

LAND AT NORTH COLWELL FARM, HAYWARDS HEATH



TOWN AND COUNTRY PLANNING ACT 1990 (as amended) Section 78 — APPEAL

PINS Ref: 6005786



EXPERT EVIDENCE OF JULIAN FORBES-LAIRD



ON BEHALF OF THE APPELLANT IN RELATION TO ARBORICULTURAL MATTERS

Vol. 1— SUMMARY & PROOF

Prepared for: Miller Homes

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Summary

I am Julian Forbes-Laird, expert witness for the Appellant in relation to arboricultural matters, and I will say:

- i) I have provided advice to the project that leads us to this appeal since January 2024. I visited the Site at that time, and have returned a number of times subsequently. I am very familiar with the Site and its immediate surroundings.
- ii) Whilst the Council initially refused planning permission inter alia on tree-related grounds, it has withdrawn this Reason (and all other Reasons), and no longer raises any arboricultural objection to the Proposals.
- iii) FLAC undertook a tree survey compliant to BS5837:2012, which formed the basis of our advice to the project team regarding tree retention and removal, as well as informing our assessment of the arboricultural impact of the Appeal Scheme.
- iv) No high-quality trees require removal to facilitate development. 87% of moderate quality trees would be retained.
- v) No veteran trees are present either on or sufficiently near to the Appeal Site as to be impacted by the Proposals.
- vi) Ancient woodland is present adjacent to part of the Site boundary, and accordingly paragraph 193c of the NPPF, protection of irreplaceable habitat, is relevant to a determination of the Appeal.
- vii) This ancient woodland has been safeguarded within the Proposals by a suitable buffer zone, in line with Natural England and Forestry Commission guidance, and would suffer neither loss nor deterioration. NPPF 193c is, therefore, not engaged.
- viii) A Rule 6 Party alleges that ancient woodland is present within the Appeal Site. I demonstrate that this suggestion is baseless, and seemingly arises from the ecological advisors to the Rule 6 Party either being unfamiliar with this field, or not following the correct investigative approach.
- ix) With all of the above being so, there are no arboricultural grounds why planning permission should be withheld.

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1 Introduction

1.1 Authorship

1.1.1 This Proof of Evidence addresses issues relating to arboricultural matters, including ancient woodland, and proposed development. It has been prepared by me, Julian Forbes-Laird, Senior Director of Forbes-Laird Arboricultural Consultancy Ltd (“FLAC”).

1.1.2 I hold the following relevant memberships and qualifications:

- Member of the Institute of Chartered Foresters (that is, I am a Chartered Arboriculturist)
- Member of the Royal Institution of Chartered Surveyors
- Member of the Expert Witness Institute
- Member of the Royal Society of Biology
- Professional Member of the Arboricultural Association
- Member of the Royal Forestry Society and holder of its 'Professional Diploma in Arboriculture'
- Technical editor for BS5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'
- Chairman of the British Standards Institution technical committee on trees, B/213

1.1.3 Full details of my qualifications and experience may be found at Appendix JFL1.

1.2 Instructions and site visit

I am instructed on this occasion by Miller Homes (“the Appellant”). My instructions arise pursuant to an appeal (PINS’ ref 6005786) against refusal of planning permission by Mid Sussex District Council (MSDC) under its ref. DM/25/0445. I first visited the Site in January 2024, and have returned several times subsequently.

1.3 Scope and direction of Evidence

1.3.1 The application was recommended for approval by Officers, with Members overturning this to refuse planning permission. The Decision Notice, dated 10 September 2026, included at Reason 4 impact on trees as one of five Reasons for Refusal.

1.3.2 However, in a letter to the Planning Inspectorate dated 02 June 2026, MSDC confirmed that the Appeal Site was now included in the draft site allocations “long list”, and that accordingly the Council considered it *no longer appropriate to resist the grant of planning permission on the appeal site*.

1.3.3 This position is now recorded in a Master SoCG Addendum, which confirms the LPA’s position that the appeal should be granted and permission granted (see [3.4]). The SoCG further confirms at [3.22] that there are no other reasons to refuse planning permission for the Appeal development.

