

Street Tree Review Panel Report for A38 Bromsgrove Route Enhancement Programme (BREP)- Scheme E

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 developed BREP to address these issues by improving capacity at key junctions and improving walking and cycling facilities through the provision of active travel corridors. BREP has been approved by Worcestershire County Council's Cabinet and the Department for Transport (DfT) following the submission of a Full Business Case (FBC).

The 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 Proposals:

Scheme E at the A38 / A448 (Oakalls Roundabout) will provide increased vehicle capacity through the provision of additional traffic lanes and signalisation of the roundabout and its approaches. Improved crossing facilities, footways, and active travel infrastructure are also included.

On Stratford Road specifically, the carriageway on both the eastbound and westbound side is being widened to accommodate two lane entry and exit from the roundabout. Two new Toucan crossings are being introduced to provide improved crossing facilities. A poplar tree is located on A448 Stratford Road.

Figure 1 shows the location of the tree. The latest scheme design can be found on the A38 BREP Webpage: [Latest scheme E Design](#) and in Appendix A.

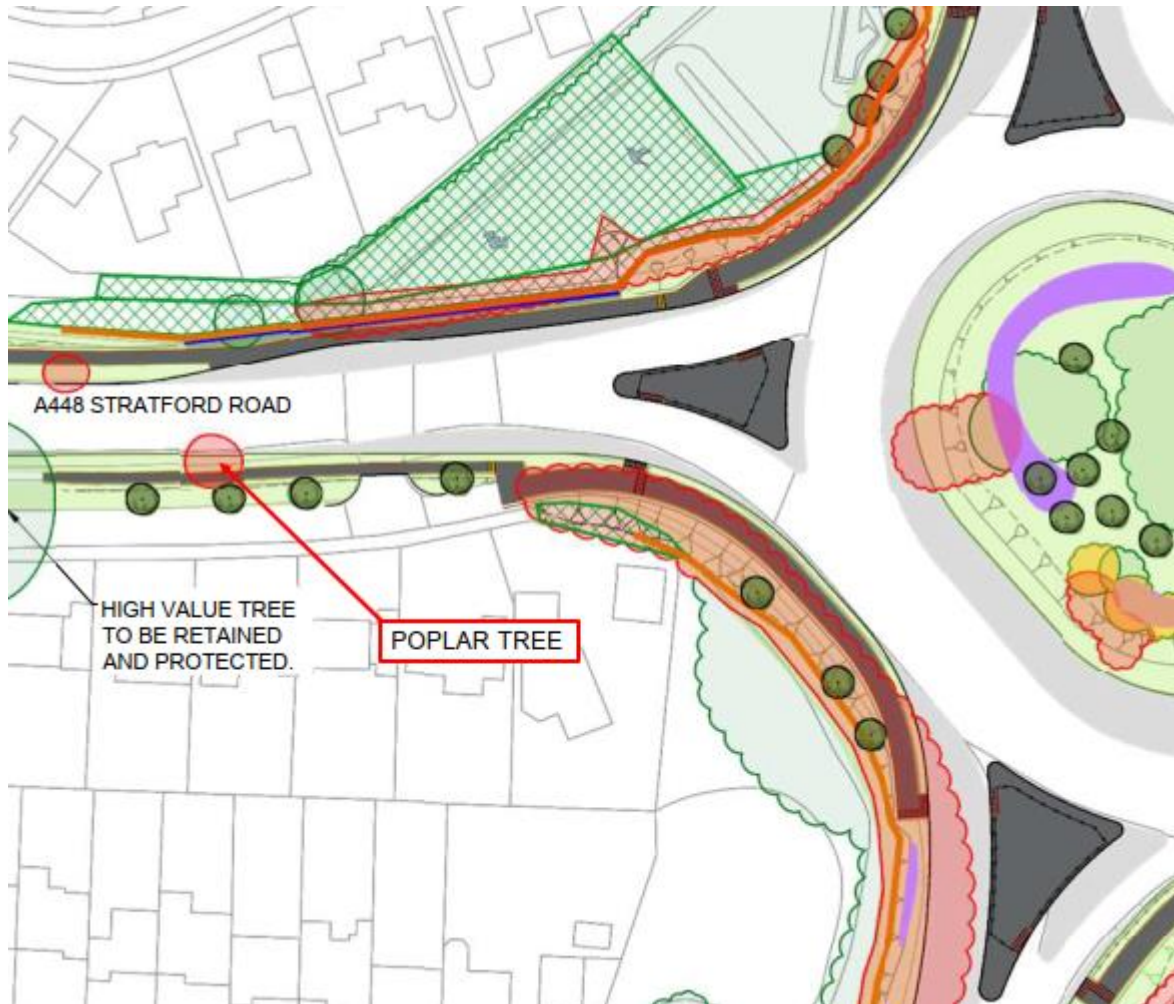


Figure 1 – Extract of Scheme E Landscaping proposals

Why the removal of the tree is proposed:

It is proposed that the tree is removed for three principal reasons:

1. It will inhibit the construction works taking place.

The following construction activities are required in very close proximity to the poplar tree: A new kerbline, new carriageway widening, carriageway resurfacing, footway, verge works and landscaping. The tree would cause great difficulty in delivering the works safely due to its location. Without the removal of the poplar tree, the works in this area could not be implemented, which would cause significant problems to the operation of the roundabout through reducing capacity. This would be contrary to the Business Case and would prevent the objectives of BREP being achieved.

