (CD1.14B and CD1.15B) show new native species woodland planting of various forms and of a higher quality of 0.48 ha. along the northern boundary and the attenuation basin (0.05ha.) to the east providing a net increase of 0.43 ha. of high quality managed native woodland creation on Site both directly adjacent to those lost within G9a and adjacent to G15.

4.1.10 The value of this new planting upon maturity would be far greater than that lost to Development due to the species composition and arrangement within the landscape creating a planted boundary between G15 and the Development. The approach to mitigation for the loss of trees as part of development is supported by BS5837:2012 in paragraph 5.2.3 item h):

- *'The following factors should also be taken into account during the design process:*
    - *h) the potential for new planting to provide mitigation for any losses.'*

4.1.11 A further 0.29 Ha. of wildflower meadow creation is proposed along the northern boundary of the woodland and attenuation basin creating a total enhancement area of 0.72 Ha. In order to increase the quality of trees within G9a and to ensure effective and sustainable management of proposed native trees on Site it is proposed that a woodland management plan is produced which could be secured by condition. This could include selective thinning within G9a to ensure the high density of trees within the group is managed to create higher quality individual specimens which are able to establish in perpetuity, alongside additional planting to improve species diversity within G9a.

4.1.12 All trees to be retained within G9a would be protected during construction works through provision and installation of Tree Protection Fencing in line with BS5837:2012 (CD1.10.B - Tree Protection Plan).

4.1.13 In summary whilst the original woodland meadow is considered an appropriate design response as it preserved the distinctive character of G15 alongside the Development, the introduction of scheme B also provide a strong design response by integrating and extending the Woodland into the Development creating a uniformity to this woodland extension. It is assessed that within approximately 10 years post construction the quality of the woodland mitigation for category B trees on site would be significantly improved both qualitatively and quantitatively compared to the current baseline scenario.

4.1.14 There is a further group of category B trees within the Site found within the LEAP consisting of G26. This group would be retained in full and remain undisturbed by the Development.

4.1.15 Further category B trees are found offsite along the western Site boundary consisting of groups G11b and G12. These groups would be retained in full as part of the Development. The retention of these category B trees along the Site boundary is important insofar as they preserve a natural buffer between the Development and the LWS to the west, and provide a green linkage and green infrastructure corridor through the landscape. G12 lies directly adjacent to the development part of which consists of retaining to manage levels between the Development and adjacent land. In order to ensure the trees are retained, all trees within G11b and G12 would be protected during construction works through provision and installation of Tree Protection Fencing in line with BS5837:2012 (CD1.10.B - Tree Protection Plan). Given the proximity of a number of trees along the outer edge of G12 to the proposed construction works associated with the Development a drawing showing a cross section through the boundary has been produced (Appendix 7 CD4.9.1.8) illustrating how the boundary can be constructed whilst protecting existing trees. In total two trees will be impacted within G12 including an incursion into the defined RPA of 7% and 10%. These incursions are small, and represent a small percentage of the overall RPA of these trees. It is assessed that the impacts of such an incursion in to the outer edge of the RPA's of these young trees would be limited and would not cause harm to these trees post development. Indeed such incursion could also be managed by way of an Arboricultural Method Statement by way of condition.

4.1.16 Surrounding the site but not directly bordering the Site are a further three groups of category B trees including: G11b, G16, G17 and G29. These groups would be retained in full and would remain unaffected by the Development.

4.1.17 The main loss of trees on Site relates to category C trees and groups predominantly defined as C2 groups with a small number of C1 individual specimen trees. BS5837:2012 defines the quality of category C trees in Table 1 - page 9) as follows:

Category C

- *Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm.*

4.1.18 BS5837:2012 further defines the quality of category C1 and C2 trees as follows:

C1

Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories

C2

Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits.

4.1.19 Category C trees on Site to be retained include 0.1 Ha. of category C trees within the LEAP (G27). Further trees are retained in whole or in part along the Site boundaries including: G7a; G7b; G10b; G11c; G13b, c and d; and G28. Group G11c contains the remnants of a boundary hedge approximately 5m in length which has grown out and forms part of this group and would be retained in full.

4.1.20 Surrounding the site but not directly bordering the Site are further category C groups/trees including: T11c, T18, G11d and G15b. These groups would be retained in full and would remain unaffected by the Development.

4.1.21 The total area of removal of category C trees/groups is: 1.06 Ha. (including the attenuation basin – 0.04 Ha.). Given the additional planting proposed, the overall quantum of loss of trees on Site would equate to 0.63 Ha. The category C tree loss is of low quality trees and given the quality and diversity of the proposed new planting it is assessed that the proposed on Site mitigation is sufficient to offset the loss of the low quality category C trees; alongside the loss of category B trees. The above calculations do not take into account the planting of proposed large native trees on Site equating to 100, nor the onsite amenity planting within the Development frontages and streetscape.

