



The Woodland Trust  
Kempton Way  
Grantham  
Lincolnshire  
NG31 6LL

Telephone  
01476 581111  
Facsimile  
01476 590808

Website  
woodlandtrust.org.uk

Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 9SA

12<sup>th</sup> June 2020

Dear Ms Pickernell,

**Planning application: 20/00683/OUT**

**Proposal: Outline application for 43 dwellings including access, layout and scale, with all other matters reserved for future consideration | Land Adjacent To Oakhurst Rise, Cheltenham, Gloucestershire**

**Objection – damage and deterioration of veteran trees**

The Woodland Trust is 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 24,000 hectares (59,000 acres) and we have 500,000 members and supporters.

The Trust objected to a previous application (18/02171/OUT) for a housing development on this site on account of impacts to a number of veteran trees. We were also involved in the consideration of this previous application at appeal. While some positive changes have been made compared to the previous application, namely the retention of T3014, there are still some outstanding areas of concern that we consider have not been resolved since the previous application.

As such, the Trust **objects** to this application on the basis of adverse impacts to veteran trees. Below is a table outlining the trees of concern and their respective numbers on the Ancient Tree Inventory (ATI).

Tree no.	ATI no.	Species	ATI Categorisation	Grid reference
3010	167742	Oak	Veteran	SO9658821654
3014	167746	Oak	Veteran	SO9652021628
3015	167745	Oak	Veteran	SO9653121639
3018	167747	Oak	Veteran	SO9650321690
3022	167756	Oak	Veteran	SO9644021558
3027	167751	Oak	Veteran	SO9639621605
3030	167748	Oak	Veteran	SO9644521702

## **Ancient and Veteran Trees**

There are a number of trees within this site that are listed on the Ancient Tree Inventory (ATI), most being classified as veteran, though with a couple of ancient specimens as well.

Planning Policy Guidance (PPG) for the 'Natural environment', which is intended to clarify and interpret the NPPF, and was updated on 21<sup>st</sup> July 2019, states<sup>1</sup>: *"Veteran trees may not be very old but exhibit decay features such as branch death or hollowing. Trees become ancient or veteran because of their age, size or condition. **Not all of these three characteristics are needed to make a tree ancient or veteran as the characteristics will vary from species to species.**"*

Natural England's standing advice for ancient woodland, ancient trees and veteran trees<sup>2</sup> states: *"Ancient and veteran trees 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 with some or all of the following characteristics."*

*"An ancient tree is exceptionally valuable for its: great age, size, condition, biodiversity value as a result of significant wood decay habitat created from the ageing process, and cultural and heritage value."* It states further: *"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."*

Veteran features are not necessarily a product of tree age or size; they also develop as a result of a tree's life or environment. This is particularly emphasised within the PPG, in which the key characteristics of size, age or condition are considered separately. However, this is not taken into account in the applicant's 'RAVEN' system<sup>3</sup>. The applicant's surveys impose a requirement for 'very large size' on trees before they can be further assessed for veteran features. The basis for this is ecologically unsound and, unfortunately, facilitates removal of trees or their inadequate protection.

A key function of the term 'veteran' is to capture trees that have exceptional habitat value as well as those with cultural and heritage value. The term is not a true ecological grouping, and serves to help us to identify trees which are important for biodiversity in their own right, and as part of a wider assemblage; veteran trees are important for the accumulation of features that are unable to be replicated within our lifetime. Identifying and evaluating veteran features requires the application of knowledge, experience and judgement. We acknowledge that government definitions do not provide precise, measurable parameters against which to easily recognise veteran trees. However, Natural England's standing advice, planning policy

---

<sup>1</sup> <https://www.gov.uk/guidance/natural-environment>

<sup>2</sup> <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

<sup>3</sup> <https://www.flac.uk.com/wp-content/uploads/2018/08/RAVEN.pdf>

guidance, and expert reference texts<sup>4</sup> do provide clear instruction that tree girth should not be used as the main qualifier for veteran classification.

A particular example of this is tree T3014, an oak tree that has not been identified as a veteran tree by the applicants and so a Veteran Tree Buffer (VTB) zone has not been applied to this tree. We had the opportunity to assess this tree in August 2019. At that time, we noted a number of veteran features despite the tree girth not reaching a very large size<sup>5</sup>. This oak tree features a historic lightning strike, exposed heartwood, decay cavities, evidence of invertebrate use and presence of fungal fruiting bodies (please see Appendix 1 for further details and images).

### **Planning Policy**

National Planning Policy Framework (NPPF), 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 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.”*

We consider that the impact of the development on veteran trees does not fit these criteria and as such should be refused on the grounds it does not comply with national planning policy.

