

# Street Tree Review Panel Report for A38 BREP Scheme C

## Why BREP is required:

Congestion in Bromsgrove is a major concern of residents and businesses, with prolonged and unreliable journey times affecting the A38 corridor which is set to worsen without any intervention. Worcestershire County Council is therefore committed to provide improvements at key junctions, with upgraded cycling facilities and active travel routes by delivering BREP. The scheme has been approved by Worcestershire County Council Cabinet and the Department for Transport (DfT) through a Full Business Case (FBC).

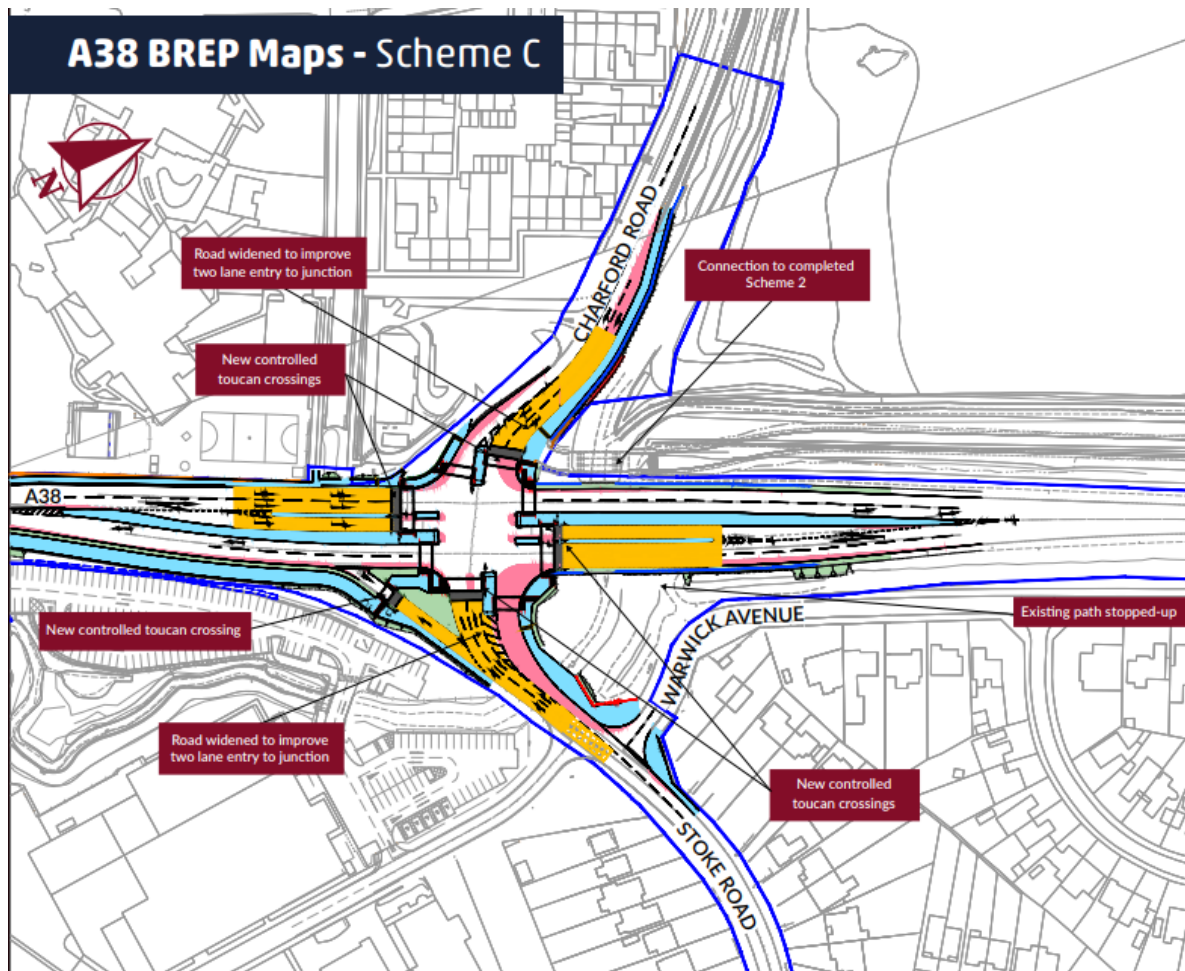
The A38 BREP Phase 3 schemes address the Major Road Network priorities by:

- **Supporting the Strategic Road Network (SRN)** - Congestion affects the strategic role of the A38, delaying traffic that is trying to reach the SRN via M5 junction 4, M5 junction 5 and M42 Junction 1 or using the corridor as a diversionary route, as well as traffic using the corridor to access urban areas and key employment areas south of Birmingham. Improvements to the corridor will provide efficient and reliable access to the M5 via Junction 4 and M42 via Junction 1.
- **Reducing congestion** – Without improvements, existing congestion at junctions will continue to worsen leading to increased journey time and increased cost to the economy. The traffic modelling shows that in 2040, in the Do-Minimum scenario, junction capacity is exceeded at multiple locations on the corridor and journey times are increased.
- **Supporting economic growth and rebalancing** – Congestion on the A38 affects the wider economy, restricts labour markets and impacts on the ability of employees to access potential employment. Improvements are required to enable the A38 corridor to function effectively for businesses and workers.
- **Supporting housing delivery** - The ability to accommodate growth will be impeded without improvements, due to limited capacity on the network. Junction improvements will help enable the network to better cater for planned development and support delivery of the Local Plan requirements.
- **Supporting all road users** – Opportunities to support mode shift to walking and cycling are currently restricted due to actual and perceived severance caused by the A38, impacting on local trips and those to Bromsgrove Rail Station. Walking and cycling improvements included in this scheme address severance issues by providing better facilities along, across and adjacent to the A38, building on schemes being delivered across Bromsgrove in other programmes. These schemes will improve safety and security for non-motorised users crossing the A38 and in the surrounding area, resulting in a reduced number of collisions and subsequent economic active mode user benefits.

## Summary of Scheme C Proposals:

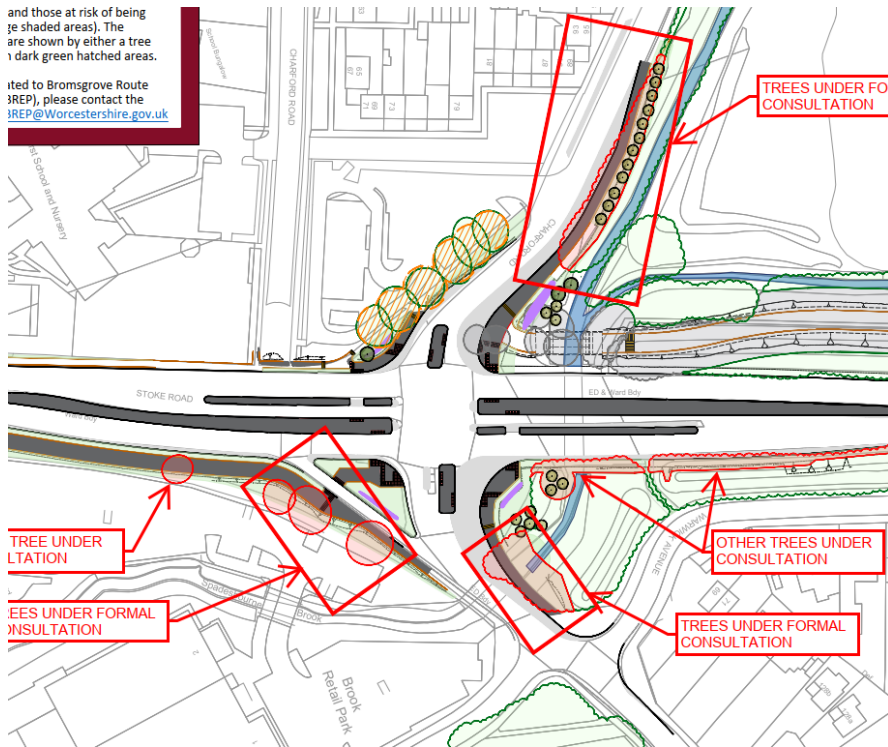
The scheme will provide increased vehicle capacity through the provision of additional traffic lanes. Also included will be a new active travel corridor with new toucan crossings facilities on all arms of the junction.