4.1.22 The landscape proposals illustrate the quantum of new planting possible between the access roads/ plots and G15 to the north, and to the north of the attenuation basin. It is assessed that the proposed planting for scheme B creates a greater contribution to the overall character of the area and the green infrastructure than the existing baseline and that it provides appropriate mitigation on Site for the loss of a small quantum of category B vegetation and a large loss of category C vegetation. It is also possible through biodiversity net gain contributions undertaken within the local landscape to provide significant environmental improvements to the wider landscape context and the LWS sites present in the surrounding landscape as set out in chapter 6 (Biodiversity Net Gain) and Appendix 4 of Mr Bakers evidence.

4.1.23 Whilst there is insufficient space within the Site to replace the quantum of all trees lost to Development; it is assessed that compensation for the loss of part of G9a (category B trees can be accommodated on site by new native mitigation planting representing an increase in the quantum of new planting to replace the loss of this group equating to an 87% increase.

4.1.24 Vegetation (category C) within the central areas have been further assessed for their visual amenity value based on the Helliwell tree valuation system.

4.1.25 Table 1 details the assessed amenity valuation of the category C trees and groups within the central areas of the site. Full assessment details are provided at Appendix 9 (CD4.9.1.10).

4.1.26 Table 1: Tree Valuation of central trees and groups.

Tree/Group Ref	Helliwell Valuation Point Score	Amenity Value
T1	12	£410.04
T2	10	£341.70
T3	10	£341.70
T4	8	£273.36
T5	12	£410.70
T6	10	£341.70
T7	10	£341.70
T8	15	£512.55
T9	10	£341.70
T10	10	£341.70
T27		£410.70
T28		£273.36
T29		£136.68
G1	8	£273.36
G2	12	£410.04
G3	12	£410.04
G4	10 (x8 trees)	£2733.60
G5	10 (x3 trees)	£1025.10
G6	10 (x24 trees)	£8200.80
G10a	12	£410.04
G14	16	£546.72
G14a	8	£273.36
G19	6 (x10 trees)	£2050.20
Additional tree	10	£341.70
Additional tree	10	£341.70
Additional tree	10	£341.70
Additional tree	8	£273.36
Additional tree	8	£273.36
Additional tree	10	£341.70

Tree/Group Ref	Helliwell Valuation Point Score	Amenity Value
Part of G13 (assessed as woodland for full area and % area to be removed calculated at 11%)	13.5 (full woodland value of £1845.18)	£212.20
	Total Value	£22,935.91

4.1.27 Current point values as of 1st January 2020 are (Arboricultural Association 2020):

- *Individual Trees - £34.17*
- *Woodland - £136.68*

4.1.28 A section 106 contribution of the above value of £22,935.91 will be made along with a further section 106 biodiversity net gain contribution for ecological enhancements off site (£230,000.00). The planting from the £22,935.91; alongside the biodiversity net gain contributions can be distributed within the LWS and the surrounding sites to improve biodiversity in the locality. A scheme for planting should be designed in close consultation with SCC and OAG to ensure the local knowledge of the council officers and OAG is utilised and to provide a sustainable scheme which is in line with local biodiversity, green infrastructure and landscape character objectives. A representation of such as scheme has been illustrated in Appendix 4 of Mr Bakers evidence and Appendix 8 (Indicative Landscape Masterplan).

4.1.29 As set out above there is scope adjacent to the Site and in the local areas identified above to provide biodiversity net gain contribution for ecological enhancements alongside additional tree planting. Land to the west of the Site in particular is an open area and currently exhibits growth of young ash. These will succumb to ash dieback (*Hymenscyphus fraxinea)* as all exhibit signs and symptoms. This contribution will provide an opportunity to replace the future canopy which will be lost as a result of the disease.

4.1.30 In summary given the onsite mitigation proposed and the offsite contributions as part of the section 106 taking into account the Helliwell calculations (£22,935.91); together with further biodiversity net gain contributions (£230,00.00) defined within Mr Barkers evidence, the Development is considered to makes a significant contribution to local landscape character and green infrastructure as shown in Appendix 8 – Indicative Landscape Masterplan (CD4.9.1.9). It is also considered to comply fully with Paragraph 127 of the NPPF, UDP Policies GE15, and paragraphs G1 and G2 of the Design Brief.

5. Loss of footpath link to the north;

5.1.1 In their Statement of Case in paragraph 5.9 SCC identify the loss of the existing desire line along the Sites northern boundary and its replacement by a new more formal footpath link across the same boundary as being inappropriate as it is said to fail to reflect the character of the existing green linkages through the site .

