



ARBORICULTURAL PLANNING CONSULTANTS

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Daniel Holmes
Horsham District Council
Albery House
Springfield Road
Horsham
RH12 2GB

24th June 2026

SJA reb 26302-01a

Dear Mr Holmes,

Ref. DC/26/0509 Land to the South of Lynwick Street – Application for Planning in Principle

Response to the second draft reason for refusal and the tree officer's comments

1. I have been instructed by Cross Homes Lewes Ltd. (the Applicant) to attend site and undertake a preliminary assessment of the arboricultural constraints on the development of the site, including providing a view as to whether or not any of the trees are veterans, and to prepare this report in response to the second draft reason for refusal and the tree officer's comments on the proposals. It should be noted that the second draft reason for refusal covers landscape and arboricultural matters; I will only be responding to the arboricultural matters.
2. The tree officer's comments are prepared by Mr Andy Clout and are dated 8th April 2026. The Applicant received the draft reasons for refusal on the 9th June 2026 and as this was the first time they had received information that veteran trees would feature in a reason for refusal an extension of time for me to provide this response was requested and agreed to on the 10th June.
3. Being new to the case, having been instructed after the 10th June 2026, I have taken time to familiarise myself with the application and relevant supporting documents available on the Council's Public Access pages. I have also been to site, inspected the trees and the land under the control of the Applicant. However, I have not undertaken a full tree survey of the site, my principal focus was to establish if any of the trees on the site are veterans but to also assess the potential impact of gaining vehicular access to the site on the trees that would need to be retained. In the context of this being an

application for planning in principle and the time available to provide this report, I trust you will find this to be a reasonable and proportionate approach.

4. I attended site on the 17th June 2026 and walked the perimeter of the internal open space and the perimeter of the wider site (within the blue line). I have recorded and numbered all the largest trees on the site and measured the trunk diameters of those I could access. I attach to this report a plan illustrating my findings; I will be referring to various trees on the site by the numbers I have given them on this plan.

Definition of a veteran tree

5. This is an important discussion to have at this juncture because it will inform the conclusions that follow. It is important because, in a planning context, the NPPF is very clear that any development resulting in the loss or deterioration of a veteran tree should be refused. It seems a good proportion of Mr Clout's objection to the proposals stems from his assessment that the tree to the east of the access might be a veteran and if it is, it would prohibit access to the site.

6. The definition of a veteran tree is, currently, a hotly debated topic. I have been involved in two Public Inquiries over the past 18 months relating to veteran trees including discussion on the definition thereof. I have been involved in planning applications that have sought Counsel advice on the definition of veteran trees, and it is a topic I have written about in several reports for planning application in that time as well. It should also be noted that I am a certified veteran tree specialist at consulting level, having obtained my VETcert in March 2024.

7. The current debate around the definition of veteran trees in a planning context centres around the draft consultation version of the NPPF released in December 2025. This draft version has amended the definition of a veteran tree from **'A tree which, because of its age, size and condition, is of exceptional [...] value'** to **'A tree which, because of its age, size or condition, is of exceptional [...] value'**. The difference being the qualifier I have underlined in the two definitions. This is a potentially significant because it means the difference between a tree having to pass three tests and a tree having to pass one.

8. It is argued that this change would mean many more trees being identified as being veterans but I disagree. What I think is being missed in this debate is the latter half of the definition, that a veteran tree is one that is of 'exceptional value'. Both the Planning Practice Guidance entitled 'Natural Environment' which relates specifically to the NPPF and the Standing Advice relating to 'Ancient woodlands and ancient and veteran trees' state that a veteran tree is one that is of exceptional value.

9. To better understand how a tree might be considered as having exceptional value I find that the technical definition of a veteran tree derived from the VETcert Standards is helpful because it

refers to characteristics of a tree that mark it as being different from a mature tree of the same species.

10. The VETcert Standards define a veteran tree as one that is:

- Of great chronological age for their species
- In an advanced life stage where they may show retrenchment and have been through phases where they have demonstrated resilience
- Often large for their species
- Showing a complex structure or architecture with hollowing, decay, roots inside the trunk, a colony-tree structure/multiple functional units being common features
- Have high biological/ecological values
- Have a high cultural or heritage value – but this alone does not make a tree a veteran (for example a recently planted tree by a famous person is not a veteran).

