A1 in Northumberland: Morpeth to Ellingham

Scheme Number: TR010059

7.26.1 Impacts to Ancient and Veteran Trees (Clean)

Rule 8(1)(c)

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Infrastructure Planning (Examination Procedure) Rules 2010

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Development Consent Order 20[xx]

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CONTENTS

1 IMPACTS TO ANCIENT AND VETERAN TREES

1.1 INTRODUCTION

1.1.1. During Issue Specific Hearing 3 (ISH3) held on 21 April 2021, the Examining Authority (ExA) asked the Applicant to respond to the **Woodland Trust's Deadline 5 Submission** [**REP5-049**], which noted the number of ancient or veteran trees lost, asked why it has not been possible to avoid those trees and requested details as to the mitigation proposed. The Applicant committed to responding to the Woodland Trust's representation in full, and this response is set out in **Table 1-4** of the **Applicant's Responses to Deadline 5 and 5a Submissions** (**document reference 7.24**), submitted at Deadline 6.

1.1.2. In support of that response, and further to the Applicant's commitment to the ExA during ISH3 to provide a note to detail how veteran trees have been treated in the same manner as ancient woodland, the Applicant has produced this Appendix to the **Applicant's Written Summaries of Oral Submissions to Hearings** (**document reference 7.26**). This Appendix:

a. Summarises the assessment set out in Appendix 7.5 Arboricultural Report Part A [APP-220];
b. Details the alternative route alignments considered for the avoidance of ancient and veteran trees, as described further in **Chapter 3 Assessment of Alternatives** of the ES [**APP-038**];
c. Provides an analysis of the ancient/veteran trees lost, including proposals for the avoidance of trees identified for removal in **Appendix 7.5 Arboricultural Report Part A** [**APP-220**] on a reasonable worst case basis;
d. Summarises the mitigation and compensation measures proposed in the **Appendix 7.5 Arboricultural Report Part A** [**APP-220**]; and
e. Demonstrates the compliance of the Scheme the National Policy Statement for National Networks (NPS NN) and National Planning Policy Framework (NPPF), in relation to impacts on ancient and veteran trees.

1.2 METHODOLOGY

1.2.1. The methodology for the assessment of impacts on ancient and veteran trees is detailed in **Section 2** of **Appendix 7.5 Arboricultural Report Part A** [**APP-220**]. Further, more detailed surveys and assessment utilising a robust survey methodology, such as the specialist survey method (SSM) developed as part of English Nature's Veteran Tree Initiative, of the potential ancient and veteran trees and their respective root protection area, referenced in **Appendix 7.5 Arboricultural Report Part A** [**APP-220**] would be necessary at detailed design, as secured within ExA: S-L101 in **Table 3-1: Register of Environmental Actions and Commitments: The Scheme** of the **Outline CEMP** [**REP5-012 and 013**] (**and as updated at Deadline 6**). This survey methodology specific to identifying and assessing the ancient or veteran tree resource will allow for their status to be confirmed/verified and

enable more accurate mitigation measures e.g. management or preservation, to be determined.

1.3 SURVEYS

1.3.1. A review of the Woodland Trust's Ancient Tree Inventory (ATI) identified two trees located within woodland W120 (WSP reference) which were registered as veteran and a further two trees considered 'notable', each located within W120 (referenced in **Table 4-4** and **Table 4-5** of **Appendix 7.5 Arboricultural Report Part A** [**APP-220**]). Feature W120 is the designated ancient woodland at Duke's Bank, and these trees are contained therein.

1.3.2. The arboricultural walkover survey set out in **Appendix 7.5 Arboricultural Report Part A** [**APP-220**] identified the presence of an additional ten potential Ancient and/or Veteran Trees, referenced as T91, T494, T457, T681, T682, T684, T685, T688, T690, T701. A further group of Over-mature Hawthorn, referenced as G21, was identified as possessing veteran qualities. However, the trees were not categorised as veteran (category A, subcategory 3) (see **Appendix A**, **Appendix 7.5 Arboricultural Report Part A** [**APP-220**]). Of the ten Potential Ancient and/or Veteran Trees identified, trees T681, T684 are outside of the Order limits and will be retained alongside T701.

Route Alignment

1.3.3. The selection of the route alignment considered routes that would potentially avoid impacts on ancient woodland and the ancient/veteran trees therein. This is evidenced in **paragraph 3.3.8** of **Chapter 3: Assessment of Alternatives** of the ES [**APP-038**]. However, routes that would have avoided the known areas of ancient woodland were considerably longer than the selected route and these alternatives were discounted from further option refinement.