5.1.2 In the Design Brief for the Site, access and movement is clarified in M1 as set out below:

M1

- The strategic movement framework should consider the surrounding neighbourhood context and optimise the value of the existing infrastructure. It should promote more sustainable transport modes, and show how to enable a continuous and safe footpath and cycle network from people's homes to popular local destinations.

5.1.3 The Landscape Institutes guidance document 'Green Infrastructure An integrated approach to land use' defines Green infrastructure as:

'GI is the network of natural and semi natural features, green spaces, rivers and lakes that intersperse and connect villages, towns and cities. Individually, these elements are GI assets, and the roles that these assets play are GI functions. When appropriately planned, designed and managed, the assets and functions have the potential to deliver a wide range of benefits – from providing sustainable transport links to mitigating and adapting the effects of climate change'

5.1.4 Given the above definition, it is assessed that the presence of the green infrastructure feature i.e. a northern buffer/planted zone, not access through the feature is the key component of Green Infrastructure. It also seems that the movement objectives of the Brief are more to do with access to places, than green infrastructure..

5.1.5 The Development does however enable the retention and improvement of the desire line path along the northern boundary retaining access along 186m of the existing desire line and introducing a further 89m of realigned path running parallel with the boundary of G15 and linking into the wider footpath network offsite to the west (CD4.9.1.3). It is therefore considered that the Development facilitates the retention of the existing desire line to the northern boundary in full and within the character and context of the existing route and as such complies with the Design Brief in full.

6. Ancient woodland

6.1.1 On the 15th December 2020 correspondence was received from Natural England confirming that an undefined area within the woodland to the north (G15 and G16) is now classified as Ancient Woodland.

6.1.2 Natural England describes buffer zones in its guidance (which is not national policy) as follows:

- *'A buffer zone's purpose is to protect ancient woodland and individual ancient or veteran trees. The size and type of buffer zone should vary depending on the scale, type and impact of the development. For ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone'.*

6.1.3 It continues to state that buffer zones should:

- *'Where possible, a buffer zone should:*
- *contribute to wider ecological networks*
- *be part of the green infrastructure of the area*
- *It should consist of semi-natural habitats such as:*
    - *woodland*
    - *a mix of scrub, grassland, heathland and wetland planting*
- *You should plant buffer zones with local and appropriate native species.*
- *You should consider if access is appropriate and can allow access to buffer zones if the habitat is not harmed by trampling.*
- *You should avoid including gardens in buffer zones.*
- *You should avoid sustainable drainage schemes unless:*

  -they respect root protection areas

  -any change to the water table does not adversely affect ancient woodland or ancient and veteran trees.'

6.1.4 During the application process the woodland within G15 and G16 was not classified as Ancient Woodland. As such as part of discussions and consultation with SCC throughout the planning application process a defined 15m buffer was agreed along the northern boundary offset from the LWS (CD2.12.A.1). The purpose of this buffer was to provide separation between the Development and G15 to protect the trees within the woodland and the adjacent LWS to the north of the Development from construction that may cause harm to the trees within the woodland. As G15 and G16 are now classified as Ancient Woodland it is important to define an appropriate buffer to enable an assessment of the impact of the Development upon Ancient Woodland to the north. The Design Brief indicates a 15m buffer from the stems of trees where Ancient Woodland is present (CD2.12.A.2).

6.1.5 Following a site visit there is a clear division in character between the Site, containing young regenerating scrub colonising the former agricultural fields within the Site, and the mature form and character of G15 (mostly offsite) and this is defined by a post and wire stock fence along the entire length of the northern boundary of site E and by trees along the edge of the woodland to the north east within G16 adjacent to public footpath and the proposed attenuation basin (CD4.9.1.5). As above, whilst the Design Brief defines the buffer from the stems of existing trees within the woodland, a buffer of 15m from the existing boundary fence line (CD2.12.A.3 and CD4.9.1.2 Appendix 1) is considered appropriate to represent a robust worst case scenario in which to assess the impact of the Development.

6.1.6 The Development has been designed to minimise encroachment into this 15m buffer zone by Development in line with the Design Brief and Standing Advice from Natural England and the Forestry Commission. The total area of the buffer zone is 0.65 Ha. and the following measurements have been taken to represent the realistic worst case for areas of incursion in to the buffer zone by the Development: Table 2: Summary of Incursions into 15m buffer zone.

