

Street Tree Review Panel Report for A38 BREP Scheme D

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 D Proposals:

The scheme will offer improved junction capacity including new signalised pedestrian crossings of New Road and a new toucan crossing of the A38 to link up active travel corridors.

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

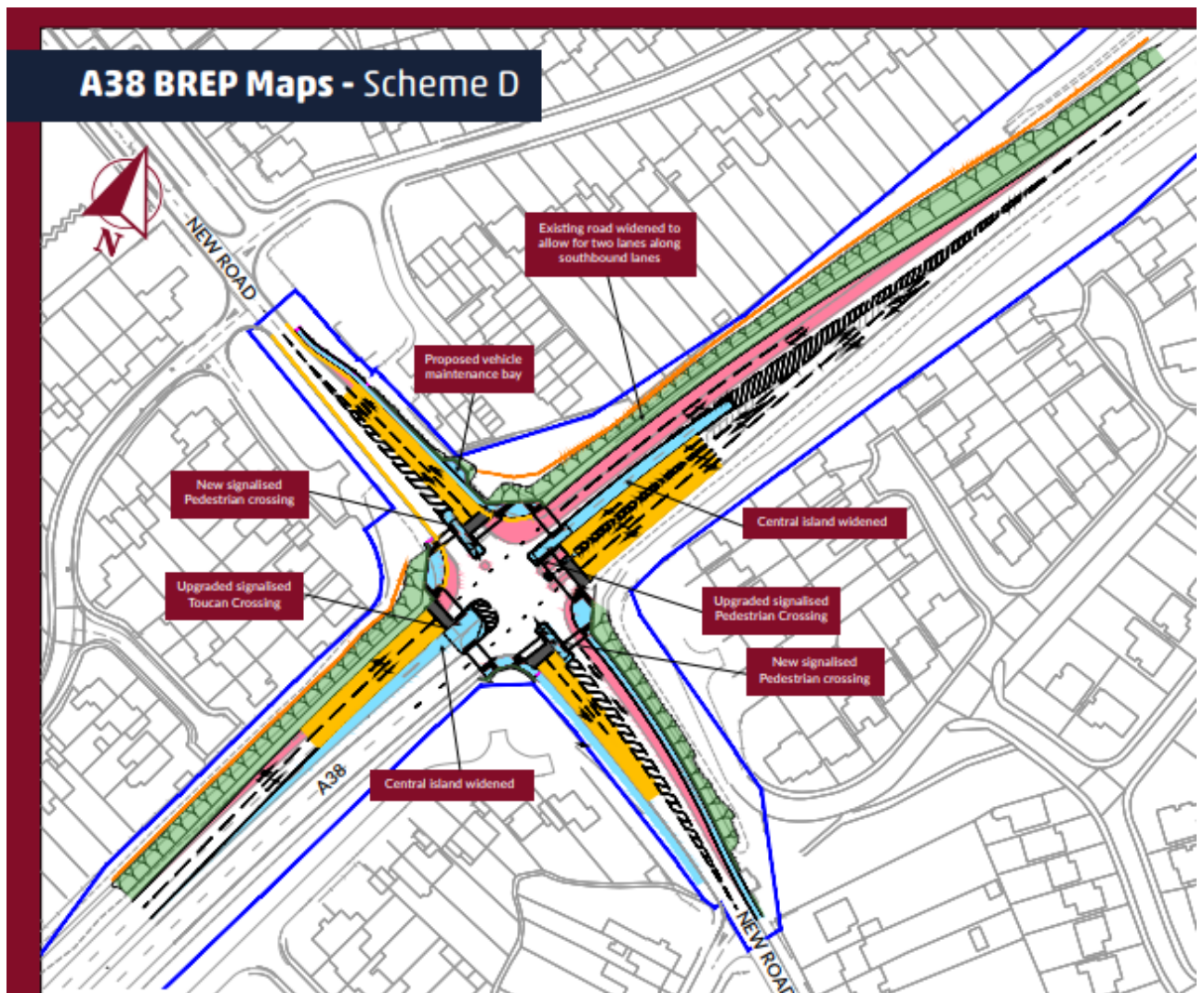


Figure 1 Scheme D proposals

Why Tree Removal is Proposed:

Figure 2 is an excerpt from the Scheme D tree consultation plan, showing the locations of proposed tree removal including partial landscape proposals. Areas of proposed tree removal are in red, noting that proposals of replacement trees are not shown to provide clarity. None of the trees highlighted for removal have a TPO. The Scheme D tree consultation plan is provided at the end of the report.