11. Therefore, my assessment of the trees on this site is focussed on whether any of them are of sufficient size, age or condition for them to be of exceptional value. In assessing whether a tree is of exceptional value I have based this consideration on the VETcert definition of a veteran tree as it points out the features of a veteran tree that mark it being different from a mature tree and hence 'exceptional'. I will now go on to discuss if any of the trees on this site might be considered to be veterans.

Desktop study and background information informing assessment

12. None of the trees on this site are included on the Woodland Trust's Ancient Tree Inventory. However, that in itself is not confirmation that the trees are not veterans, but it does suggest that the notion of there being veterans on this site has not been considered previously, even though some large mature specimens are visible from the highway and publicly accessible footpaths.

13. The largest girthed tree on or adjacent to the site is the oak tree no. 10 which has a trunk diameter of 1.33m. The second largest is the off-site tree near the proposed access that is specifically referred to by Mr Clout in his comments; this tree has a diameter of 1.27m. Using these trunk diameters I have used White's 'Age Estimation for Large and Veteran Trees in Britain'¹ to estimate the ages of these trees. Based on the evident good vitality of the trees on this site and the fact they are large mature specimens, I have based the estimation on the trees growing on a 'good site, open grown and

¹ John White (1998) Estimating the Age of Large & Veteran Trees in Britain - Forestry Information Note FCIN 12, The Forestry Commission

relatively sheltered'. This gives an estimated age of 215 for the largest tree (no. 10) and 200 for the next largest (tree no. 1).

14. Inspection of readily available historic mapping shows that there are trees included on the OS Six Inch map from 1830s around the perimeter of the site and one large tree in the centre. This is illustrated in **Figure 1** below. However, the OS Six Inch map for 1888-1915, of the same area, does not include the same trees with one exception, this is illustrated in **Figure 2**, further below. This suggests that the trees were removed between the 1830s and 1888. Only one tree on the second OS map is in the position of an existing tree relevant to this site (it is in the position of tree no. 2).

