

Inspector's Q94

I would welcome the Council's observations on the representations commenting on the soundness of policy NE1; 446 Adrian Harford of AOTRA, 954 Dr Lucy Murfett of Chiltern AONB Conservation Board.

446 Adrian Harford of AOTRA

Policy NE1 gives protection to 'ancient' trees. 'Ancient' is not defined but the NPPF uses the term 'Veteran' trees, which it defines as a tree which, because of its great age, size or condition is of exceptional value for the wildlife, in the landscape, or culturally. The word 'ancient' should therefore be replaced with 'veteran' in Policy NE1.

Policy NE9 gives protection both to any 'trees' and 'veteran trees'. The reference to 'veteran trees' here is unnecessary duplication and so it should be deleted.

AVDC Response:

AVDC considers there is a difference between Ancient and Veteran Trees and this is why Ancient Trees are referred to in Policy NE1 Protected Sites and Veteran Trees are referred to in Policy NE9. The following is from the Woodland Trust indicating an Ancient Tree is much rarer than a Veteran Tree.

An **ancient tree** is in its third or final stage of life.

Ancient trees of different species age in different ways. The oldest trees, such as yews, oaks and sweet chestnuts have very long ancient stages sometimes more than 1000 years long. Other types of tree live shorter lives and have short ancient phases e.g. birch or willows.

A **veteran tree** is usually in its second or mature stage of its life. Veteran trees get their name from signs of premature aging. They may have started hollowing and have patches of decay, broken branches or flaking bark that provide holes, cavities and crevices in the trunk and large limbs which are especially important for roosting and nesting bats and birds.

Notable trees are large trees without veteran features that are locally important visually or may have a personal significance to the individual recorder. This includes specimen trees or those that are important as the next generation of veteran trees.

<https://www.woodlandtrust.org.uk/visiting-woods/ancient-tree-hunt/what-are-ancient-trees/>

954 Dr Lucy Murfett of Chiltern AONB Conservation Board

The title is unclear, it could refer to other protected sites e.g. historic

environment or protected employment sites. NE1 does not reflect the increased weight being given to ancient woodland and veteran trees.

NE1 should not just be about SSSIs, ancient woodland and ancient trees, it should establish a hierarchy including European sites (SACs) and assign them appropriate weight, in order to follow the advice in NPPF Para 113 "Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance".

AVDC Response:

The term 'protected sites' comes from Government guidance <https://www.gov.uk/topic/planning-development/protected-sites-species> and AVDC has put this in as a specific policy in the Natural Environment Chapter to elevate the importance of such sites above other natural environment sites and species which are covered in other policies in the chapter.

It is the intention of the VALP to follow two different approaches to sites and species with the highest degree of protection (Policy NE1) and other sites and species covered in biodiversity and geodiversity (Policy NE2), river and stream corridors (Policy NE3), trees, hedgerows and woodlands (Policy NE9). Similarly on landscape, the highest protection is given to the AONB at Policy NE4 then lesser protection for locally designated and valued landscape (Policy NE5).

In terms of SACs and SSSIs, as international and national important biodiversity sites these are mentioned in Policy NE2 (c) because we consider they should be covered in Policy NE2 rather than NE1 because NE2 focuses on biodiversity and geodiversity. But criteria (c) and (d) apply exclusively to those SAC/ SSSI designated sites so there is still a distinction made to the importance of the asset as called for under NPPF para 113.

It is considered the VALP gives sites and species protection commensurate with their status and importance.