



Fixing our broken housing market

Ancient Tree Forum response to the Housing White Paper

The Ancient Tree Forum (ATF) has pioneered the conservation of ancient and veteran trees and is the main UK organisation concerned solely with their conservation. The ATF seeks to secure the long-term future of ancient trees through advocacy of no further avoidable loss, good management, the development of a succession of future ancient trees, and seeking to raise awareness and understanding of their value and importance. The ATF campaigns for UK Governments to recognise their international responsibilities towards the amenity, biodiversity and heritage provided by ancient trees.

Summary

The Ancient Tree Forum is pleased that the Government has recognised that it is important that national policy reflects the need to protect aged and veteran trees and ancient woodland as irreplaceable habitats and that this needs to be clarified for developers and LPAs to reduce uncertainty. To achieve this aim both the Ancient Tree Forum and Woodland Trust consider that bullet 5 of paragraph 118 should be amended as follows:

'Loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees found outside ancient woodland, resulting from development proposals should be wholly exceptional'

Given ancient woodland only covers 2.7% of land the country's housing needs can be fully delivered without negatively impacting ancient woodland, aged and veteran trees.

The Ancient Tree Forum very much welcomes the intention to take steps to ensure planning departments are sufficiently funded to perform their fundamental role to take account of **all** government policy and advice, such as standing advice from Natural England in relation to veteran trees and ancient woodland and HE advice on heritage assets especially historic parks and gardens. Also, that other advice on provision for trees, woods and open space is taken into account at the earliest stage. Key to this is that planning departments have appropriate arboricultural and ecological specialists. Specialists provide the technical advice required, and can ensure NPPF guidance is followed to ensure that trees and woodlands, especially ancient and veteran trees and priority wood pastures and parkland are protected. Such specialists have an important role in fulfilling the duty on local authorities in S197 of TCP Act 1990 to ensure that adequate provision is made for the preservation, planting of trees and for making tree preservation orders.

We consider that reversing the trend of LPAs to dispense with arboricultural professionals is essential to ensure that trees and woody habitats, which are at the heart of sustainable development, are properly considered and planning decisions are made in a sound and timely manner.



Question 1

Do you agree with the proposals to:

- a) Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?*

No. Bullet one of paragraph 156 already refers to the need for homes in the list of strategic concerns. To repeat this is unnecessary and would seem to prioritise it above other strategic priorities i.e. bullet 5 'climate change mitigating and adaptation, conservation and enhancement of the natural and historic environment, including landscape' and contrary to the overarching aim to create sustainable development.

- b) Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?*

Yes. The planning system must remain plan-led, as this is the only way to ensure planning delivers both environmental goals alongside economic growth, within a democratic process. This needs to be as strategic as possible to ensure that whilst the Government is planning for growth, this is in the context of protecting and improving our natural environment and public access to it. Therefore, we support this move to wider strategic planning across Local Authority borders. In 2010 an independent review of England's wildlife sites and ecological network considered whether England's collection of wildlife areas represented a coherent and robust ecological network that would be capable of responding to the challenges of climate change and other pressures. The 'Making Space for Nature' review summarised what needed to be done in four words: more, bigger, better and joined. It set out 24 recommendations and guiding principles known as the 'Lawton' principles - these can only work at a landscape scale across local planning authority boundaries. A landscape-scale approach focusing on the delivery of all ecosystem services is fundamental to successful strategic planning for the good of all.

The ATF is supportive of any changes that enable LPAs to consider planning across boundaries. This should apply to more than simply the adjacent LPAs and should take account of Natural Character Areas which can span multiple LPA areas. Such a change would also promote a more strategic landscape-scale approach to nature conservation and enhancement. This is particularly relevant to wood pasture and parklands which may have been of greater extent in the past and adjoining land may still have relict features and which would present opportunities to extend and buffer such sites to ensure their sustainability and form linkages to address resilience in the face of climate change.



To effectively take a landscape scale approach in Spatial Development Strategies in addition to using local knowledge, effective use needs to be made of existing data

Key to the identification and protection of aged and veteran trees, priority wood pasture, parkland and ancient woodland are the following which must be considered at the earliest stage:-