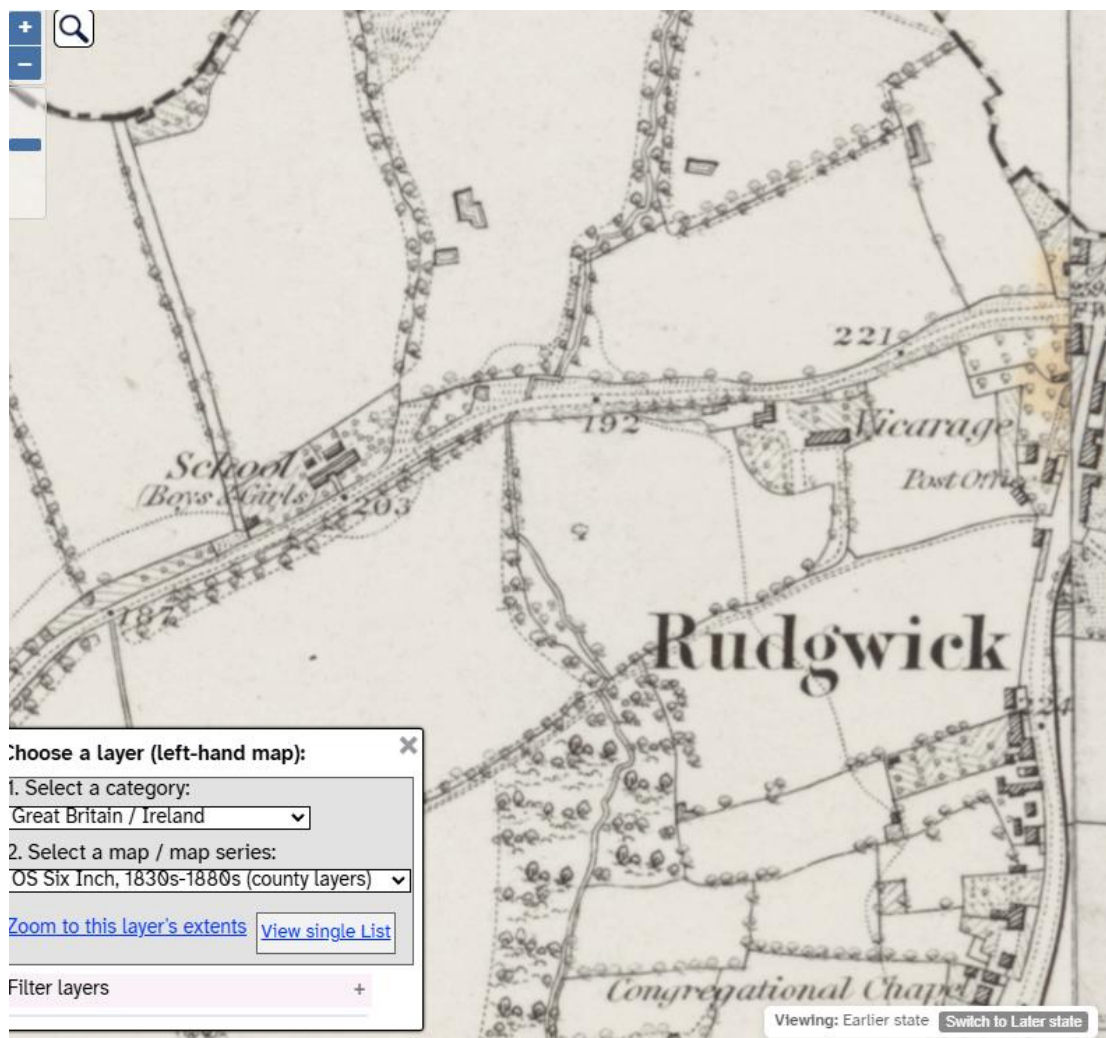


Figure 1 – OS map from 1830s on which several trees around the site's perimeter are apparent

