

Woodland Trust statement for Oakhurst Rise appeal – 23/03/21

The Woodland Trust has been involved in proposals for development of this site for a number of years now, and has provided comment on previous iterations of the current application. While some improvements have been made along the way, we still remain concerned for a number of the trees on site that we consider to be veteran and that we believe have not been given appropriate protection.

As part of our statement, there are two matters that we wish to address:

- The concept of relic trees; and
- The identification of veteran trees and protection afforded to them as such.

Firstly, we would like to address the concept of relic trees. As with the independent assessment by Barton Hyett Associates, we are unconvinced by the concept of relic trees proposed by FLAC. FLAC simultaneously recognise that Veteran Tree Buffer Zones are intended to be precautionary and at the same time choose not to provide tree 3021, a veteran ash, with an appropriate buffer zone. This concept is not addressed within Natural England's standing advice or any form of planning policy and therefore we do not think it should be recognised by the Inspectorate as an appropriate liberty for the appellant to take.

We do not accept the argument put forward by FLAC to support the relic tree concept. We commissioned an evidence review on the rooting of ancient and veteran trees in 2018 (Harbinson, 2018, Treework Environmental Practice) and have since funded scientific research on this important subject. At present, we consider that the state of knowledge in this regard to be as follows:

- The root:shoot ratio expresses a weight or volume of biomass, not its distribution, eccentricity or extent in space. It does not help us to establish where the roots of ancient and veteran trees might be located, nor to establish whether roots, too, might retrench as crowns do.
- With ancient and veteran trees, the degree of tolerable root loss is likely to be smaller, and the consequences of root loss or damage greater, particularly if the crown-root relationship is sectorial and just one root or one section of the root system is effectively sustaining the tree and that root extends beyond the RPA.

FLAC has accepted that tree 3021 is a veteran tree and has then applied their own relic trees concept to provide the tree with a capped Root Protection Area (RPA) of 15 metres. However, if Natural England's standing advice is followed, as should be the case for any veteran trees, then tree 3021 should be afforded a root protection area of 22.8 metres to ensure that it is appropriately protected from adverse impact.

In applying the relic tree concept, the development has been designed to minimise encroachment within a 15m buffer around the tree. Instead, the appellant should be applying a 22.8m buffer zone in line with Natural England's standing advice. If they had used a 22.8m buffer zone, then various elements of the proposals would fall within the tree's RPA and the tree's root system would be

adversely affected as a result. As such, we consider the application of the relic tree concept to be contrary to Natural England's standing advice.

Secondly, we wish to address the identification of veteran trees on site and protection afforded to them as a result. We have discussed the matter of identification of veteran trees previously in some detail and in essence we disagree with FLAC's RAVEN method for assessment of veteran trees. The RAVEN assessment applied by FLAC requires that a veteran tree must have a '*very large girth for its species*', however we don't believe this fits with the definition of veteran trees within the National Planning Policy Framework and the Planning Policy Guidance (PPG) for the 'Natural environment', which intends to clarify the NPPF. It should be noted that assessment of trees as ancient and veteran is often a subjective matter in borderline cases and that while the RAVEN assessment seeks to address the subjectivity of this matter, it is not a widely accepted method for determining veteran status and is not in line with government policy and guidance.

We maintain that trees 3010, 3014 and 3015 are veteran trees based on a site visit and assessment of the condition of these trees conducted by ourselves. Various elements of the development fall within the root protection area of these trees when afforded veteran buffer zones in line with NE's standing advice, and as such we consider that these veteran trees and their root systems would be adversely affected by the development.

In summary, we consider that a number of veteran trees on site have still not been afforded appropriate protections and that the appellant has therefore failed to be precautionary in ensuring that irreplaceable habitats have been safeguarded from their proposed development. As such, we consider that the proposed development contravenes paragraph 175 of the NPPF, national policy which is designed to protect veteran trees from development that would result in their deterioration.