1.3.4 Notwithstanding the Council’s decision not to defend the appeal, and indeed to offer no evidence, I set out in brief terms in this Proof of Evidence my response to the consultation comments from the Tree Officer, which appear to have informed Reason 4 as originally framed.

1.3.5 A group named *Stop Colwell Farm Action Group*, have been granted Rule 6 status (the R6P). Their Statement of Case, paragraphs [3.22]-[3.24] refers to the supposed presence on site of ancient woodland. I set out in my evidence why there is no ancient woodland on the Site, and accordingly why the NPPF 193c provisions on irreplaceable habitat do not apply in this case.

1.4 Proof Structure

1.4.1 Following Section 1, my Proof is structured as follows:

2. Relevant Planning Policy and Guidance
3. My response to issues raised by the Council
4. Ancient Woodland
5. Conclusions

1.4.2 My Proof is supported by the following Appendices (Volume 2 (**CD12.33**)):

- JFL1** Qualifications & experience of the author
- JFL2** The Tree Officer’s consultation response on the planning application
- JFL3** The author’s reply to the above
- JFL4** The author’s Technical Note rebutting the R6P on ancient woodland
- JFL5** The Boughton Lane Appeal Decision (PINS ref. 2227839)

2 Relevant Planning Policy and Guidance

2.1 Contextual information

Reason for Refusal 4 provided as follows:

The proposal would result in the loss of a significant number of trees, which make an important contribution to the character and appearance of the area. The loss of these trees is not adequately compensated for or mitigated against in the application. The proposed development therefore conflicts with policy DP37 of the Mid Sussex District Plan 2014-2031 and policy E9 of the Haywards Heath Neighbourhood Plan.

2.2 Local Policy

2.2.1 Two sub-national policies are cited in former Reason 4, respectively from the Local Plan, and the Neighbourhood Plan. I set these out in turn below.

2.2.2 So far as is considered presently material, Policy DP37, *Trees, Woodland and Hedgerows*, of the Mid Sussex District Plan 2014-2031 states:

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.

2.2.3 In like manner, Policy E9 of the Haywards Heath Neighbourhood Plan contains the following relevant requirements:

Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site*

Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character.

2.3 National Planning Policy Framework 2024

2.3.1 The Rule 6 Party, only, have referred to NPPF 193c and the protection of irreplaceable habitat. In my view, NPPF 193c is only *relevant* specifically due to the off-site but adjacent ancient woodland (Figure 1), the presence of which engages the protective policy at NPPF 193c. This states:

When determining planning applications, local planning authorities should apply the following principles:

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁷⁰ and a suitable compensation strategy exists

