

Consultation Response

National Planning Policy Framework Response

May 2018



WOODLAND
TRUST

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**“ We warmly
welcome the
improved
protection
for ancient
woodland.”**

The Woodland Trust

Executive Summary

The Trust's primary concern lies with Chapter 15 and the text associated with this.

We warmly welcome the improved protection for ancient woodland. This is a huge step forward for one of our most precious irreplaceable habitats.

We are, however, very disappointed that this follow on from the Housing White Paper was not extended to ancient and veteran trees. It is critical that ancient and veteran trees continue to be recognised as irreplaceable habitats and given parity in policy protection. As such, we would like the following points to be amended in the NPPF going forward:

- Paragraph 173c must be amended to ensure ancient and veteran trees enjoy 'wholly exceptional' protection.
- Footnote 7 must be amended to reflect the irreplaceable status of ancient and veteran trees.
- The glossary definition of 'irreplaceable habitats' must include ancient and veteran trees found outside ancient woodland.
- Footnote 49 must be amended to provide clarity on what infrastructure projects should be limited to.

Chapter 1: Introduction

Question 1

Do you have any comments on the text of Chapter 1?

The tone of the introduction places undue emphasis on housing. We recognise that the housing crisis is of great importance and the NPPF needs to address it. But in its current form the introduction undermines the NPPF's own aspirations for achieving sustainable development (as set out in Chapter 2).

The Woodland Trust would instead like to see the NPPF act as a tool for creating sustainable communities where people really want to live, work and play, rather than simply 'housing and other development'. This approach would do more to provide a long term solution to the current housing problems rather than allowing short term thinking to create problems of inefficiency and a need for future regeneration. Sustainable developments rich in woods and trees would also improve resilience to climate change and help protect the population from growing problems of poor mental health and obesity.

Chapter 2: Achieving sustainable development

Question 2

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

No.

Sustainable Development Objective

The Trust welcomes the removal of the following line: *The policies in paragraph 18 – 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.* This position was unhelpful and detracts from the weight on the Resolution 42/187 UN General Assembly definition.

However, we are disappointed that the draft framework ignores the 2005 UK Sustainable Development Strategy definition and the UN Sustainable Development Goals. This seems like a fundamental flaw in a document designed to shape development in England.

The UN Sustainable Development Goals are cited in the objectives in the

Government's new 25 Year Plan for the Environment. Again it seems like a disconnect that these are not reflected in the NPPF.

The position of sustainable development is further undermined by paragraph 9 in the revised draft: *These objectives should be delivered through the preparation and implementation of plans and the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*

If the Government truly wants 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), then sustainable development must be at the heart of all decision making, with no exceptions. It is disappointing that the Government has failed this early test on embedding the principles of the plan into a wider Government approach and indeed its own election manifesto commitments.

The presumption in favour of sustainable development

The Trust recognises that planning must be a positive process with a presumption in favour of development. However, such a presumption must set a high bar to ensure that development is high quality and is truly sustainable. In its current form the draft presumption is so caveated it does not do that.

We welcome the addition of irreplaceable habitats and aged and veteran trees to footnote 7. However, we are concerned about the manner in which this addition has been made - *irreplaceable habitats including ancient woodland; aged or veteran trees.* The new use of a semi-colon in this revised draft separates aged and veteran trees from irreplaceable habitats, implying therefore that they can be replaced. This is an implication that is made explicit in both the glossary (definition of irreplaceable habitats) and paragraph 173c.

It is erroneous to consider aged and veteran trees as 'replicable habitats'. It is important to understand the role ancient trees play in the historical, cultural and natural environment:

- They have evolved over centuries to provide a rich and diverse range of habitats, playing host to countless other species, many of which are specific to older trees and cannot thrive on younger trees or in any other habitat. However, the relationships often work both ways; many of these species are crucial to the health of the trees. These species have quite specific requirements and many appear to require trees that have grown in open conditions and have full crowns with lower branches that reach down almost to the ground. High forest trees do not provide the same niche habitats as they have small, high crowns and do not retain broad, spreading lower branches.

