

Worcestershire County Council
Directorate of Economy and Infrastructure
County Hall
Spetchley Road
Worcester
WR5 2NP

19th March 2020

Dear Mr Aldridge,

Application: 19/000053/CM

Proposal: Proposed sand and gravel quarry with progressive restoration using site derived and imported inert material to agricultural parkland, public access and nature enhancement | Land at Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster, Worcestershire

As the UK's leading woodland conservation charity, the Trust aims to protect native woods, trees and their wildlife for the future. We own over 1,000 sites across the UK, covering around 29,000 hectares (71,000 acres) and we have 500,000 members and supporters.

Veteran Trees

Natural England's Standing Advice on veteran trees states that they "*can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are irreplaceable habitats either some or all of the following characteristics... 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.*"

The Woodland Trust **objects** to this application on account of potential loss of a veteran sweet chestnut tree referred to within the arboricultural survey as T22.

Planning Policy

The National Planning Policy Framework, paragraph 175 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 reasons⁵⁸ and a suitable compensation strategy exists;"

Footnote 58, defines exceptional reasons 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.*"

The Trust notes the applicant's interpretation of this application as being considered to bring 'significant public benefits' (Environmental Statement Chapter 9.3.11), but in terms of footnote 58 the proposed development does not fit the criteria of wholly exceptional. As such, this proposal should be refused on the grounds it does not comply with national planning policy.

Further to this, paragraph 170 of the NPPF states the following: "*Planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*". Where an application involves the loss of irreplaceable habitats, such as veteran trees, net gains for biodiversity cannot possibly be achieved.

The council should also have regard for policy **MLP 21** (Biodiversity) of the Emerging Worcestershire Minerals Local Plan with respect to veteran trees and protecting the natural environment.

Impacts of development

Natural England has identified direct impacts of development on veteran trees including:

- *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 around the tree roots*
- *polluting the ground around them*
- *changing the water table or drainage of woodland or individual trees*

This application will result in the direct loss of a veteran sweet chestnut. It is essential that no trees displaying ancient/veteran characteristics are lost or damaged as part of the proposals, as any loss would be highly deleterious to the wider environment of veteran trees within close proximity, which may harbour rare and important species.

Mitigation

Natural England's Standing Advice goes on to state: "*Mitigation measures will depend on the development but could include:*

- *putting up screening barriers to protect woodland or ancient and veteran trees from dust and pollution*
- *protecting ancient and veteran trees by designing open space around them*
- *identifying and protecting trees that could become ancient and veteran trees in the future*
- ***buffer zones***"

The buffer zone referred to above in the standing advice for ancient and veteran trees is "***at least 15 times larger than the diameter of the tree. The buffer zone should be 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter.***"

Conclusion

Ancient and veteran trees are considered irreplaceable habitats, once lost they are gone forever. The Woodland Trust **objects** to this proposal due to the direct loss of a veteran tree.

If an appropriate buffer zone cannot be provided to the veteran trees on site, then this application should be considered for refusal.

If you would like clarification of any of the points raised please contact us via campaigning@woodlandtrust.org.uk

Yours sincerely,

Nicole Hillier
Campaigner – Woods under Threat