Paragraph 5.4.12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 supports paragraph 175c of the NPPF stating: *“Ancient woodland and veteran trees will be protected in accordance with the NPPF.”*

Cheltenham Borough Council has recently submitted the new Local Plan for inspection to the Planning Inspectorate. Within the Cheltenham Plan ‘Policy GI3: Trees and Development’ the following is stated: *“Development which would cause permanent damage to trees of high value (Note 1) will not be permitted.”* Note 1 is defined in the following manner: *“‘High value’ means a sound and healthy tree with at least 10 years of safe and useful life remaining, which makes a significant contribution to the character or appearance of a site or locality.”* The fact that veteran trees recorded on the ATI have not been recognised by the applicant and afforded appropriate buffer zones means that they are not being adequately protected, and that the proposals are therefore contrary to this policy.

---

<sup>4</sup> Lonsdale, D. (ed.) (2013). Ancient and other veteran trees: further guidance on management. The Tree Council, London 212pp.

<sup>5</sup> FLAC impose a requirement for ‘very large girth for species’ on trees before they can be further assessed for veteran features.

### **Impacts on Veteran Trees**

Ancient and veteran trees are a vital and treasured part of the UK's natural and cultural landscape, representing a resource of great international significance. The number of ancient and veteran trees on this relatively small site, makes the site and the assemblage of trees taken together particularly valuable for wildlife. The existing values will not be able to be sustained if the site is developed to this intensity as we consider that existing ancient and veteran trees will deteriorate and it will not be possible to provide for the continuity of appropriate trees that could become veterans of the future.

The trees listed in the above table are all recorded on the ATI as veteran specimens. However, the applicant has not recognised these trees as veterans and therefore not afforded them buffer zones; in line with Natural England's standing advice veteran trees should be afforded a buffer zone of 15 times the stem diameter or 5m beyond the crown, whichever is greater. Therefore, it is apparent that numerous elements of the development, such as buildings, roads and gardens will encroach on their RPAs. It is, however, helpful to see that trees which are recognised as veterans by the applicant have now been afforded buffer zones without encroachment from the proposed development.

Trees can be vulnerable to the changes caused by nearby construction/development activity. Development within the RPAs and/or canopy of ancient and veteran trees can result in adverse impacts as the tree's root system is adversely affected by soil compaction and direct root damage. The potential direct and indirect impacts of development on ancient and veteran trees are clarified in Natural England's standing advice, including:

- *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*
- *increasing the amount of pollution, including dust*
- *increasing disturbance to wildlife from additional traffic and visitors*

Furthermore, new development close to such trees increases the targets and risks associated with people and property in proximity to them, thereby compromising their long-term retention.

The British Standards guidelines 'Trees in relation to design, demolition and construction (BS5837:2012)' clarify that construction work often exerts pressures on existing trees, as do changes in their immediate environment following construction works. Root systems, stems and canopies, all need allowance for future growth and movement, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard. However, it is important to also consider the guidance within Natural England's standing advice when specifically taking the protection of ancient and veteran trees into consideration. This standing advice identifies mitigation measures that can

be implemented where nearby development may result in impacts on ancient and veteran trees, including:

- *putting up screening barriers to protect woodland or veteran trees from dust and pollution*
- *a buffer zone at least 15 times larger than the diameter of the tree, or 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter*
- *protecting veteran trees by designing open space around them*
- *identifying and protecting trees that could become veteran trees in the future*

The need to ensure that ancient and veteran trees are afforded appropriate space for their long-term health is supported by the BS5837 guidelines which states in paragraph 5.2.4 that *"particular care is needed regarding the retention of large, mature, over-mature or veteran trees which become enclosed within the new development"* and that *"adequate space should be allowed for their long-term physical retention and future maintenance"*.

Veteran trees typically feature significant deadwood habitat of great value for biodiversity, e.g. retained deadwood in the crown, broken/fractured branches and trunk cavities/wounds. The level and type of usage of such a high density residential development will increase the health and safety risks associated with these trees leading to a requirement to manage them more intensively resulting in loss of habitat and/or consequential decline or removal.

Our concerns regarding the increased risk that veteran trees can pose when more exposed to human contact is supported by the guidance within David Lonsdale's 'Ancient and other Veteran Trees: Further Guidance on Management' (2013), which states in paragraph 3.5.2.1 *"...avoid creating new or increased targets: as happens for example following the construction of facilities (e.g. car parks or buildings) which will bring people or property into a high risk zone. Not only does this create targets, it also harms trees and therefore makes them more hazardous"*.

The Trust requests that the council's tree officer and planning officer take our comments and government guidance into consideration and ensures that the applicant is applying suitable buffers to those veteran trees identified as such on the ATI. Where development encroaches on the RPAs of these trees the layout of the development should be altered to prevent such impacts. If this is not possible then the proposals should be refused planning permission as the encroachment and subsequent impact of the development on the trees' root systems would directly contravene local and national planning policy and government guidance.