6.1.7 Table 2: Summary of Incursions into 15m buffer zone from boundary fence

Type of Development	Incursion into 15m Buffer Zone (m2)	Notes
Dwellings and curtilage	0	No Incursion
Turning head	25	Incursion into buffer zone due to highways department requirements
Private driveways	0	No incursion
Private front garden curtilage	11	Incursion in to the front garden of plot 32
Parking bays	14	Incursion of visitor parking bays to the north west of the Development
Access Road and Footpath	203	Incursion to north west of the Site
Level changes	858	Incursion into the 15m buffer area, but outside of RPA of existing trees. Tree Protection Fencing to be installed in line with BS5837:2012 as per Tree Protection Plan drawing CD1.10. B. Construction to be fully in line with BS5837:2012 with details agreed as part of an Arboricultural Method Statement (AMS). All (non-ancient woodland) trees removed to accommodate the levels can be fully mitigated and therefore there is no predicted harm to the green infrastructure, character and health of the woodland. Level changes consist of minor fill along the northern boundary to achieve grade and some retaining walls in the north western corner of the site adjacent to the access road.
Attenuation basin	126	Incursion into outer edge of the buffer zone. Tree Protection Fencing to be installed in line with BS5837:2012 as per Tree Protection Plan drawing CD1.10. B. Construction to be fully in line with BS5837:2012 with details agreed as part of an Arboricultural Method Statement (AMS). It should be noted that the existing

Type of Development	Incursion into 15m Buffer Zone (m2)	Notes
		footpath between G16 and the attenuation basin provides a physical barrier between the woodland and the Development. It is unlikely that the construction of this path would be in line with BS5837:2012 and therefore the presence of roots extending beyond it would be minimal given this was installed approximately 10-13 years ago. Details of SUDs structures could be conditioned if felt necessary.
Total Incursion	**1237m2**	

6.1.8 A summary of the results of the above table is undertaken below to demonstrate the impact of incursion into the buffer zone and to identify areas of betterment and any detrimental impact upon the woodland.

6.1.9 The total extent of various forms of development located within the 15m buffer zone is 0.12 Ha. which equates to 19% of the buffer zone (CD4.9.1.4). In addition in several areas the buffer is considerably more than 15 m. It is important to note that given the whole Site area up to and adjoining G15 has remained in agricultural use for many years. As a result of this, the soil composition would not relate to or contain ancient woodland soils due to cultivation, herbicide, pesticide and nutrient enhancement through fertilisation and cultivation of the land. Therefore the incursion into the buffer zone is simply the physical incursion onto land that was until 20 years ago ordinary farmland.

6.1.10 Of this incursion 0.085 Ha.(70%) will be returned back to functional buffer zone including areas of native species woodland and wildflower meadow. Therefore in terms of hydrological capacity, soils and native planting it would equate to a overall reduction in the buffer zone as a result of the Development of 0.035 Ha equating to a residual incursion of 5.4% (350m2).

6.1.11 As a result of the design of the Development which is set out in the evidence of Mr Walshaw, further space has been allocated for the buffer zones beyond the defined 15m buffer zone from the boundary fence line. This lies along the northern boundary between the Development and the buffer zone. This equates to an area of 0.12 Ha. of additional functioning buffer, over and above that required by Natural England, which would align with the planting described in paragraph 6.1.10 above and consisting of native species woodland and wildflower planting. This equates to an overall increase in buffer zone of 0.089 Ha. adjacent to the Ancient Woodland. Therefore there is no resultant loss of available buffer space adjacent to the Ancient Woodland as a result of the Development. In addition, as I demonstrate below all trees in the woodland including their root protection areas will be fully protected.

6.1.12 Whilst details of offside drainage easements between the Site and attenuation basin are located indicatively, these will be subject to detailed clarification in the usual way via the satisfaction of appropriate conditions. There is no reason to suggest that the drainage connection cannot avoid the buffer, noting in any event that a hard surfaced path already passes through this area, with no apparent sign of effects to trees or woodland.

6.1.13 Whilst there is assessed to be a significant area of buffer available along the northern boundary it is acknowledged that Natural England guidance suggest a 15m buffer as a minimum buffer area required to prevent harm to Ancient Woodland. It does however do so whilst accepting that the size and type of buffer should vary depending on the scale and type of impact. In addition it is clear that the 15 m distance is to avoid root damage. In this case the avoidance of root damage is clear, not only from the avoidance of RPAs of all trees (Appendix 3 - CD4.9.1.4), including any at the southern edge of the woodland that are veteran or ancient, but also because of the fact that all the land south of the fence line was until very recently, farmed fields, having no woodland association at all, as explained above. Furthermore, in order to further demonstrate that there will be no deterioration as a result of the Development upon the woodland in line with NPPF 175. c) an assessment of impact utilising the Natural England and Forestry Commission Assessment Guide has been used.

6.1.14 NPPF in paragraph 175. c) states that:

'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 reasons [58] and a suitable compensation strategy exists; and (sic).

6.1.15 Natural England and the Forestry Commission provide their own guidance in relation to Ancient Woodland and have produced assessment guidance in order to assess the potential impacts upon Ancient Woodland.

6.1.16 In order to provide further evidence in relation to NPPF 175. c) and the judgement about deterioration, the above mentioned assessment guidance has been utilised to understand the impact on G15.

