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Land At Rose Farm, Downs Road, Istead Rise, Gravesend, Kent

Independent arboricultural view on three trees on this site and their potential veteran status

1. I have been instructed by Gravesham Borough Council to provide an independent arboricultural view of the status of three trees on this site, in respect of the currently proposed residential development of Land at Rose Farm. These are apple tree no. 61 and pear trees nos. 89 and 90 which the Applicant's arboriculturist does not consider meet the definition of being veteran trees under the NPPF¹ definition but which the Applicant's ecologist considers meet the definition of being veteran trees under the BNG Regulations². Therefore, I am instructed to assess the trees under both definitions and provide a view on whether either, neither or both apply.

2. The reason for this instruction is that the currently proposed development includes the removal of pear tree no. 90. If the tree is indeed a veteran, its removal would engage paragraph N6³ of the NPPF and the application should be refused on those grounds. It is alleged by Kent County Council's Ecology Advice Service (KCC) that if these trees are veterans, they have not been afforded adequate protection in the form of veteran tree buffer zones and that if those zones were applied, there would be conflict with the proposals that may lead to the decline of the retained trees and thus the application should be refused on those grounds, under the same NPPF paragraph, as well. Therefore, determining whether or not the trees are indeed veterans is a material consideration in the Council's determination of the planning application.

¹ National Planning Policy Framework (August 2026)

² The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024

³ Note: this paragraph number is taken from the August 2026 update to the NPPF and is referred to as Paragraph 193(C) in other application documentation which refers to an earlier version of the NPPF.

3. My name is Frank Spooner, Senior Consultant and Operations Director at SJAtrees (Professional Member and Registered Consultant of the Arboricultural Association; holder of the Association's TechCert; the VETcert certificate (at consulting level); the ISA's TRAQ Certificate and the LANTRA Professional Tree Inspection Certificate). The qualifications most relevant to this case are my Registered Consultant status which carries with it the highest expectations of professional conduct with a duty to provide an unbiased opinion; and the 'VETcert' which is the European standard in veteran tree recognition and management qualifying me to provide this view on veteran status of these trees. I also have more than 12 years' experience in this field.

4. I confirm that the opinions expressed in this report are my own true opinions. I have never worked for Gravesham Borough Council, and I do not know any of its members or officers. Neither do I know the Applicant and I have not worked with or for them in any capacity. Although I have worked with representatives of EPR (the Applicant's ecological consultants) in the past, I do not consider myself to be conflicted in any way in the provision of my opinion on this matter.

5. In the preparation of this report I have attended site, inspected the three trees for myself and reviewed the relevant application documentation provided to me either by Council officers or available on the Public Access pages of its website. I have paid regard to the Arboricultural Impacts Assessment prepared by Down To Earth Trees Ltd. dated November 2025; the ecological advice provided by Kent County Council's Ecology Advice Service dated June 2026; and the response to that advice provided by EPR and dated July 2026. This report should be read in conjunction with those documents, which can be found on the Council's website (and hence are not appended here).

6. I have concluded that none of these three trees (nos. 61, 89 and 90), are veteran specimens and that they do not meet either definition of a veteran tree quoted in the application documentation. To qualify my opinion I will examine the various definitions of veteran trees and their application in a planning context and then apply this analysis to the trees in question.

Definition of veteran trees

7. There are several definitions of a 'veteran' tree to be found; in the UK, trees have only been termed as veterans since the 1990s and one of the earliest books on the subject, 'Information Note 13, Veteran Trees: A guide to good management', published by Natural England in February 2000, stated that the term veteran tree "**is one that is not capable of precise definition**". Despite this, since that time there have been several attempts to arrive at a definition of a veteran tree, made by Natural England itself; by the Ancient Tree Forum; by the Woodland Trust; by the VETcert program; by the Biodiversity Gain Requirements Legislation; and in the National Planning Policy Framework and associated Government guidance.

8. The importance of defining a veteran tree in a planning context is derived from the NPPF which makes it clear at Paragraph N6 that “...**development proposals which would entail the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.**”

Because the NPPF clearly states that the loss or deterioration of irreplaceable habitat should be refused and it makes it clear that ancient or veteran trees are irreplaceable, it is important to be clear on which trees are indeed veteran.