2. The works (which includes the provision of a new kerbline) would damage the tree and therefore potentially make it unsafe.

The tree would be significantly compromised through the necessity to excavate around it. This would cause the root structure to be damaged and significantly increase the probability of it becoming unstable and hazardous.

3. The tree is a hazard to errant motorists.

The tree is located very close to the existing carriageway. This provides an immovable obstruction in the event that a driver loses control of their vehicle as they exit the roundabout. As a large improvement scheme, which has complied with detailed design (and relevant design standards) and Road Safety Audits, it would not be acceptable to allow such a hazard to remain. Accident data has been reviewed and during the 2000-2017 period three collisions were reported on Stratford Road and attributed to loss of control. A driver had a collision with a tree on Stratford Road in 2022 which was attributed to driver error.

Alternatives considered:

A review to consider whether there are any engineering or tree management solutions as an alternative to felling has been undertaken, and due to the close vicinity to the carriageway there are not any engineering alternatives. The only other option is to not undertake the proposed works on Stratford Road, which would cause detriment to the operation of the roundabout and be contrary to the Business Case as mentioned previously. Traffic modelling shows that the two lane exit from the roundabout onto Stratford Road is essential for the roundabout to operate efficiently. There is no option to widen further north (i.e. on the Eastbound entry onto the roundabout) due to land and geometry constraints.

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 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.

In this instance, the poplar is located adjacent to the A448 Stratford Road, which is a classified road. The tree is therefore not in scope for the legislation, however, due to the tree's proximity to the residential road, it was decided to follow the same consultation process that would be followed were it to be subject to the legislation.

Mitigation Measures

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 will oversee 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 that 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.

In the verge area in the vicinity of the poplar tree, 4 x 3.5m-4.25m *Acer campestre* (Field Maple) trees will be planted, albeit a suitable distance from the carriageway.

Consultation Process

Figure 2 shows the poplar tree which was subject to consultation.

- The consultation period commenced on Friday 10th May 2024 for 28 days, and ended on Friday 7th June 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 tree on Friday 10th May 2024, advising which tree is proposed to be removed, why it has to be removed, any mitigation measures proposed and informing recipients about the consultation process.
- A notice and plan was affixed to the tree using string on Friday 10th May 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 the tree, placed on WCC's website and emailed/posted to those who responded to the consultation. Should the panel support the removal of the tree, this cannot take place until 28 days after the publication of the decision notice.



Figure 2 – Poplar tree under consultation (shown on the right in the photograph)

Assessment of consultation responses

In total 39 communications were received in response to this consultation. An additional two communications were received after the consultation period had finished (8th June and 10th June) however these were included in the assessment.

Each representation has been reviewed and summarised into common themes to be assessed. The outcome of the review is summarised in the following table:

Table 1 – Consultation responses assessment & response

Theme	Number of responses with this theme	Project Manager's comment
General objection to BREP not related to the poplar tree (e.g. demise of high street, waste of money, Western bypass needed)	13	Noted
Concerns about the removal of the tree, disregard for residents	12	Noted
Detriment to health and wellbeing. Upset at loss	11	Mitigations have been included with the proposals – see “mitigation measures” section above.
The widening isn't required - disagrees with engineering design & reasons for removal	11	The reasons for removing the tree are stated in the “why the removal of the tree is proposed” section
Mentions poplar tree but email is general objection to tree clearance across all of BREP	10	These communications were considered as part of this consultation as they had the poplar tree in the subject line, but did not make comments on the poplar tree specifically
Detriment to bats and/or birds.	6	The poplar tree has been surveyed and has not been identified as having bat presence. Nesting birds have also not been reported. However, further surveys will be carried out and a qualified ecologist would be present in the event that the tree was to felled, to reconfirm the findings. The work would be paused if appropriate.
Adding lanes to Stratford Road will add to the bottleneck.	6	Additional lanes on Stratford Road will allow more traffic to leave the roundabout, reducing traffic backing onto the roundabout. Traffic queues reported at present are worsened due to construction works in the town centre.
Unhappy with mitigation measures. Replanting would not begin to compensate for decades. Concerned about maintenance.	5	Smaller trees, like those proposed as part of the works, have a higher success rate and are more likely to survive and establish quicker compared to a mature tree. However, there are other benefits of choosing to plant smaller trees in a scheme like this. This includes: <ul style="list-style-type: none"> • Sourcing mature trees / availability from nurseries.