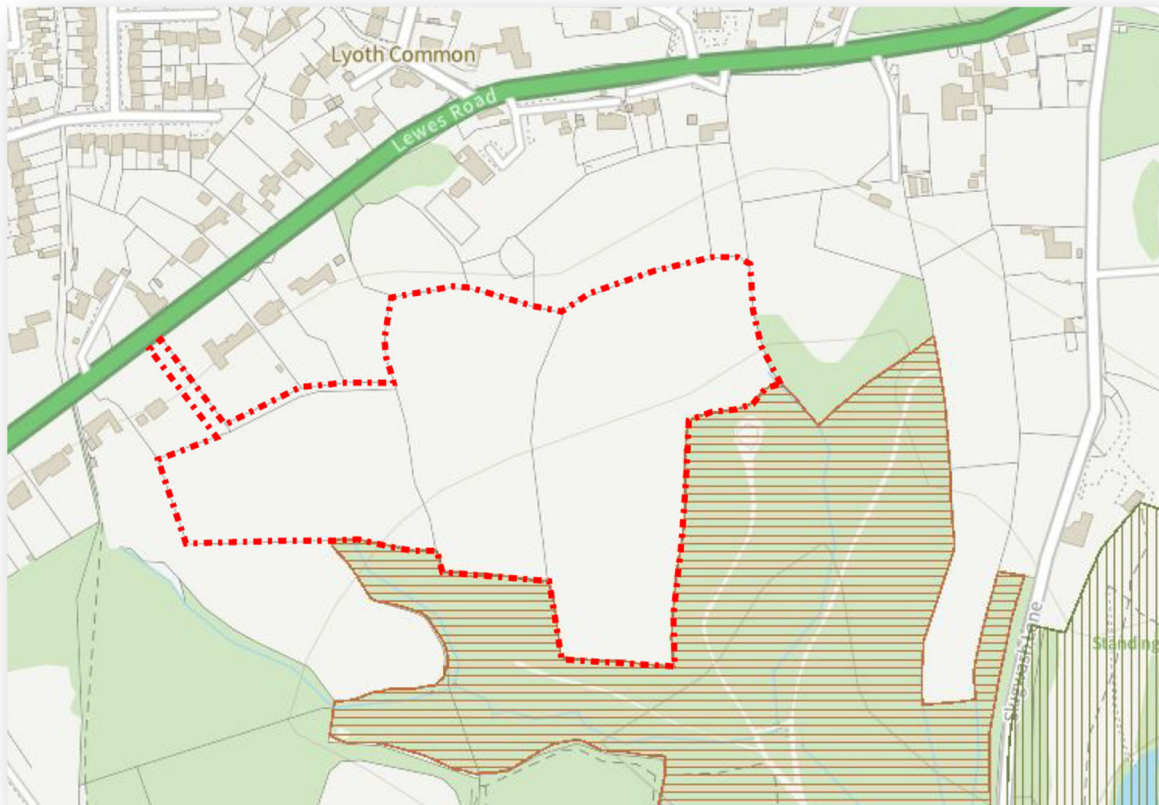
2.3.2 The footnote reference in the 193c, FN70, provides an explanation of what is meant by *wholly exceptional reasons*:

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

2.3.3 Whilst I consider that NPPF 193c is *relevant*, due to the presence of that adjacent woodland, I consider that it is not *engaged* in so far as that woodland would not suffer loss or deterioration as a result of the proposals. The ancient woodland has been protected during the design process, which would provide a buffer zone within the Appeal Site that meets, or in most locations exceeds the 15m minimum depth required by Mid Sussex District Plan Policy DP37 (see also section 2.4).

2.3.4 For the avoidance of doubt, I do not consider that NPPF 193c is relevant (and so by definition is not engaged) in relation to the ancient woodland that the R6P alleges is present on site. As my evidence will show (section 3.2 and JFL4 refers), the reality is that no such woodland is present.

Figure 1 – Extract from MAGIC showing the extent of ancient woodland (by hatching) local to the Appeal Site (indicated by dashed red polygon markup)



2.4 National-level and other guidance

2.4.1 Natural England and Forestry Commission jointly publish Standing Advice titled *Ancient woodland, ancient trees and veteran trees: advice for making planning decisions*, January 2022¹ (CD21.1).

2.4.2 The *Standing Advice* is relevant to the matters addressed in my evidence, specifically to issues of loss or deterioration of irreplaceable habitats, and the nature and role of mitigation for aspects of development that might otherwise (in the absence of mitigation) have such effects.

2.4.3 I also rely on BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations* (CD21.2), which sets out the recommendations and methodology for the survey, assessment, integration and protection of trees in relation to development.

¹ <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

3 My response to issues raised by the Council

3.1 Tree Officer's consultation response

3.1.1 The Tree Officer provided a consultation response (JFL2) on the application dated 03 June 2025, stating (inter alia):

I have concerns about the loss of Category B trees, which would be a constraint to development. I note that 43 Category B trees will be lost to facilitate the proposal and that some of these are not only to facilitate the access to the site.

I feel that the loss of these mature trees (some of which are oak trees) could not be compensated by replanting, as the ecological value of mature oak trees would take years to develop from newly planted specimens. The loss of these trees would be contrary to DP37 of the Mid Sussex District Plan.

3.1.2 Attention is drawn to the reference by the Tree Officer to “Category B trees”. This is a reference to the qualitative differentiation method set out at Table 1 of BS5837:2012, within which category B is the shorthand for trees of moderate quality. The Tree Officer raises no issue regarding the loss of A category trees, being trees of high quality, because 100% of those present would be retained by the Appeal Scheme.