The significant concentration of ancient/veteran trees within the development site means that damage to veteran trees could lead to their failure and ultimately a reduction in the available habitat for species reliant on dead and decaying wood habitat, i.e. saproxylic invertebrates, bats and certain species of birds. In its current form the development would result in damage to a number of veteran trees on the site, which would be highly deleterious to the wider environment of mature and veteran trees that may harbour rare and important species.

## **Conclusion**

Ancient and veteran trees are irreplaceable; the habitat that they provided cannot be re-created. Development resulting in the damage or long-term deterioration of such trees is unacceptable and contrary to national planning policy.

In summary, the Woodland Trust **objects** to this application on the basis of damage and deterioration of seven veteran trees.

While the applicant has recognised some of these trees as veteran we do not consider that they have fully recognised the qualities and importance of all the trees on site and appropriately categorised them as veterans. As such, a number of trees have not been afforded the suitable RPA that their veteran status warrants, leaving them vulnerable to adverse impacts. We ask that measures continue to be explored to ensure that veteran trees are fully recognised and that adverse impacts to such trees are avoided in line with Natural England's standing advice.

We hope you find our comments to be of use to you. If you are concerned about any of the comments raised please do not hesitate to get in contact with us.

Yours sincerely,

Jack Taylor  
Lead Campaigner – Woods Under Threat

## Appendix 1. Veteran features of tree 3014 identified in August 2019

- A) Wide view of tree 3014, showing condition of crown, with some large diameter dead wood and potential for retrenchment of upper crown.
- B) Historic lightning strike resulting in significant portion of exposed heartwood.
- C) Decay holes/ dry habitat space developing between sapwood and exposed heartwood.
- D) Large, accessible cavities high within tree crown
- E) Evidence of invertebrate activity including 'exit holes' in heartwood and accumulating decaying wood/ litter
- F) Fungal fruiting bodies of *Stereum gausapatum*, a heart rot species.

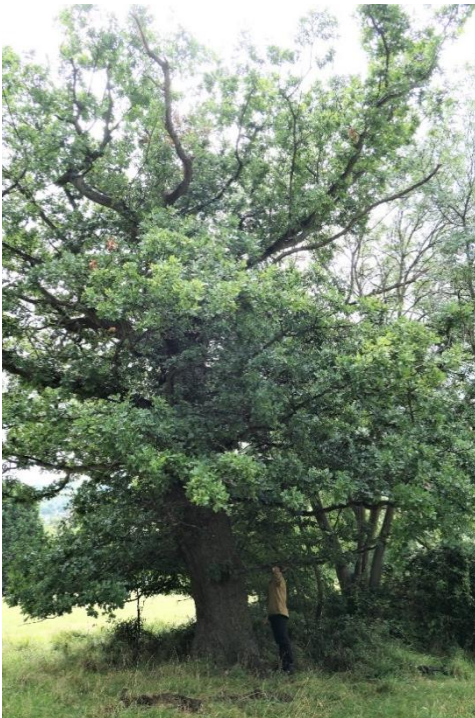


Image A



Image B

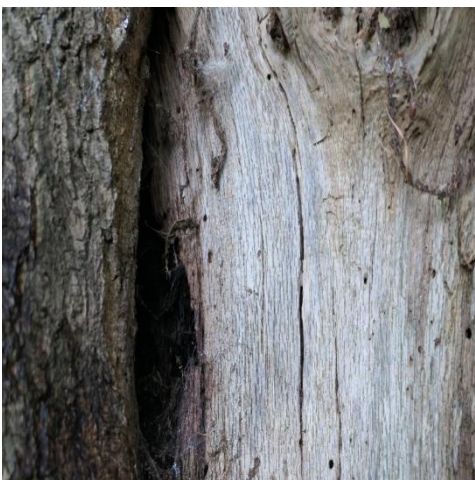


Image C

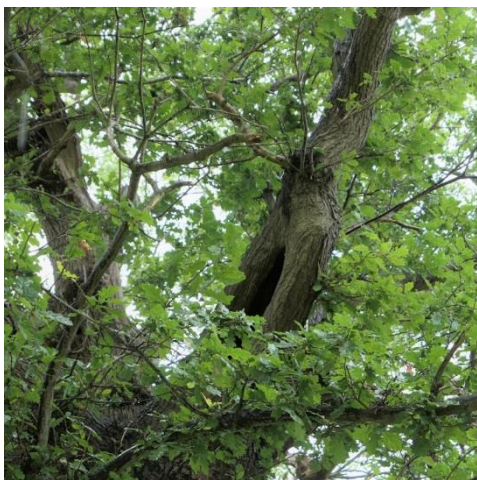


Image D





**Image E**



**Image F**