BREP - Scheme D High Level Landscaping Plan

Notes:

This plan provides an indication of the vegetation to be retained (green circled areas) and those at risk of being removed (orange shaded areas). The location of new trees are shown by either a tree symbol on the plan or within dark green hatched areas.

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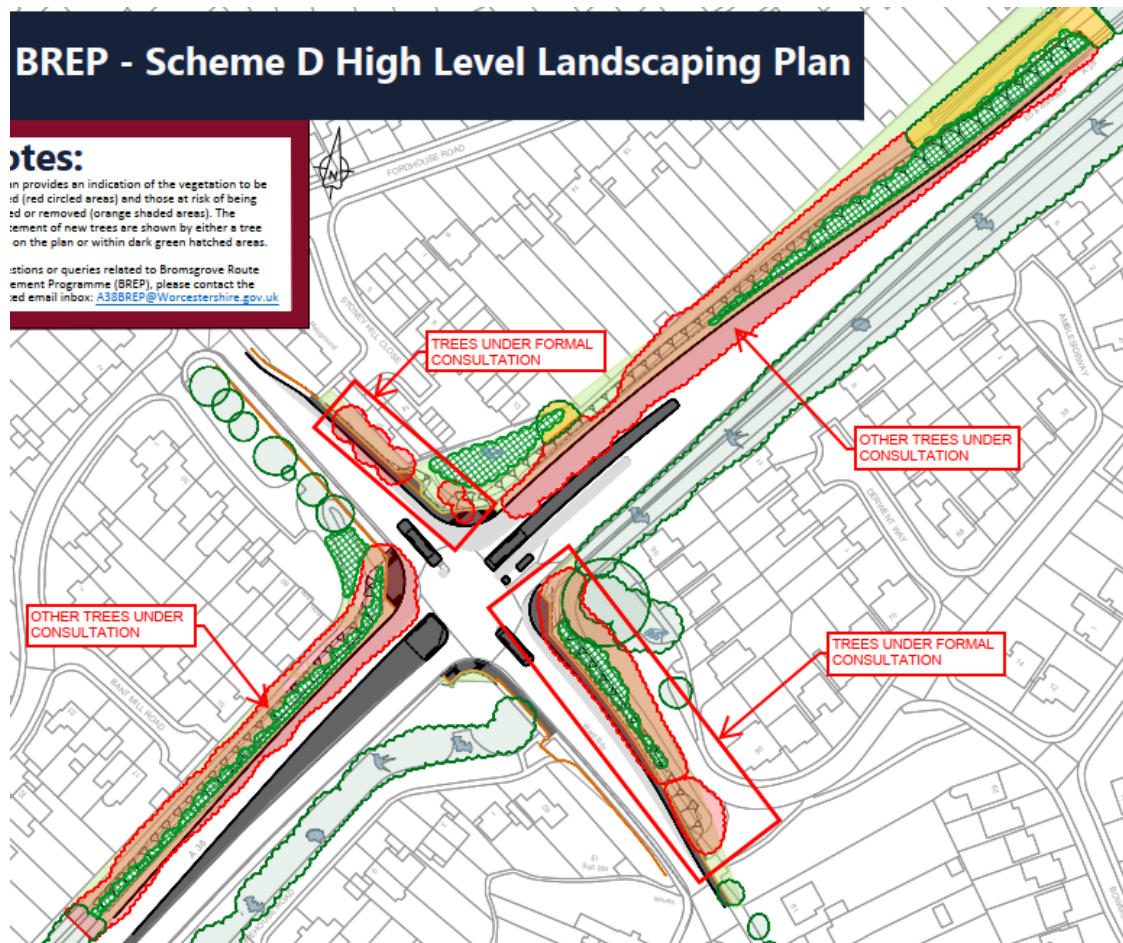


Figure 2 Excerpt from Scheme D tree consultation plan

A38 northbound :

The A38 is being widened on the northbound side only to accommodate two southbound lanes and a right-turn lane. This will include widened central islands for the signalised crossings. The works also require the installation of a noise barrier on the northbound side of the A38.

