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3<sup>rd</sup> October 2024

Dear Major Casework Team,

**PINS Reference: S62A/2024/0058**

**Uttlesford Planning Reference: UTT/24/1958/PINS**

**Proposal: Construction of 16 dwellings including 40% affordable housing and associated infrastructure | Land Adj. To Village Hall, East Of Cambridge Road Ugley**

### **Holding objection – potential deterioration of veteran trees**

The Woodland Trust is the UK's largest woodland conservation charity and a leading voice in bringing to the attention of government, landowners and the general public the state of the UK's woods and trees. We own over 1,000 sites across the UK, covering over 30,000 hectares and we have over 500,000 members and supporters.

The Trust also campaigns with the support of local communities, to prevent any further destruction of ancient woods and veteran trees. We are an evidence-led organisation, using existing policy and our conservation and planning expertise to assess the impacts of development on ancient woodland and veteran trees. Planning responses submitted by the Trust are based on a review of the information provided as part of a planning application.

### **Woodland Trust Position**

The Woodland Trust would like to register a **holding objection** to this planning application on account of potential deterioration of two veteran oak trees. The trees are identified within the application documents as TC and TD.

Our main concerns relate to:-

- Encroachment on the root systems and rooting environments of veteran trees.
- Future requirements for managing the canopy of the veteran trees where they overhang the development, including the removal of important habitat features such as deadwood.

### **Veteran Trees**

Ancient and veteran trees are irreplaceable habitats and afforded a high level of protection in planning policy. They possess unique features which provide a rich and diverse range of habitats, playing host to countless other species. In particular, many rare invertebrate, fungi

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and lichen species are dependent on the decaying wood provided by such trees<sup>1</sup>. Veteran trees are disproportionately valuable parts of the natural environment and where they occur outside of woods they are also particularly important for landscape connectivity.<sup>2</sup> They are also an essential part of our landscape and cultural heritage.

Natural England and Forestry Commission's standing advice on ancient and 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 also irreplaceable habitats.*

*"A veteran tree may not be very old, but it has significant decay features, such as branch death and hollowing. These features contribute to its exceptional biodiversity, cultural and heritage value."*

As with ancient woodland, Government's 'Keepers of Time' policy stresses the importance of ancient and veteran trees: *"Ancient and veteran trees are rich in biodiversity. They provide food, shelter and breeding sites to large numbers of species including birds, bats, fungi and insects, which are often restricted in their distribution. They can be found both inside and outside of woodlands."*

### **Planning Policy**

The National Planning Policy Framework, paragraph 186, 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<sup>67</sup> and a suitable compensation strategy exists;"*

Footnote 67 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."*

There is **no wholly exceptional reason** for the development at this location and therefore in its current form this application may not comply with national planning policy.

### **Impacts on Potential Veteran Trees**

This application proposes the construction of 18 dwellings with associated infrastructure and landscaping. Based on the arboricultural information within the application, we are concerned that two Pedunculate Oak trees we consider likely veteran specimens will be subject to deterioration as a result of the proposals.

The trees are identified as TC and TD within the application and are located on the eastern boundary of the development site. The Tree Survey Data Sheet lists TC as having a stem diameter of 1700mm, and TD as having a stem diameter of 1100mm. The girth of TC alone would indicate potential veteran status, and in addition the Chiropteran Report notes the presence of 'veteran Quercus robur along the eastern boundary'

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<sup>1</sup> [REDACTED]

Where trees are likely to be affected by a planning application, an arboricultural impact assessment or appraisal is essential to determine the impact of the proposal on any trees. This is particularly important in the case of ancient and veteran trees, which would be subject to deterioration where new development is proposed in their vicinity. The applicant has submitted very limited arboricultural information, so it is not possible to fully determine the status of these trees or assess the impact of the proposals. The applicant should provide an arboricultural assessment in line with BS 5837:2012 as part of the application. We would recommend that the assessment is carried out by a veteran tree specialist, for example, accredited through VETcert - [Arboricultural Association - VETcert \( \[REDACTED\] \)](#).

In addition, we would encourage the involvement of the Council's tree officer to help determine the veteran status of the trees. If these trees are indeed veteran specimens, then we anticipate that deterioration of irreplaceable habitats would occur as a result of these proposals.