- Wood-Pasture and Parkland (PWPP) BAP Priority Habitat Inventory
 - Ancient Tree Inventory (ATI)
 - Ancient Woodland Inventory (AWI) –
 - National Ancient Woodland and Veteran Tree Standing Advice (issued jointly by Natural England (NE) and the Forestry Commission (FC)).
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- The Wood-Pasture and Parkland (PWPP) BAP Priority Habitat Inventory for England is owned and managed by NE and is a provisional layer on MAGIC. NE Standing Advice recognises these habitats as ancient woodland and that they contain the best conserved assemblages of ancient and other veteran trees in an international context. It is also recognised that England, due to the history of the landscape, has a special responsibility for conserving its biodiversity, designed landscape and heritage values. It is an absolute priority to protect priority wood-pasture and parkland from loss or damage/deterioration. NE and FC standing advice lists factors which might negatively impact these habitats from which they will need to be protected. An additional ongoing factor is the possibility of increasing risk management necessitated by presence of people and other targets which will reduce habitat value and or longevity of the tree. – see ‘Ancient and other veteran trees; further guidance on management’ Ed. David Lonsdale
<http://www.ancienttreeforum.co.uk/resources/ancient-trees-books-shop/>
These habitats are characterised by aged, large, open grown trees, often widely spaced which together create the distinctive habitat. Protection of this habitat requires that they should not be internally fragmented e.g. by housing or other development permitted to be inserted in between free-standing trees of high value. This inventory is provisional and should be used in conjunction with the Ancient Tree Initiative (ATI) (see below) to assess the quality of the resource where known. Where a site has these characteristics, but is not on the inventory, guidance on its likely status can be found in http://jncc.defra.gov.uk/pdf/UKBAP_BAPHabitats-65-WoodPastureParkland20. Where ancient wood pastures are identified they should receive the same consideration as other forms of ancient woodland.
- The ATI is a joint initiative with the Woodland Trust (who hold and maintain it), the Tree Register of the British Isles and the Ancient Tree Forum and is the most definitive record of ancient trees in the UK. Since it started in 2005, so far over



158,000 ancient, other veteran and notable trees have been recorded across the UK, although it is estimated that there may be at least 500,000 of these special trees across the UK. These trees can be found as individuals or groups within ancient wood pastures, historic parkland, hedgerows, or in field trees, orchards, parks or other areas.

- Ancient trees are living relics, part of our natural heritage and heritage assets of incredible age, which inspire awe and mystery and connect with people and culture in the past. All ancient trees are irreplaceable and of international importance.
 - The term 'ancient tree' encompasses:
 - Trees of interest biologically, aesthetically or culturally because of their great age
 - Trees in the ancient or third and final stage of their life
 - Trees that are the old relative to most others of the same species
 - The term 'veteran tree' may describe a tree which is mature i.e. not yet ancient but also has significant wildlife and habitat features including: hollowing or associated decay fungi; holes; wounds and large, dead branches. It will generally apply to mature trees although occasionally younger trees may exceptionally have these features.
 - The term 'notable' defines a tree which is usually mature and of significant amenity value in a local or regional context. This includes specimen trees or those considered to be immediate next-generation veteran trees.
 - There is currently no mechanism in the UK for recording losses of these most valuable of trees, especially ancient and veteran trees acknowledged as irreplaceable. Both ATF and WT are aware that threats to them and losses occur regularly, from housing development, infrastructure and facilities associated with increased access/leisure usage of sites. Some of these developments do not require planning permission as they fall within permitted development rights.
 - Unlike all woodland, there is no specific legal protection for these trees, although rarely some may be protected by Tree Preservation Orders or are temporarily protected by virtue of standing in a Conservation Area. Those that are not protected are vulnerable to loss/removal, damage or deterioration in advance of any application for planning permission or where owners exercise permitted development rights. To fully ensure that there is no avoidable loss of these irreplaceable trees, to give effect to the protection in policy, a mechanism for pre-emptive legal protection is urgently needed and would be an important element in fulfilling the Conservative manifesto pledge of 2015 to be the first generation to "leave the environment in a better state" than we found it.
 - The AWI is owned and managed by Natural England. It is updated by Natural England and more information comes to light. It has been in the public domain for



c30 years. Ancient woodland is defined as an irreplaceable natural resource that has remained constantly wooded since AD1600. The time ancient woodland takes to develop and evolve (centuries, even millennia), coupled with the vital links it creates between plants, animals and soils accentuate its irreplaceable status. The Inventory is considered to be provisional and subject to refinement having not originally been developed as a definitive listing of ancient woods. The Inventory currently lists woods over 2ha in size (with exceptions in some counties in the south-east of England) 3% of the land area in England is covered by ancient woodland

<http://webarchive.nationalarchives.gov.uk/20130402151656/http://archive.defra.gov.uk/environment/biodiversity/documents/201009space-for-nature.pdf>

). There is currently no comprehensive mechanism for recording ancient woodland losses in UK. The evidence from the various studies suggest that woodland losses could be much higher than estimated (Townsend M and Castle G (2012), A Review of the Recording and Reporting of Forest Dynamics in the UK) so it is essential that there is no further loss of this finite resource.

- Ancient woodland must be protected absolutely from permanent clearance, but also from the damaging effects of adjacent and nearby land-use such as disturbance, noise and light pollution, from adjacent developments which can all threaten the integrity of the habitat and its ecosystem, and the successful survival of its unique characteristics.

- *c) Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?*

- No. The phrase 'an appropriate strategy for the area' as set out in A.18, bullet two of the Housing White Paper could be perceived as promoting different standards across the country. We consider environmental policies for protection and enhancement must be consistent across the country and that everyone has the right to access high-quality local green spaces that are rich in trees and woods

- **Question 2**

- *What changes do you think would support more proportionate consultation and examination procedures for different types of plan and to ensure that different levels of plans work together?*



- It is essential that LPAs uses all of the resources available to inform the production of a sound plan at the earliest possible stage. The Ancient Tree Inventory and the Ancient Woodland Inventory must inform all plans.

