

WSCC COUNTY ARBORICULTURIST response to planning consultation

Application reference number: WSCC/042/23

Location: Land to the west of Mannings Heath Wastewater Treatment Works, Gaggle Wood, Mannings Heath, Horsham

Proposal: Construction and operation of a sewer network pipe-bridge and retrospective planning permission for the temporary widening and use of a vehicle access onto the A281 Brighton Road

District: Horsham

Date: 05/01/2023

Summary response: No object subject to conditions for a LEMP.

Conclusion:

The proposal has appropriately considered impacts for the construction of the pipe bridge and proposes adequate mitigating measures to avoid adverse impacts to individual trees with consideration of site constraints. Whilst tree removal, translocation and coppicing is required within Gaggle Wood, this is not considered to result in the loss or deterioration of this ancient woodland due to the scale of works proposed (no veteran or ancient trees are known to be impacted). The proposed location results in the least impact to ancient woodland compared with alternate options within the site; in addition, the construction design is the least impactful option due to site constraints and terrain, all of which demonstrates the consideration of avoidance and mitigation. Enhancement of the woodland is limited to the temporary management of the woodland opening, required to facilitate construction of the pipe bridge. This has the potential to temporarily encourage the diversity of ancient woodland flora. Damage and disturbance does appear to have occurred to soils within the buffer zone of ancient woodland adjacent the temporary access track and has not been assessed nor mitigated for. A compensation strategy has not been proposed, however, this should be considered in balance of the scale of development and relatively negligible impacts proposed.

The temporary access widening has resulted in a small length of hedgerow loss and reinstatement measures are recommended.

Response:

The application proposal requires the construction of a pipe bridge to transfer wastewater through a woodland, enabling the connection of a wider pipeline scheme which has been carried out under permitted development rights between Horsham New WTW and Mannings Heath Wastewater Treatment Works. In addition, retrospective planning is being sought for a temporary widened access from the A281 to facilitate construction activity.

Pipe Bridge Construction:

The pipe bridge is proposed to be installed within a woodland designated as Ancient and Semi-Natural Woodland (Ancient Woodland), which is recognised as an irreplaceable habitat within the National Planning Policy Framework (NPPF). The woodland is also designated as deciduous woodland, a Habitat of Principle Importance (HPI) as defined by the Natural Environment and Rural Communities (NERC) Act, 2006. Impacts to such habitat types requires consideration by the County as the planning authority, with regard to conserving biodiversity. This response considers the impacts to arboricultural features which contribute to the formation of the habitat. However, it does not consider biodiversity impacts themselves whereby advice from the County Ecologist should be sought (such as: changes to functional habitat connections, changes to air quality, increased light pollution, increased noise and vibration, and risk of impact from potential invasive species). Further, damages to any archaeological features or heritage assets, nor changes to landscape character are considered.

Para. 180 of the NPPF (2023) recommends the following:

"Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists".

Statutory guidance¹ has therefore been referred to, considering how the application avoids and/or reduces the level of impact of the proposed development on ancient woodland.

¹ Ancient woodland, ancient trees and veteran trees: advice for making planning decisions, Natural England & Forestry Commission (January 2022).

An Arboricultural Impact Assessment (AIA) has been submitted, inclusive of an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP) forming the predominant control documents for the application in terms of woodland and tree protection during the pipe bridge construction. In addition, an Ecological Impact Assessment (EIA) has been submitted which also contains measures of protection for the impacted woodland. These documents are further reinforced by the Construction Environmental Management Plan.

Three trees within Gaggle Wood (AW) require removal for the pipe bridge construction and/or easement. The foundations of the pipe bridge footprint will be within the root protection areas (RPA) of two trees to be retained; the size of the foundations are considered to be relatively small and hand-dig construction methodology are proposed, minimising the likelihood of tree root impact in line with recognised arboricultural recommendations (BS5837:2012). Coppicing and translocation is proposed with two tree groups; alongside the tree removal, this will result in a circa. 10m temporary gap in the lower and higher story canopy. The coppiced stools will be protected from damage during construction, as presented within the EIA and not the AIA. Due to site constraints and terrain, no temporary ground/soil protection is possible which is considered a tolerable impact as only pedestrian footfall from construction activity is to occur within the woodland. None of the previously mentioned trees are recorded to be of veteran or ancient status, findings from the submitted tree survey data does not highlight the need for further consideration.

Gaggle Wood is well connected with adjacent woodland. The area of impact through tree felling and coppicing will temporarily open a gap in the tree canopy of both higher and lower story trees, this will lead to the separation of woodland south of the pipe bridge works which is not well connected with other woodlands or hedgerows. The opening of the herbaceous lower vegetation is likely to recover within the first growing season, the lower story is likely to re-grow within 1-2 years, and the higher story canopy is expected to take in excess of a decade to completely cover. The latter connecting higher branches with the exception of any future tree/woodland works. This is not unusual woodland activity for historical practices and is considered a neutral impact, subject to adherence of mitigation measures imposed.