In general trees and vegetation shall be removed along this stretch of the A38 for these principal reasons;

1. They are in the way of the proposed works and/or working area needed 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. This is because excavation within the tree root zone can damage roots which significantly increases the probability of a tree becoming unstable and dangerous.
3. The proposed verge needs to be clear of trees to maintain visibility sight lines and include underground services.

However there are locations, north of New Road , where an Arboriculturist shall assess the need to remove shrubs and trees based on the extent of excavation and likely damage to root structure, with the aim to retain as many trees as possible.

Alternative solutions

To achieve the BREP objectives there is no alternative solution that would significantly reduce the number and extent of shrub /tree loss along the A38 northbound. However it is recommended that consideration be given to reducing the level of tree loss and vegetation clearance where road widening is nominal. These areas are circled red in Figures 3 and 4 below .



Figure 3 Area south of New Road



Figure 4 Area north of New Road

New Road (west of the A38)

This section of New Road is being widened on the north side for the new signalised pedestrian crossing with central island. As this will require rebuilding the footpath closer to five trees, which shall require removal for the following reasons;

1. They are in the way of the proposed works and/or working area needed 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. This is because excavation within the tree root zone can damaged roots which significantly increases the probability of a tree becoming unstable and dangerous.

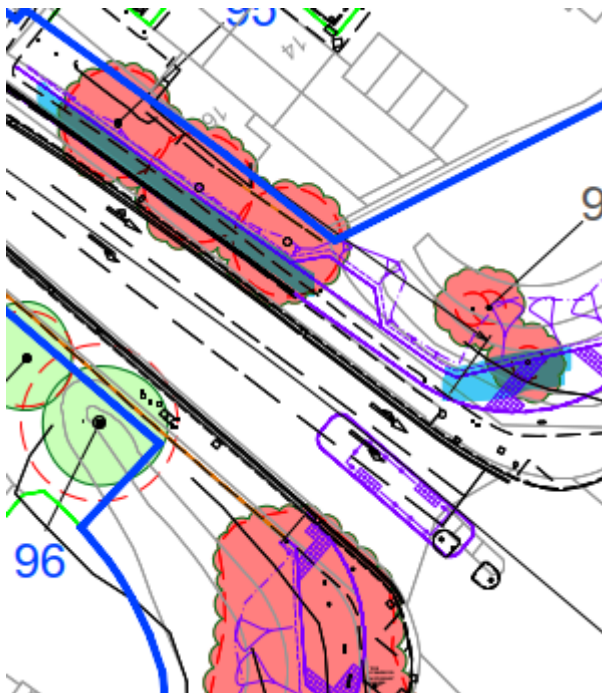


Figure 5 Tree loss on New Road (west of the A38)

Alternative solutions

To achieve the BREP objectives there are no alternative design that would reduce the tree loss on New Road (west of the A38).

New Road (east of the A38)

To improve traffic flows on New Road, the proposal is to widen this section of New Road to two lanes followed by a merge into one lane. As such, the works would require cutting into the existing earthbund on the north side of the road, which in turn would lead to vegetation loss as per Figure 6 below.

