

# Ancient Tree Forum Response to the 2018 consultation on the revised National Planning Policy Framework

The response is formatted to the Survey Monkey questionnaire used to collate comments.

## Question 2

### Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

#### No

The Ancient Tree Forum (ATF) agrees that the objectives of Sustainable Development must be at the heart of all decision making. However, the weakened sustainable development principles fail to reflect the aspirations of the 25 Year Environment Plan (YEP). There is a strong focus on housing numbers with weak safeguards for the majority of natural environment. We agree that the three overarching objectives need to be pursued in a mutually supportive way. This means that supply of housing should not take precedence over other objectives. Conservation and enhancement of the living environment must involve leaving suitable space for nature, existing and new, and especially trees which provide so many benefits directly and in support of other biodiversity. This will require housing requirements and densities to be achieved using good design and new approaches, so that the foot print of the built development allows for appropriate retention of existing trees and space for new. If the government is to deliver on its commitment “*to leave the environment in a better state than we found it and pass on to the next generation a natural environment protected and enhanced for the future*” (as stated by the Prime Minister in the foreword to the *Government’s 25 Year Plan for the Environment*), *the principles of the Plan must be embedded in the NPPF*.

We welcome the statement in para 11d)i that certain policies provide reasons to refuse rather than restrict development. But footnote 7, which lists the policies referred to states “*...irreplaceable habitats including ancient woodland; aged or veteran trees.*” The insertion of a semi colon rather than a comma will lead to the interpretation that aged or veteran trees are not considered irreplaceable habitats in the same way as ancient woodland. This interpretation is made explicit in the glossary definition of irreplaceable habitats and paragraph 173c) This is a fundamental point which requires amendment because the ATF, in accord with the current NE/FC Standing Advice “Ancient woodland and veteran trees: protecting them from development”, considers that “veteran, ancient or aged trees are irreplaceable”.

Most ancient and other veteran trees are open grown and outside closed canopy woodland. They potentially have a much longer life and therefore richer biodiversity. The quality, diversity and extent of habitats of ancient and veteran trees are directly related to their age and maturity, particularly the extent of wood decay that can build up over centuries together with the long continuity of habitat essential for specialist organisms. Many of these species establish critical relationships with the tree and its soil and other trees in the vicinity, and many are endangered or rare. These complex ecosystems, host to countless species of fungi, animals- especially insects, and plants are only developed in trees that are in their mature or ancient stage of life. It is critically

important therefore that ancient and veteran trees have the appropriate level of protection equal to ancient woodland.

In addition, we have significant concerns about the draft which features a definitive list of policies in the footnote to paragraph 11 (footnote 7). As proposed this is likely to diminish the significance of other important environmental, landscape and heritage policy considerations within the wider NPPF. Of particular concern to the ATF is the protection of veteran trees within priority habitats principally wood pastures, traditional orchards and hedgerows and other designations - such as Local Wildlife Sites.

To respond to our concerns and those of others expressed about the weakening of environmental protection for those policies not included in footnote 7, we strongly recommend that the final NPPF is more explicit about requiring appropriate weight to be given to these wider assets.

#### **RECOMMENDATION:**

**Amend footnote 7 to read [changes are underlined]**

**The policies referred to are those in this Framework relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, within a National Park (or the Broads Authority) or defined as Heritage Coast; irreplaceable habitats including ancient woodland and ancient or veteran trees; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 55); and areas at risk of flooding or coastal change. It does not refer to policies in development plans.**

With reference to the specific use of words/terms, the ATF recommends that the word “aged” is replaced by the word “ancient” which has a more specific meaning and value attached to it. This is made clear in the response to the glossary definitions- see Q43 and is consistent with the working and surveying practices of arboriculturists and key organisations concerned with their conservation and management.

## **Question 6**

### **Do you have any other comments on the text of chapter 3?**

Paragraph 15 mirrors the introduction in the way that it is unduly unbalanced towards housing, and not towards sustainable development. As stated in our answer to Question 2 it is crucial that housing is placed at the core of sustainable development. Currently the NPPF considers it in isolation, with other development and other planning matters such as the environment being considered as secondary. The NPPF fails to reflect aspirations of the 25 YEP, has weakened sustainable development principles and focusses on housing numbers with weak safeguards for most of the natural environment. Despite recognition that financial success depends upon ‘natural capital’, policies which deliver green infrastructure and biodiversity improvements are part of local plans which are no longer mandatory.

The increased emphasis on joint working on cross-boundary issues is welcomed. Natural, green infrastructure including trees and woods is also a cross- boundary issue. Wildlife and habitats are not limited to local authority boundaries, they must be considered on a landscape scale in line with the Lawton Review, ‘Making Space for Nature’ report published in 2010. For example, important

habitats that have become isolated or fragmented, to be sustained and for continuity, need to be re-connected directly or by 'stepping stones' to other habitats which have or could have the next generation of veteran trees. This needs to be considered at a strategic level.