		<ul style="list-style-type: none"> • Younger trees survive better due to less root damage when transplanted from nursery to streetscape. • Smaller tree pits and/or planting beds are required – meaning less disturbance to the surrounding area.
Residents do not want and/or need a cycle path on this road.	4	The scheme objective is to support all road users in the wider area– by providing more opportunities to support mode shift to walking and cycling for those who wish to do so.
The felling of the poplar tree will cause serious detrimental effect on the nearby wych elm.	3	It is not considered that there will be any impact on the wych elm tree (as it is far enough away from the works). However, due to the concern and importance of this tree, the contractor has been instructed to undertake further investigation and produce a method statement to ensure construction activities will not affect the wych elm tree.
Bromsgrove losing its identity as market town with rural backdrop.	3	Mitigation measures including 2 for 1 replanting are proposed as part of BREP. Trees will be replanted on Stratford Road.

Other comments noted in respect of the poplar tree to note, with responses, are as follows:

- **The tree is 150 years old and therefore should be saved.** An arboriculturist advises that the tree is no more than 50-60 years old (Bromsgrove district Council tree officer is also in agreement with this). Whilst the tree is currently healthy, Lombardy Poplar trees’ lifespans are very short in comparison to most trees and it will quickly decline. The tree is considered to be nearing the end of its lifespan.
- **A resident did not believe the Lombardy poplar has been correctly identified.** The species of tree is not a factor in the decision in this circumstance.
- **The speed limit on Stratford Road should be reduced, to remove the need for widening & to mitigate the safety impact.** The widening is required to increase capacity – it is not anticipated that reducing the speed limit (which is already 30mph on Stratford Road) would create a positive impact in this respect.

In addition to the representations included within the consultation period (Friday 10th May – Friday 7th June), 23 emails were received from members of public during this period in relation to trees across the BREP programme. Prior to the consultation taking place, a number of comments were also received in respect of the poplar tree. The theme of the comments for both were very similar to those received in the formal consultation, summarised above.

Project Manager's Recommendation:

The engineering works on Stratford Road, are imperative in order for BREP to achieve its objectives. There are not any alternative engineering solutions which would allow the tree to be retained. This necessitates the proposed removal of the poplar tree.

The comments have each been carefully considered. There has not been any information provided which identifies any new factors/constraints for consideration, or suggests an alternative which is possible.

It is therefore recommended to proceed with the removal of the poplar tree on this basis.

Comments from Street Tree Review Panel

The Street Tree Review Panel met on Tuesday 18th June 2024. Panel members included:

- Client Project Manager (Jacobs)
- Strategic Programme Manager – Major Infrastructure Projects
- Project Manager Major Projects E&I
- Principal Highways Maintenance Engineer - WCC arboriculturist

The comments from the meeting are:

- The Panel asked whether the junction capacity improvements could be achieved if the additional lane was not provided (and therefore the poplar would not need to be removed). The Client Project Manager confirmed that the provision of the lane is essential for the junction improvements to be realised and that this junction is of particular importance in delivering key BREP objectives.
- The Panel asked if the additional capacity could be provided to the North rather than on the South where tree is located: The Client Project Manager confirmed that it was not possible due to land and geometry constraints.
- The Panel asked whether it would be feasible to reduce the length of the merge lane from the roundabout. The Client Project Manager confirmed that it wouldn't be acceptable to reduce the length of the merge length due to safety standards.
- The Panel stressed the importance of the maintenance regime for the new trees. The Client Project Manager advised that Tree Audits have been carried out for previous phases of A38 BREP works and replanting by the contractor is to commence where trees have failed. The current A38 BREP Phase 3 contractor has a 3-year maintenance period built into the contract, for watering and replacing trees. At the end of this contractor's liability period, the trees will become part of the WCC highway maintenance regime.
- The Panel asked whether bat and bird surveys would be carried out before any possible tree removal. The Client Project Manager confirmed that further bat and bird surveys would be carried out before any possible tree removal and that the Ecologist Clerk of Works would be present during tree removal. Work would be paused if appropriate.
- The Panel stressed the importance of the wych elm tree (with Tree Preservation Order) being protected during works. The Client Project Manager confirmed that the contractor is producing a method statement for works around this tree (e.g. Tree protection fencing, hand dig only, no material or plant stored near tree.)
- There has been a suggestion that the poplar has been misidentified, however, the Panel agreed that they were happy to accept the Bromsgrove Tree Officer and Arboriculturist's expertise in identification.

Decision of Street Tree Review Panel:

The Street Tree Review Panel agreed with the recommendations of this report to remove the poplar tree.

Date: 18th June 2024

Appendix A – Scheme General Arrangement B2367222-JAC-HGN-E-DR-CH-0001 C01 Scheme E