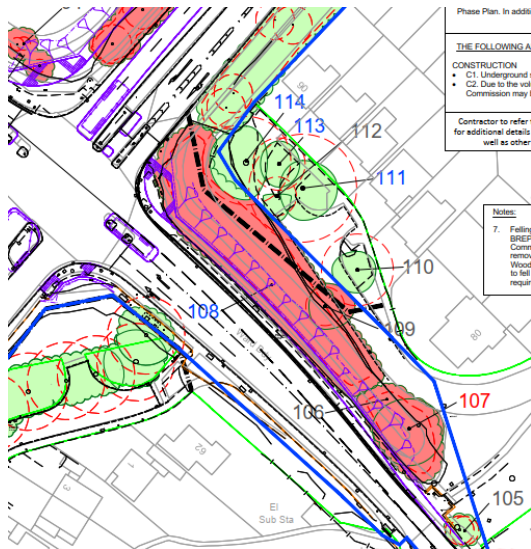


Figure 6 Tree loss on New Road (east of the A38)

Alternatives Considered

An alternative design has been proposed to remove the two lane merge as per Figure 7 below, which would significantly reduce the amount of shrub and tree clearance required on New Road. It must be noted however that this design is subject to an internal design audit followed by a road safety audit.

Vegetation removal for this proposal relates to cherry laurel bushes which have a tolerance to heavy pruning and is likely to thicken up rapidly post construction.

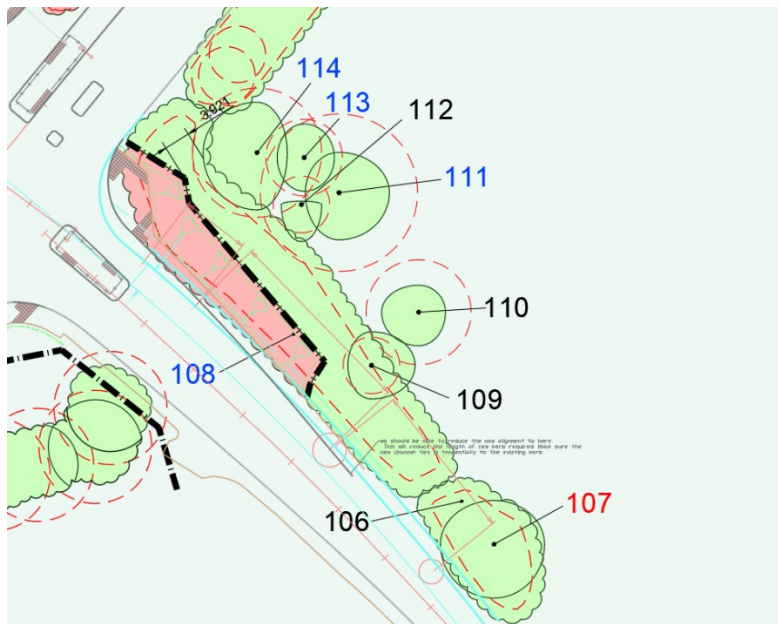


Figure 7 Proposed alternative solution New Road (east of the A38)

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 the excavations and likely damage to root structure, with the aim to retain as many trees as possible.

Where trees require removal to facilitate BREP, as many trees as possible shall be planted within the highway boundary, adhering to WCC's replanting commitment (2:1 ratio) where sightlines, underground services and existing trees/vegetation allow. A plan of the landscaping proposals for Scheme D is provided at the end of this report. 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 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

Section 96A of the Highways Act 1980 requires consultation where the Local Authority proposes the removal of a street tree or trees. 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 to speed limit of 30 miles per hour
- are subject to an order imposing a speed limit not exceeding 40 miles per hour; or
- are otherwise a street in an urban area.

As New Road is considered an urban road, due to a speed limit of 30mph, it has been necessary to consult on tree removal.

Trees alongside the A38 do not fall with the scope of legislation. However due to the proximity of residential properties, WCC has followed the consultation process as if they were subject to the legislation.

Consultation Process

- The consultation period commenced on Friday 14th June 2024 for 28 days, ending on Friday 12th July 2024 at 5pm.
- The Divisional County Councillor and Bromsgrove Tree Officer were notified of the intention to remove the tree prior to the consultation commencing.

- Letters were delivered to residents in the immediate vicinity of the works on Friday 14th June 2024, advising which trees were 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 area on Friday 14th 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 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 site, placed on WCC's website and emailed/posted to those who responded to the consultation.