1.3.4. At the time of the alternative route selection studies being undertaken, no arboricultural surveys were undertaken, and in the absence of records of veteran trees in the ATI the location of potential veteran tree constraints was unknown. Following the identification of the selected route and during the assessment stage; when an arboricultural survey had been undertaken, the locations of a small number of trees with veteran tree characteristics were identified within **Appendix 7.5 Arboricultural Report Part A** [**APP-220**].The Applicant has sought to mitigate the potential effects.

Assessment

1.3.5. **Section 7.2 'Construction Effects' of Appendix 7.5 Arboricultural Report Part A** [**APP-220**] sets out the effects of construction upon the arboricultural resource. As detailed within the Arboricultural Report (**Appendix 7.5 Arboricultural Report Part A** [**APP-220**]) accompanying this application, the following potential ancient and veteran trees have been identified for removal:

a. T91 – Veteran Ash
b. T494 – Veteran Oak

c. T682 – Veteran Ash
d. T685 – Veteran Sycamore
e. T688 – Veteran Oak
f. T690 – Ancient Oak

1.3.6. As clarified in the Applicant's response to the **Woodland Trust's Deadline 5 Submission** [**REP5-049**], the veteran ash referenced as T682 is now proposed to be retained.

1.3.7. The stated intention of the Applicant is to avoid the unnecessary removal of vegetation, including mature trees that have been identified within **Appendix 7.5 Arboricultural Report Part A** [**APP-220**] as having features that are typical of veteran trees. This is identified and secured in the Outli**ne CEMP** [**REP5-012 and 013**] (**and as updated at Deadline 6**) under item S-L2, with specific measures identified under S-L8 of **Table 3.1: Register of Environmental Actions and Commitments: The Scheme**. While none of the trees identified appear on the veteran tree inventory, the Applicant has taken, and continues to take, a precautionary approach to safeguarding vegetation.

1.3.8. The **Arboricultural Report Part A** [**APP-220**] has assumed a worst-case scenario, such that all the trees identified would be removed as a result of the construction of the Scheme. However, for the purpose of addressing the comments raised by the ExA during ISH3 (21 April 2021.) the Applicant has summarised the position relating to those trees referenced as T91, T494, T685, T688 and T690 in more detail below:

a. **T91 –** The anticipated movement of the adjacent Highlaws junction to the north (within the limits of deviation for Work No. 8B as indicated on **Works Plans for Change Request** [**REP4-036]**) would reduce the potential impacts on the tree. As a result, it is anticipated that the tree and the hedgerow within which it sits would not be impacted by the Scheme. Potential works within the root protection area (RPA) would be designed so as to avoid impacts, refer to S-L8 of **Table 3-1: Register of Environmental Actions and Commitments: The Scheme of the Outline CEMP** [**REP5-012 and 013**] (**and as updated at Deadline 6**).
b. **T494 –** The alignment of the proposed PMA at Work No. 11B as indicated on **Works Plans for Change Request** [**REP4-036**] will be moved to the north, within the Order limits, so as to avoid as far as practicable unnecessary impacts on the RPA of the cluster of trees, with the potential veteran tree located to the south side of this cluster. The retained trees would be protected from potential damage in line with S-L8 of **Table 3-1: Register of Environmental Actions and Commitments: The Scheme** of the **Outline CEMP** [**REP5-012 and 013**] (**and as updated at Deadline 6**).
c. T682 – This tree is not removed by the Scheme. Further, it would be protected from potential damage in line with S-L8 of **Table 3-1: Register of Environmental Actions and Commitments: The Scheme** of the **Outline CEMP** [**REP5-012 and 013**] (**and as updated at Deadline 6**).
d. **T685 –** The tree is located north of the River Coquet and to the east of the main alignment, on the edge of the Order limits and adjacent to the southern edge of

the proposed Detention Basin no. 19. As such, the Applicant is working with the Main contractor to identify potential changes to the design of the detention basin in order to avoid any unnecessary works within the RPA. This reflects the Applicants intention to avoid any unnecessary removal of trees, including those that have features that are typical of veteran trees, as identified and secured through S-L8 of **Table 3-1: Register of Environmental Actions and Commitments: The Scheme** of the **Outline CEMP** [**REP5-012 and 013**] (**and as updated at Deadline 6**).

e. **T688 –** The tree is located within the centre of a proposed Detention Basin no. 19, as such it is expected that this tree would be removed. Flood and drainage studies have been conducted to explore alternative detention basin positions and locations for Detention Basin 19, However, the current proposed location for the basin has been chosen as the appropriate position and location to ensure the functionality required and any redesign of the orientation or profile of DB19 would still not allow for the retention of T688 and therefore the tree would be lost.

