

### **T312 Veteran Oak**

**1.5** The principle of buffer zone morphing is accepted by the Landscape Officer - but only where it is appropriate. 'Demonstrable harm' is not a term that solely exists as a concept at the design stage or even during the construction phase - in the Landscape Officer's experience of managing many post development Council-adopted trees they have exhibited dieback and decline despite having been accorded protection as per BS5837:2012 or Natural England & Forestry Commission Standing Advice (NESA).

The NESA and BS5837:2012 advice/recommendations have not replaced ... "detailed first hand advice" ... but rather helped *inform* it. The interpretation of such recommendations and advice is based on experience, viewpoint and sometimes it is important that they provide the baseline for enhancement not a minimum that may be compromised.

**2.2-2.7** The premise of the rooting morphology for T312 is broadly accepted, however, the trial pits to the west are too distant to reasonably evidence the pattern of rooting (and it was not their purpose) and only describe the soil horizons – importantly, the LPA needs to demonstrate to a wider audience that it has shown due diligence in examining the pattern of rooting in order to avoid harm to the veteran tree. An empirical approach is more robust than one based on conjecture.

**2.8** In the view of the Landscape Officer ... "invasive investigative excavation" ... is not required but rather a small number of carefully selected hand dug pits to the west aspect that go to the depth of any proposed development (e.g. adoptable road/driveway) – this is neither significantly invasive, onerous or expensive. This will give a further and demonstrable layer of evidence to support the supposition of the rooting morphology. This is not reneging on an agreement - it is reasonably responding to further considerations.

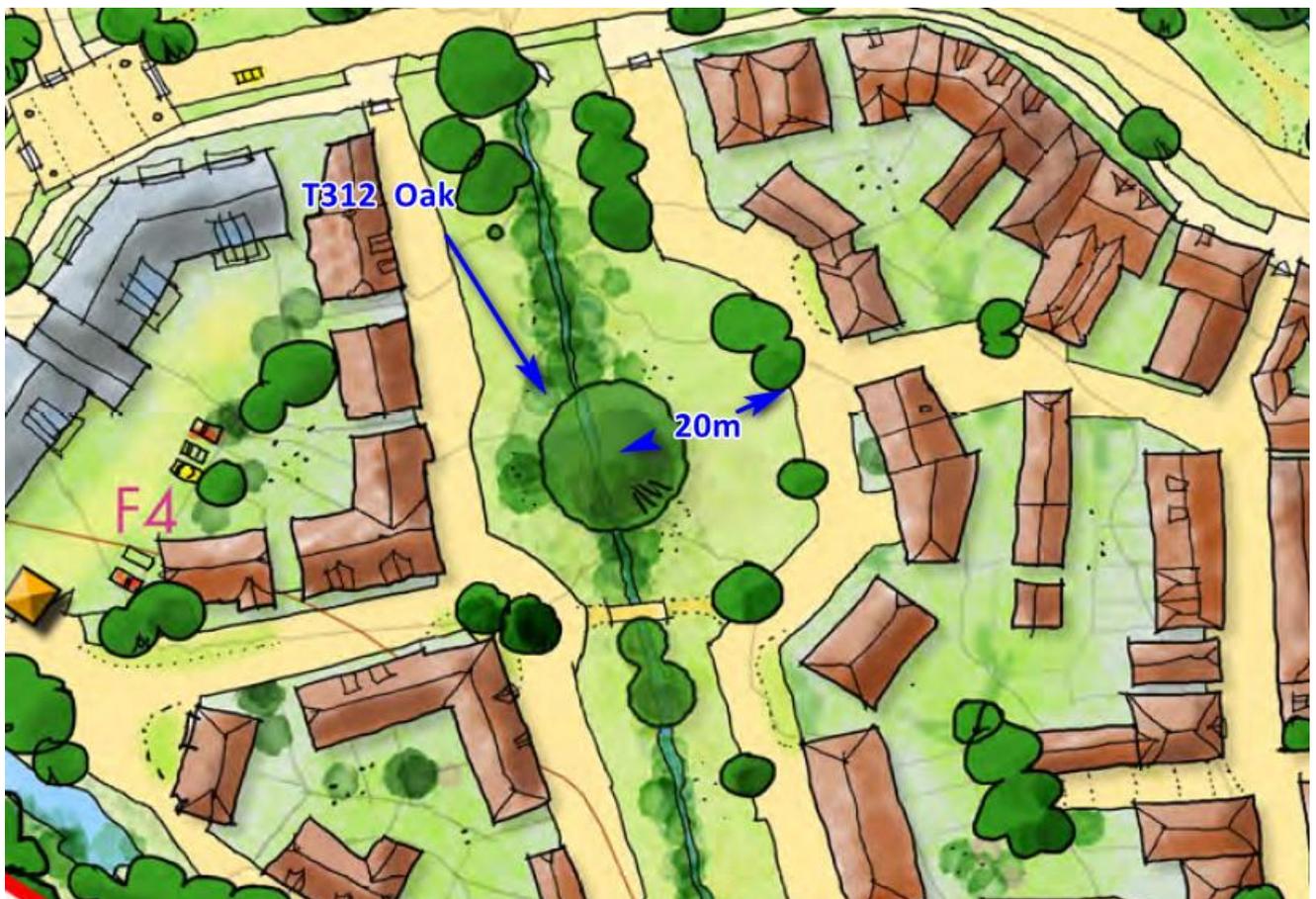
**2.9** The minimum 5m clearance from the edge of the crown is described as being exceeded with the morphing of the buffer zone, this is accepted as reasonable if the morphing occurs, but given the scale of the area<sup>2</sup> of the buffer zone and it being displaced from one side, in the Landscape Officer's (LO) view the buffer area from the edge of the crown should be maximised. In any event, it should be noted that the NESA states that the buffer zone of a veteran tree should be *at least* 15 times larger than the diameter of the tree and it follows that a more generous buffer zone should be widespread in practice than it is.

