

Judith Ashton

From: Mark Davies <mark.davies@ashford.gov.uk>
Sent: 23 April 2020 14:54
To: Judith Ashton
Cc: Phil Cook
Subject: RPA and Buffer Zone analysis planning application ref 19/01788/AS Wates development, Appledore Road tenterden

Hello Judith

Below are comments on the RPA and Buffer Zone analysis as put together by Phil Cook (ABC landscape officer). These clearly have spatial implications for the scheme both the full application sports pitches and the parameter plans showing the extent of housing development.

Further examination of the following documents has been undertaken and the following discussion takes account of the arguments in relation to the NPPF and NE Standing Advice:

- SJA air 14023-01c
- SJA ten 14023-02b
- Natural England Standing Advice

<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

- NPPF Para 175

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

Location of T312 and T381 (SJA East TPP)

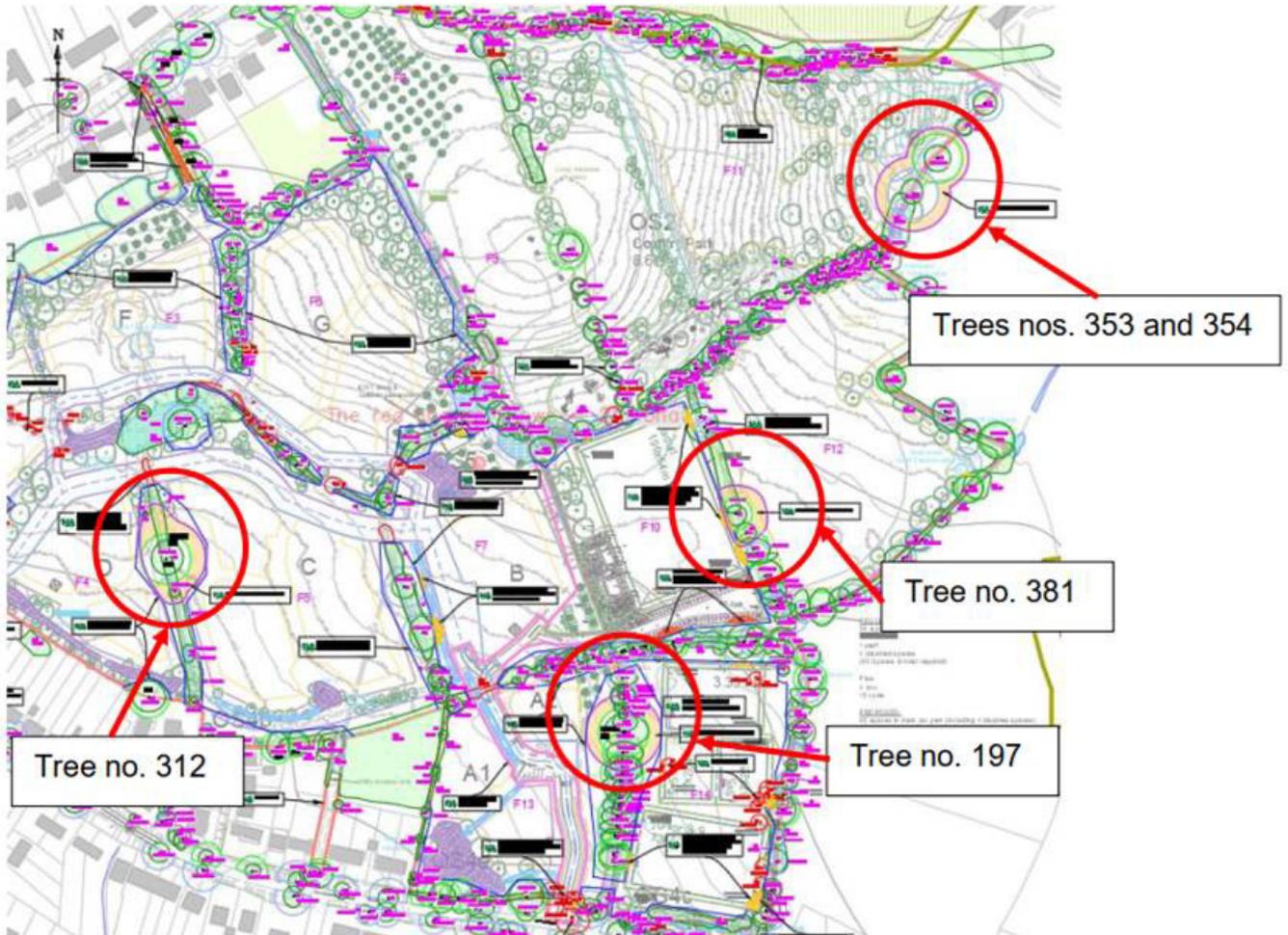


Figure 2 – TPP 041e ‘East’, illustrating the location of ancient and veteran trees

