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Dear Bron Curtis

Reference: DC/23/05656

Proposal: Full Planning Application - Construction of a solar farm (up to 40MW export capacity) with ancillary infrastructure and cabling, DNO substation, customer substation and construction of new and altered vehicular accesses. | Land At Grove Farm And Land East Of The Railway Line, Bentley

Objection – serious deterioration of ancient tree

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 **strongly objects** to this planning application on account of likely serious deterioration of an ancient alder tree identified in the arboricultural report as T31.

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

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

outside of woods they are also particularly important for landscape connectivity.² They are also an essential part of our landscape and cultural heritage.

Natural England'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.

"An ancient tree is exceptionally valuable. Attributes can include its: great age; size; condition; biodiversity value as a result of significant wood decay and the habitat created from the ageing process; and cultural and heritage value."

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 reasons⁶³ 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 proposed works at this location and as such this development in its current form does not comply with national planning policy.

Impact on Ancient Tree

The plans show that the proposed cable route is located within the '12 times' root protection area of T31, close to the stem. The arboricultural impact assessment states that "*cable installation shall be undertaken by means of Horizontal Directional Drilling and be at a depth beneath the soil rhizosphere. The launch and reception pits shall also be outside of any RPAs, therefore the likelihood of the cable installation causing any impacts to the root systems of the trees is minimal."*

We note further clarification is provided in Part 2 of the Arboricultural Impact Assessment where it is stated that a minimum drill depth of 600mm is proposed. We are firmly of the view that a depth of 600mm is inadequate to ensure that the installation will have no detrimental impact on the rooting environment of the ancient tree, and such a depth would not necessarily avoid the rhizosphere. Whilst the majority of a tree's root system is found within the top 60cm of soil, roots can extend up to two metres in depth. In the case of an ancient tree with a considerable girth, such a tree is likely to have a more extensive rooting system.

² [Ancient and veteran trees. An assessment guide. \(woodlandtrust.org.uk\)](http://woodlandtrust.org.uk)

Additionally, the applicant has not provided information in relation to any maintenance works that may be required in the future. It is not clear whether future maintenance work would require direct access to the cable, or whether works could be undertaken remotely from the surface as a result of this technique.

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.

Mitigation and Buffering

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.

We welcome the consideration that the applicant has given to the protection of Engry Wood ancient woodland by providing a minimum 15 metre buffer in line with the standing advice. We are also pleased to see that, with the exception of T31, the veteran and notable trees on site have been afforded '15 times' buffer zones in line with the standing advice.

In relation to T31, we would primarily advocate for the cable route to be relocated so that it is outside veteran and ancient tree buffer zones. However, if such works cannot be avoided, the applicant should provide further clarification on depth and spread of the root system, and the techniques to be deployed during both installation and future maintenance.

It should be noted that in accordance with paragraph 186c of the National Planning Policy Framework (NPPF), the test for impact is not a test of significance or magnitude, it is a test of whether there would be any negative impact. Therefore, any negative impact of any magnitude is relevant. We ask that the Council fully considers the potential impacts on the ancient tree to ensure that there is no deterioration or ultimate loss as a result of the development.

Conclusion

Veteran trees are irreplaceable habitats and must be protected from loss, deterioration or harm. The applicant needs to demonstrate that the ancient alder tree on site is appropriately protected from detrimental impact and harm in line with paragraph 186 of the National Planning Policy Framework.

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

Kind regards

Cathy Johannesen
Woods Under Threat team