6.1.17 Assessment guidance

6.1.18 Table 3: Natural England and Forestry Commission Assessment Guide for the Development

No.	Subject to be assessed	Record here the answer to the question	Record here any mitigation/ compensation measures proposed by the applicant, and what else the Local Planning Authority might require
1	Is the site of the ancient woodland the only possible place for this proposal? Does it have to be on the ancient woodland site (i.e., is it location dependent) or can it go anywhere else?	The Site is not located within Ancient Woodland. It is not "on" an ancient woodland site and this has already been avoided within the design of the Site. The Site lies to the south of and adjacent to the Ancient Woodland.	A 15m buffer has been set out along the northern boundary to protect the woodland. Some of the poor quality, 10-15-year-old, regenerating scrub and vegetation is proposed for removal from the buffer area and replaced with high quality native species woodland mixes and wildflowers. This will provide a better long-term transition to the woodland proper
2	What size of ancient woodland will be affected? Ideally this will be recorded in hectares. The importance of diversity of habitat and species in small woods must not be underestimated, and also their function as stepping stones for the dispersal of species. Small ancient woodlands may be the remnants of formerly larger areas, and thus have a higher biodiversity importance than might be assumed. Ecological diversity in woodlands is not solely linked to the	Approximately 0.97 Ha. of woodland lies directly to the north of the Site. It is not considered to be affected by the development. Ecological considerations in this respect are addressed by Mr Baker.	There is a wider area of woodland located to the west of the Sites' northern boundary.

No.	Subject to be assessed	Record here the answer to the question	Record here any mitigation/ compensation measures proposed by the applicant, and what else the Local Planning Authority might require
	size of the woodland.		
3	Will an area of woodland be lost? If so, what are the likely implications of this? A small loss from a small woodland or veteran tree loss could be more significant in its wider impacts than a large loss from a large woodland. Consider the nature of the woodland that will be affected.	There will be no loss of woodland or Ancient/Veteran Trees as a result of the Development.	Work has been undertaken to assess the above and below ground spatial constraints of the woodland where it borders the Site. This is in conjunction with a buffer zone of at least 15m extending in places to over 40m.
4	How well connected is the woodland? Is it isolated or connected to other woodland blocks? Will connectivity be damaged? Consider the retention of connecting habitat such as hedgerows and copses and attempt to maintain and enhance long term protection secured through the planning process.	G15 and G16 are connected spatially to a large area of woodland to the north west. Whilst there are no other areas of woodland, vegetation lies to the western boundary and southern boundary. Where such vegetation is found off Site it is retained and connections through the wider landscape remain.	Significant new woodland planting is proposed to be undertaken both on Site adjacent to G15 and offsite as part of wider biodiversity net gain contributions. Details of such planting are contained within my Mr Barker's proof of evidence. The Council is also developing an Owlthorpe Park Masterplan and the Appellant is contributing to this in the S106. Mr Walshaw explains further details of this initiative in his proof
5	Will there be damage to the Root Protection Area of the woodland or individual trees? The Root Protection Zone (as specified in British Standard 5837) is there to protect the roots of trees, which often	There would be no incursion into the Root Protection Area (RPA) of any tree along the northern boundary adjoining the ancient woodland. All development lies outside the RPA's of these trees and there is no incursion within the Ancient Woodland. A 15m buffer zone has been established on Site and whilst there are some incursions following level changes the remaining instances are very small and	Trees within the Ancient Woodland including veteran/ancient/notable trees would be protected during the construction process by Tree Protection fencing in line with BS5837:2012 (CD1.10. B).

No.	Subject to be assessed	Record here the answer to the question	Record here any mitigation/ compensation measures proposed by the applicant, and what else the Local Planning Authority might require
	spread out further than their canopy. Protection measures include taking care not to cut tree roots i.e., by trenching or causing soil compaction around trees i.e., through vehicle movements; or contamination from poisons e.g., site stored fuel or chemicals.	these minor incursions would not affect the Ancient Woodland as shown in Appendix 3 (CD4.9.1.4) This drawing illustrates the closest incursion lies 7.88m from the woodland edge and extends to beyond 40m in places at its widest point. All of this land is former ploughed and managed former agricultural fields.	
6	Has a survey for protected species been included in the application? See Natural England's Standing Advice for Protected Species: Ancient woodland and veteran trees can be particularly important for certain protected species such as dormice and bats. If protected species are present then additional assessments of noise and light pollution particularly for bats may be necessary. Many species live partly in woodland but also use other adjacent semi-natural habitat for feeding or breeding. Will the development result in the change or reduction of important habitats	Bat surveys were carried in accordance with Bat Conservation Trust guidelines. Transect surveys included the boundary of the development site with the woodland. Low levels of bat activity were recorded (CD2.5). The proposed development does not directly affect any trees which could support bat roosts. The woodland is outside the known distribution for dormice. The proposed development would not affect nesting bird habitat within the woodland. Mr Baker's evidence addresses other aspects of habitat change and concludes there is no basis for concern.	It is proposed that a light plan will be agreed with the LPA that will minimise light spill particularly along the boundary between the proposed development and the woodland with the aim of maintaining a dark corridor along the woodland. With mitigation the overall impact on bats is considered to be 'negligible'. It is proposed that biodiversity net gain funds will be used to introduce conservation management to the woodland which will increase structural and species diversity improving the habitat for bats, nesting birds and other species.