Assessment of consultation responses

In total 60 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 health and wellbeing (pollution, noise, light etc).	31
Concerns about the removal of the tree, disregard for residents privacy, security, house value and general livelihood.	24
Unhappy with mitigation measures. Replanting would not begin to compensate for decades. Concerned about maintenance.	23
Detriment to wildlife, namely bats and/or birds etc.	22
General objection to BREP not related to the tree clearance (e.g. demise of high street, waste of money, Western bypass needed)	19
The widening isn't required - disagrees with engineering design & reasons for removal	21
Detriment to the general environment.	16
General objection to tree clearance across all of BREP	15
Residents do not want and/or need a cycle path on this road, or are unhappy with proposals.	15
Changes will only push the bottleneck to a different location	11
Bromsgrove losing its identity as market town with rural backdrop.	8

Recommendations

The engineering works on New Road and the A38 are imperative for BREP to achieve its objectives.

However it is recommended that consideration be given to reducing the level of tree loss and vegetation clearance on New Road (east of the A38) and on the A38 where road widening is nominal. These areas are highlighted on the “Scheme D tree removal alternatives” drawing at the end of this report.

Where there are no alternative engineering solutions, which would allow the trees and shrubs to be retained, these shall be removed.

Any trees on the A38 that are “at risk of damage or removal” will be subject to on-site assessment by a qualified arboriculturist.

Comments from Street Tree Review Panel

The Street Tree Review Panel met on Tuesday 27th August 2024. Panel members included:

- Project Manager – Major Infrastructure Projects
- Strategic Programme Manager - Major Infrastructure Projects
- Project Support Officer
- Principal Highways Maintenance Engineer

The meeting was also attended by the BREP Project Manager

The comments from the meeting are:

The Panel made the following comments/recommendations:

- With reference to comments made during the consultation, the Panel is aware of the strategic importance of the programme and the extensive business case that underpins it including the traffic modelling.
- The Panel is aware of the extensive environmental surveys that have been carried out as part of BREP.
- The Panel was pleased to note the proposal to keep the removal of trees to a minimum consistent with the objectives of the BREP.
- The Panel agreed that any trees that would otherwise be retained but which would be seriously damaged by the works thereby potentially rendering them unsafe should not be retained.
- It was pleased to note the proposed revisions to the design which could reduce tree loss further.
- The Panel noted that there have been previous concerns raised by neighbours regarding potential damage being caused by the trees on the north-west side of New Road, north of the junction with the A38.
- The Panel noted that any trees with bat roosting potential would be subject to further surveys.
- The Panel stressed the importance of diligent maintenance of newly planted trees.
- The Panel noted the proposed landscaping including replacement tree planting and the provision of noise fencing together with bird and bat boxes etc.

- Whilst understanding and respecting comments and concerns raised by respondents to the consultation, no new information was provided that had not already been considered.