3.1.3 In this regard, it is instructive to consider the percentage of B category trees that would be retained and removed. As set out in the FLAC planning submission material of February 2025 (**CD1.29**), 87% of the B category cohort would be retained (13% removal therefore). Together with the retention of all the high-quality trees, I consider this to be a highly favourable outcome in relation to the key arboricultural features of the Appeal Site.

3.1.4 The Tree Officer was evidently less concerned by the number of category C (low quality) trees which are also identified for removal. However, as with the B category trees this is also contextualised by the proportion for retention, 76%.

3.1.5 Finally, my reply to the Tree Officer's consultation response can be found at JFL3.

3.2 Trees in relation to the Policies cited in the former Reason 4

3.2.1 We can reflect on Policy DP37 in light of the high proportion of trees for retention, including all trees of high quality. In this regard, Policy DP37 is framed in balanced terms, noting that tree loss will *not normally be permitted* where it involves what we can refer to in shorthand as significant trees, being those which meet the various criteria set out in the Policy (trees which contribute to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance).

3.2.2 It is apparent, then that two cohorts of trees are contemplated by Policy DP37: (1) trees making a positive visual contribution, or (2) trees that are otherwise important for the series of reasons given.

3.2.3 Turning to the second cohort first, at no time has the Council contended that historic trees are present, and indeed they are not. Similarly, none of the former Reasons for Refusal alleged harm to trees of importance to wildlife. In relation to landscape, the draft Statement of Common Ground (**CD4.2**) confirms agreement at its 2.3 that:

Extensive boundary vegetation limits visibility from the wider area.

Noting that all such boundary vegetation would be retained (absent a narrow corridor for the site access), my view is that no trees of landscape importance would be lost from within the site, as this would require a degree of visibility to off-site receptors that is simply not available.

3.2.4 This brings us to the first cohort, trees that make a (positive) contribution to amenity or character. Figure 2 is an extract from our tree survey, retention and removal plan (FLAC dwg no. TSRRP 43-1039.04-B), as submitted with the planning application. The extract shows tree retention and removal associated with the site access. The dashed green line is a mark-up added by me to show the indicative southerly limit of the *Lewes Road Conservation Area*.

3.2.5 Looking first at the point of access adjacent to Lewes Road, it is apparent that the view is closed off by a collective of trees referenced in our survey as TG7032, within which sits three individual trees, 7067, 7068, and 7069. From our tree survey data, the details of these trees, which would be removed to facilitate the site access are as follows:

- TG7033 3no. self-set, low-quality sycamores rising to a height of 17m
- 7067 A moderate quality Scots pine with a height of 14m
- 7068 A moderate quality, twin-stemmed oak approaching 17m high
- 7069 An ash tree just over 17m high in unretainable condition and hence
 requiring removal in any event

3.2.6 These six trees comprise a substantial screen to vegetation immediately beyond, such that additional trees for removal to facilitate the access have no material visibility from Lewes Road. Given that one of the six trees, 7069, cannot be retained for arboricultural reasons, this limits the *theoretical* contribution to character and amenity to five trees, three of which (TG7033) are self-set sycamores of poor form and limited prospects due to weak forking.

3.2.7 In other words, only 7067 and 7068 are trees of any merit. I do not consider that their loss would be so adversely impactful to amenity and character as to support a refusal of planning permission. Of course, the Council has now abandoned its position on this issue. It is now agreed by the Council that tree loss would not harm character or amenity to a degree that would merit a refusal of permission.

3.2.8 Further, the Council have also indicated that they will not call any evidence on this matter. In summary, the agreed position between the Council and the Appellant is that the loss of any trees is not a basis for refusal. In terms of Policy DP37, this is addressed further by Mr Billington as the Appellant's Planning Witness. However, my view is that there will be no conflict with the policy, on the basis of my assessment explained above.