Question 3

Do you agree with the proposals to:

- a) amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people?*

All people benefit from trees and everyone should be able to benefit from high-quality green spaces rich in trees and woods. Less mobile people may benefit more from trees and green space where they live.

In addition to retaining selected existing trees appropriately so that they will continue to thrive and be valued and so give developments immediate benefits eg ecosystem services, visual amenity, distinctiveness and a sense of maturity, planting schemes associated with planning applications should be bespoke to fit the needs of both the site, the users and the community to provide sustainable tree cover. Communal space may be better suited to some groups and gives opportunities for planting larger growing species which give greatest benefits. Tree planting, urban parks and parkland creation can support a huge range of vital services; from building resilience to flood risk and extreme weather events, to helping to instil greater understanding and respect for the natural environment. Trees and green spaces can also encourage more active transport choices through walking and cycling, minimising congestion as well as having a positive impact on air quality and on residents' health.

These are just a few of the benefits associated with trees and woods. The opportunity should be taken in this review to put trees, parks and woodland at the heart of new developments - therefore prioritising the health and wellbeing of new and emerging communities. There is a sound economic case for this approach, as noted by the Natural Capital Committee, and quantified in the report *The Economic Benefits of Woodland* (2015, Europe Economics and the Woodland Trust).

All new developments should adhere to existing standards on open space provision as an absolute minimum and follow other relevant guidance and good practice on tree planting and woodland creation. See response to Q5.



b) from early 2018, use a standardised approach to assessing housing requirements as the baseline for five year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan?

The absence of a local plan should not permit destruction of the natural environment and in particular, trees and woods of acknowledged importance as irreplaceable, which must be protected by the policies in NPPF in all circumstances.

Question 4

Do you agree with the proposals to amend the presumption in favour of sustainable development so that:

a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?;

No. This would not be acceptable if this would result in failure to achieve standards for open space. Similarly, this would not be acceptable if it were to exclude suitable and sufficient space for retention and protection of valued trees to ensure that they would thrive and be valued by the occupants, or provision for new, well placed new or long term replacement tree planting. See Q5 for details of appropriate standards

b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?;

No. The NPPF does not currently provide sufficient details to definitively inform decision making. In its drive for brevity, the Government has lost some clarity from the planning guidance accompanying the NPPF. Of particular concern is the Standing Advice for Ancient Woodland and Veteran Trees. This was previously published by Natural England and the Forestry Commission but only the latest, condensed version has been inserted into the .gov.uk suite of guidance. The standing Advice (October 2015) on the gov.uk website lacks detail and comprehensive advice to enable decision makers and applicants without some level of expertise to firstly clearly identify the trees to which it applies and secondly to fully appreciate their values and vulnerabilities., especially when compared to the previous stand-alone April 2014 version. For example, the definition of veteran trees is shorter and there is no definition of aged trees. Nor is there any recognition of those trees which are heritage assets and fall within the NPPF policies on the historic environment. This is of concern at a time when LPAs are dispensing with their specialist staff and they are under increasing pressure to make speedy decisions, possibly with uninformed, insufficient, incomplete, or inaccurate information.

It is fundamental that if guidance is to be followed it must be known about across the entire constituency for its use. How guidance is disseminated is also a cause for concern. In 2016 the Woodland Trust surveyed over 500 planners across England which assessed,



among other things, the way planners use Natural England's Standing Advice in decision-making. The results were as follows:

- 21% use the Standing Advice
 - 70% don't use it
 - 9% were unsure as to whether they use it
 - Of those who use the Standing Advice, 32% had been made formally aware of it
- a) These alarmingly low figures also show that in reality the NPPF is rarely considered in parallel with the appropriate guidance. Formal notification of the updated guidance has only taken place since the publication of the survey results which demonstrates that the essential linkage between policy in NPPF and guidance for its application is failing. Furthermore, Natural England is now only a statutory consultee for SSSIs. It is acknowledged that pasture woodland and parkland is an under represented habitat and when added to the fact that the data on such sites is incomplete, sites may not be properly recognised at all, or until an application is well advanced and comes to the attention of residents or charities such as the Ancient Tree Forum and Woodland Trust. For such organisations to have to draw to the attention of applicants and decision makers the government's own advice, is a failure of planning. *the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?*

No. The clear intent to increase protection for ancient woodland and aged and veteran trees in the planning system is very warmly welcomed. However it is our view and that of the Woodland Trust that what is proposed in A.38 will not achieve the intended objective. Our assessment is confirmed by independent legal opinions sought both by the Woodland Trust and by lawyers active in the development field <http://www.landmarkchambers.co.uk/userfiles/documents/resources/Ancient%20Woodland%20Housing%20White%20Paper.pdf>

When considered in isolation, this proposed change represents a welcome move forward for veteran tree and ancient woodland protection. Yet considering this change in isolation is, of little value, as it is made clear that the NPPF must not be read as a series of individual policies (NPPF Paragraph 6):

6. 'The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system'.