Coppicing and translocation practices are proposed and will therefore promote faster recovery of temporary lower-story canopy gaps compared with felling alone. Suitable mitigation measures are proposed within the submitted AMS and EIA. A condition will be recommended to ensure their adherence, in addition to the submission of a Landscape and Ecological Management Plan (LEMP) to collate mitigating measures and identify the location for translocated trees.

The area of construction either side of the pipe bridge are already in situ, with access being gained to the western side from a temporary track road from Brighton Road (A281). These were in situ prior to the application and has been carried out under permitted development rights. It is worth noting that this western access track is in close proximity of North Land Coppice, designated as Ancient Replanted Woodland and has not been assessed within the AIA or EIA, nor are mitigation measures provided for within the AMS. It appears from photos taken by the Planning Case Officer in Nov 2023 that the track is not set back enough from the woodland edge to create a 15 meter buffer zone from the woodland, nor has ground protection been afforded in mitigation (as recommended by statutory guidance¹). The track appears to be rutted which has potentially damaged or disturbed the soils supporting the irreplaceable ancient woodland habitat. As the track is of a reasonable width and has already been used for to facilitate a considerable amount of traffic for the pipeline construction to date, the necessity to impose physical barriers and ground protection is not considered appropriate as any impact will have already occurred. However, measures reinstate the soil within the buffer zone, alongside measures to compensate or enhance the ancient woodland are requested for within the LEMP.

A construction compound is already situ adjacent the access from Brighton Road, this has been undertaken using permitted development rights. Photos taken by the Planning Case Officer in Nov 2023 show the compound to be within the root protection area (RPA) of an adjacent mature oak tree found within the hedgerow bordering the road. The current compound use within the RPA is likely to lead to extensive root damage or decline from soil rutting and compaction. Barriers should be specified and positioned in line with BS5837² for the areas shown on the Compound Access Plan.

A full description of the alternate locations or design options assessed can be found within the Planning, Design and Access Statement. In summary, para. 6.39 identifies that alternate site locations would cause greater impacts to ancient woodland and all other no-dig or drilling options are not feasible; it concludes that the current proposed construction design and crossing location is the least impactful option currently available.

² BS5837:2012 Trees in relation to construction, design and demolition - Recommendations

Temporary Widened Access

Retrospective planning consent is being sought for a temporary widened access from the A281. This is discussed briefly within the EIA and confirms the hedgerow is considered HPI and the widening took place for the wider pipework construction activities prior to this application; it also states that no trees have been removed, presumably meaning individual trees which grown out of the general maintained hedgerow shape only. It is clear from site photos taken with the widened access and Google Streetview images taken prior to any works, that hedgerow loss has occurred to facilitate the access (see images section at the end of this response). The loss of hedgerow is thought to be no greater than 2m in length and a planning obligation for reinstatement must be sought immediately following completion of the pipeline construction completion.

Recommendations:

- a) A suitable condition is applied requiring the following to be recognised as approved documents and adhered to throughout the development:
 - i. Construction Environment Management Plan (CEMP) (rev 1)
 - ii. Arboricultural Method Statement (AMS) (rev B)
 - iii. Compound Access Plan (rev P04)(Reasoning: In general adherence with Policy 31 of Horsham District Planning Framework (2015), as well as ensuring provision is made to the preservation and planting of trees in line with S197 of the Town and Country Planning Act 1990.)

- b) A suitable condition is applied requiring a pre-commencement meeting, in general accordance with the wording suggested below:
 - i. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman/clerk of works and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed, or that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.
(Reasoning: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Policy 31 of Horsham District Planning Framework (2015)).

- c) A suitable condition is applied requiring the submission and approval of a Landscape and Ecological Management Plan (LEMP), created in adherence of recommendations made within the Arboricultural Impact Assessment (AIA) (rev B), as well as those within the Ecological Impact Assessment (EIA) (rev 1). The LEMP shall include, though not be limited to: a plan identifying the approximate location of vegetation to be transplanted; a compensation and enhancement strategy and methodology for North Land Coppice; and a planting plan and specification for the reinstatement of the hedgerow loss carried out to facilitate the temporary access from Brighton Road.
(Reasoning: In general adherence with Policy 31 of Horsham District Planning Framework (2015), as well as ensuring provision is made to the preservation and planting of trees in line with S197 of the Town and Country Planning Act 1990.)

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Images:



Image 1: Widened access as of 28th November 2023



Image 2: Google Streetview image prior to access widening in May 2019



Image 3: Access track is in close proximity of North Land Coppice, designated as Ancient Replanted Woodland