3.2.9 Turning briefly to Policy E9 of the Haywards Heath Neighbourhood Plan, it is my view that this Policy adds no additional material considerations on the topic of arboriculture, beyond those covered by the Local Plan Policy DP37. In so far as the Council now considers that the Appeal Scheme is not in conflict with the overall objectives of this Local Policy, I consider that the very similar objectives of Policy E9 are equally satisfied. Again, Mr Billington will address this in his Proof of Evidence.

[illegible]

4 Ancient Woodland

4.1 Background information

4.1.1 Ancient woodland is defined both in the NPPF Glossary and in primary legislation² (albeit in immaterially different terms) as land that has “been wooded continuously since at least 1600 AD”. From this, it is apparent that presence at that date and continuity thereafter to the present day, are both necessary ingredients for the ancient woodland definition to be met. Where either of these two ingredients is not met, a candidate woodland is not referable as ancient.

4.1.2 On 19 May 2026, the Rule 6 Party for the first time in the application and appeal history attempted to suggest that there was ancient woodland on site, specifically the two linear features within the centre of the Site. They explained that they were proceeding on the advice of a firm of ecologists called BioScan.

4.1.3 Their case is essentially that there is a possibility (as expressed in the R6P Updated Statement of Case, para. 3.22) that the two, grown-out, thickened hedgerows that sub-divide the site in a broadly north-south direction, could be fragments of ancient woodland left behind by ‘assarting’, that is to say the clearance of woodland for agriculture.

4.1.4 On Monday 22 June 2026, I provided to the Inspector my Technical Note³ on this topic, appended at JFL4. This Technical Note followed (and expanded upon) the provision of a suite of maps on 18 June 2026, and followed prior correspondence with the R6P’s solicitors, in which BioScan were informed that historic mapping showed that the Site had not been continuously wooded for an extended period from at least 1874, and hence did not meet the criteria for application of the ancient woodland descriptor. It is regrettable that these simple facts were ignored. The allegation by the R6P is baseless and entirely speculative. It is not based on a proper application of the correct methodology.

² S.136(2) Levelling Up and Regeneration Act 2023

³ FLAC Note 43-1039 Technical note R6 Party’s Requests for Ancient Woodland Vascular Plant (AWVP) Indicator Species Survey

4.1.5 The internal spine road would need to cross through these features, but would only require a modicum of localised removal. Reference has been made to a potential breach of NPPF 193c, the protective policy for irreplaceable habitats. However, that policy does not apply as the features concerned are not ancient woodland.

4.2 The identification of ancient woodland – Natural England’s approach

4.2.1 The Ancient Woodland Inventory is compiled and maintained by Natural England. The grown-out hedgerows are not listed within the Ancient Woodland Inventory. It is accepted that, first and foremost, this can probably be explained by their size, which is well below the 2ha investigation threshold used by Natural England’s Inventory research team.

4.2.2 However, it is appropriate to apply the standard Inventory research method in order to test whether they would qualify as ancient woodland if the size threshold were removed. This method is set out in detail in Natural England’s *Ancient Woodland Inventory Handbook*⁴ (**CD21.3**).

4.2.3 As the Handbook makes clear, the starting point for this type of historic landscape investigation, is to check for the presence of woodlands on the Ordnance Survey’s First Series of the six miles to an inch county maps, known as Epoch 1. These maps date from the 1840s to the 1880s. If no woodland is present on the Epoch 1 map at a given location, the search ends. If it is present, the research is extended forward in time until either the woodland disappears from a subsequent map, or the woodland remains present throughout until the today. If that is the outcome, the woodland concerned is identified as provisionally ancient, and included within the Inventory. Where available, aerial imagery is consulted by Natural England’s researchers to support the cartographic evidence.

4.2.4 Arising from the foregoing, the suggestion from BioScan that the grown-out hedgerows might be ancient woodland can, therefore, be tested by the simple expedient of consulting the same cartographic evidence that Natural England’s research team would have used, if the features had not been below its investigative size threshold.

⁴ <https://publications.naturalengland.org.uk/publication/4876500800634880>

4.3 Review of the evidence

4.3.1 The results of a correctly undertaken cartographic examination demonstrate that no woodland was present in the period 1874 to 1954. Three aerial photographs from the 1940s concur (1940-1947).