**2.10-2.14** The purpose of the RPA and Buffer Zones is set out by SJA and the principle of morphing the buffer zones is accepted by the LO subject to a further evidential base. However, the ultimate shape of the buffer zone is a matter for discussion. The approach to setting the buffer zone into the hedge owing to the benefit of the semi-natural habitat is reasonable but it does not maximise the 'buffer' element of the buffer zone. The Landscape Officer justifies an approach that largely maximises the buffer area with the grassland area incorporated for the following reasons:

1. The hedgerow will continue to provide the ecological benefits of a buffer zone to T312 whether or not it is designated as part of the 'buffer zone'. The hedgerow will be retained and the subsequent management of this area can be prescribed to reflect a semi-natural habitat;
2. The enhancement ("creation" (LO) para 2.12) of the grassland as a semi-natural habitat will effectively create a maximised buffer zone for the veteran oak and help increase the quality

of the natural corridor of which it will be a part. Appropriate planting may be used to enhance the buffer zone;

3. The purpose of the buffer zone is to ... "protect" ... a veteran tree (NESA), it is clear that this is recognised within the SJA Technical Advice (2.14) in terms of the physiological, ecological and developmental pressures that the oak faces. The full buffer zone morphed without the hedgerow will maximise the opportunities to mitigate the pressures on the tree which will be ongoing beyond the development process.
4. Sufficient buffer zone will also ensure that an enhanced risk management schedule is not applied thus conserving the tree's maximum biodiversity function.
5. In cultural and amenity terms, the context of a tree like T312 is extremely important as part of the areas heritage. In order to appreciate the significance of the veteran oak it is desirable for it (and any similar trees within the development) to have enough space around them to enable the appreciation of such natural assets and a maximised buffer zone will assist in achieving this in tandem with good design. The illustrative masterplan (Rumney 31 07 2019) appears to embody such an approach in terms of the landscape function of the tree, notwithstanding the illustrative nature of the sketch, the space afforded to the buffer zone and any fringe of amenity land does not appear at all sufficient at approximately 20m from the nominal centre of the tree.