Veteran Oak T312 morphing of buffer zone

With regard to 2.8 below from the SJA Technical advice, it would be reasonable for the morphing to take account of the ditch as a feature that may have inhibited the rooting morphology of the tree but there must be a sound basis for this approach. Thus, trial pits of quite some depth would need to be excavated as oak root very deeply. This will ensure that the tree had not rooted beyond the ditch to the east. The report states that the morphology ...”implies preferential rooting to the east”... (should be west ?) not that it is empirically established.

2.8. Therefore, it is entirely reasonable to morph a buffer zone providing RPAs are respected and that they include semi-natural habitats. Indeed, it might even be more beneficial to do so if the morphing can encompass more of those beneficial habitats. Indeed, rather than just designing a scheme on that basis, SJA met with the LPA’s tree officer, on site, and concluded it is reasonable to do so (paragraph 2.4.2. of the AIR refers).

Table 1. extract from SJA tree survey (annotated)

312	TPO	English oak	20m	1535mm	11.5m N 13.5m NE 10.5m E 9m SE 9.5m S 7m SW 8.5m W 9m NW	2m	1m	Veteran	Average	Good	Root morphology implies preferential rooting to the east, historic ditch immediately to the west has restricted root growth; large dominant specimen; significant feature of the landscape; of particular visual importance; particularly good example of species; entirely in keeping with the character of the landscape; of high quality, high landscape and significant ecological value, and of long-term potential.	A (12)
Buffer zone - 1535mm x 15 = 23.02m												

In terms of the morphing, I note that the statement ... "if the morphing can encompass more of those beneficial (*semi-natural*) habitats". In the case of T312 it is reasonable to assume that this would have maximised the creation of more semi-natural habitat and not sought only to take in the capped RPA of 15m and shaped the habitat into the extant hedge line. It is well held that mature oaks will easily root 25m or beyond from the trunk, this has been borne out in studies of tree root related subsidence, thus allowing development (possible road?) within 15m of a tree with a stem of 1535mm may not be desirable given that the buffer zone is 23.02m in diameter.

It is clear from the conception of the Natural England standing advice that in the case of veteran and ancient trees that a capped RPA is wholly inadequate in protecting those trees and this is why the creation of a buffer zone that addresses the intentions of trying to ... "avoid negative impacts" is a significant aspiration that must be seen in the round with the NPPF.

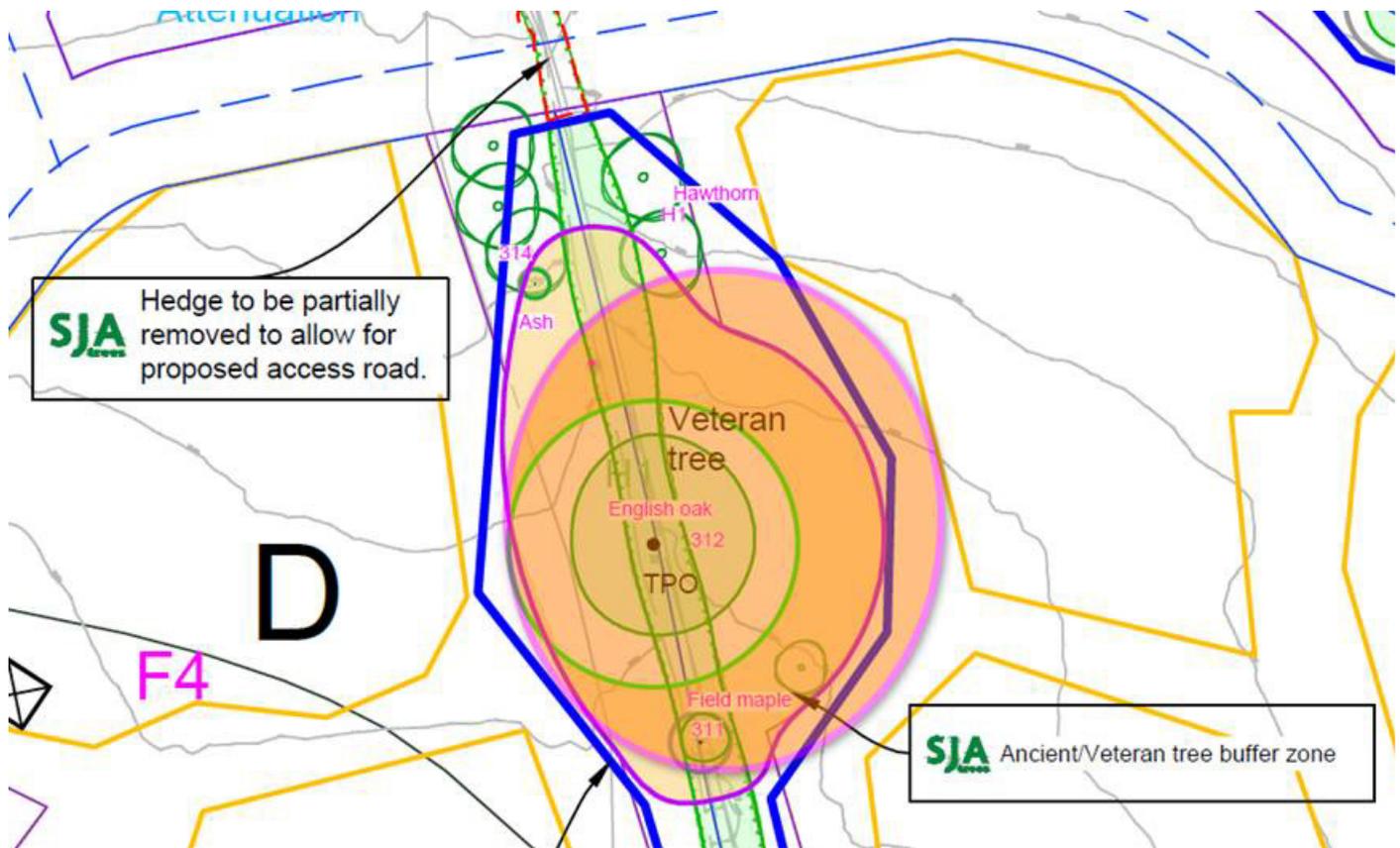
Avoid impacts, reduce ('mitigate') impacts, and compensate as a last resort