9. The definition that should properly be afforded weight in the context of this planning application is that provided by the NPPF. This principle was set by Planning Inspector O. S. Woodward in April 2023 in Planning Appeal reference APP/Z0116/W/33/3308537 (the ‘Brislington Meadows’ Appeal,). The advice received from KCC’s Ecological Advice Service seeks to argue that it does not make sense to differentiate between the NPPF definition and the BNG Regulations definition, both of which define veteran trees in the context of them being irreplaceable habitat.

10. In its response to the KCC advice, EPR provides planning appeal precedent where the two definitions were treated separately. The NPPF definition is the definition relevant to the making of a planning decision and the BNG Regulations definition is relevant to the separate BNG assessment process. Although I am not qualified to provide a definitive view on this, I consider the EPR approach where the two definitions have different applications to be the correct one.

11. However, I do not agree with EPR’s assertion that the two definitions are as divergent as it claims. Upon examination, I consider the two definitions to be similar but that the BNG Regulations definition is being misinterpreted, in this instance by EPR and by KCC.

12. At Annex 2: ‘Glossary’ the NPPF definition of ancient or veteran trees states: “**A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value ...**”

13. The important point to take from this definition is the word ‘exceptional’ which sets a ‘high bar’ for the biodiversity, cultural or heritage values of a tree before it can be considered a veteran. Another important point is that the three factors in the definition’s first line (age, size and condition) are conjunctive; meaning that all three factors should be present for a tree to be considered ancient or veteran.

14. The word ‘exceptional’ is supported by the Government in its guidance entitled ‘Ancient Woodland, Ancient Trees and Veteran Trees: Advice for Making Planning Decisions’. This guidance is published by Natural England and the Forestry Commission and is generally referred to as the ‘Standing Advice’. The Standing Advice states that: “**A veteran tree may not be very old, but it has significant decay features, such as branch death and hollowing. These features contribute to its**

exceptional biodiversity, cultural and heritage value.” By reiterating the word ‘exceptional’ the NPPF and the Government Guidance are in accord.

15. In respect of the second point raised in paragraph 13, above, the NPPF refers to three conjunctive factors. There has been debate within the arboricultural industry in the last eight months because the consultation draft of the NPPF published in December 2025 amended the definition to be disjunctive by replacing the ‘and’ with ‘or’. Although I consider the difference between those two versions of the definition to be subordinate to the need for a tree to be of ‘exceptional’ value, the latest version of the NPPF, published in August 2026, reverts to the conjunctive definition.

16. By comparison, at ‘Table 2’ of the BNG Regulations the definition of ancient trees and veteran trees is as follows:

Ancient trees have passed beyond maturity into an ancient life stage or are old in comparison with other trees of the same species which exhibit one or more of the following—

(i) demonstrably great age relative to others of the same species

(ii) changes to their crown and trunk development indicative of the ancient life stage

Veteran trees are mature trees that share physical and other characteristics in common with ancient trees, due to their life or environment, but are neither developmentally nor chronologically ancient. All ancient trees are veteran trees, but not all veteran trees are ancient. Veteran and ancient trees which have died are still recognised as such because they retain significant biodiversity value for many decades.

Veteran trees exhibit one or more of the following—

(i) significant decay features such as deadwood, hollowing or signs of advanced decay in the trunk or major limbs

(ii) a large girth, depending on and relative to species, site and management history

(iii) a high value for nature, especially in hosting rare or specialist fungi, lichens and deadwood invertebrates.

17. Reading this definition through and in its entirety, I consider that it too is a conjunctive definition and a tree must meet two tests for it to be considered a veteran, these being whether the tree is mature and whether it has physical or other characteristics in common with ancient trees. The characteristics of ancient trees are also listed in the definition, those being (i) demonstrably great age relative to others of the species and (ii) changes to crown and trunk development indicative of the ancient life stage. The definition then goes on to say that veteran trees exhibit one or more of three listed attributes.

18. I take the wording of the definition to mean that a veteran tree has one or more of the three listed attributes. It stands to reason that a tree that is mature and displaying attributes in common with ancient trees but is not necessarily ancient might reasonably be expected to have one or more of the attributes listed. It is possible for a tree to have significant decay features, a large girth, or a high value for nature without it being a veteran.