No.	Subject to be assessed	Record here the answer to the question	Record here any mitigation/ compensation measures proposed by the applicant, and what else the Local Planning Authority might require
	adjoining the woodland?		
7	Does the development have the potential to affect the woodland through changes to air quality or to ground water (through pollutants or changes in hydrology)? If so, has an assessment been carried out and appropriate mitigation proposed? Impacts from air and water pollution and hydrological changes have the potential to occur at significant distances from the source. Consider a Hydrological Impact Assessment to assess any change in hydrology (quality and quantity of water) and any potential effects. This is of particular importance to ancient gill woodlands as they often contain important communities of lower plants (mosses, liverworts, and lichens). Is there a need for a tailored assessment of pollutants on industrial developments?	No significant changes in air quality will arise from the development. The proposed development will not generate any changes in ground level within the RPA's of existing trees. The RPA's represent an area required to sustain trees including any hydrological requirements. Whilst there are level changes to the south of the woodland within the 15m buffer zone these changes along the northern boundary are laid to fall along the existing topography which flow towards the woodland. The buffer along the woodland complies with Natural England standing guidance. The proposed development is not industrial in nature and does not require a tailored assessment.	Significant new native species woodland planting is proposed which would store and facilitate dispersal of water, whilst the space provided would retain sufficient areas to facilitate natural drainage on site with widths ranging from 7.88m to over 40m in total. The total quantum of soft landscape between the Development and 15m buffer exceeds the Natural England requirements by ensuring an additional 0.089 Ha. of buffer has been provided. Surface run off will also be managed through a SUDs scheme and discharged into a stilling basin reducing any risk of increased suspended solids. The SUDs will also incorporate oil traps to reduce the risk of contamination.
8	Will access to the woodland	Existing access within and along the northern boundary of the woodland	Existing use along the edge of the woodland

No.	Subject to be assessed	Record here the answer to the question	Record here any mitigation/ compensation measures proposed by the applicant, and what else the Local Planning Authority might require
	increase? There is the potential for the remaining woodland to be damaged by visitors, new gardens, and domestic pets. Impacts to consider include disturbance to birds, protected species, woodland flora and soil; fly tipping; garden encroachment, and cat predation. Also consider the impact of increased public use near veteran trees.	already occurs. There would be a likely modest increase in visitors to the wood following development. The increase in recreation will be marginal. Mr Bakers proof deals with pest, disturbance and the related possible impacts and concludes they are not a matter of concern.	would continue along the existing and amended desire line footpath as set out in section 5.10 of Mr Baker's evidence.
9	What is the current function, and planned function, of the land to be lost to development? Consider a full assessment of the land to be lost for its function in enhancing and or supporting the adjacent ancient woodland. For example, is the proposal located in a network of ancient woodland blocks? Could the development have a knock-on effect on a number of areas of ancient woodland? The application site could include areas of scrub and grassland which contribute to supporting species within the ancient woodland and thus	The land to be lost to Development was previously farmland in agricultural use until 2000. Since then, it has been left to colonise with pioneer species of a low quality. Loss of existing tree cover adjacent to G15 would occur in some places; however, as above existing vegetation on Site is generally of a poor quality (category C as defined by BS5837:2012. It is not considered that in its current state the Site has any significant benefit to the Ancient Woodland and that any resultant loss of vegetation adjacent to the Ancient Woodland as a result of the Development would be mitigated for on Site along the Northern boundary; together with significant offsite contributions as part of a section 106 agreement with SCC. Whilst there is ancient woodland within the surrounding area there is no functional link; however as above offsite contributions have the ability to re-link disparate blocks of Ancient Woodland as part of section 106 contributions. In terms of the adjacent grass and vegetation supporting Ancient Woodland clarification of this is set out in section 5.34 of Mr Baker's evidence.	New native species woodland planting is proposed to the northern boundaries creating a new woodland edge to G15 consisting of native locally sourced plants. The BNG and further section 106 funding from Site offers the opportunity to improve the woodland, to manage footpaths and fence off some areas to reduce public access. Management of the woodland will improve the structure of the woodland allowing greater diversity in the ground layer and removal of none native species.