The 25 Year Environment Plan says that government will *"develop a Nature Recovery Network providing 500,000 hectares of additional wildlife habitat, more effectively linking existing protected sites and landscapes, as well as urban green and blue infrastructure"*. This is a highly desirable initiative which we support. How this is to be implemented should be included in the NPPF where planning can contribute to this aim.

## Question 12

### **Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?**

**No.**

The proposed methodology does not allow local planning authorities to factor in local environmental constraints. Without this safeguard in place the application of the presumption in favour of sustainable development risks damaging our most sensitive habitats, most notably aged (ancient) and veteran trees which enjoy only limited protection in this draft of the NPPF. As housing is not locationally dependent it should never be deemed as a 'wholly exceptional' reason for damaging or destroying irreplaceable ancient and veteran trees or ancient woodland. The NPPF provides no definition of 'infrastructure projects' referred to in footnote 49. Clear definitions are essential to ensure that the commitment to the protection of these irreplaceable habitats no longer has loopholes which can be exploited. NE/FC standing advice states that for ancient woodland and veteran trees, the planning authority and the developer should work together to identify ways to avoid negative effects of development such as selecting alternative sites for development or re-designing a scheme. This must be applicable to all circumstances.

## Question 20

### **Do you have any other comments on the text of Chapter 8?**

**Yes**

It is well established that natural greenspaces, especially trees and woods are critical for wellbeing, especially in urban areas. Regrettably there is no reference to this, or that it should be a consideration. Street trees play a fundamentally important role in supporting healthy communities and were championed in the Conservative Party's manifesto. Recent high-profile events have demonstrated the kind of measures that local authorities are taking to reduce costs. The investment in street trees made in previous decades are being lost at a time when their benefits are beginning to be fully appreciated, valued and are needed most. All trees in urban areas contribute to wellbeing whether in streets, gardens, parks, school or hospital grounds etc. The benefits of trees increase with maturity, but mature trees cannot be replaced quickly.

The "Trees in Towns" surveys, commissioned by government have shown that there are significant numbers of mature and veteran trees and even occasional ancient trees in urban settings. These trees are a priority for conservation for their natural capital/ecosystem services, visual amenity, contribution to making distinctive places and for creating 'liveable' towns and cities. This revised

NPPF should clearly recognise the value of urban trees and ensure LPA's are supported to have strong and supportive planning policies which will guide decision making around this issue.

### **Q26 Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?**

No, unless there is a requirement that in attaining the standards, existing valued trees and green infrastructure are not sacrificed to achieve it and that open green space is provided with tree planting.

Applying the overarching principles of sustainability set out in Chapter 2 should mean that supply of housing should not take precedence over other objectives. Conservation and enhancement of the living environment must involve providing suitable space for nature, existing and new, and especially trees which provide so many benefits directly and in support of other biodiversity. This will require housing requirements and densities to be achieved using good design and new approaches, so that the foot print of the built development allows for appropriate retention of existing trees and space for new. If the government is to deliver on its commitment "*to leave the environment in a better state than we found it and pass on to the next generation a natural environment protected and enhanced for the future*" (as stated by the Prime Minister in the foreword to the *Government's 25 Year Plan for the Environment*), *the principles of the Plan must be embedded in the NPPF.*

### **Question 34. Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?**

**No**

The increased protection for ancient woodland set out in paragraph 173c is strongly supported. But the separation of aged (ancient) and veteran trees into a different level of protection to ancient woodland is not acceptable. For the first time the NPPF has separated Aged and Veteran Trees from Ancient Woodland inferring that they have a lesser value and are replaceable. This is clearly not the view of the Ancient Tree Forum or other organisations responding to this consultation. It is in contradiction to

- the 25 YEP which states it will.....*support increased protection of existing trees and forests* and that ..... *the Government recognises the significant heritage value and irreplaceable character of ancient woodland and veteran trees* (p47)
- the Housing White Paper which states "Ancient Woodland and trees classed as 'ancient', 'veteran' or 'aged' are irreplaceable". and.
- the Government's own standing advice, which states that "ancient, veteran or aged trees are irreplaceable" and therefore should be afforded the same level of protection as ancient woodland.

Most ancient and other veteran trees are open grown and outside closed canopy woodland and potentially have a much longer life and richer biodiversity. The quality, diversity and extent of habitats of ancient and veteran trees are directly related to their age and maturity, particularly the extent of wood decay that can build up over centuries together with the long continuity of habitat

essential for specialist organisms. Many of these species establish critical relationships with the tree and its soil and other trees in the vicinity and many are endangered or rare. These complex ecosystems, host to countless species of fungi, animals- especially insects, and plants are only developed in trees that are in their mature or ancient stage of life

The word "aged" is not defined here or in Standing Advice, has no useful meaning in current practice and should be replaced with the word "ancient" which is specific to a life stage, widely used and understood and is clearly defined in the recommendation definition proposed for the glossary in question 43.

The current text in paragraph 173c includes the words "loss or deterioration" in relation to ancient woodland but does not in relation to aged and veteran trees - only the word "loss". In our experience, the potential long-term impacts of development can often lead to subsequent deterioration resulting in loss of trees post development due to changed ground conditions, siting or the requirements for increased risk management resulting from inappropriate design and or layout. Deterioration or longer-term loss may be avoided if the recommendations in standing advice and other guidance are adhered to. However, the policy requirement to also consider deterioration is necessary to enforce that consideration at the planning stage.