19. However, in my experience, since the BNG Regulations definition was published in early 2024, many have interpreted the definition to mean that a tree with one of the three attributes is a veteran. This is the approach taken by EPR and in the guidance published by CSA Environmental it refers to in its response to KCC. However, I consider that approach to be incorrect.

20. In its response to KCC, EPR talks about **‘the much broader BNG Regs definition’** which **‘extends to relatively unexceptional trees presenting some old growth features’**. In its advice KCC refers to Government Guidance on the application of the BNG Regulations and understanding what ‘irreplaceable habitat’ is. That guidance sets out that **‘irreplaceable habitat cannot be created, or it would take a very long time to restore its normal ecological function if impacted’**.

21. Because the BNG Regulations is a set of regulations relating to ‘irreplaceable habitat’ it seems logical to me that its definition of what constitutes a veteran tree (which is to be treated as irreplaceable habitat) should be interpreted to mean trees that are exceptional because they are irreplaceable and not trees that are ‘relatively unexceptional’ as asserted by EPR.

22. As already established in paragraph 10, above, the two definitions of veteran trees come from different sources and have different applications. Both applications set a high bar for the circumstances in which a veteran tree might be lost. The NPPF sets out that planning should be refused if there is a loss of irreplaceable habitat except for **‘wholly exceptional reasons’**. The Government Guidance relating to the BNG Regulations sets out that irreplaceable habitats may be lost in **‘exceptional circumstances’**. Both are a high bar but the BNG Regulations sets a slightly lower bar than the NPPF.

23. In comparing the two phrases used in these two different sources, the inclusion of the word ‘wholly’ in the NPPF sets it apart and with a higher bar than the BNG. Wholly exceptional reasons can be taken to mean a near-absolute ‘bar’ where only the most compelling, unique reasons might justify departure. The example given in the NPPF being infrastructure projects of national importance. By comparison, exceptional circumstances is still a high bar that would require strong evidence and justification to overcome but it is achievable.

24. To accord with such high bars, the definition of irreplaceable habitat protected by them should be proportionate. In the context of the NPPF, a tree must be of ‘exceptional’ value for it to be defined as veteran and this is proportionate to the high bar set by the NPPF if a veteran tree is shown for

removal. Similarly, the BNG Regulations sets the bar slightly lower by allowing the loss of a veteran tree in exceptional circumstances but the definition for veteran trees in the BNG Regulations, if interpreted as I have set out above, is also proportionate to this.

25. With there being a slightly different standard of expectation for a tree to meet the different definitions provided by the NPPF and the BNG Regulations, I consider it to be possible for a tree to meet the definition in the BNG Regulations and not the NPPF. However, this is likely to be the exception rather than the rule. In only very rare instances might it be possible for a tree to be mature, have characteristics in common with ancient trees but not be of exceptional value due to size, age 'and' condition.

26. In this context, I now refer directly to trees nos. 61, 89 and 90.

The trees

27. The dimensions and a description of the three trees can be found in the tree survey schedule at Appendix 2 of the Arboricultural Impact Assessment, prepared by Down to Earth Trees Ltd. and submitted in support of the application. Photographs of the trees can be found on pages 7-9 of EPR's response to KCC. However, photographs taken by me on the 3rd September 2026 are presented below.



Photographs 1 and 2 – tree no. 61 (left) and the cavity in its trunk (right) showing insertion of 450mm long probe



Photograph 3 – tree no. 89



Photograph 4 – tree no. 90 (contrast adjusted slightly to provide clearer definition)

28. I find none of these three trees to be of exceptional biodiversity, cultural or heritage value due to their size, age and condition and I will provide evidence for this here. The apple tree no. 61 has a trunk diameter of 450mm (girth of 1.41m). The pear trees nos. 89 and 90 have trunk diameters of 355mm and 345mm (girths of 1.12m and 1.08m) respectively. None of these measurements are exceptional for mature apple or pear trees, which can attain girths in excess of 2m⁴.