- Many species are reliant on other species to create their specialised habitats. For example, certain beetles live in a type of decaying wood called brown rot which results from the activity of a very small number of particular species of fungi.
- Ancient, veteran and dead trees also provide valuable habitat for other species, such as bats and birds which make use of the nooks, cavities (from hollowing) and crannies in which to nest or roost.
- The importance of these trees for wildlife comes alongside their many other values – cultural, historical, aesthetic – all of which means that ancient and veteran trees occupy a very special place in society and within the landscape.

New trees planted today may never evolve into similarly rich and complex structures, and certainly not in our lifetime.

It is therefore critical that aged and veteran trees are recognised as irreplaceable habitats and as such continue to enjoy the same level of protection as ancient woodland. As our response makes clear in further sections, we strongly recommend the wording is brought back in line.

In addition, we have significant concerns about the revised draft featuring a definitive list of policies in the footnote to paragraph 11 (currently 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 note to the Trust is the protection of trees within other designations - such as Local Wildlife Sites - and in other non-designated sites of secondary woodland which may be of local wildlife, landscape and community significance.

In light of 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.

Question 3

Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

Not sure.

The core principles have in the main been relocated to different chapters of the NPPF. Whilst this provides useful context throughout the document this could be better located in the sustainable development chapter, where an abridged version could give a clearer steer on the Government's vision of what sustainable development should look like.

Question 4

Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

The consideration of neighbourhood plans in this section is not at all clear. Furthermore it does nothing to encourage groups to engage with the planning system and to create their own plans. The Woodland Trust warmly welcomes any moves to increase the weight given to neighbourhood plans and encourage public participation. However, in their current form paragraphs 13 and 14 do not go far enough to provide useful clarity on this.

Chapter 3: Plan-making

Question 5

Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

No comments.

Question 6

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

Paragraph 15 echoes the introduction in the way that it is unduly weighted towards housing, and not towards sustainable development. As stated in our answer to Question 1 it is critical that housing is placed at the heart 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.

We are pleased to see the increased emphasis on joint working on cross-boundary issues through amendments to the tests of soundness and requirement for Statements of Common Ground; this is a significant strengthening of the Duty to Cooperate. We ask that this consideration of wider infrastructure is expanded to include natural green infrastructure including woods and trees. Wildlife and habitats do not recognise 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. In addition considering green infrastructure at a strategic level is the most effective means of managing and planning for accessible green space in a manner that maximises its benefits across the wider community.

We are, however, concerned about the changes to the plan-making framework which means that Local Plans are no longer seen as central to plan making. Whilst we appreciate that local plans are not a statutory requirement, this has

the potential to fundamentally change the culture of plan-making. With increasingly stretched resources and pressures to have a plan in place, authorities may simply prepare a plan which only addresses the Strategic Priorities for their area, reinforcing the problem of considering housing in isolation.

To avoid a policy detail vacuum, it is essential that the final NPPF places a stronger emphasis on local planning policy. This could be achieved by replacing the word 'may' with 'should' in the context of local policies / local plans in Draft NPPF paragraphs 18, 21 and 30. It is also important that there is no over-reliance on neighbourhood planning as the coverage of these plans is very patchy and they have no uniform content, as they just cover what is considered to be of importance locally.

We also recommend that Planning Practice Guidance is updated to provide detail on the scale at which plan-making should take place and the need for more detailed, local policies. This guidance should address the specific differences between a Strategic Plan (both statutory and non-statutory) produced by a mayor or a combined authority (covering a number of authorities) and a Local Plan covering a single authority area. There must also be guidance on how newer vehicles for granting planning permission including permission in principle and brownfield registers will work within the planning framework, including taking full account of likely cumulative environmental impacts.

Chapter 4: Decision-making

Question 7

The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

No.

The Trust warmly welcomes the change in paragraph 58 setting out that viability assessments can be made public. This shows courage and transparency on the part of the Government along with a willingness to stand up to an industry that has not always delivered the best outcomes for people or the environment.