The latest scheme design can be found on the A38 BREP Webpage on the following [link](#)



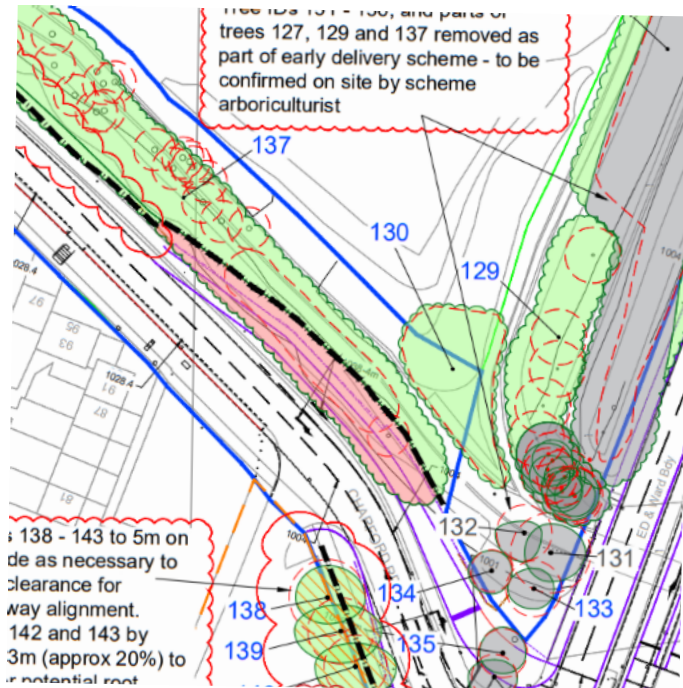
### Why Tree Removal is Proposed:

Figure 1 is an excerpt from the Scheme C consultation plan, showing the location of the tree clearance and landscape proposals. None of the trees highlighted for removal have a TPO.



**Figure 1**  
**Chalford Road**

Chalford Road is being widened to accommodate a dedicated right turn lane onto the A38 and a new traffic island for the toucan crossing. As such, mostly shrubs need to be removed for the extra lane and relocation of the active travel corridor adjacent to the road. There is also a requirement for retaining wall structure next to the stream.



It is proposed that these shrubs and trees are removed for several principal reasons:

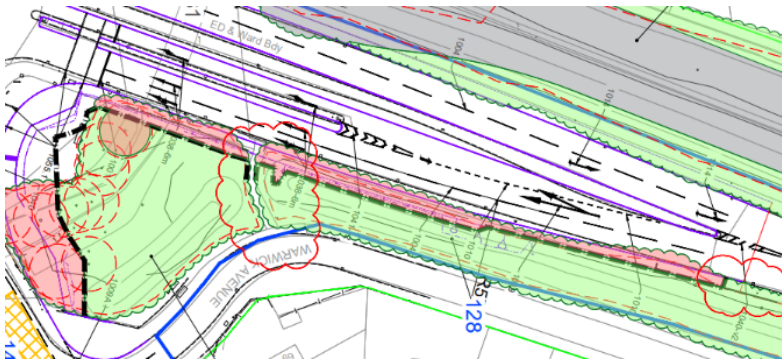
1. They are in the way of proposed works and/or working area to safely build the works.

The shrubs/ tree would cause great difficulty in delivering the works safely due to their location.

2. The works would damage trees and therefore potentially make them unsafe.

Excavation within the tree root zone can damaged roots which significantly increases the probability of a tree becoming unstable and dangerous.

### **A38 southbound**



The scheme requires widening into the verge to accommodate the new alignment on the A38, therefore the reasons why the shrubs and trees are proposed for removal are:

1. They are in the way of proposed works and/or working area to safely build the works.

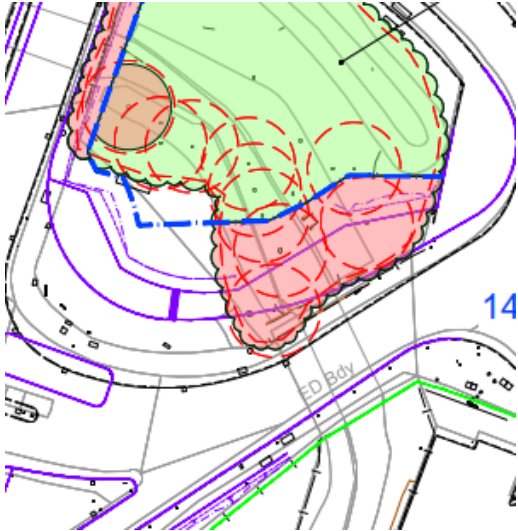
The shrubs/trees would cause great difficulty in delivering the works safely due to their location.

2. The works would damage trees and therefore potentially make them unsafe.

Excavation within the tree root zone can damaged roots which significantly increases the probability of a tree becoming unstable and dangerous. However please note the mitigation measures below.

3. the proposed verge needs to be clear of trees to maintain visibility sight lines and include underground services.