4.3.2 Recalling that Natural England's process starts with an examination of the Epoch 1 map, that for the Appeal Site shows no woodland. Instead, it shows simple linear field boundaries, consistent with either hedgerows or fences. Had Natural England examined the Site without curtailment by feature size, it would have stopped there, case closed. As noted, all subsequent elements of the 1874-1954 evidence bundle concur. This establishes a period of woodland absence of a minimum eight decades.

4.4 Further considerations

4.4.1 In case BioScan seek to assert that the hedgerows are somehow to be regarded as ancient woodland fragments, the Handbook provides the following relevant advice on its p.41:

A narrow or simple hedge shown on Epoch 1 that has expanded to become a thick strip of scrub or woodland on the current aerial photograph should not be assessed as woodland for Epoch 1 (and therefore not treated as long-established woodland)

4.4.2 The correspondence from the R6P's solicitors has included a series of repeated requests for access in order for BioScan to undertake a botanical survey for ancient vascular plant indicator species (AWVPs). Whilst there is, now, no need to examine the wholly falsified proposition of ancient woodland any further, for completeness we can look at what the *Handbook* has to say about AWVPs. From its p.105:

The indicator species (AWVP) tool is inexact but simple: the more species recorded on the site, the more likely that site is to be ancient (the presence of AWVPs does not prove a wood is ancient and neither does their absence prove recentness).

...There is no threshold species count above or below which the status of a wood becomes a certainty. For this reason, AWVP information should be used as a supporting part of the wider investigation.

4.5 Assessment of BioScan's approach

4.5.1 It appears that BioScan is unaware of Natural England's methodology, which is considered by experts in this field to be the standard starting-point for testing the ancientness potential of woodland in England. I say this because it is clear that BioScan has failed to undertake even basic cartographic investigations. This seminal error has then been compounded by an attempt to apply a methodological approach which appears to be beyond its understanding: BioScan is seemingly convinced that the presence of a number of AWVPs is confirmative of ancient woodland, both generally, and regardless of the cartographic and photographic evidence.

4.5.2 Because the facts are so plain, there is no need for me to dwell on the Rule 6 Party's suggestions at paragraphs 17-19 of their solicitors' letter dated 16 June 2026, as these appear founded on substantive ignorance of the applicable and accepted methodology. As such, they can be dismissed immediately. As for the demand for access for AWVP surveying, there is neither need for, nor would be benefit from this exercise, as the results could add nothing material to the matters before the Inquiry.

4.6 The Boughton Lane Appeal Decision

4.6.1 The *Boughton Lane* appeal (PINS ref. 2227839) concerned alleged loss of ancient woodland and examined at considerable length the question of its identification. The issue arose as to whether the woodland in question (known as Five Acre Wood) was correctly included within the Ancient Woodland Inventory. My evidence before the Called-In Inquiry was that it was not. Although not wholly replicative of the precise circumstances before the present Inquiry, I consider there to be sufficient points of similarity to assist the Inspector. The Decision Letter is appended at JFL5.

4.6.2 I appeared for the Appellant as an expert on the identification of ancient woodland. I contended that Five Acre Wood was not ancient because there was no evidence of woodland on the site before the C19 (1840, to be precise). Natural England argued that the onus was on the challenger to the Inventory to prove the negative, whilst also contending that maps earlier than the Tithe Survey (of, in this case, 1840) could not be relied upon to show small areas of woodland, based on the maxim that *absence of evidence was not evidence of absence*.

4.6.3 The Inspector rejected Natural England's position. In his Report, to the Secretary of State he held that:

***IR256** ...There is no statutory procedure for the designation of Ancient Woodlands, and therefore the inclusion of a site in either the Inventory or the [MAGIC] Database does not amount to such a designation. Rather, it is an indication that a woodland may be ancient.*

***IR257** In the case of Five Acre Wood, although the woodland is 'provisionally' identified as ancient, there is no evidence to that effect. The earliest mapped evidence dates from 1840, whereas the accepted definition requires continuity of woodedness since 1600. Although the appellants' survey found 16 vascular [plant] species, which are possible ancient woodland indicators, NE acknowledges that such evidence is normally used only for the purposes of confirmation, in situations where there is already other evidence from historic mapping. That is not the case here.*