Assuming that paragraph 6 remains, the weight of paragraph 14 (the presumption) will always be severely limited. And proposing to add ancient woodland and ‘aged and veteran trees’ (neither of which are yet a designated category) to Footnote 9 simply reminds the reader that ancient woodland and aged and veteran trees have a “restriction” on development but the reader is then directed to paragraph 118:

118. ‘When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

‘.....planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, **unless the need for, and benefits of, the development in that location clearly outweigh the loss**’;

As long as this paragraph includes such a damaging caveat (words as bolded above), it allows significant scope for decisions which will damage and even destroy these irreplaceable habitats.

This point is reinforced by the fact that the other designations listed in Footnote 9 all have differing levels of protection in the NPPF, for example:

88. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations’

In terms of the level of protection, Green Belt would still sit ‘above’ ancient woodland.

The proposal as set out in A.38 makes no move to rebalance this discrepancy. Nor does it represent a material change to the way aged and veteran trees and ancient woodland would be treated in plan-making or decision-making. It simply reiterates the position set out in paragraph 118. **Therefore the proposal cannot successfully increase protection for ancient woodland or aged and veteran trees, while the wording in specific NPPF policies – in this case paragraph 118 - remains as it is.**

A simple amendment to the wording in paragraph 118, will achieve the stated objective and in addition, give helpful parity of language to planners dealing with all aspects of the heritage environment. We consider the most appropriate option would be to adopt equivalent wording for paragraph 118 bullet point 5, to that set out within paragraph 132:

132. ‘Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional’.



This approach would afford aged and veteran trees and ancient woodland the same protection as built heritage. And in the case of aged and veteran trees, is a logical step as these are key components of registered parks and gardens. This approach has already received broad support: Historic England recognises ancient woodland and aged and veteran trees as ‘heritage assets’ as they form part of our natural heritage. The Communities and Local Government Select Committee recommended in its 2014 report that planning policy should be amended “to state that any loss of ancient woodland should be ‘wholly exceptional’

(<https://www.publications.parliament.uk/pa/cm201415/cmselect/cmcomloc/190/19002.htm>). The Council for British Archaeology also recognises ancient woodland and ancient and veteran trees as ‘living heritage’ (<http://new.archaeologyuk.org/campaign-for-ancient-woodlands>). The latest Heritage Index includes ancient woodland and ancient trees in its national record of ‘heritage assets’.

In order to make good the Government’s clear aspiration to improve protection for ancient woodland and aged and veteran trees, and to also improve clarity - for developers and LPAs alike – therefore speeding up decision-making and reducing uncertainty, bullet 5 of paragraph 118 should therefore be updated as follows:

- ***‘Loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees found outside ancient woodland, resulting from development proposals should be wholly exceptional’.***

Given that ancient woodland only covers 3% the country’s housing needs can be fully delivered without negatively impacting ancient woodland, aged and veteran trees.

We would also add a note of caution about making Footnote 9 a definitive list. Exclusion of a habitat or species from a definitive list will effectively reduce its protection – for example non-ancient woodlands, non-priority wood pastures and non-designated parkland and trees which also have an important part to play in contributing to local amenity, landscape character and distinctiveness, improving health, wellbeing, biodiversity and resilience and should be protected from loss or damage from unnecessary and insensitive development.

Question 5

Do you agree that regulations should be amended so that all local planning authorities are able to dispose of land with the benefit of planning consent which they have granted to themselves?

Yes. But there should be a mechanism within this change that ensures that such consents are subject to the highest social and environmental standards, setting best practice examples. As an LPA is in position of applicant and decision maker it is essential that LPAs are scrupulous in ensuring that they apply the same standards or weighting of factors in making judgements in relation to sites they own and this is transparent to residents and other



applicants. This should include complying with their **duty** in S197 of TCP Act 1990 (as amended) as follows :-

197 Planning permission to include appropriate provision for preservation and planting of trees.

It shall be the duty of the local planning authority—

(a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and

(b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

British Standard 5837: 2012. Trees in relation to design, demolition and construction, Recommendations' gives recommendations on protection of retained trees on development provides advice on how aspects of this duty might be fulfilled.

Development must be carefully located with regard to the natural environment. ATF make particular reference to the importance of protecting ancient woodland, which includes ancient wood-pasture and parkland, and aged and veteran trees and other notable trees. Many of the richest ancient wood pastures and parkland have a long history and can be traced back to mediaeval times and contain trees well over 400 years of age, making them some of our oldest heritage. This feature of long continuity of habitat is fundamental to the survival of some of our rarest wildlife and its irreplaceability. Ancient and veteran trees are also integral to the richness and value of other habitats such as priority ancient hedgerows and traditional orchards.

Ancient woodland is one of the country's richest terrestrial wildlife habitats, home to 256 species of conservation concern as listed on the UK Biodiversity Action Plan. It has evolved over hundreds if not thousands of years. These qualities of age, continuity and richness of wildlife which cannot be recreated, nor their loss compensated for, are of immeasurable value for all those who visit or have an association with them

Any development permitted should be rich in trees and woods to promote health and wellbeing for residents, and to support healthy, sustainable, and cohesive communities. Developments permitted and sold by LAs should set a gold standard for new developments. There are existing standards on open space provision that the ATF would like to see all new developments adhere to as an absolute minimum. The standards are as follows:

- Natural England and the Countryside Council for Wales Accessible Natural Greenspace Standard (ANGSt).