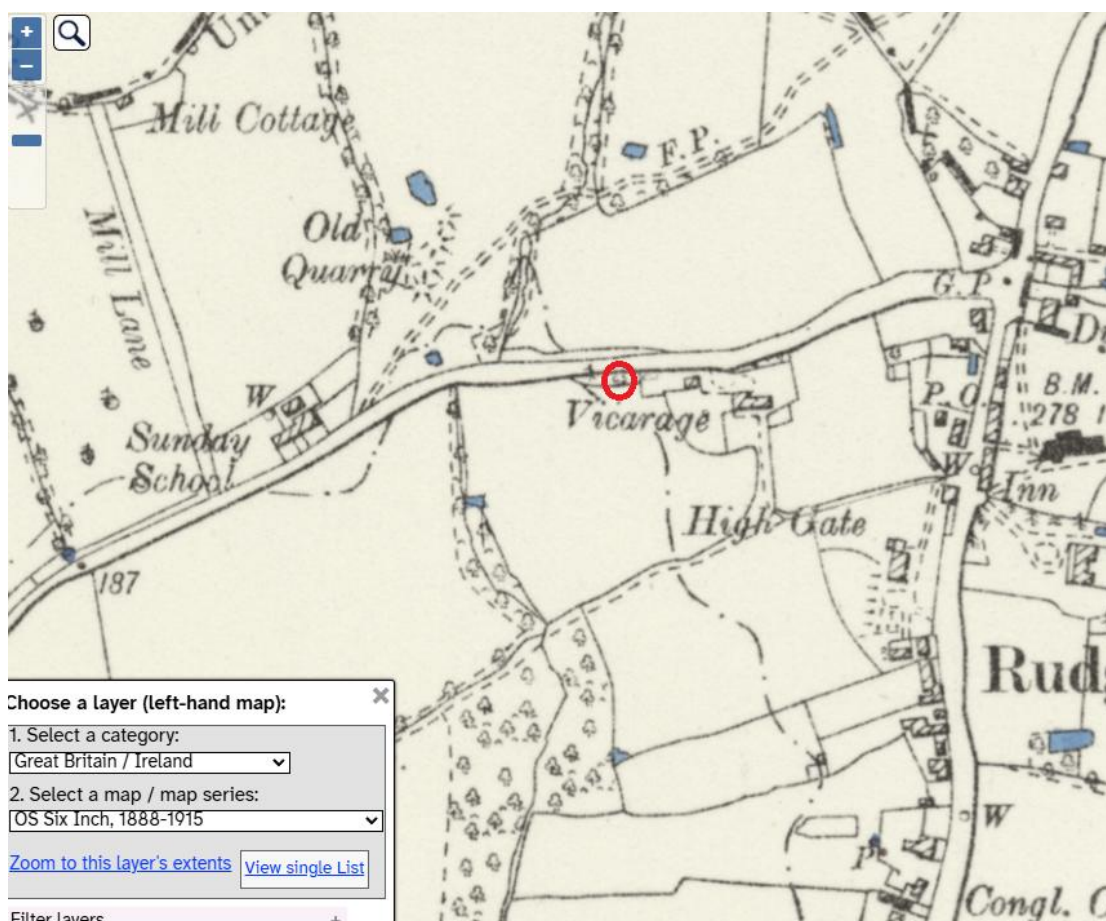


Figure 2 – OS map from 1888 on which only one deciduous tree (circled) is apparent

15. Bearing in mind that the trees are generally of similar size many they are likely to be contemporaneous and that the largest is estimated to be 215 years old, it puts its planting or germination date at approximately 1812. Trees of that age are highly unlikely to have been large enough to have warranted plotting on the 1830s map. By 1888, the trees would have been approximately 75 years old. This might have made them large enough to plot on the 1888 map but it seems they have not been included. Only one tree on the site was large enough to have been plotted in 1888 and this suggests it was a lot older than 75 years. On that basis, it is reasonable to conclude (because tree no. 2 has a trunk diameter estimated at 1.2m and is therefore estimated as being younger than nos. 1 or 10) that the tree on the 1888 plan is no longer present and that the trees present on site today are probably of the approximate age they are estimated to be.

16. This desktop research combined with the trunk diameters measured on site, lead me to conclude that none of the trees on the site are of great age (for the species) and none are particularly large. However, although this does suggest that the trees are not old enough to be considered veterans based on their age or size, it does not mean they are not veterans. Therefore, I have taken the assessment further and assessed the condition of the trees on the site as well; this is discussed in the following sub-section of my report.

Tree condition assessment

17. As the only tree showing signs of features that might be associated with being a veteran is tree no. 1, this sub-section of my report focusses solely on this tree. I have concluded in the absence of evidence to suggest the other trees are of great age or size for the species and lack any other veteran characteristics, that they are not veterans.

18. The oak tree no. 1 is to the east of the site, on adjacent land, and is visible from the roadside. My assessment of its body-language is that it has, at some point in the past, shed a substantial limb in the western portion of its canopy that has caused one large limb to partially fail. This limb is orientated to the east and is uncharacteristically (for the species and the size of the limb) horizontal. The upper side of this limb has been damaged and shows decay, this is likely to have been caused by the limb being struck from above.

19. Likely at the same time, a smaller limb orientated to the north has either failed or been reduced back to a growth point approximately 3m from the trunk. From this point there is a strip of exposed heartwood where the bark has been lost and this extends down to the trunk and continues down to ground level. It is not clear to me how or why the wound extends down to ground level, however, it could be due to a lightning strike that could also caused the initial failure discussed above.

20. The result is that the trunk has an open cavity approximately 400mm wide, extending from ground level up to the crown break at about 3.5m. The cavity has developed extensive decay caused by a brown rot fungi. Based on the lack of obvious fungal fruiting bodies this is likely to be an annual fleshy bracket such as *Fistulina* or *Laetiporus*. There is very little in the way of reaction wood or callusing around the cavity, suggesting it is not responding particularly well to this wound.

21. Conspicuously absent on this tree is any sign of dieback, retrenchment or veteranisation. The tree is in good health and has good vitality for a mature oak despite the apparent lack of reaction to the wound. Therefore, I do not think it can be said to be showing an advanced life stage where it has been through a period of resilience. Neither can it be said to have a complex structure, it has not gone through retrenchment and does not have multiple functional units. More likely is that the tree is currently going through a period of resilience and if it compensates for the decay and continues to support a healthy canopy until such a time as increasing age results in decline then it would become exceptional and be of exceptional value, but it is not there yet.

22. Therefore, I do not think this or any of the trees on this site are veterans. However, all the oak trees recorded on my site visit are of sufficient size and age to be considered notable and should be retained and suitably protected as part of any development of the site. The potential impacts of the proposed development on these trees is discussed below.

Arboricultural impacts of the proposals

23. With reference to the plan appended to this report it can be seen that the root protection areas ('RPAs', the green and blue circles around black dots representing tree trunks) for trees nos. 1 and 2 almost touch and that the proposed access would impact the RPA of tree no. 1.