f. **T690 -** The tree is located on the edge of a proposed access track to the south of the B6345 and to the east of the existing A1. To avoid damage to this tree the Applicant would align the access track (Work No. 20 on **Works Plans for Change Request** [**REP4-036**]), that **would** provide maintenance access to Detention Basin no. 19, to the north, within the draft Order limits. A working methodology, including the specification of relevant measures, would need to be formalised as part of an Arboricultural Method Statement at detailed design, secured through item S-L8(g) of **Table 3-1: Register of Environmental Actions and Commitments: The Scheme** within the **Outline CEMP** [**REP5-012 and 013**] (**and as updated at Deadline 6**). The retained tree would be protected from potential damage in line with S-L8 of **Table 3-1: Register of Environmental Actions and Commitments: The Scheme** of the **Outline CEMP** [**REP5-012 and 013**] (**and as updated at Deadline 6**). It is therefore considered that Tree T690 can be retained as part of the Scheme through adoption of the above methods.

g. **G21 -** Whilst the over-mature group of hawthorn referenced as G21 were recorded with veteran qualities, the trees were not categorised as veteran (category A, subcategory 3) (see **Appendix A, Appendix 7.5 Arboricultural Report Part A** [**APP-220**]). Nevertheless, the plant material should be retained on site as far as practicable as part of any site clearance, either within or adjacent to the proposed boundary hedgerow.

1.3.9. The above measures demonstrate how the Applicant is avoiding any unnecessary works that might otherwise impact on trees that have been identified as having features that are typical of veteran trees. The location of the trees has been highlighted to the Main contractor, who is working with the Applicant to safeguard the trees in line with the measures identified within the **Outline CEMP** [**REP5-012 and 013**] (**and as updated at Deadline 6**).

1.4 COMPENSATION AND MITIGATION FOR VETERAN TREES

1.4.1. The level of compensation provided for the loss of T688 has been determined through professional judgement, considering the scale of the impacts and the perceived value of the veteran tree affected in the context of the Scheme.

1.4.2. The series of measures outlined below are to be employed in order to provide an appropriate level of compensation. However, it is important to highlight that no set ratios of loss to gain for any compensatory planting has been utilised as none currently exist. The level of compensatory planting is to be determined on a site-by-site basis and will reflect the significance of the effect.

1.4.3. A combination of the following measures will be adopted and are secured through the Outline CEMP in item S-L101 in **Table 3-1: Register of Environmental Actions and Commitments: The Scheme** of the **Outline CEMP** [**REP5-012 and 013**] (**and as updated at Deadline 6**). These have been expanded upon further below:

1. Translocation of Physical Structure/Habitat Translocation - Translocation of as much of the physical structure of the tree as possible, in large sections, for example trunk/stem and primary scaffold limbs/branches, placing at a receptor site as close to the trees original position as possible. The main stem and salavaged crown scaffold branches will be re-erected in a vertical position either in purpose dug “planting” pits or affixed to suitable mature trees which will be identifed at detailed design. It is imperative to emphasise that this would not result in the retention of a ‘live’ tree;
2. Replacement Planting to be secured through additonal new native woodland or wood pasture creation.

Translocation of Physical Structure of T688

1.4.4. Compensation can be provided through translocating the intact main structure of T688. The translocation should look to a receptor site in close proximity to a nearby veteran tree, area of ancient woodland or area of proposed woodland creation. To achieve this, it would be necessary to retain of as much of the physical structure of the tree as possible, in large sections i.e. trunk/stem and primary scaffold limbs/branches, a proportion of the rootball, and relocate it near to retained ancient woodland (avoiding impacts to the AW in the process). In preparation of this, an appropriate hole would need to be dug to accommodate the tree.

1.4.5. If this is not deemed feasible at detailed design, an alternative method would be to retain large lengths of the main stem and primary scaffold branches of the tree moving these large sections, using specialist equipment, and re-erecting them vertically against a number of predetermined, suitable, mature trees (the “hosts”). These ‘host’ trees would be identified at detailed design and formalised in a working methodology. The main stems and branches of T688 would be secured to the identified host trees using webbing-straps, purpose-built metal ring braces or threaded metal bar. The aim of this compensation measure is to enable

T688 to continue to supply the local invertebrate population with a valuable dead wood habitat as well as offering a site for fungal interaction and increased opportunity for new fungal habitats.