You and the developer should identify ways to avoid negative effects on ancient woodland or ancient and veteran trees. This could include selecting an alternative site for development or redesigning the scheme.

You should decide on the weight given to ancient woodland and ancient and veteran trees in planning decisions on a case-by-case basis. You should do this by taking account of the NPPF and relevant development plan policies.

In the case of T312 oak, the case for morphing into the hedge has not been proven according to the context of NE Standing Advice or sound arboricultural theory and practice. Below is an example of how the buffer zone could be offset if the rooting morphology is shown to be preferential. Establishing as much new semi-natural habitat whilst maintaining the development distancing as far is as possible should underpin the approach to the tree.

I note that the buffer zone for T312 comes within the RPA on the eastern side – this is not discussed with a view to justification.



T381 Field Maple

This tree should not have its buffer zone offset for the following reasons:

- As per the NE Standing Advice the first step is to *avoid* impacts as the extract below

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There is no compelling case presented in the case of T381 that stands scrutiny with either the above Standing Advice nor the below NPPF para 175 statement:

- 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 reasons⁵⁸ and a suitable compensation strategy exists; and

The offsetting of the buffer zone is structured by the developer to ensure that a sports pitch may be constructed within the natural grassland habitat which does not meet either of the tests above.

- Paras 7.2.5-12 of the SJA AIR seek to justify the incursions within the RPA of Field Maple T381 which has been defined as an ancient tree. Whilst there may be an academic discussion within the field of arboriculture as to the relationship between veteran and

ancient classification of trees, in terms of the planning relationship one must defer to the NE Standing Advice where it is stated:

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.

Thus for the purposes of planning T381 is a veteran tree and BS5837:2012 and NPPF para 175c are to be considered.

- BS5837:2012 states that ...”no construction...occurs within the RPA”... of a veteran tree – as below:

7.4 Permanent hard surfacing within the RPA

NOTE This subclause does not apply to veteran trees, where it is recommended that no construction, including the installation of new hard surfacing, occurs within the RPA.

This is an explicit recommendation where no construction should occur within the RPA, the 15.4% incursion would result in the ground level being removed by up to 540mm which will result in a deterioration of the rooting environment of T381 which is also against the NPPF position as there are no ‘exceptional reasons’ as per para 175c. In addition, the incursion within the notional and not offset circular buffer zone centered on the stool will be very significant and result in a ‘deterioration’ as stated in NPPF para 175c.

Conclusion

Neither the case for T312 of T381 in terms of the incursions and morphing may be justified according to elements of BS5837:2012, NE Standing Advice and NPPF para 175c for the reasons above and to that end I cannot support the proposal in this regard.

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