29. Based on their trunk diameters and on unsubstantiated claims in the work done by EPR that the trees are remnants of a mid-twentieth Century orchard, it seems likely that the trees are 50 to 60 years old. This is not exceptional for apple or pear trees. Apples are capable of maximum lifespans of between 100 and 150 years; indeed, the original Bramley apple tree known to be planted in the early 1800's is still alive 200 years later (although known to be in terminal decline due to honey fungus⁵). Pears are known to be capable of living longer and can attain lifespans in excess of 250 years⁶. Assessment of the canopies of the three trees, in particular the pear trees nos. 89 and 90, shows that they are relatively small for the species and have been stressed for a long time as evidenced by their pronounced branch taper and poor extension growth. The slow growth rates brought on by soil compaction caused by livestock in the fields in which they are growing suggests they could be older than their trunk diameters would imply but I still do not consider them to be old for their species.

30. In terms of the condition of the trees, other than small amounts of deadwood and dieback in the stressed canopies of trees nos. 89 and 90, there are no features consistent with veteran trees. They do not have any cavities, areas of extensive decay or crown retrenchment. Their trunks were sounded with an acoustic mallet, and no indication of hollowing was found.

31. The apple tree no. 61, has a trunk wound at 1.75m that is 180mm wide, which is consistent with historic limb failure or removal, behind which is a cavity that extends to 350mm depth and at least 450mm down into the trunk and up into the tree's main limbs. Although this is a significant cavity and hollowing for a tree of this size and age I do not find it to be exceptional because the tree is compensating for the hollow without any loss of vitality or any dieback in its crown. Such wounds and decay are common in mature apple trees that were grown for a crop. Traditionally, apple trees were deliberately stressed by cutting away bark or removing limbs to elicit heavier crops. When such trees are no longer needed for crops, the wounds and stresses they sustained develop into cavities.

⁴ Tree register of the British Isles (TROBI) <https://www.treeregister.org/>

⁵ 'The fate of the original Bramley apple tree 'hangs in the balance' The Telegraph February 2026

⁶ Woodland Trust, *Tree Species Handbook*, Woodland Trust, accessed 9 September 2026.

32. For the apple tree to be considered a veteran, this wound would have needed to have resulted in further limb failure and decline, survival and regeneration of the tree. With its full, albeit unmanaged canopy, this tree has not suffered any decline or regeneration.

33. For these reasons I do not consider these trees to be of exceptional biodiversity, historical or cultural value due to their size age and condition. Therefore, they do not meet the NPPF definition of veterans and they should not be treated as veterans for the purpose of this application.

34. Although the planning application should be determined under the NPPF and local planning policy and not the BNG Regulations, it is a moot point whether the trees meet the definition of being veteran trees under the BNG Regulations. However, because there is inconclusive discussion on the matter between KCC and EPR, I consider it necessary to assess whether the trees are veterans under that definition as well.

35. All three trees can be classified as being mature, they therefore meet the first test. However, despite the hollowing in the trunk and main branches of tree no. 61 and the deadwood and minor dieback in the canopy of tree no. 89, I do not consider these features to be consistent with ancientness. The features observed are commonplace in mature trees and whilst they might also be observed in ancient trees, they are not, in this case, indicative of the ancient life stage. The features observed are as a consequence of stress induced by the use of the land around them or by their past management. The trees are not old enough and the characteristics are not advanced enough to have the appearance of them being consistent with ancientness.

36. Having determined that the trees do not meet either definition of what a veteran tree is, in relation to the sources they are derived from, I have concluded that they are not veteran trees. With this being the case, I do not consider it necessary to enter into the discussion of the provision of adequate buffer zones for these trees. As they are not veterans, they do not require buffer zones.

Conclusion

37. Having discussed the various definitions for veteran trees and identified the correct definition to use in a planning context to be the one provided by the NPPF, I conclude that none of these three trees are of exceptional biodiversity, cultural or heritage value due to their size, age or condition.

38. Although it is not the correct definition or process to use in the context of making a planning decision, the BNG Regulations definition is not particularly divergent from the NPPF definition, and it still sets a high bar for what should be determined irreplaceable habitat. Nevertheless, I have assessed the trees under that criteria as well and found they are not veterans under that definition either.

39. Whether or not KCC or EPR agree with my conclusions should not make a material difference to the determination of the application. This is because the trees do not meet the NPPF definition and hence Paragraph N6 of the NPPF is not engaged. For this same reason, the trees do not require buffer zones beyond the root protection areas they have been afforded in the AIA submitted with the application.

Prepared by,

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SJAtrees**