### **Stoke Road**



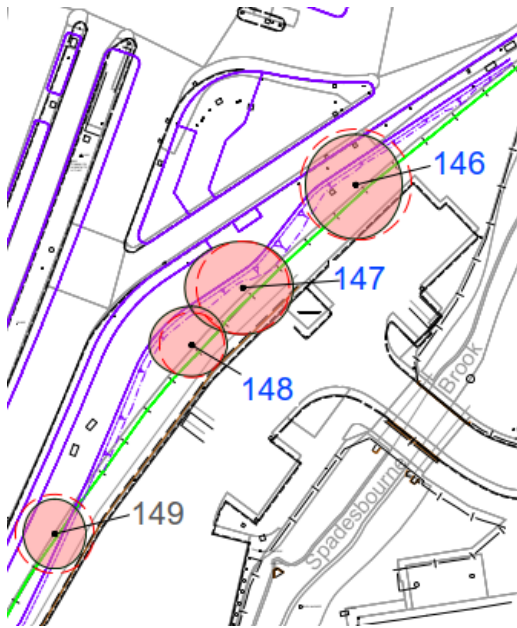
The scheme requires a culvert extension on Stoke Road to facilitate a third lane over the existing structure. This is required to realign the ahead and right turn movements and to improve access into the left turn lane onto A38 Southbound. There will also be a new larger traffic island for the toucan crossing and also a wider entry into Stoke Road to accommodate turning movements off the A38 and Charford Road.

Due to the culvert extension over Sugar Brook, there is a requirement to remove trees as:

1. They are in the way of proposed works and/or working area to safely build the works.  
The trees would cause great difficulty in delivering the works safely due to their location.
2. The works would damage trees and therefore potentially make them unsafe.

Excavation within the tree root zone can damaged roots which significantly increases the probability of a tree becoming unstable and dangerous. However please note the mitigation measures below.

### **Stoke Road on slip**



A new Active travel corridor shall be implemented adjacent to the slip road. Tree 149 shall need to be removed as it is within the works. The remaining three trees were due to be removed. However, the Arboriculturist has agreed that retention may be possible if suitable mitigation measures are carried out. The trees will be assessed on site by a qualified arboriculturist.

#### Alternatives considered:

To achieve the BREP objectives there are no alternative designs that would reduce the number and extent of shrub /tree loss on Charford Road, Stoke Road and the A38.

However, mitigation measures are proposed as below.

#### Mitigation Measures

Where the works may damage tree roots and potentially make them unsafe, an Arboriculturist shall assess the need to remove shrubs and trees based on extent of excavations and likely damage to root structure, with the aim to retain as many trees as possible.

Trees 146, 147 and 148 on the Stoke Road on slip shall be changed from “removal” to “at risk of damage/removal” and will be subject to an on-site assessment by the Arboriculturist.

For the landscape proposals for BREP, as many existing trees have been retained as possible. Where trees have required removal to facilitate BREP, as many trees as possible have been planted within the highway boundary, adhering to WCC’s replanting commitment (2:1 ratio) where sightlines, underground services and existing trees/vegetation allow.

The Landscape Environmental Management Plan (LEMP), prepared as part of the detailed design of the Scheme, will be implemented during the planting works and there will be a subsequent maintenance period to reduce the risk of failure supplemented by replacement planting where necessary. Where planting has been proposed, it includes native species reflecting those currently found on-site, but with regard to recommendations from Worcestershire County Council’s Landscape Character Assessment Supplementary Guidance. Native planting will be of local provenance, as detailed within the Forestry Commission’s Practice Note on Using Local Stock for Planting Native Trees and Shrubs.

BREP's Arboriculturist oversees the construction work on site to ensure that as many trees as possible are protected and/or retained. The Contractor is also responsible for landscaping and planting the replacement trees under the supervision of WCC.

The trees and shrubs which are removed will be repurposed into wood chippings and delivered off site to be used as a raw material (for example for landscaping or animal bedding) or processed into biomass fuel.

### Scope of Legislation

Where a Local Authority proposes the removal of a street tree or trees, consultation is required as per Section 96A of the Highways Act 198.

A street tree is one that is located on an urban road. Urban roads are highways, **other than trunk or classified roads**, which:

- are restricted for the purposes of section 81 of the Road Traffic Regulation Act 1984 (30 miles per hour speed limit);
- are subject to an order made by virtue of section 84(1)(a) of that Act imposing a speed limit not exceeding 40 miles per hour; or
- are otherwise a street in an urban area.

For Scheme C this means Stoke and Charford Road trees fall under this legislation but A38 does not. However, due to the proximity of a residential road to the A38, WCC has decided to follow the same consultation process for A38 tree loss.