- The Woodland Trust’s Woodland Access Standard (developed in association with the Forestry Commission).

There are also examples of local standards that could be replicated at a national scale, so that communities across the country can enjoy the benefits of woods and trees. For example, the National Forest working together with LPAs has set specific planning requirements to embed forest green infrastructure into new developments (The National Forest, [National Forest Guide for Developers & Planners: Summary](#)):

Development type	Thresholds	Proportion of site to be Forest green infrastructure
Residential	between 0.5ha and 10ha	20%
Employment	between 1ha and 10ha	20%
All development	Over 10ha	30%

The guidance gives a number of planting options for how these requirements can be fulfilled in a bespoke manner to best meet the needs of the site and the end user, including:-

- New woodland planting (ideally a minimum size of 0.25ha)
- Creation of woodland belts (minimum of 15m wide)
- Planting to form parkland-style landscapes
- Incorporation and management of existing woodland, hedgerows and other habitats
- Roadside trees
- Development landscaping with a strong tree emphasis

The Trees and Design Action Group (TDAG) supported by a wide range of government, professional, and charitable and community organisations has also produced practical guidance to successfully integrate trees into towns and cities. Its publication ‘[Trees in the Townscape: A Guide for Decision Makers’ sets out 12 principles of best practice to](#)” ensure that our 21st century towns and cities are underpinned by a 21st century approach to urban trees, for maximum economic, social and environmental returns”.

<http://www.tdag.org.uk/trees-in-the-townscape.html> This publication also has examples of local tree planting standards:-



Table: Examples of tree planting standards

	Type (*)	Standard: number of trees		
		Per new dwelling	Per new 100 sq.m. commercial floorspace	Per new 100 sq.m. industrial floorspace
Sefton ⁽¹⁾	G	3	2	
Dacorum ⁽²⁾	G	1	1	0
Waltham Forest ⁽³⁾	G	3	2	1.25
Kingston ⁽⁴⁾	ST	0.2	0.1	
Thanet ⁽⁵⁾	G	10% cover of development site area		
Liverpool ⁽⁶⁾	ST	0.2	0.1	

(*) G = general tree planting requirement, ie: on-site or nearby; ST = street tree planting requirement

These standards should be seen as a baseline for all developments, but developments on former LA land should be striving to go beyond these.

Question 7

Do you agree that national policy should be amended to encourage local planning authorities to consider the social and economic benefits of estate regeneration when preparing their plans and in decisions on applications, and use their planning powers to help deliver estate regeneration to a high standard?

Yes. We strongly support this proposal. We would also like to see a clearer role for woods and trees set out in the Estate Regeneration National Strategy, Good Practice Guide including reference to national and local open space standards and the principles expressed in TDAG '[Trees in the Townscape: A Guide for Decision Makers](#)' adopted as good practice. - see Q5 for details

Question 9

How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages?

Nothing in the proposals set out in section A.57 of the Housing White Paper offers any 'support' to innovative nor to high quality development. Local ownership and streamlined processes - whilst desirable - offer no guarantee of enabling high quality development.

Whilst we support the approach of not setting a template for garden towns and villages as per paragraph 10 of the Locally-Led Garden Villages, Towns and Cities prospectus (Locally-Led Garden Villages, Towns and Cities, March 2016), equally, in our view, the aspiration that these new developments should be 'attractive, well-designed places with local support' is too nebulous. LPAs need a stronger vision and guidelines. This vision is set out in the



Woodland Trust publication [Residential Developments and Trees](#) document, July 2015 which sets out a guide to how to best use woods and trees to maximise their ecosystems services value. The principles of best practice set out in the TDAG publication '[Trees in the Townscape: A Guide for Decision Makers](#)' should be followed also to ensure that our 21st century towns and cities are underpinned by a 21st century approach to urban trees, for maximum economic, social and environmental returns". <http://www.tdag.org.uk/trees-in-the-townscape.html>

The ATF's particular interest lies with ancient woodland. Early consideration of this irreplaceable habitat need not impede housing numbers. The primary threat to ancient woodland from housing schemes is that it can be marooned by development, cut off and isolated (known as habitat fragmentation). In the case of ancient wood-pasture and parkland, if housing is scattered among any retained trees then the whole habitat is damaged and with the final loss of individual trees the whole habitat is destroyed. Removal of younger trees which might be the next generation of veteran and aged trees destroys the sustainability of the habitat. Habitat fragmentation has a negative effect on the richness and diversity of plant species.

New woodland and individual tree planting that joins up ancient woodland patches can improve the biodiversity and amenity value of the overall landscape. Effective planted buffers around individual sites and the maintenance of mature connecting hedgerows and individual mature, open grown trees can also make a significant contribution. We also support the recommendation in the TDAG publication '[Trees in the Townscape: A Guide for Decision Makers](#)' that "A favourable presumption towards the inclusion of large canopy trees should be part of the policy context. It should be considered in the development brief produced by local authorities setting out the guiding principles for new large developments".