The Woodland Trust firmly believes that the Government's number one driver in development/planning policy and hence that of the NPPF should be a tool to enable LPAs to deliver sustainable communities. The issue of viability should not be an issue for decision makers but for developers - it is their responsibility to ensure that they make sound land buying decisions.

Question 8

Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

No comments.

Question 9

What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

No comments.

Question 10

Do you have any comments on the text of Chapter 4?

No comments.

Chapter 5: Delivering a wide choice of high quality homes

Question 11

What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

Small and medium sites have an important role to play as part of a plan-led system. Smaller sites can add welcome character and interest. However, the cumulative impact of smaller developments on our natural environment must still be considered and planned for in strategic policies. In addition the NPPF must recognise that smaller sites must still contribute to providing accessible green spaces including woods and trees.

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 and veteran trees which enjoy only limited protection in this current iteration of the NPPF.

Question 13

Do you agree with the new policy on exception sites for entry-level homes?

No.

A consistent approach must be taken to all developments to ensure high standards of environmental protection are maintained.

Question 14

Do you have any other comments on the text of Chapter 5?

The Woodland Trust reiterates the concerns shared by the TCPA and would like to see the garden cities principles reinstated within the NPPF.

Chapter 6: Building a strong, competitive economy

Question 15

Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

No comments.

Question 16

Do you have any other comments on the text of chapter 6?

The statement *significant weight should be placed on the need to support economic growth and productivity* undermines the sustainable development objectives set out in paragraph 8 by putting undue focus on the economy. This undermines the planning balance judgement required to achieve sustainable development.

Chapter 7: Ensuring the vitality of town centres

Question 17

Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

No comments.

Question 18

Do you have any other comments on the text of Chapter 7?

The Trust is disappointed not to see any reference to town centre improvement in this chapter. Particularly with regard to the provision of trees and green infrastructure as mechanisms for encouraging inward investment as well as improving air quality and public wellbeing. We recommend more is added in this vein to the final NPPF.

Chapter 8: Promoting healthy and safe communities

Question 19

Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

No comments.

Question 20

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

It is disappointing that this chapter does not go further to truly empower LPAs to deliver healthy communities. Paragraph 92c identifies accessible green infrastructure as an example of a means of creating healthy and inclusive places. This is contrary to an increasingly vast evidence base which sets out that accessible natural green spaces are critical to both mental and physical wellbeing and should not be considered optional.

It is especially disappointing to see an absence of any consideration of natural green spaces, specifically woods, as these are critical for wellbeing. Equally we are disappointed that the NPPF makes no reference to ensuring that natural green spaces are available close to where people live and work. Natural England has an Access to Natural Greenspace Standard and both the Forestry Commission and the Woodland Trust have a Woodland Access Standard. The tools are available and we believe that the current draft is a missed opportunity to reference the benefits of applying standards. This is particularly important in the case of smaller sites which can continually erode green spaces without contributing to any improvements.

Street trees are a fundamental part of healthy communities. We are very sorry to see them absent from the draft revised NPPF, particularly as they are championed in the 25 Year Plan. Local authorities have been taking drastic measures to maintain essential public services and the environment and trees are suffering as a result. Trees in urban areas are being neglected and removed to save money for other services. Even after a few years the benefits a tree can provide are staggering for both people and wildlife, and these

far outweigh maintenance costs. The revised NPPF is an opportunity to reflect the value of urban trees and in turn empower LPAs to recognise this in robust planning policies and decisions.

Chapter 9: Promoting sustainable transport

Question 21

Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

No comments.

Question 22

Do you agree with the policy change that recognises the importance of general aviation facilities?

No comments.

Question 23

Do you have any other comments on the text of Chapter 9?