### Consultation Process

- The consultation period commenced on Friday 21<sup>st</sup> June 2024 for 28 days and ended on Friday 19<sup>th</sup> July 2024 at 5pm.
- The Divisional County Councillor and Bromsgrove Tree Officer were notified of the intention to remove the trees prior to the consultation commencing.
- Letters were delivered to residents in the immediate vicinity of the trees on Friday 21<sup>st</sup> June 2024, advising which trees are proposed to be removed, why they have to be removed, any mitigation measures proposed and informing recipients about the consultation process.
- Notices and plans were placed across the site on Friday 21<sup>st</sup> June 2024.
- On the same day, the notice and plan were also posted on the A38 BREP website, under the following [link](#).
- The notices advised the public that they had 28 calendar days to make comments with information on how to do so (write to [A38BREP@worcestershire.gov.uk](mailto:A38BREP@worcestershire.gov.uk) or address provided).
- All correspondents have received acknowledgement of their representations.
- All comments received have been carefully considered and summarised in this report
- Following the conclusion of the Street Tree Review Panel, a notice of the decision will be posted on the trees, placed on WCC's website and emailed/posted to those who responded to the consultation.

### Assessment of consultation responses

In total 24 communications were received in response to this consultation.

Each representation has been reviewed and summarised into common themes in the following table:

Table 1 – Consultation responses assessment

| Theme  | Number of responses with this theme |
|--|-------------------------------------|
| Detriment to wildlife, namely bats and/or birds etc.   | 14                                  |
| Detriment to health and wellbeing (pollution, noise, light etc).   | 13                                  |
| Unhappy with mitigation measures. Replanting would not begin to compensate for decades. Concerned about maintenance.   | 12                                  |
| General objection to tree clearance across all of BREP   | 11                                  |
| Concerns about the removal of the trees, disregard for residents' privacy, security, house value and general livelihood.   | 7                                   |
| General objection to BREP not related to the tree clearance (e.g. demise of high street, waste of money, Western bypass needed). Suggestions to invest in alternatives, e.g. public transport. | 7                                   |
| Detriment to the general environment.  | 6                                   |
| Changes will only push the bottleneck to a different location.   | 6                                   |
| The widening isn't required - disagrees with engineering design & reasons for removal  | 5                                   |
| Bromsgrove losing its identity as market town with rural backdrop.   | 4                                   |
| Residents do not want and/or need a cycle path on this road or are unhappy with proposals.   | 2                                   |

### Recommendations

The engineering works on Charford Road, the A38 and Stoke Road are imperative for BREP to achieve its objectives. There are no alternative engineering solutions which would allow the trees and shrubs to be retained. However, mitigation measures shall be in place to retain as many trees as possible. Furthermore trees 146, 147 and 148 on the Stoke Road on slip shall be changed from “removal” to “at risk of damage/removal” and will be subject to on-site assessment by a qualified arboriculturist.



## Comments from Street Tree Review Panel

The Street Tree Review Panel met on 1 Aug 2024. Panel members included:

- Project Manager
- Strategic Programme Manager - Major Infrastructure Projects
- Project Office Manager Major Projects
- Project Support Officer
- Assistant Director for Highways and Transport Operations
- Highway Tree Officer

### **The comments from the meeting are:**

The Panel made the following comments/recommendations:

- Responses received during the consultation were carefully noted; it is not considered that any of the comments fundamentally require the trees that are proposed to be removed to be retained although the following points should be noted
- Whilst noting that this is already referenced in the report, the Panel stressed the importance of minimising tree loss consistent with the delivery of the scheme and ensuring the health of retained trees
- Similarly the Panel reinforced the importance of mitigation measures such as the plating of replacement trees and other environmental measures together with ongoing reviews by ecologists and arboriculturists as appropriate
- Whilst noting that the Project Manager understands all trees that are proposed to be removed are highway trees or are on land owned by the County Council, the Panel advised that this is “double-checked”
- The Panel stressed the importance of robust tree protection measures for those trees that are scheduled to remain and emphasised the need for an arboriculturist to carry out regular inspections
- The Panel reiterated the importance of a post-scheme monitoring, maintenance and replacement regime for new trees
- The Panel asked the Project Manager to investigate the possibility of replacing some of the new trees with species that are longer lived and larger growing (in suitable locations)

## Decision of Street Tree Review Panel:

The Panel supports the recommendation of the Project Manager subject to the comments/recommendations made above.

**Date:** 01/08/2024

# Appendix A – A38 BREP Map Scheme C

