Dear Mr Gilbert,

Please see below my comments regarding the following planning application:

Planning application reference: 2023/62/91564/E

Erection of 27 residential dwellings, access, landscaping and associated works (full application) Land off Barnsley Road, Denby Dale, HD8

I wish to state my Objections to this application in respect of:

1. Non-compliance with Natural England standing advice on buffer zones for developments potentially affecting Ancient Woodland.
2. Potential long term deterioration of Ancient Woodland resulting from the development.

Ancient Woodland

Tanner Wood is an Ancient Woodland running along the eastern boundary of the development site. A small area of this Ancient Woodland is within the North east corner of the development site.

Any impacts on Ancient Woodland should be considered against the test set out in paragraph 175 of the NPPF (National Planning Policy Framework), 2018:

"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"

Exceptional reasons are defined in Footnote 58 as follows: *"For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat."*

1. **Non-compliance with Natural England standing advice on buffer zones for developments potentially affecting Ancient Woodland.**

   The standing advice from Natural England is that developments should have a minimum 15m buffer zone from the edge of an Ancient Woodland. The proposed development includes a 20m buffer zone shown on layout diagrams in which no residential homes or gardens are present. One small section of road next to the Pumping station encroaches within the 20m buffer, but lies outside the 15m buffer.

   Road embankment

   However, there is a significant embankment shown alongside the road between houses 5 and 9, which extends well within the 15m buffer zone. The precise slope of this is unclear, as a site levels drawing provided does not indicate the proposed levels for the road embankment and instead overlays the existing topographical survey onto the proposed site layout.

The embankment is noted in the AWA Arboricultural report and impact assessment.

Extract:

4.3.7 A proposed landscaping embankment to support a roadway encroaches into the ancient woodland 15m buffer zone. Altering levels within the buffer zone can impact existing soil hydrology and water runoff, however the proposed landscaping works are relatively minor and maintains the existing slope of the present topography. As such, it is unlikely to significantly impact trees within the ancient woodland.

This is contradicted by the Brooks Ecological Impact assessment report which does not mention the embankment and wrongly states in paragraph 31 (pg15) that the area will be protected within a "no works area".

In the AWA Arboricultural Method statement it states:

5.2 Landscaping Embankment

5.2.1 A landscaping embankment to support a roadway is situated within the 15m buffer zone of the ancient woodland G14.

5.2.2 This encroachment into the buffer zone should not significantly adversely impact on the soil hydrology or future condition of the retained trees provided care is taken during construction and no excavation works are required. No plant machinery is to be operated within the 15m buffer zone.

The suggestion that it "should not significantly adversely impact on the soil hydrology or future condition of retained trees" is vague, inconclusive, and not supported by any evidence, or estimate of the scale of impact. In addition it seems unrealistic that an embankment on this scale will be constructed as suggested without using any plant machinery operating inside the buffer zone.

In the proposed position within the 15m buffer zone, this embankment and its construction has potential to lead to deterioration of the ancient woodland as a result of soil compaction and altered drainage within the root zone of the protected woodland and therefore should be avoided completely by positioning the road further away from the woodland. There are no obvious reasons preventing the road from being moved.

As the proposed location of the embankment inside the required 15m buffer zone is not supported by any reason why this is necessary, it must be viewed as non-compliant with the standing advice from Natural England.

Drainage Channel

In addition to the road embankment there is proposed construction of a pipeline and stone outfall channel to handle surface water for discharge into the Hayley well Beck watercourse. This is shown as running through the 15m buffer zone, and then directly alongside the edge of the ancient woodland area. Assuming this is a buried pipe, excavation would occur in the buffer

zone, and this will result in clearance of vegetation, and disturbance of tree roots, ground flora and fungi within the buffer zone.

The laying of the stone channel can also be expected to require clearance of buffer zone vegetation, and disturbance of the ground flora and fungi resulting in deterioration of the woodland.

There is a proposed method of excavation given in the Arboricultural Method Statement, designed to minimise damage to tree roots, but this is solely focussed on trees and ignores damage to other flora, and fungi at the ground level, which are also part of the ancient woodland ecological system.

As with the road embankment, no justification is provided by the developer for carrying out construction work within the buffer zone for a pipe and discharge channel. No alternative appears to have been considered. Furthermore, this installation will inevitably require ongoing access for inspection and maintenance which means future repairs or upgrading will take place inside the buffer zone and immediately beside the Ancient Woodland boundary. The vegetation will therefore not be allowed to regenerate, and permanent damage will result in this part of the woodland and buffer zone.

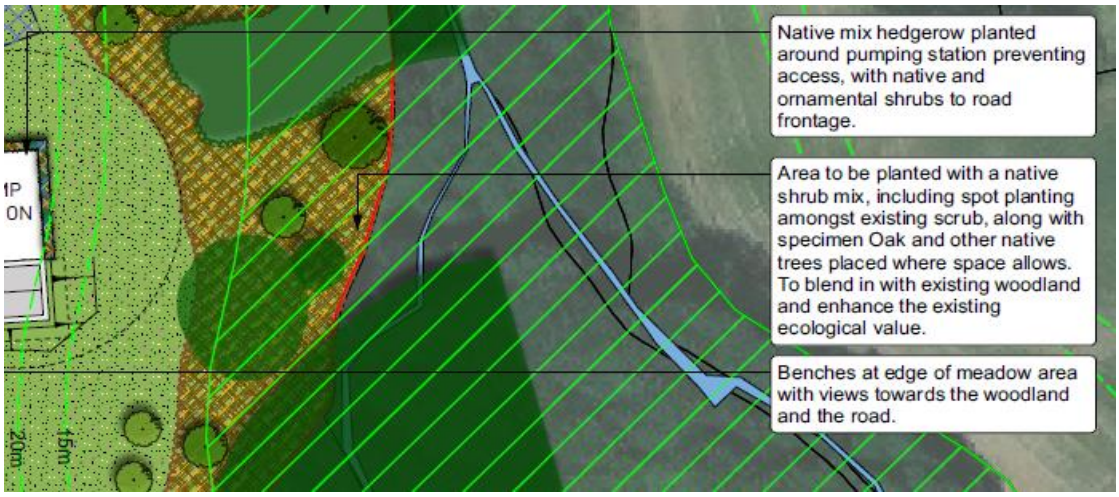
To completely avoid these impacts, the handling of surface water should be re-examined and an alternative solution found.