These are all measures that must be considered early on in the master planning stage. Also, ensuring that any priority wood pasture and ancient and veteran trees, not yet recorded on MAGIC or the Ancient Tree Inventory, are identified and afforded the protection set out in NPPF. Therefore, we strongly urge that all these matters relating to existing and new trees and woodlands and they form part of pre-application design discussions. Ancient woodland and aged and veteran trees can positively enhance new communities. Clarity will ensure it is not seen as a last-minute complication in the planning process which causes unnecessary costs, delays and frustration for all involved - a view which has been supported by both the House Builders Federation and Business Services Association. Garden towns and villages should be rich in woods and trees to promote health and wellbeing for residents, and to support healthy, sustainable, and cohesive communities. Such developments should set a gold standard for new developments. Existing standards on open space provision should also apply to all new developments as an absolute minimum. See Q5 for details.



Question 10

Do you agree with the proposals to amend the National Planning Policy Framework to make clear that:

b) where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land?

Yes. We support this proposal. However, we are concerned that if land concerned is in different ownerships, especially where in private ownership, this would not be achievable by policy alone. Wherever possible, the inclusion of other land into the green belt should be sought to compensate. There must be clear compensation metrics to ensure that the loss of greenbelt is appropriately compensated for. These must be set locally as part of the local plan process to ensure they are punitive and result in real positive environmental improvements that meet evidenced local needs and can be sustained ie there is provision for long term management.

Question 12

Do you agree with the proposals to amend the National Planning Policy Framework to:

b) make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals?;

Yes. We strongly support moves to improve design standards, particularly with regard to the design of green infrastructure- (see Woodland Trust publication [Residential Developments and Trees](#) document, July 2015). Moves to consider green infrastructure at the earliest possible stage of the plan-making process are also very welcome. The starting point for this should be a tree strategy which is based on an overview of the existing trees and woodlands and their value and those which it is identified should be retained should be appropriately protected. The strategy should also identify local tree character and scope for enhancement. The principles of best practice set out in the TDAG publication 'Trees in the Townscape: A Guide for Decision Makers' should also be followed which includes the objective that places are created where trees can thrive and deliver their full range of benefits. Guidance in British Standard 5837: 2012. Trees in relation to design, demolition and construction, Recommendations is also applicable to this objective, especially in providing guidance on how existing trees can be protected throughout the development process.



With no statutory obligation to produce these at a local or neighbourhood level, a robust lead on design must come from a national level.

c) emphasise the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided?;

Yes. We fully support this proposal and request that it goes further to promote pre-application discussions on tree retention and planting and the design of the green infrastructure on the sites, and how it fits within the wider landscape.

d) makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans?; and

Yes. Any design that results in a net loss of biodiversity must always be considered as grounds for refusal.

e) recognise the value of using a widely accepted design standard, such as Building for Life, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process?

The TDAG publication '[Trees in the Townscape: A Guide for Decision Makers](#)' is also a valuable guide to the beneficial and successful planning for trees as part of development. We strongly support the recommendation in this document that "A favourable presumption towards the inclusion of large canopy trees should be part of the policy context. It should be considered in the development brief produced by local authorities setting out the guiding principles for new large developments.

Question 13

Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:

b) address the particular scope for higher-density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?;

c) ensure that in doing so the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs?; the



d)take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?

The Ancient Tree Forum recognises the argument for more efficient use of space and promoting higher densities. However, the risks involved in such objectives have not been clearly identified or mitigated for. In some cases the HWP seems to be promoting higher density development at the cost of sustainable development. See for example section 1.53 which promotes the more efficient use of land and the scope of higher density housing and to “take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances; for example, avoiding a rigid application of open space standards if there is adequate provision in the wider area.” As there is no definition of ‘wider area’ this very ambiguous statement could increase confusion for LAs around both open and green spaces.

The TDAG publication ‘[Trees in the Townscape: A Guide for Decision Makers](#)’ is a valuable guide to the beneficial and successful planning for trees as part of development. We support the recommendation in this guidance that “ A favourable presumption towards the inclusion of large canopy trees should be part of the policy context.

It is unclear whether this is suggesting that the health and well-being benefits of being close to green space are over-ridden by the need to build higher density housing. The statement is also ambiguous enough to argue that a “flexible approach” suggests biodiversity guidance need not be followed - which would be unacceptable.

Question 15

What are your views on the potential for delivering additional homes through more intensive use of existing public sector sites, or in urban locations more generally, and how this can best be supported through planning (using tools such as policy, local development orders, and permitted development rights)?

The Ancient Tree Forum is generally opposed to extension of permitted development rights to extend building without pre-emptive controls over removal of important trees and especially veteran trees and the important policies in NPPF which protect veteran trees are bypassed, not can conditions be applied for the effective protection of trees that might otherwise be damaged.

Question 19

Do you agree with the proposal to amend national policy so that local planning authorities are expected to have planning policies setting out how high quality digital infrastructure will be delivered in their area, and accessible from a range of providers?



Any policies on digital infrastructure must ensure that these developments are carefully located with regard to the natural environment. We make particular reference to the importance of protecting ancient woodland, priority wood-pasture and parkland and aged and veteran trees. This includes other priority habitats e.g. hedgerows and traditional orchards where concentrations of veteran trees are found and which are increasingly threatened, lost or damaged from infrastructure provision in general, not only digital.