No.	Subject to be assessed	Record here the answer to the question	Record here any mitigation/ compensation measures proposed by the applicant, and what else the Local Planning Authority might require
	contribute to its biodiversity.		
10	Does the landscaping scheme include native species, preferably of local provenance? Consider whether the landscaping includes native species preferably of local provenance. Exotic species can escape from gardens into the adjacent woodland and compete with native species. This process will degrade the woodland over time. Is the landscape proposal sympathetic to the surrounding habitats?	Yes, the landscape scheme proposes native woodland species of various forms creating a diverse mix of various sizes and of planting and woodland edge, including wildflower grassland at the woodland edge.	Species would be locally sourced and managed in perpetuity to ensure the woodland develops into a high-quality local habitat and woodland edge.

6.1.19 The above table (table 3) further illustrates that there is no loss nor deterioration of existing woodland on, or adjacent to the Site. It provides clarification of a newly planted landscape buffer along the northern boundary consisting of high quality native species woodland planting with a commitment to local provenance and sustainable future establishment and management. The buffer, post construction will provide a planted width starting with understorey planting along the southern boundary of the woodland extending approximately 40.5m into the site at its widest point illustrating that the buffer is materially larger than the 15m buffer provided (CD4.9.1.4 and CD4.9.1.7). The combined effects of the scheme, the replanting, the woodland management, associated areas of new offsite planting and biodiversity enhancement have the real potential to produce a positive effect for the woodland.

6.1.20 As a result of the above analysis, the following has been demonstrated:

- *that the proposals do not cause harm to the existing trees contained within G15 or G16 as the RPA's of those trees are protected and the proposed buffer allows opportunity for the roots of boundary trees to extend into the Site in perpetuity as adequate room is provided (albeit it is noted the trees grow on a relatively steep slope and therefore root incursion is less likely towards the Site);*
- *that an adequate woodland buffer has been provided in line with Natural England guidance, and that where minor incursions occur, they are mitigated by the provision of a larger overall buffer zone than the 15m provided.*
- *that given the whole Site area up to and adjoining G15 has remained in agricultural use for many years and as such the soil composition would not relate to or contain ancient woodland soils due to cultivation, herbicide, pesticide and nutrient enhancement through fertilisation and cultivation of the land; and*
- *that the proposed mitigation planting would enhance the current baseline creating an enhanced buffer zone to the woodland in perpetuity.*

6.1.21 Given the above it is assessed that the use of the 15m buffer would be sufficient to protect the trees during construction of the Development and to provide a visual definition of the woodland edge. The Development achieves this, and in doing so preserves the character, health and vitality of the woodland together with creating a greater diversity of age and quality of woodland on Site; together with a greater quantum of woodland along the northern boundary than currently exists.

7. Ancient and Veteran Trees

7.1.1 As per the Woodland Trusts letter in relation to this appeal it is now apparent that records of ancient and veteran trees have been recorded within G15 and surrounding the Site on the Ancient Tree Inventory (ATI) which is managed by the Woodland Trust.

7.1.2 An assessment of the records found that all records had been logged between March and July 2020 by members of OAG.

7.1.3 Natural England and the Forestry Commission provide guidance and standing advice in relation to Ancient and Veteran Trees. Ancient and Veteran trees are summarised in the standing advice as:

- *Ancient and veteran trees can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are irreplaceable habitats with some or all of the following characteristics.*

7.1.4 Ancient trees

An ancient tree is exceptionally valuable. Attributes can include its:

- *great age*
- *size*
- *condition*
- *biodiversity value as a result of significant wood decay and the habitat created from the ageing process*
- *cultural and heritage value*
- *Very few trees of any species become ancient.*

7.1.5 Veteran trees

- *All ancient trees are veteran trees, but not all veteran trees are ancient. A veteran tree may not be very old, but it has decay features, such as branch death and hollowing. These features contribute to its biodiversity, cultural and heritage value.*

7.1.6 National Planning Policy Framework (NPPF) at paragraph 175 section c states that:

- *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 [58] and a suitable compensation strategy exists.*

7.1.7 All identified Veteran, Ancient or Notable trees have been plotted on the existing tree survey drawing (CD2.12A) to ensure a full understanding of the location of these trees and their location in the landscape and in relation to the Development. This is also illustrated on the Tree Protection Plans (CD1.10.B and CD4.9.1.4).

7.1.8 Within the above drawings the RPA's for trees on Site have been calculated in line with BS5837:2012 based on an area 12 x stem diameter at 1.5m, the RPA for veteran/ancient trees has been calculated in line with Natural England Guidance based on an area 15 x stem diameter at 1.5m. it is confirmed that there is no incursion of the Development within the RPA of veteran/ancient or notable trees.

