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National Infrastructure Planning
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6th August 2024

Dear Stuart Cowperthwaite

Reference: EN010122

Proposal: Application by Oaklands Farm Solar Limited for an Order Granting Development Consent for Oaklands Farm Solar Park

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 the development consent application to the Planning Inspectorate.

Woodland Trust Position

The Woodland Trust **has concerns** in relation to impacts on potential veteran trees that have not been recognised as such in the proposals. Our concerns include potential loss of veteran trees, encroachment on their root systems, proposed tree works including the removal of important habitat features (such as deadwood), and future requirements for managing canopies.

Ancient and 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 and lichen species are dependent on the decaying wood provided by such trees¹. 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.² They are an essential part of our landscape and cultural heritage.

¹ <https://www.ancienttreeforum.org.uk/wp-content/uploads/2015/02/ancient-tree-guide-6-special-wildlife.pdf>

² [Ancient and veteran trees. An assessment guide. \(woodlandtrust.org.uk\)](https://www.woodlandtrust.org.uk/ancient-and-veteran-trees-an-assessment-guide/)

The 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 (NPPF), 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 reasons⁶⁷ 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.*"

Impacts on Potentially Veteran Trees

We are pleased to note the commitment to provide trees T56 (Ancient Oak), T57 (Ancient Oak), T59 (Ancient Willow), T30 (Veteran Lime), T32 (Veteran Oak) and T86 (Veteran Oak) with veteran tree buffer zones in line with Natural England and the Forestry Commission's standing advice³. In this respect we also note the Examining Authority's request to the Applicant, South Derbyshire District Council and Derbyshire District Council to confirm that the veteran tree buffer zones are appropriately applied to fully mitigate potential impacts on ancient and veteran trees.

However, we are concerned that potentially veteran trees identified in the Arboricultural Survey Report (APP-133) have not been appropriately recognised and protected. The development site holds a large population of old and important trees as evidenced by the Tree Survey. Whilst the six trees listed above have been recognised as ancient or veteran, we consider that a number of other trees described in the Tree Survey are potentially veteran.

In particular, trees T93, T97, T98 and T100 are described as having "*Veteran characteristics but not yet of true veteran form*". It is unclear what this assessment means and how it has been reached.

Additionally, there are a number of other trees not specifically described as having "*Veteran characteristics*", but which we consider may be veteran based on the features and observations detailed in the report. These are trees T14, T16, T22, T36, T110, T111, T112, T127, T139 and T157.

Planning Practice Guidance (PPG) for the 'Natural Environment', updated on 21st July 2019 and intended to clarify and interpret the NPPF, states: "*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.***"

³ <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

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. 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 identify trees 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.

It is not clear what methodology the Applicant has applied in determining veteran status of trees on site. We acknowledge that government definitions do not provide precise, measurable parameters against which to easily recognise veteran trees. It is therefore particularly important that the Applicant provides information to demonstrate how Natural England and Forestry Commission's standing advice, planning practice guidance, and expert reference texts have been taken into account in respect of the classification of veteran trees. We would recommend that the assessment is carried out by a veteran tree specialist, ideally accredited through VETcert - [Arboricultural Association - VETcert \(trees.org.uk\)](http://Arboricultural Association - VETcert (trees.org.uk)).

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. 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 NPPF and the aforementioned standing advice.

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. The aforementioned 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.*"

Conclusion

Veteran trees are irreplaceable habitats and must be protected from loss, deterioration or harm. Any development resulting in the loss or deterioration of a veteran tree should not be taken forward unless there are wholly exceptional reasons.

We request that the Applicant provides additional information on the methodology and approach used to identify and classify veteran trees so that the Examining Authority can be assured that all veteran trees on site have been provided with appropriate mitigation and protection. Where necessary we would ask that Tree Officers from South Derbyshire District Council and Derbyshire District Council are engaged in the identification and classification of veteran trees, in particular with regards to the specific trees identified in this Written Representation.

We hope you find these comments helpful - if you would like clarification or further advice, please contact us at planningcasework@woodlandtrust.org.uk

Kind regards

Cathy Johannesen
Programme Officer – Woods Under Threat
Woods Under Threat team