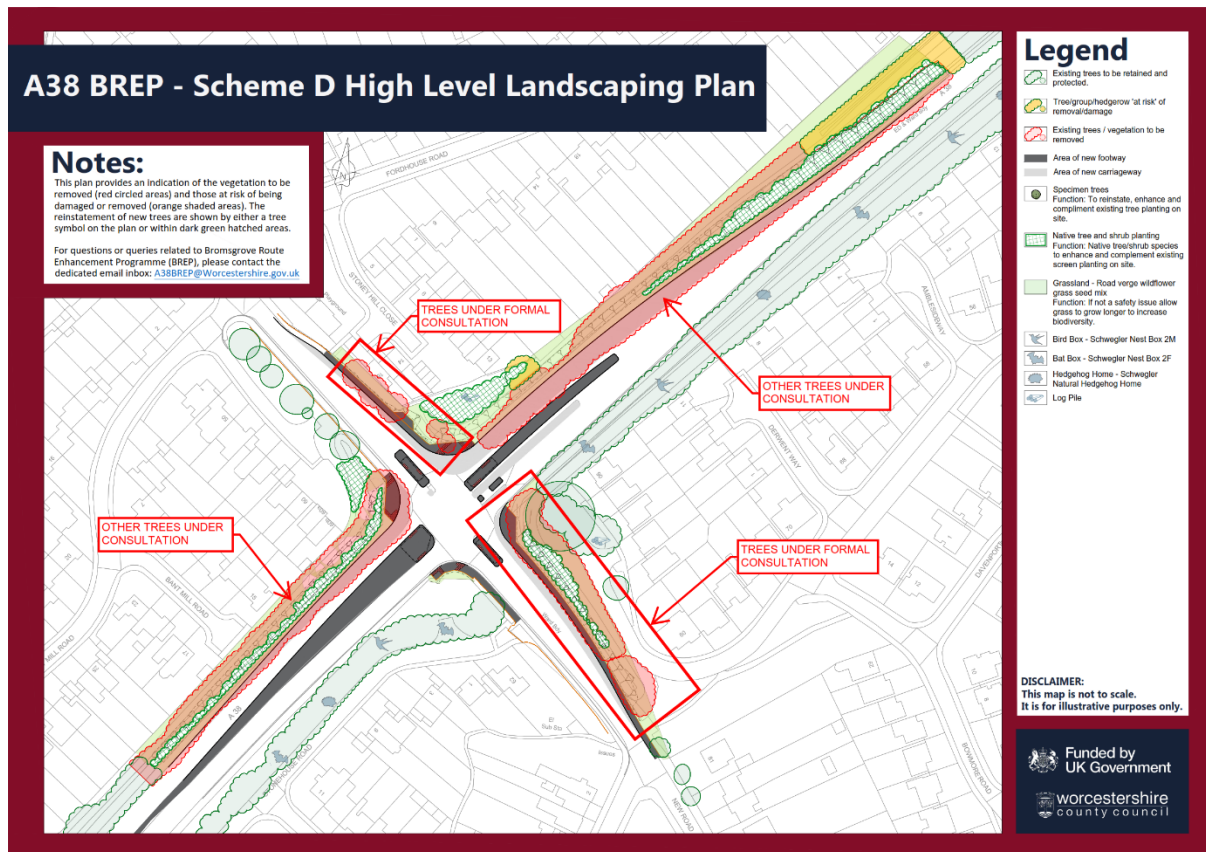
Decision of Street Tree Review Panel:

Subject to the observations above, the Panel endorsed the recommendations made within the report.