Sketch and scale pasted at same magnification

## 2.15-2.20 Conclusion

The Landscape Officer welcomes the reappraisal of the buffer zone to the west but would still request for an evidential base to justify the morphing.

For the reasons above, in response to SJA paras 2.10-2.14 the LO would seek a buffer zone that is not morphed into the hedge line and takes an approach that will ultimately maximise the semi-natural habitat (including grassland) within the buffer zone.

The Landscape Officer primarily maintains an objection for the reasons above on the grounds that the tree is not being particular regard as required in policy ENV3a (b).

### Policy ENV3a - Landscape Character and Design

**All proposals for development in the borough shall demonstrate particular regard to the following landscape characteristics, proportionately, according to the landscape significance of the site:**

#### b) The pattern and composition of trees and woodlands;

#### T381 Field Maple

**3.2-3.7** The definition of whether or not the tree is a veteran is defined by the context in which it must be ultimately examined. As part of a landowner or developer survey undertaken prior to a planning application it is reasonable to define the tree arboriculturally.

Lonsdale's 2013 table (Ancient & other veteran trees: further guidance on management) shows that a field maple may be at the transition between veteran and ancient at 700mm diameter – whilst it is understood that the stems are borne of a coppice event the stool is of some age.

Girth (m)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	KEY	
Diameter (m)	0.32	0.64	0.95	1.27	1.59	1.91	2.23	2.55	2.86	3.18	3.50	3.82				
Yew			■	■	■	■	■	■	■	■	■	■	■	■	■	<b>KEY</b> ■ Very ancient ■ Ancient ■ Veteran/notable ■ Locally notable
Sweet chestnut			■	■	■	■	■	■	■	■	■	■	■	■		
Oak		■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Lime		■	■	■	■	■	■	■	■	■	■	■	■	■		
Sycamore		■	■	■	■	■	■	■	■	■	■	■	■	■		
Ash		■	■	■	■	■	■	■	■	■	■	■	■	■		
Beech		■	■	■	■	■	■	■	■	■	■	■	■	■		
Alder		■	■	■	■	■	■	■	■	■	■	■	■	■		
Field maple		■	■	■	■	■	■	■	■	■	■	■	■	■		
Rowan		■	■	■	■	■	■	■	■	■	■	■	■	■		
Hawthorn		■	■	■	■	■	■	■	■	■	■	■	■	■		

However, for the purposes of a planning application we must examine the classification of the tree in a planning frame not just an arboricultural one. Thus, the NESA gives the clear steer that "...all ancient trees are veteran trees"...and in the planning context this standing advice has very significant weight when backed with the NPPF para 175 (c).

Leaving the discussion as to the classification of the tree aside, it is culturally significant and should not be detrimentally affected by adjacent development within its RPA.

**3.8-3.9** The SJA assertion that para 7.4, BS5837:2012 regarding construction within the RPA of a veteran is at variance with the LO's interpretation. The recommendation is perfectly clear in that it

states ...”**no construction, including**”...therefore, no construction is recommended whether it is hard surfacing, a dwelling or a sports pitch.

#### **7.4 Permanent hard surfacing within the RPA**

*NOTE This subclause does not apply to veteran trees, where it is recommended that **no construction, including** the installation of new hard surfacing, occurs within the RPA.*

It is contended by the LO that excavation to a depth of 540mm is ‘construction’ in the pursuit of grading land to create a sports pitch, thus the recommendation applies.

#### **3.11-3.13 Conclusion**

Whilst technically ‘construction’, the revised plan to dispense with the 540mm depth excavation in the RPA of T381 is acceptable and the 100mm of high quality substrate overburden will not be detrimental to the tree if coupled with further soil remediation measures around the stool. In this case, the impact on the RPA is small and the buffer zone has been enhanced by 56m<sup>2</sup> this is seen as acceptable on balance.

In conclusion, the Landscape Officer supports the proposed incursions to the RPA and buffer zone subject to a programme of soil remediation for T381 being submitted.