Ancient woodland, priority wood-pasture and parkland and aged and veteran trees are acknowledged to be irreplaceable nor can their loss compensated for. The existing protection in NPPF paragraph 118 has not been sufficient to prevent significant losses and ATF strongly support the proposed changes to address this weakness- see response to Q4.

Question 20

Do you agree with the proposals to amend national policy so that:

- *authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?*

No. The ATF takes the view that this land should in fact be considered more broadly, not just for housing but for the potential ecosystems services it can deliver. These new developments must be master-planned at a landscape scale to fully consider the local environment. For example, ancient woodland, including ancient pasture woodland and parkland, ancient and veteran trees are all, irreplaceable habitat that cannot be replicated. It is important to understand their importance on a landscape scale, as even small losses may have unforeseen impacts.. Pressures from and impacts of development are varied and are often not obvious

Housing can have significant and quite specific negative impacts on ancient woodland, aged and veteran trees. NE and FC Standing advice "Ancient Woodland and veteran trees: protecting them from development provides examples of these including increased requirement to manage trees for health and safety reasons resulting in loss of habitat, hydrological changes, chemical (for example run-off from salted roads, garden pesticides), disturbance (for example anti-social behaviour, predation by domestic cats), invasion by non-native plant species (for example non-native garden plants) as well as fragmentation caused by the development and cumulative effects.

Any new large-scale developments bought forward through infrastructure provision must take the opportunity to embed high-quality green infrastructure into developments for the



benefit of both residents and the wider environment. We endorse the TCPA principle on Garden Cities which states:

‘generous green space linked to the wider natural environment, including a surrounding belt of countryside to prevent sprawl, well connected and biodiversity rich public parks, and a mix of public and private networks of well-managed, high-quality gardens, tree-lined streets and open spaces’

We believe this approach must be adopted for all new major developments.

Question 30

What support would be most helpful to local planning authorities in increasing housing delivery in their areas?

The Ancient Tree Forum very much welcomes the intention to take steps to ensure planning departments are sufficiently funded to perform their fundamental role to take full account of all the government policy and advice, such as Natural England standing advice on protecting veteran trees and ancient woodland from development and HE advice on heritage assets especially historic parks and gardens. Also, that other advice on provision for trees, woods and open space is taken into account at the earliest stage. Key to this is that planning departments have appropriate arboricultural and ecological specialists. Specialists provide the technical advice required, and can ensure NPPF guidance is followed to ensure that trees and woodlands, in particular ancient and veteran trees and priority wood pastures and parkland are protected so that LPAs make sound and timely planning decisions. Such specialists have an important role in fulfilling the duty on local authorities in S197 of TCP Act 1990 to ensure that adequate provision is made for the preservation or planting of trees and for making tree preservation orders.

We consider that reversing the trend of LPAs to dispense with arboricultural professionals is essential to ensure that trees and woody habitats which are at the heart of sustainable development are properly considered and planning decisions are made in a sound and timely manner.

We urge the government to follow through with this proposal, particularly with regard to keeping the money within planning departments. This is critical for retaining and bringing back in-house technical specialists such as ecologists and arboriculturists. These specialists are critical in enabling the timely delivery of housing, as they provide readily available technical expertise. Equally, without the provision of adequate ecological and tree expertise and evidence, planning decisions are likely to be seriously flawed, potentially resulting in the loss of some of our most precious wildlife sites and valuable trees` and delivering a net-loss in biodiversity.



The upcoming consultation on this as promised in paragraph 2.15 of the housing white paper must recognise that the delivery of high quality sustainable communities extends beyond the development management function. Plan-making and enforcement functions are also critical to ensuring the right development is delivered in the right places and must be considered in any consideration of funding discussion.

- There is currently no comprehensive mechanism for recording ancient woodland losses in UK. The evidence from the various studies suggest that woodland losses could be much higher than estimated (Townsend M and Castle G (2012), A Review of the Recording and Reporting of Forest Dynamics in the UK) so it is essential that there is no further loss of this finite resource.

Question 34

Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraphs 18-219 of the National Planning Policy Framework, together constitute the Government's view of what sustainable development means for the planning system in England?

The proposed revision is not set out in the text of the housing white paper yet the proposed change is deeply significant but is impossible to comment appropriately on without site of the proposed wording.

We would prefer to see the removal of the following statement set out in paragraph 6 of the NPPF that states:

'The policies in paragraphs 18-219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system'.

The majority of paragraphs 18-219 prioritise economic growth over environmental and social values. As such they provide an unbalanced interpretation of sustainable development. We would prefer to see the wording set out in paragraph 7 (which defines sustainable development) of the NPPF used as the sustainable development definition in which the rest of the NPPF is considered.

Question 35

Do you agree with the proposals to amend national policy to:

- a) Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures?*

Yes. We fully support this proposed change.