***IR258** There is no map-based evidence before this inquiry that shows any basis for believing Five Acre Wood to date back to 1600. If any such evidence existed, I can see no reason why it would not have been revealed during the course of Mr Forbes-Laird's lengthy correspondence with NE on this matter. When challenged on such a matter, it seems to me that it is incumbent upon NE to disclose any such evidence. The arguments presented by NE in that correspondence, and indeed by [their specialist] Dr Sansum subsequently, suggest merely that ancientness cannot be ruled out. In the absence of any underlying evidence of a positive nature, this is not enough.*

***IR268** I conclude that Five Acre Wood should not be treated as ancient woodland for the purposes of this appeal.*

4.6.4 The Inspector's reasoning was explicitly endorsed by the Secretary of State in his Decision Letter of March 2016. From its paragraph 20:

The Secretary of State agrees with the Inspector's analysis (IR256 – 258) and conclusion that, for the purposes of this appeal, there is no proper basis for applying paragraph 118 of the Framework or any other policies that relate only to ancient woodland.

4.6.5 Two matters of relevance to the present Appeal are relevant from the *Boughton Lane* decision:

1. Positive evidence of woodland across the material period is required for a woodland to be treated as ancient for planning purposes, and
2. The presence of (even a considerable number of) AWVPs does not bridge a material gap in the cartographic evidence.

4.7 Conclusion on ancient woodland

4.7.1 In the present case, replicating the process adopted by Natural England finds no ancient woodland on the Appeal Site, with abundant evidence confirming that the contrary applies. This is reinforced by the *Handbook*, which explicitly confirms that narrow hedgerows on Epoch1 which have subsequently thickened are not to be treated as ancient woodland.

4.7.2 As confirmed by *Boughton Lane* and, more recently, by the *Handbook*, botanical indicators (AWVPs) are not determinative of landscape history. It follows that there would no basis for the findings of any AWVP survey to countervail the straightforward conclusion arising from the cartographic evidence.

4.7.3 The Rule 6 Party is seeking to create something complicated from something that is actually very simple: the definition of ancient woodland is not met by the features concerned, and for this reason BioScan's speculative frolic into a misunderstanding of landscape history is doomed to fail.

5 Conclusions

5.1 There is now no dispute between the main parties in relation to arboricultural matters. The Appeal proposal will comply with the development plan in respect of trees.

5.2 The Council was correct in conceding, and no longer defending Reason 4.

5.3 Ancient woodland is present adjacent to part of the Appeal Site boundary. This irreplaceable habitat is afforded a suitable buffer zone that meets and in most places exceeds the minimum recommendation provide by Natural England and the Forestry Commission.

5.4 There are no irreplaceable habitat trees or woodland present within the Appeal Site. The former is advanced by no-one. The latter is confirmed firstly by consulting the Ancient Woodland Inventory, which is compiled and maintained by Natural England, and secondly by following the Natural England protocol set out in its Handbook, site assessment for potential ancient woodland.

5.5 Natural England would cease investigation upon examination of the ordnance Survey map of 1874, which shows no woodland in the locations identified by the Rule 6 Party. A series of subsequent Ordnance Survey maps, and aerial photographs, all of which show no woodland internal to the Site, take us to 1954 (JFL4). The ancient woodland descriptor only applies to land wooded continuously since at least 1600AD, and accordingly it cannot and does not apply here.

5.6 In light of the foregoing, there are no arboricultural matters that would obstruct planning permission being granted in this case.

Statement of truthfulness and professional endorsement

Pursuant to Procedural Guide: Planning Appeals – England, September 2024, and specifically section 15 Expert Evidence, I confirm that the evidence which I have prepared and provide for this Appeal is true, and has been prepared, and is given in accordance with the guidance of my professional institutions (Institute of Chartered Foresters, Royal Institution of Chartered Surveyors and the Expert Witness Institute). I further confirm that the opinions expressed herein are my true and professional opinions.

Julian Forbes-Laird