24. It should be noted, in respect of the trees' RPAs, that I have calculated these as an uncapped factor of 15 times the trees' trunk diameters. Even though I have concluded that these trees are not veterans, they are mature oak trees and, in my experience, I have found that mature oak trees can be particularly sensitive to development pressures. To reflect this, SJAtrees as a practice, goes beyond the recommendations of the British Standard, and as a matter of course, affords mature oak trees with trunk diameters in excess of 950mm, an RPA equivalent in size to the buffer zone afforded a veteran tree.

25. It should also be noted that I have chosen not to off-set the trees' RPAs away from the road because I do not think it is acting as a barrier to rooting. The trees have lived and thrived next to this road for 200 years or more, from a time before the current adopted surface was constructed over the top of the pre-existing surface. It seems entirely likely that this long-standing relationship would have allowed the trees to root beneath and in all likelihood beyond, the road.

26. As this is an application for planning in principle, it is not an outline application where the access proposals are in detail. Therefore, it is possible that the access location could be adjusted when it comes to an outline or full planning application. This may necessitate an adaptation of the red line boundary but because the blue boundary line still represents land within the Applicant's control this is entirely possible in a future application. It would be possible to shift the access so that it is outside the RPA of tree no.1 or positioned equidistant between the two trees so that it is at the periphery of both trees' RPAs.

27. Although my assessment of the level differences between the highway and the site, which would have to cross an historic bank, suggest that it would not be possible to construct a new access without some excavation within the trees' RPAs, I consider the trees to be in sufficiently good vitality to tolerate minor incursions. The new access to a scheme of four dwellings is unlikely to have to be adopted and hence does not have to be built to adoptable standards. Although this would not avoid all impacts on the trees, it would mean a more sympathetic design could be developed.

Conclusion

28. To conclude this report, I have provided discussion on the current definition of what a veteran

tree is as context for my conclusions on why I do not think any of the trees on the site are veterans. I have provided discussion, based on desktop study and on-site assessment why I do not consider the trees to be veteran. And I have provided a plan to illustrate the RPAs of the trees based on measurements of the trees' trunks (where possible and otherwise estimated).

29. I conclude that the proposed development of the site would have a minor impact on the RPAs of two mature trees based on greater than standard RPAs but that there is every reason to expect that the site could be developed without significant arboricultural impact.

Yours sincerely,

Frank Spooner

Frank Spooner: Senior Consultant and Operations Director
SJAtrees

Root Protection Areas (RPAs)

To assist in the prediction of the likely impact of development on retained trees, a model is used. This model, based on the size of individual specimens, is the central feature of the British Standard 'Trees in relation to design, demolition and construction - Recommendations', BS 5837: 2012. This document provides a useful and consistent starting point for the assessment of likely impacts on trees.

The Standard recommends that an area around each retained tree should be protected from disturbance in order to maintain the tree's viability; within which the protection of the roots and soil structure is treated as a priority.

These root protection areas ('RPAs') have been calculated for all live trees with at least ten years' potential in accordance with Section 4.6 of the Standard; and are shown as areas bordered in green, blue or grey according to tree category. Normally portrayed as a circle of a fixed radius from the centre of the trunk; but where there appear to be barriers to root growth they have been reshaped to more accurately reflect the likely distribution of roots.



				
Project:		Lynwick Street, rudgewick		
Client:		Cross Construction		
Drawing:		Prelim TREE CONSTRAINTS PLAN		
Drawing no:		SJA TCP 26302-011	Revision no:	
Based on:		Topo survey		
Drawn by:		FPS	Date of issue:	
			1:500 @ A2	
Checked by:		n/a	Tel:(01737) 813058	
			sja@sjatrees.co.uk	
Tree nos.:		● 1	Category 'A' RPA:	Category 'B' RPA:
Category 'C' RPA:		●		●
FOR DESIGN GUIDANCE ONLY – NOT FOR SUBMISSION TO THE LPA!				
For further information refer to the SJA Tree Survey Schedule				
Do not scale from this drawing; please check all dimensions on site, and notify us of any discrepancies. SJA/trees (the trading name of Simon Jones Associates Ltd) cannot be held responsible for inaccuracies in the topographical plan on which this drawing is based.				
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