2. <u>Potential long term deterioration of Ancient Woodland resulting from the development.</u>

<u>Landscaping</u>

The proposed landscaping plan (extract below) for the development suggests that native shrubs and trees may be planted in the part of the site that is Ancient Woodland, as well as in the buffer zone.

There should be no need for any planting in the actual Ancient Woodland area as this will naturally regenerate. Planting for enhancement in buffer zone areas must be very carefully controlled to avoid possible introduction of (invasive) species that could upset the ecological balance of the Ancient Woodland, or even introduce disease to existing trees and plants, which could be devastating.



Informal Public access

The Ancient Woodland of Tanner Wood has up to the present time been almost entirely surrounded by farmland, and isolated from any direct public access routes, as there are no public roads or footpaths directly bordering onto it in any direction. The only legal access is across private land to the south of the woodland. In recent years, the wood has only been visited in by a small number of people, and it has remained very undisturbed and unspoilt.

The proposed development, with a road, and access through the development from an existing public footpath introduces a significant step change in the potential for disturbance and deterioration of the woodland resulting from people accessing it.

In the Brooks Ecological Impact Statement on Page 22, Mitigation during Operation:

- 4a. States that landscaping has been designed to accommodate public access.
  The buffer zone should be designed to deter access to the adjacent ancient woodland rather than encouraging access. The proposed scrub planting will help to limit access however routes through are likely to be created by residents. A sensitive manmade barrier is required at the site edge, or further inbound within the buffer zone, to deter trespassing and damage to the ancient woodland. Without a barrier some residents or visitors may assume that the woodland sits within the public amenity area of the Strata site.

- 4b/4c. States that the woodland already receives some disturbance from local walkers.
  The woodland currently has no direct public access from roads or footpaths, visitors have to walk over private farmland to reach the woodland which discourages access. This has ensured that the woodland has remained relatively undisturbed for hundreds of years and it is currently only visited by the owners with disturbance limited to typically three visits a week, at most by one or two individuals.
  Mitigation suggests the woodland is already adapted to seeing some disturbance. The development will house up to 232 people in close proximity to the woodland with public open space on the woodland edge and no physical barrier proposed to define the boundary of the public space. Even if a physical barrier is installed it is unlikely to completely deter entry and the change in use will be significant. If just 10% of residents in the development accessed the woodland weekly it could represent a 300% increase in visitors.
  The woodland is a small, isolated fragment of ancient woodland habitat which makes it particularly vulnerable to additional pressures. An increase in trampling, littering, damage, predation by pets and noise is likely to lead to significant deterioration of the woodland habitat. Increasing access and awareness of the woodland may lead to significant risks of recreational use for barbeques or camp fires which could result in catastrophic consequences for the woodland during hot and dry weather periods.
  The residual magnitude noted as a Minor Negative is misleading and disturbance is clearly a **Major Negative** given the permanent nature of the housing development. Mitigation measures such as scrub planting to the woodland edge may help but are likely to deteriorate over time once the initial Clerk of Works monitoring period has expired and maintenance of

the landscaping is handed over to a management company set up to serve the interests of the development rather than the woodland.
The only meaningful way to mitigate disturbance is to increase the buffer zone and/or reduce the number of proposed homes/residents. The 15m buffer is a minimum requirement for ancient woodland, however given the small, isolated nature of the woodland it is particularly vulnerable to additional pressures and a larger buffer would be more appropriate. This would allow for public open space, plus a woodland border that is sufficiently densely planted to avoid informal access to the ancient woodland area.

Summary

Natural England and The Forestry Commission provide guidance on assessing planning applications that may affect ancient woodland:

"Ancient woodland, ancient trees and veteran trees: advice for making planning decisions" (published 14 January 2022)

This guidance states that:

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

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

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

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

- changing the landscape character of the area

I have highlighted the relevant points that, to varying extents, apply to the deteriorative effects the proposed development will have on the Ancient Woodland. Whilst some impacts may appear minor, many of them such as ongoing disturbance from increased light, noise, and people will be permanent, and together will have a cumulative and negative effect.

Although a 15m buffer zone (20m in most parts) has been incorporated into the development layout, this has been ignored where the developer intends to build a large road embankment, and more seriously where the surface water outfall infrastructure is planned to be built as a permanent structure within the 15m buffer, and partly on the Ancient woodland border.

Natural England and The Forestry Commission provide advice for assessing planning applications, including this Section:

Section 8: Does the development proposal include an appropriate buffer of semi-natural habitat between ancient woodland, ancient and veteran trees and the development?

Follow Natural England and Forestry Commission standing advice on the use buffer zones and their recommended types and sizes. No part of the development should be included in the buffer zone.

The final sentence makes it clear that the proposal by the developer to site the surface water outfall and the road embankment inside the 15m buffer zone does not meet the national guidance, and conflicts with Kirklees Policy LP30.

To conclude, I object to the Planning Application, as it will have a detrimental effect on the Ancient Woodland, and the proposal, in current form, goes against national and local planning policy designed to protect against the loss and deterioration of irreplaceable habitats.