

Forest Services
East & East Midlands
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Area Director: Richard Pearce

Re: East Midlands Gateway Phase 2

Interested Party Number: FCE60AA29

Response to Examining Authorities Written Questions

ExQ1

Q5.0.4 – Veteran Trees

Please can the Forestry Commission, NE and NWLDC clarify whether they are satisfied with the applicant's assessment of veteran trees, including their role as irreplaceable habitats, as set out in the LEMP [APP-117], and whether there is compliance with paragraph 5.63 of the NNNPS?

We have discussed the veteran trees with the applicant and are satisfied that although they are veteran trees, they are in poor condition and would most likely require removal in the medium term whether the development were to occur or not.

The applicant will be retaining the dead wood structures on site where they will continue to be of biodiversity value, alongside significant new planting proposals.

Paragraph 5.63 of the National Networks National Policy Statement states:

"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 ancient and veteran trees unless there are wholly exceptional reasons (for example, where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists."

The Forestry Commission is not responsible for determining whether a proposal meets the requirement for wholly exceptional reasons. We are however guided by footnote 70 attached to the National Planning Policy Framework Paragraph 193 (c)

Para 193 (c) of the NPPF states:

"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 reasons⁷⁰ and a suitable compensation strategy exists; and a suitable compensation strategy exists"

Footnote 70 goes on to state what could be considered exceptional reasons:

"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."

If you require any further information, please do not hesitate to contact me.

Yours sincerely

Sandra Squire
Local Partnership Advisor