The overall theme of the chapter reflects the chapter heading, “promoting sustainable transport”. However, whilst the rhetoric is very strong, it bears no relation to the wider direction of government policy. There is a stark disconnect between the policies set out in the NPPF and the wider policy direction being pursued by the Government as a whole. The DfT’s Road Investment Strategy Two reflects a siloed approach to transport planning with bypasses and distributor roads prioritised for investment whilst local authority subsidies for bus services are cut back. There have been some positive innovations in government policy, which reflect the tone of Chapter 9, in particular the Cycling and Walking Investment Strategy, however these remain on the periphery of government policy.

We would like to see more efforts to promote walking and cycling on existing routes by encouraging tree planting along these corridors. Research in the Netherlands and Japan indicated that people are more likely to walk or cycle to work if the streets were lined with trees (Environmental preferences and restoration: (how) are they related? Van den Berg, A.E. et al, 2003). The NPPF should recognise that street trees are critical as a means of promoting cycling and walking, as they improve the environment for cyclist and walkers whilst also creating improvements for biodiversity and the visual amenity of the area. They do this in a number of ways, including:

- Creating an environment in which road and hazard awareness of road users is improved. Trees along roads

help motorists judge their speed more effectively and can be used as part of traffic calming measures, making streets safer for cyclists and walkers.

- Improving air quality. Trees have a unique ability to modify air quality by trapping particulate matter on leaf surfaces and via the direct absorption of gases. Trees can remove the pollutants which cause greatest concern: particulate matter (PM), oxides of nitrogen, and ground-level ozone. Planting in areas of high pollutant concentration, such as traffic junctions, will have the greatest benefit.

Whilst it is recognised that the NPPF is not the place to set out detailed guidance we believe that it should be more aspirational and provide LPAs with the opportunities to plan for more active travel.

Chapter 10: Supporting high quality communications

Question 24

Do you have any comments on the text of Chapter 10?

High quality communications are key to minimising travel and maximising sustainability, especially in rural areas. It is, however, important to minimise the impact on sensitive habitats, including ancient woodland and ancient and veteran trees. This can be achieved by encouraging operators to share infrastructure where possible. It may also be possible to limit the impact of new infrastructure, by ensuring that all new developments are future proofed with the appropriate communications capability.

Chapter 11: Making effective use of land

Question 25

Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

No comments.

Question 26

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 comments.

Question 27

Do you have any other comments on the text of Chapter 11?

No comments.

Chapter 12: Achieving well-designed places

Question 28

Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

No comments.

Question 29

Do you have any other comments on the text of Chapter 12?

The Trust is very disappointed that this chapter has taken a step backwards with the removal of existing paragraph 61. We recommend this is reinserted into paragraph 126 (specifying natural green infrastructure) as follows: *Planning policies and decisions should ensure that developments address connections between people and places and the integration of new development into the natural environment through the provision of high quality natural green infrastructure.*

We would like to see Paragraph 126c reflecting the natural as well as the built environment. Paragraph 130 states that in determining applications great weight should be given to outstanding or innovative designs which promote high levels of sustainability. Rather than view this as exceptional, the planning system should require, or as a minimum encourage, all new development to achieve high levels of sustainability. This would be a proactive step in connecting planning with the public health agenda.

Providing they are carefully sited to avoid negatively impacting existing habitats, new developments offer exciting opportunities for biodiversity. Nationally gardens contain 2.5–3.5 million ponds and 28.7 million trees, representing just under a quarter of all trees occurring outside woodlands (A national scale inventory of resource provision for biodiversity within domestic gardens, Davies ZG et al, 2008). The revised NPPF is an opportunity to promote better quality developments which pay due consideration to the existing environment and opportunities for enhancements.

Chapter 13: Protecting the Green Belt

Question 30

Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

Yes.

The Green Belt is a positive planning tool for restraining urban growth. In addition according to figures from CPRE 19% of all ancient woodland lies within the Green Belt (Green Belt myths: what you need to know, CPRE, 2018). As such we welcome its ongoing protection. The revised draft sets out the exceptional circumstances in which construction in the

Green Belt is allowed.