- b) Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change?*



Yes. We support this proposal. We would like to see the role of woods and trees recognised in this policy change, particularly as components of green infrastructure, in helping the delivery of mitigation, and that resilience to climate change of the trees and woodlands as major components of green infrastructure, also needs to be taken into account. Mitigation includes:-

Urban heat island: Trees and woods can reduce the impact of the ‘urban heat island effect’ which occurs when hard surfaces in summer act as giant storage heaters, absorbing heat during the day and releasing it at night. Dramatic summer temperature differences of as much as 10°C between London and its surrounding areas have been recorded, which in turn exacerbate the symptoms of chronic respiratory conditions. Projections suggest this problem will get markedly worse. A study by the University of Manchester has shown that increasing tree cover in urban areas by 10% could decrease the expected maximum surface temperature in the 2080s by up to 4°C (Handley, J and Carter, J (2006) Adaptation strategies for climate change in the urban environment, Draft final report to the National Steering Group, Centre for urban and regional ecology, University of Manchester).

Air quality: Trees improve air quality through the adsorption of particulates from vehicle emissions and other sources – such that it has been estimated that doubling the tree cover in the West Midlands alone would reduce mortality as a result of poor air quality from particulates by 140 people per year. (Stewart, H., Owen S., Donovan R., MacKenzie R., and Hewitt N. (2002) Trees and Sustainable Urban Air Quality. Centre for Ecology and Hydrology, Lancaster University). The Woodland Trust has published a report on how trees can specifically help improve air quality – <https://www.woodlandtrust.org.uk/publications/2012/04/urban-air-quality/>.

Carbon sequestration: Planting more trees helps remove carbon from the atmosphere – in the form of carbon sequestration. The Government’s Forestry & Woodland Policy Statement (Jan 2013) clearly recognises this. Our focus on protection will help to ensure that we can safeguard the large store of carbon in England’s woodlands and trees.

Question 36

Do you agree with these proposals to clarify flood risk policy in the National Planning Policy Framework?



Yes. This clarification is welcome, and we also highlight the positive role woods and trees can play in flood risk mitigation and alleviation, and ask for this to be recognised in policy amendments so as to ensure that new developments contribute to wider landscape resilience. Trees and woodlands can make a major contribution to resolving a range of water management issues, particularly those resulting from climate change like flooding, and the water quality implications caused by extreme weather events:

<https://www.woodlandtrust.org.uk/publications/2014/05/stemming-the-flow/>.

Question 39

To support more flexibility in adapting to changing markets and technology, and to further support farming efficiency and productivity, we are seeking views on amending existing agricultural permitted development rights.

Should the thresholds set out in Part 6, Class A of the Town and Country (General Permitted Development) Order 2015 (as amended) be amended, and if so:

What would be appropriate thresholds including size and height; . What prior approvals or further conditions would be required; and, Are there other changes in relation to the thresholds that should be considered?

- Permitted development is a potential threat to trees particularly ancient and veteran trees where they are not protected by legislation. Permitted development bypasses NPPF protections and NE and FC standing Advice "Ancient Woodland and veteran trees: protecting them from development". The proposal to extend permitted development is of great concern to the ATF and we are not in favour.
- Agricultural landscapes are prime locations for pasture woodland and veteran trees including hedgerows, scattered in field trees and shelterbelts around farmsteads. Felling licence controls in theory apply to most of these exemptions permit small scale felling, without any consent. Enforcement appears to be lacking and ineffectual. Without effective protection such trees are vulnerable to loss/removal, damage or deterioration in advance of any application for planning permission or where owners exercise permitted development rights. To fully ensure that there is no avoidable loss of these irreplaceable trees, to give effect to the protection in policy, a mechanism for pre-emptive legal protection is urgently needed and would be an important element in fulfilling the Conservative manifesto pledge of 2015 to be the first generation to "leave the environment in a better state" than we found it. The ATF is opposed to any extension of permitted development rights without effective controls on pre-emptive loss or damage to ancient and veteran trees on agricultural lands without amendment of felling licence exemptions. Part 6, A1 bullets i), j) and k), set out special protections for 'protected buildings'. This special consideration should also be afforded to designated and irreplaceable habitats.



Question 40

To further support delivery of rural homes for rural workers, the Government is consulting on a new agricultural to residential use permitted development right. It is proposed that this would allow conversion of up to 750sqm, for a maximum of 5 new dwellings, each with a floor space of no more than 150sqm. The Government is seeking views on how best to ensure these properties meet local need. It also proposes amending the existing Class Q permitted development right to increase the existing threshold from 450sqm to 465sqm to bring it into line with the current permitted development right threshold for agricultural development.

A change of use from agricultural to residential can have significant and quite specific impacts upon ancient woodland, ancient and veteran trees as set out in NE and FC standing Advice” Ancient Woodland and veteran trees: protecting them from development”. The conversion of an agricultural barn to a house may seem inconsequential, but it may have significant impacts on any adjacent ancient woodland or veteran trees. The development of associated infrastructure such as access roads may also have a significant impact on irreplaceable habitats. To allow such uncontrolled development will undermine the positive effect of the enhanced protection proposed within the HWP to NPPF p118. All agricultural buildings within ancient woodland or within 40m (echoing the protections set out for ‘protected buildings’) of ancient woodland, aged or veteran trees, wood-pasture and parkland must be exempted from this proposed change to permitted development rights.