

Ms Lindsay Plumridge
A12 Communications and Stakeholder Engagement
National Highways

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MALDON DISTRICT COUNCIL

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28 June 2023

Your Ref: PINS Ref: TR010060

Our Ref: MDC/A12/PINS/28/06/23

Dear Ms Plumridge,

RE: ARBORICULTURAL CONCERN AT BLUE MILLS NATURE RESERVE, WICKHAM BISHOPS, MALDON

I write on behalf of Maldon District Council (MDC) with regards to the matter above. Following the request of both the Examining Authority (ExA), as well as National Highway's representatives at the Issue Specific Hearing 5 on 27 June 2023, the Council is expediting its comments on this matter in advance of Deadline 7, given the Examination is nearing completion.


As advised in previous correspondence in respects of Deadline 6, Maldon District Council engaged specific professionally qualified arboricultural specialists to advise on trees impacted by the scheme in general and specifically a female Black Poplar (identified in 9.16 Supplementary Arboricultural Survey Report [REP3-008] as T2077) which is sited in the northern extent of the Blue Mills Nature Reserve in Wickham Bishops, Maldon, Essex. This advice has considered national policy and its recognition of the contribution of all trees to the landscape character, mitigating for and adapting against climate change and the role of veteran trees as irreplaceable habitats. In addition, it has considered the *England Trees Action Plan 2021-2024*¹ which seeks to protect trees outside of woodlands and to the retention and protection of ancient and veteran trees.

Advice to the Council has reviewed the *Supplementary Arboricultural Survey Report* [REP3-008] and its findings and has concluded as follows:

- The *Arboricultural Impact Assessment* (AIA) of August 2022 [APP-122] outlines some of the arboricultural impacts that will occur because of the scheme. It outlines that the survey has identified five Category A individual trees, 63 Category B individual trees and 19 Category C individual trees. It is imperative that all the potential veteran trees at Blue Mills Nature Reserve, regardless of category, that are within the Order Limits are suitably surveyed to confirm their status as either veteran trees or ancient trees.
- One of the five potential veteran trees, which is the female Black Poplar, has the potential to be impacted by the tunnelling methods for the Cadent gas pipeline diversion operation affecting what should be land within the full extent of its (Root Protection Area) RPA. Should this be permitted, permanent loss of habitat could result which should be avoided at all costs.
- National Highway's report (*9.16 Supplementary Arboricultural Survey Report* [REP3-008], p7) confirms that the Black Poplar already meets the requirements of being classed as a veteran tree and is therefore not a potential veteran. Knowing this, National Highways should increase the buffer zone it is proposing around the specimen, and the final design of the gas pipeline's routing should allow for full clearance of the RPA. National Highway's report instead seems to propose to provide

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/987432/england-trees-action-plan.pdf

veteran trees with an RPA of 12 times stem diameter, which is the incorrect clearance for veteran trees which should be 15 times as outlined in Government guidance². The extract below is from the *9.30 Supplementary Arboricultural Survey Report* (January 2023) p34. Based on the multiplier discussed for veteran trees, the RPA should be 20.4m (1.36m (1360mm stem diameter) x 15m), however as can be seen, the tree has only been given an RPA of 16.3m, which is the sum of 1.36m x 12m, which is the incorrect multiplier.



A12 Chelmsford to A120 widening scheme
Supplementary Arboricultural Survey Report

| Tree Ref. No. | Species | Height | DBH (mm) | N | E | S | W | Age class | Struc cond. | Physiol cond. | High Value Tree Status | General Observations and Comments | ERC | Category grading | RPA radius (m) |
|---------------|------------------------------|--------|----------|----|----|---|---|-----------|-------------|---------------|------------------------|--|-----|------------------|----------------|
| T2077 | Black poplar (Populus nigra) | 17 | 1360 | 14 | 14 | 9 | 9 | V | Fair | Fair | PV | Potential veteran. Adventitious roots – Aerial. Adventitious roots – Basal. End-loaded limb / limbs. Shedding limb / limbs – Recent. Subsiding limb / limbs'. Tree has self braced some heavy loaded limbs. Aerial and standing deadwood. Large cavity at base being used by otters. Desiccated fungal brackets at basal cavity. Hazard beam crack | 40+ | A3 | 16.3 |
| T2078 | English oak (Quercus robur) | 22 | 1170 | 9 | 9 | 9 | 9 | M | Fair | Fair | | Transitional Veteran and notable tree. Root damage - Mammal. Decay - Minor. Form - Spreading crown. Deadwood – Major. Stag-headed crown. Good reaction wood / Adaptive growth. Shedding limb / limbs- Historic. Measured at 1m height due to crown break. | 40+ | A1 | 14.0 |

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- With 63 Category B trees, any impact or loss to these specimens has the added potential to still have a significant local visual, environmental and ecological loss, given that the collective canopy cover/habitat these trees provide is extensive.
- Where underground apparatus is to pass within the RPA, detailed plans showing the proposed routeing should be drawn up in conjunction with the Project's Arboriculturist and discharged effectively by the Ecological Clerk of Works (ECOW). In such cases, trenchless insertion methods should be used with entry and retrieval pits being sited outside the RPA, provided that roots can be retained in accordance with the *British Standard 5837:2012 Trees in relation to Design, Demolition and Construction Recommendations*.

Furthermore, advice on the Project's *Register of Environmental Actions and Commitments* (REAC) has also been provided to Maldon District Council. This raises the following observations with regards to Trees:

- LV6 outlines how an Arboricultural Method Statement (AMS), and Tree Protection Plan will be prepared by the Principal Contractor pre-construction. At present, the AIA has not been finalised and although the AMS does not need to be prepared in advance of consent, the AIA does need to be agreed prior to the development of the AMS. It is recommended that a previous action in the REAC is to consider finalising of the AIA to ensure that all impacts can be suitably mitigated for, but the timing of this must *precede* LV4.
- There does not seem to be any reference to a veteran tree assessment or management. Whilst there is reference to mitigation (BI17), which acknowledges that veteran trees cannot be fully replaced, it does not give guidance on the strategy or give suitable efforts to try to replace the habitat that will be lost. In order to suitably manage this, a full veteran tree survey must be carried out.
- Once this has been done, there needs to be a suitable mitigation strategy in line with national policy to ensure that all loss of ancient and veteran trees is suitably mitigated for. As with the finalised AIA, there must be an actual impact identified prior to determination to ensure that all trees that can be

² [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees)

successfully retained will be included in the final design layout and therefore it must precede any work on site (including tree felling – LV4). There will be a need to veteranise suitable trees through pruning methods to offset some of the habitat loss, and suitable trees should be included in the veteran tree report recommended earlier.

This specific matters in this letter also relate to an outstanding matter in the draft Statement of Common Ground between National Highways and Maldon District Council, last updated for Deadline 6 on 12 June 2023. If the Council can get the assurances being sought to veteran trees and the Black Poplar T2077 at Blue Mills Nature Reserve, the corresponding RPAs changed for veteran trees from a distance of 12m to 15m and changes to the REAC, then subject to seeing the specific agreement wording on the matter from National Highways, Maldon District Council is agreeable to moving this issue from “Under Discussion” to “Agreed” by Deadline 7.

Yours sincerely,

Paul Dodson
Director of Strategy and Resources

cc. Mr Adrian Hunter, Lead Member of Examination Authority