**RECOMMENDATION:**

**Amend the wording of para 173c to:**

**[suggested additions are in capitals, and deletions in square brackets]**

**development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland, ANCIENT WOOD PASTURE, ANCIENT AND VETERAN TREES) should be refused, unless there are wholly exceptional reasons and a suitable mitigation strategy exists; and [where development would involve the loss of individual aged or veteran trees that lie outside ancient woodland, it should be refused unless the need for, and benefits of, development in that location would clearly outweigh the loss; and]**

**Question 35. Do you have any other comments on the text of Chapter 15?**

**Yes**

The term "aged tree" has no working definition or common use in the industry or environmental sectors, although occasionally used as a synonym for the word ancient. There is also a noticeable exclusion/absence of the term "ancient tree" in this draft despite being in widespread use. An ancient tree has a definition and such trees are classified separately in the "Ancient Tree Inventory" identified in the Standing Advice. Ancient trees which have greatest age for their species have the same habitat characteristics as veteran trees but have additional values for nature conservation, heritage and culture because of their great age.

For clarity and to avoid confusion, terms used should be restricted to "ancient" and "veteran" (not aged) which are clearly defined and accepted (see Ancient and other veteran trees: further guidance on management 2013 ed D Lonsdale) The use of these terms would enable any distinctions in value and policy application to be made more clearly.

## RECOMMENDATION

Omit the word 'aged'. Replace with the word 'ancient' as shown in the recommendation to Q34

### Question 43. Do you have any comments on the glossary?

Yes

#### "AGED OR VETERAN TREE"

Replace original title and text with:

#### "ANCIENT OR VETERAN TREE"

- a) An ancient tree is in the stage of life beyond maturity. By this life-stage it will have developed significant rare habitat associated with the aging process. Very few trees of any species reach this ancient life-stage. Thus, any trees that are ancient are irreplaceable and exceptionally valuable in their own right; for science, nature conservation, culture and heritage. Ancient trees are all veterans, but not all veterans are ancient.
- b) A veteran tree has a substantial volume of wood decay in the trunk and / or in the major branches, apparent as hollowing or associated with branch death. Together with age-related alterations of bark, such decay is extremely valuable for nature conservation. Normally these characteristics are associated with aging and do not become significant until maturity. Owing to the long timescales involved, mature veteran trees are irreplaceable. They may also have irreplaceable cultural and heritage values.

#### "ANCIENT WOODLAND"

The glossary should make explicit that other distinct forms of ancient woodland are ancient wood pasture and historic parkland as stated in NE/FC Standing Advice. Standing Advice also specifically states that ancient wood pasture should be considered in the same way as other ancient woodland in planning decisions and that historic parkland is protected as a heritage asset in NPPF. By not making this clear in NPPF such equivalent irreplaceable habitats may not be afforded the protection intended in NPPF in para 173c and the relevant policies in Chapter 16

#### RECOMMENDATION:

Amend the definition to read: [suggested additions are in capitals]

Ancient woodland:

An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS) AND FOR THE SPECIFIC PURPOSE OF PARA 173C OF THIS FRAMEWORK IT INCLUDES ANCIENT WOOD PASTURE AND HISTORIC PARKLAND.

#### "IRREPLACEABLE HABITAT"

The current proposed text in the NPPF is *Irreplaceable habitat: those which could be described as irreplaceable due to the technical difficulty or significant timescale required for replacement. It includes ancient woodland, blanket bog, limestone pavement and some types of sand dune,*

*saltmarsh, reedbed and heathland. For the specific purpose of paragraph 173c of this Framework it does not include individual aged or veteran trees found outside ancient woodland.*

However, aged, ancient and other veteran trees are also irreplaceable and have “irreplaceable” habitat in terms of “technical difficulty and significant timescale” for the habitat to be replaced This view is supported by NE/FC Standing Advice- see response to Q34. This definition should be amended to reflect the position noted in the answer to Q34 and 35 above. Additionally, other irreplaceable ancient woodland forms i.e. ancient wood pasture and historic parkland should be explicitly referenced for completeness.

**RECOMMENDATION:**

**Amend the definition to read:**

**[suggested additions are in capitals and deletions in square brackets]**

**Those which could be described as irreplaceable due to the technical difficulty or significant timescale required for replacement. It includes ancient woodland, ANCIENT WOOD PASTURE, HISTORIC PARKLAND\*, ANCIENT AND VETERAN TREES, blanket bog, limestone pavement and some types of sand dune, saltmarsh, reedbed and heathland. [For the specific purpose of paragraph 173c of this Framework it does not include individual aged or veteran trees found outside ancient woodland.] \* HISTORIC PARKLAND IS ALSO A HERITAGE ASSET TO WHICH POLICIES IN CHAPTER 16 APPLY.**

**End**

**7<sup>th</sup> May 2018**