Date: 27 August 2024

Appendix A

Scheme D tree consultation plan



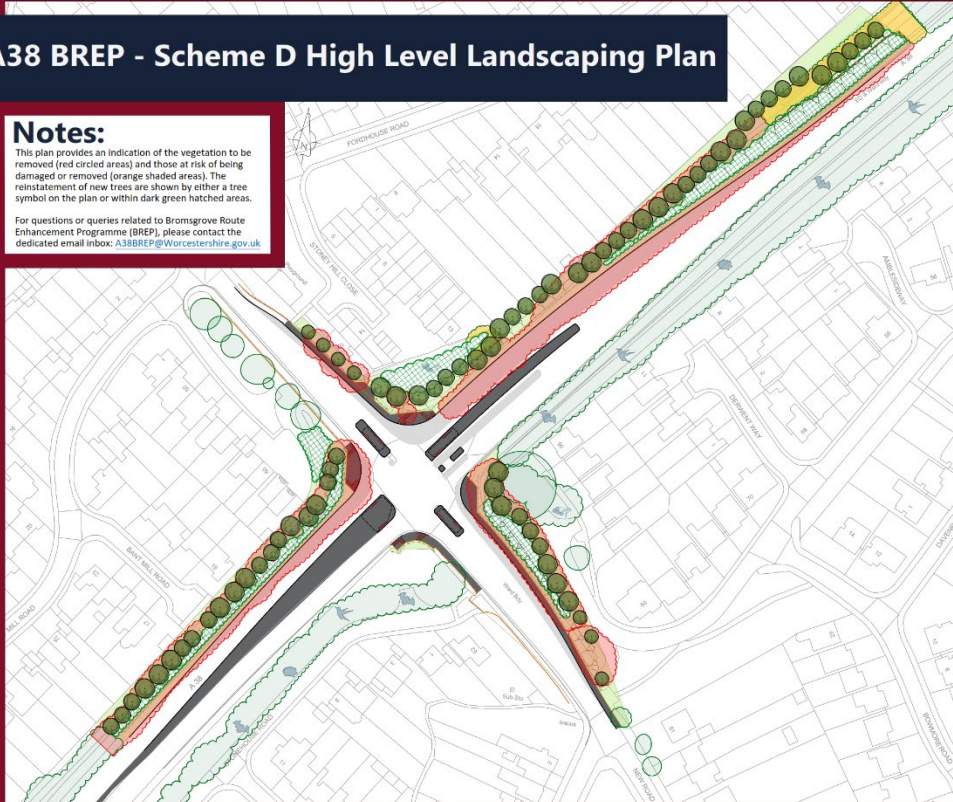
Scheme D Landscaping plan

A38 BREP - Scheme D High Level Landscaping Plan

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Legend

- Existing trees to be retained and protected.
- Treegroup/hedgehog 'at risk' of removal/damage.
- Existing trees / vegetation to be removed.
- Area of new footway.
- Area of new carriageway.
- Specimen trees
Function: To reinstate, enhance and complement existing tree planting on site.
- Native tree and shrub planting
Function: Native tree/shrub species to enhance and complement existing screen planting on site.
- Grassland - Road verge wildflower grass seed mix
Function: If not a safety issue allow grass to grow longer to increase biodiversity.
- Bird Box - Schwegler Nest Box 2M
- Bat Box - Schwegler Nest Box 2F
- Hedgehog Home - Schwegler Natural Hedgehog Home
- Log Pile

DISCLAIMER:
This map is not to scale.
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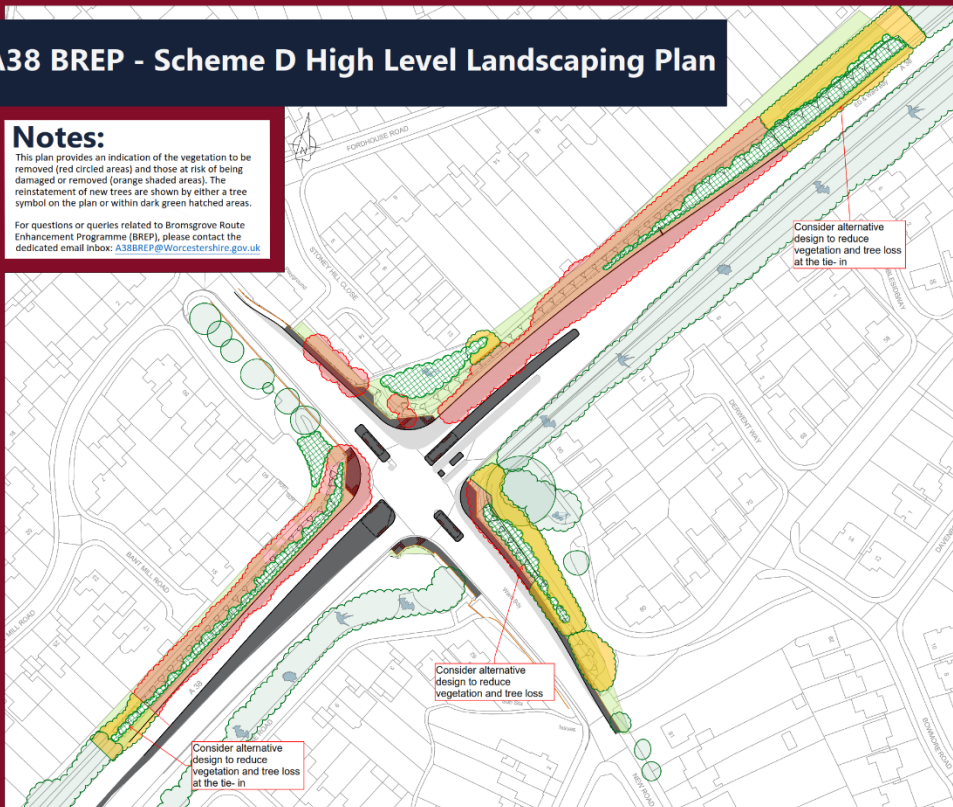
Scheme D tree removal alternatives

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