Replacement Planting to be Secured through Additonal New Native Woodland or Wood Pasture Creation

1.4.6. Detailed information regarding woodland creation, new tree planting and management of existing habitats is provided in the landscape mitigation strategy as set out on **Landscape Mitigation Masterplan Part A for Change Reques**t [**REP4-060**] and **Landscape Mitigation Plan Part B for Change Request** [**REP4-053**] and secured through item S-L2 of **Table 3.1 Register of Environmental Actions and Commitments: The Scheme** in the **Outline CEMP** [**REP5-012 and 013**] (**and as updated at Deadline 6**).

1.4.7. Following agreement with Natural England and in response to comments made by the Woodland Trust, a 30:1 ratio to compensate for the loss of T688 is proposed. As such, a total of 30no. individual trees would be planted, with 12no. to the east of Detention Basin 19 and the remainder (18no.) being planted within an area of woodland to the north west of the bridge over the River Coquet, identified on sheet 17 of the Landscape Mitigation Masterplan Part A – Rev 5 [REP8a-003] (labelled as "0.1ha of woodland in relation to air quality impacts to veteran trees").

1.5 COMPLIANCE WITH THE NPSNN AND NPPF

1.5.1. The Applicant acknowledges that ancient/veteran trees are an irreplaceable resource. As detailed at paragraph 1.3.3, above, potential route corridors to avoid ancient woodland and the ancient/veteran trees therein in their entirety were considered (see **paragraph 3.3.8** of **Chapter 3: Assessment of Alternatives** of the ES [**APP-038**]). However, the only options to achieve this would require a significant length of additional dual carriageway (between 4 to 5 miles), which would negate the objectives of the Scheme. As identified at paragraph 1.3.4, above, at the time of the alternative route selection studies being undertaken, no arboricultural surveys were undertaken, and in the absence of records of veteran trees in the ATI the location of potential veteran tree constraints was unknown. Nonetheless, the loss of ancient/veteran trees has been minimised to only those which are essential to facilitate the Scheme.

1.5.2. The test under paragraph 5.32 of the NPS NN for the justification of impacts on ancient woodland and ancient or veteran trees focuses on instances where the "*national need for and benefits of the development, in that location, clearly outweigh the loss*."

1.5.3. That this test is met is demonstrated in the **Case for the Scheme** [**REP4-069 and 070**], which presents the need for and benefits of the Scheme in the national public interest. Part 3.4 of the Case for the Scheme confirms that there is both a "compelling need" and a "critical need" for the development of national networks such as the dualling of the A1 in Northumberland.

1.5.4. Further, the dualling of the A1 is a 'committed scheme' in the Road Investment Strategy, and the Case for the Scheme identifies that the Scheme will improve traffic flows, improve resilience, support economic growth and improve journey quality, reliability and safety, which are all considered to be substantial benefits. The benefits that the Scheme will bring are a matter of common ground between the Applicant and NCC, as recorded in **Table 3.2** of the **Statement of Common Ground with NCC** [**REP5-015**].

1.5.5. Insofar as it is relevant to an NSIP, the test under paragraph 175(c) of the NPPF for where impacts on ancient woodland and ancient or veteran trees may be justified refers to circumstances where there are "*wholly exceptional reasons and a suitable compensation strategy exists*." It is the Applicant's case that this applies here, particularly as footnote 58 to the NPPF states that an NSIP may be an example of a "*wholly exceptional reason*", where the public benefits of a project outweigh the loss. The above analysis of public benefit applies equally here and the compensation strategy is set out at Section 1.4, above, as well as in the **Ancient Woodland Strategy for Change Request** [**REP4-054 and 055**], developed and agreed in consultation with Natural England. In addition, compensatory planting is proposed as part of the landscape mitigation strategy as set out on **Landscape Mitigation Masterplan Part A for Change Request Rev 3** [**REP4-060**] and **Landscape Mitigation Plan Part B for Change Request Rev 1** [**REP4-053**] and secured through item S-L2 of **Table 3.1 Register of Environmental Actions and Commitments: The Scheme** in the **Outline CEMP** [**REP5-012 and 013**] (**submitted at Deadline 6**).

1.5.6. The importance of retaining trees will continue to be borne in mind during detailed design development and should opportunities be identified to retain ancient or veteran trees currently identified for removal these opportunities will be pursued where possible. This approach is secured through item S-L2 of **Table 3.1 Register of Environmental Actions and Commitments: The Scheme** in the **Outline CEMP** [**REP5-012 and 013**] (**and as updated at Deadline 6**).

1.5.7. The Applicant acknowledges that the Scheme will result in impacts to irreplaceable habitat. However, the impacts to ancient and veteran trees have been minimised to only those which are essential to construct the Scheme. Therefore, as highlighted above, the Scheme is in compliance with the tests for the justification of impacts on ancient woodland and ancient or veteran trees under both the NPS NN and the NPPF.

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