We warmly welcome paragraph 144b, but believe it could go further and explicitly state that tree planting should be encouraged. The Trust has developed a number of well used woodland sites in the greenbelt, allowing permissive public access across the site and community engagement opportunities through tree planting and ongoing events. We believe that these developments are true to the original ethos of the Green Belt to provide expansive public green space in close proximity to cities. We believe the NPPF should set out that the other listed exceptions should only be permitted where they also lead to the creation of high quality publicly accessible natural green space in the local area.

Question 31

Do you have any other comments on the text of Chapter 13?

No comments.

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Question 32

Do you have any comments on the text of Chapter 14?

There is no mention of tree planting as a means of carbon capture within this chapter. This is a missed opportunity. Trees, woods and forests are a crucial part of the carbon cycle and form a globally significant store that contains more carbon than the atmosphere.

This store is vulnerable: deforestation accounts for roughly one fifth of global greenhouse gas emissions, greater than the entire transport sector. Growing trees sequester carbon dioxide from the atmosphere, split it and release the oxygen. The carbon is only released when the tree dies or is cut down and either decays or is burned. Any carbon released can be considered to be part of the carbon cycle, as opposed to fossil carbon (coal, oil, gas) which was taken out of circulation millions of years ago.

Although the carbon held in individual trees is only stored temporarily (for the lifespan of the tree plus any further use, such as construction materials, furniture etc.), the woodland carbon store is more permanent. The UK Forestry Standard provides legal protection for woodland: felling licences usually require that harvested woodland is restocked. Therefore woodland creation activity increases the size of the UK's land-based carbon sink. As the woodland matures the rate of sequestration tails off until a balance is met between carbon oxidised by dead trees and carbon sequestered by growing ones. Carbon will continue to accumulate in soils, especially in deciduous woodland.

We would like to see the NPPF reflecting the role of woods and trees in carbon capture.

In addition we would like it noted that we do not support the provisions of footnote 40. Climate change is the biggest threat to woods and trees and we believe that the NPPF must take a more proactive approach to renewable energy, particularly recognising the substantial benefits of carefully-located wind energy generation to our energy mix.

Question 33

Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from building?

No comments.

Chapter 15: Conserving and enhancing the natural environment

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.

Ancient Woodland

The increased protection for ancient woodland set out in paragraph 173c is strongly welcomed. We are very pleased to see that the Government has followed through on the commitments set out in the Conservative Party's 2017 election manifesto and the 25 Year Plan for the Environment. We recommend this wording is retained in the final NPPF.

Aged (ancient) and Veteran Trees

However, the proposed wording in paragraph 173c (along with footnote 7 and in the definition of 'irreplaceable habitats' in the glossary) undermines the position of aged and veteran trees, which are equally valuable, irreplaceable habitats. This runs directly contrary to the 25 Year Plan for the Environment 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).*

Superficially, the protection they enjoy may be considered the same as in the existing 2012 NPPF as *.....the benefits of development in that location would clearly outweigh the loss test remains in paragraph 173c.* But for the first time, planning policy decouples aged and veteran trees from ancient woodland. The NPPF has consistently referred to ancient woodland and aged and veteran trees, until this draft. Yet in this draft the NPPF states specifically (in the new glossary definition of irreplaceable habitats) *For the*

specific purpose of paragraph 173c of this Framework it does not include individual aged or veteran trees found outside ancient woodland. Not only does this undermine the revised draft NPPF it effectively downgrades aged and veteran trees to a 'replaceable' habitat. This change in status is critical as the bar is lowered when considering whether the *benefits outweigh the loss*, thus further enabling the unnecessary loss or deterioration of the UK's oldest and most important trees for nature conservation. In its current form, the draft revised NPPF is contrary to Natural England and the Forestry Commission's Standing Advice, which states: *Ancient woodland, and trees classed as 'ancient', 'veteran' or 'aged' are irreplaceable.*

It's wrong to suggest that aged and veteran trees are not irreplaceable, and wrong to give them a different level of protection to ancient woodland. It makes no sense to improve the fate of one irreplaceable woodland habitat while reducing protection for another. This change would seriously impact on the way planning policy safeguards our most precious trees. If this is not addressed, England's oldest and most impressive trees would actually have less protection from development than ancient woodland in future.

