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10th October 2023

Dear Robert Jackson,

Reference: TR050007 - Hinckley National Rail Freight Interchange

Objection – direct loss of a veteran tree

As the UK's leading woodland conservation charity, the Woodland Trust aims to protect native woods, trees and their wildlife for the future. We own over 1,000 sites across the UK, covering over 30,000 hectares and we have over 500,000 members and supporters. 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 ancient and veteran trees. Planning responses submitted by the Trust are based on a review of the information provided as part of the Development Consent Order application.

The Trust **objects** to the proposed scheme on the basis of loss of T486, a veteran oak tree outlined in the Arboricultural Impact Assessment (APP-194), plus potential detrimental impact to the surrounding ancient woodlands from predicted increased ammonia deposition.

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 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.*"

Ancient Woodland

Natural England and the Forestry Commission, the Government's respective bodies for the natural environment and protecting, expanding and promoting the sustainable management of woodlands, define ancient woodland as follows within their standing advice¹:

"Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It is a valuable natural asset important for: wildlife (which include rare and threatened species); soils; carbon capture and storage; contributing to the seed bank and

¹ <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

genetic diversity; recreation, health and wellbeing; cultural, historical and landscape value. It has been wooded continuously since at least 1600AD. It includes:

- *Ancient semi-natural woodland [ASNW] mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.*
- *Plantations on ancient woodland sites – [PAWS] replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi”*

Planning Policy

The National Policy Statement for National Networks (NNNPS) Paragraph 5.32 states:

“Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the national need for and benefits of the development, in that location, clearly outweigh the loss. Aged or veteran trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Where such trees would be affected by development proposals, the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons for this.”

The **National Planning Policy Framework**, paragraph 180, 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 reasons⁶³ and a suitable compensation strategy exists;”

Further to this, paragraph 174 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 gain for biodiversity cannot be achieved.

Impacts to Veteran Trees

The proposals will result in the direct loss of a veteran oak tree to facilitate the development. It is essential that no veteran trees are lost as part of the development. The loss of any such trees can have a significant impact on local wildlife, particularly those which depend on the habitat provided by veteran trees.

Trees are susceptible to change caused by construction/development activity. As outlined in ‘BS5837:2012 - 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 of any new infrastructure. 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.

While BS5837 guidelines state that trees should have a root protection area (RPA) of 12 times the stem diameter (capped at 15m), this guidance does recognise that veteran trees need particular care to ensure adequate space is allowed for their long-term retention. It is imperative that Natural England and Forestry Commission's standing advice on root protection areas for veteran trees is taken into account in planning decisions. This advice states: "*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.***"

Air Quality

Furthermore, the Trust has concerns regarding potential nitrogen deposition on ancient woodlands surrounding the proposed scheme. Chapter 9 (Air Quality) of the Environmental Statement outlines a likely greater than 1% increase towards the critical load of numerous ancient woodlands (9.155).

We are of the opinion that development must be able to demonstrate that any resulting increase in the levels of nitrogen will be insignificant (<1% of the critical load) at all ancient woodland sites. The scheme may need to be amended to include further control measures or other proposals in order to attempt to reduce the process contribution to <1%. Please see the Woodland Trust's Technical Advice Note² on ammonia impacts for further information.

Conclusion

Veteran trees are irreplaceable habitats, once lost they are gone forever. Any development resulting in loss or deterioration of ancient woods and trees must consider all possible measures to ensure avoidance of adverse impact.

The Trust will remain opposed to the proposed project unless the scheme is revised to address our concerns. We consider the scheme is currently in direct contravention of national planning policy due to the loss and damage to irreplaceable habitats.

We hope our comments are of use to you, if you would like to get in touch with the Trust further to discuss any of the points raised, please do not hesitate to do so.

Yours sincerely,

Nicole Moses
Campaigner – Woods Under Threat
Woods Under Threat Team

² <https://www.woodlandtrust.org.uk/media/1687/ammonia-impacts-on-ancient-woodland.pdf>