The latest site plan shows new hardstanding proposed within the Root Protection Area (RPA) of TC in Plot 16, and the gardens of multiple dwellings (Plots 13-16) sited partially within the RPAs of TC and TD. We are concerned that encroachment on the root systems and rooting environment of TC and TD will result in deterioration of the trees, and potentially lead to long-term decline.

The siting of gardens within the RPAs of TC and TD is likely to lead to a significant increase in human activity in the vicinity of these trees. In turn this will increase the need to manage the trees for safety reasons, whilst the proposed infrastructure and associated increase in footfall will impact on the root systems of the trees. Veteran trees typically feature significant deadwood habitat of great value for biodiversity, e.g. retained deadwood in the crown, broken or fractured branches, trunk cavities and wounds. As they age, the trees will inevitably shed limbs and branches, presenting a risk to their surroundings. As such, the health and safety risks associated with these trees will change and result in a requirement to manage them more intensively. This will lead to a loss of habitat from sanitisation of such trees through removal of deadwood, as well as the potential for consequential decline or need for 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"*. This is further supported by BS 5837 guidelines, which state: *"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"*.

### **Mitigation and Buffering**

Trees are susceptible to change caused by construction/development activity. As outlined in 'BS 5837:2012 - Trees in relation to design, demolition and construction' (the British Standard for ensuring development works in harmony with trees), construction work often exerts pressures on existing trees, as do changes in their immediate environment following construction. Root systems, stems and canopies, all need allowance for future movement and

growth, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard.

Paragraph 5.2.4 of BS 5837 guidelines states 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 are irreplaceable habitats and should be protected from loss, deterioration or harm. Natural England and Forestry Commission have identified impacts of development on ancient and veteran trees within their standing advice (<https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>). This guidance should be considered Government’s position with regards to development impacting ancient or veteran trees. The applicant should ensure that the proposed works will not result in any detrimental impact on veteran trees in line with paragraph 186 of the National Planning Policy Framework (NPPF) and Natural England's standing advice.

In particular, the standing advice states that:

*“Mitigation measures will depend on the type of development. They could include:-*

- *putting up screening barriers to protect ancient woodland or ancient and veteran trees from dust and pollution*
- *measures to reduce noise or light*
- *designing open space to protect ancient or veteran trees*
- *rerouting footpaths and managing vegetation to deflect trampling pressure away from sensitive locations*
- *creating **buffer zones**”*

Whilst BS 5837 guidelines state that trees should have a root protection area of 12 times the stem diameter (capped at 15m), the guidelines also recognise that veteran trees need particular care to ensure adequate space is allowed for their long-term retention. Natural England and Forestry Commission’s standing advice states the following with regards to root protection areas/buffer zones: *“For ancient or veteran trees (including those on the woodland boundary), the **buffer zone should be at least 15 times larger than the diameter of the tree.** The buffer zone should be **5 metres from the edge of the tree’s canopy if that area is larger than 15 times the tree’s diameter.** This will create a minimum root protection area. Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone.”*

In addition to the new hardstanding proposed within the RPA of TC in Plot 16, we note the RPAs of TC and TD abut several proposed dwellings and areas of hardstanding across Plots 14-16. However, the RPAs currently afforded to both TC and TD have been calculated according to BS 5837 guidelines and are therefore capped at 707m<sup>2</sup> (15 metres). By capping the RPAs, the full root spread of the veteran trees has not been accounted for within the development proposals, and damage to the veteran tree roots is likely to occur. Furthermore, we would refer you to Subclause 7.4 (Permanent hard surfacing within the RPA) of the British Standard 5837 which states that: *“**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.**”*

All veteran trees on site should be afforded an un-encroached buffer zone in line with Natural England's standing advice. No development works should be undertaken within this area, to ensure no detrimental impact to the roots of the veteran trees will occur during the development.

Additionally, we recommend that HERAS fencing is positioned to provide as large a buffer as possible to minimise adverse impacts, such as ground compaction from vehicles or stockpiles, during construction.

**Conclusion**

Veteran trees are irreplaceable habitats and must be protected from loss, deterioration or harm. The Woodland Trust would like to register a **holding objection** to this application on the basis of deterioration of two potential veteran trees.

We hope you find these comments helpful - if you would like clarification or further advice, please contact us at [REDACTED]

Yours sincerely,

Frankie Moughton-Small  
Woods Under Threat team