7.1.9 As such OAG have confirmed in their email to the Inspectorate of 11 December 2020 that "so far as protection of the individual veteran trees are concerned, then we agree that scheme B resolves the specific matter of the provision of their buffers" and that it therefore " resolves this matter".

7.1.10 During a visit to Site the existing trees shown as Veteran and Ancient trees on the Woodland Trust website were assessed to determine whether the assessment by OAG was correct. The results are set out in Appendix 11 (CD4.9.1.12).

7.1.11 In order to provide further evidence in relation to NPPF 175. c) and the judgement about deterioration, Table 3 (above)also included an assessment of the impact upon ancient and veteran trees. From a review of this assessment it is confirmed that there would be no incursion into the RPA's of existing veteran/ancient or notable trees as a result of the Development. Any level changes would occur outside the RPA's to ensure

the above and below ground spatial constraints of ancient or veteran trees are considered and retained in full. All other aspects in relation to the assessment also concluded that there is no impact from the Development on Ancient or Veteran Trees.

8. Conclusion

8.1.1 In conclusion I have assessed the landscape character and green infrastructure of the Site from an arboricultural and landscape perspective. I believe that whilst the woodland to the north of G15 is a defining character of the landscape I consider the existing vegetation on site to have low arboricultural and landscape value and its loss would not cause harm to the character of the landscape or offsite trees. It is therefore assessed that the loss of on Site vegetation (including part of a category B group G9a) is acceptable given the category C status of the majority of vegetation on Site and the fact that the tree loss can be comprehensively mitigated both on Site, and offsite as identified in Mr Bakers evidence. It is assessed that within approximately 10 years post construction the quality of the woodland mitigation replacing category B trees removed on site would be significantly improved both qualitatively and quantitatively compared to the current baseline.

8.1.2 It is considered that the existing footpath link can be retained and realigned to preserve the access and the character of such access to an acceptable level along the northern boundary.

8.1.3 It is considered that the Development would not cause any loss or deterioration of Ancient Woodland. It is assessed that the 15m buffer zone; together with recorded minor incursions and areas extending to over 40m beyond the Ancient Woodland provides a sufficient offset to prevent loss or deterioration to Ancient Woodland adjacent to the Development.

8.1.4 It is assessed that there is no incursion into the RPA's of any existing trees within the Ancient Woodland along the northern Site boundary.

8.1.5 It is assessed that given the RPA's of all trees can be retained in line with BS5837:2012 that this in itself protects the trees from any changes in hydrology on Site; however alongside this a significant landscape and hydrological buffer zone retains large swathes of soft landscape and soils with a similarly aligned gradient enabling a significant catchment of unchanged hydrological capacity on Site and sufficient to support the adjacent Ancient Woodland in line with paragraph 5.9 of Mr Bakers evidence.

8.1.6 It is assessed that the proposed planting to the northern boundary would improve both the setting, from a landscape character and visual perspective, the quality due to the varied native planting proposed and the quantity of available buffer to the Ancient Woodland. As such it is considered that the scheme complies with NPPF 175c in full.

8.1.7 Finally, in respect of ancient/veteran trees off site, following an assessment of these trees it has been demonstrated by an absence of any incursion into their RPA's and the contiguous assessment of Ancient Woodland and Ancient/Veteran trees that these trees can be retained and both above and below ground spatial constraints are

respected, and as a result no loss or deterioration of veteran or ancient trees would occur as a result of the Development. This is a matter agreed by OAG and never contested by SCC.

8.1.8 I believe that the scheme presents a sustainable development in respect of its relationship to existing trees and would both facilitate the retention of existing trees to the northern and western boundaries. The scheme retains important local green infrastructure and arboreal assets whilst improving the quality of the existing baseline scenario within the local context through both onsite and offsite contributions to landscape enhancement and habitat creation.

8.1.9 For the above reasons I consider the scheme also complies fully with Paragraph 175c of the NPPF, UDP Policy GE15, and paragraphs M1, G1, G2 and G3 of the Design Brief.

8.1.10 I respectfully request that the Inspector allows the appeal.

APPENDICES

APPENDIX 1: 15m Woodland Buffer Plan

APPENDIX 2: Northern Footpath

APPENDIX 3: Detailed Tree Protection Plan (Northern and Western Boundary)

Appendix 4: Detailed Tree Protection Plan (Attenuation Basin)

Appendix 5: Detailed Tree Protection Plan (LEAP)

Appendix 6: Site Sections – Northern Boundary

Appendix 7: Detailed Site Sections

Appendix 8: Indicative Landscape Masterplan

Appendix 9: Helliwell Tree Valuation Assessment

Appendix 10: B75837:2012 Cascade Chart

Appendix 11: Veteran Tree Survey Review

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