It also falls short of the aspirations set out in the Housing White Paper which states that: *Ancient Woodland and aged or veteran trees are irreplaceable habitats and we consider it important that national policy reflects the need to protect them.*

We request that the NPPF is amended to reflect the irreplaceable nature of aged ('ancient') and veteran trees bringing them into para 173c, so that they continue to benefit from equal consideration in planning decisions, and receive 'wholly exceptional' protection along with ancient woodland.

Overall figures of trees on the ATI in England (provisional)

The Ancient Tree Inventory (ATI) is a provisional combined data set, recording started in 2007. It is publically accessible and can be found here <https://ati.woodlandtrust.org.uk/>

The trees can be recorded by anyone; they are verified by the team of volunteer verifiers. They also allocate a veteran status (ancient, veteran or notable). The figures below have been extrapolated from the inventory for the purposes of this consultation and consider only ancient and veteran trees.

Ancient 10,120
Veteran 73,012

Of these, 7,760 ancient trees (77%) and 47,866 veteran trees (66%) are already covered by existing designations. Designations include: SAC, RAMSAR, NNR, LNR, National Park, Country Park, AONB, Ancient Woodland, Historic Park, Battlefield, SSSI, SPA. These figures show that in most counties the majority of trees fall within existing designations, showing that improving the protection for ancient and veteran trees would not place undue burdens on local planning authorities or developers.

Footnote 49

We request that footnote 49 is amended to provide clarity. It is concerning that currently the NPPF provides no definition of *infrastructure projects*. The NPPF must recognise that this exemption allows only for the special nature of spatially dependant infrastructure projects. In its current form we are concerned that without clarification either in Chapter 15 or in the glossary and, due to the great weight given to development when the NPPF is read as a whole, the term 'infrastructure' could be interpreted inconsistently, as to include other major schemes such as housing. Housing is not locationally dependant and it should never be deemed as a 'wholly exceptional' reason for damaging or destroying irreplaceable ancient woodland or ancient and veteran trees; the NPPF must set out clear definitions to ensure the Government's drive to protect ancient woodland habitat is not open to misinterpretation or abuse any longer.

If considered early in the design process these woods and trees can enhance many developments, adding value and interest to new housing as well as enhancing opportunities for health, wellbeing and biodiversity. This approach must be reflected in the NPPF.

Language

Currently the language used to describe woods and trees in the NPPF does not reflect that used in the development process by arboriculturalists. The term aged tree was first used in Planning Policy Statement 9 and is not used outside planning policy. British Standard 5837:2012 requires trees to be surveyed and categorised as part of the feasibility and planning process; the life-stage of trees as well as, separately, veteran characteristics are identified and recorded in tree surveys. We provide recommended definitions drawn up in collaboration with the Ancient Tree Forum in answer to Question 42.

Recommended amendments: additions are shown as underlined; deletions shown as scored through.

We request that the following amendments are made to reflect our comments set out above.

Paragraph 173c. revised to read:
development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees that lie outside ancient woodland) should be refused, unless there are wholly exceptional reasons and a suitable mitigation strategy exists;. ~~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~~

Footnote 7. revised to read:
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 aged 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.

Footnote 49. revised to read:

For example, infrastructure projects (excluding housing but including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

We also request that the Glossary is updated to reflect these changes. These proposals are set out in our response to Question 43.

In addition we request that the Planning Practice Guidance is updated to reflect these changes.

Question 35

Do you have any other comments on the text of Chapter 15?

Wildlife-rich sites

We are pleased to see reference to wildlife-rich habitats (paragraph 172a), but believe it is important that all components of ecological networks are mapped and safeguarded and that this should be reflected in the NPPF.

Criteria based policies

We are very concerned with the loss of existing paragraph 113 which requires planning authorities to set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity or landscape areas will be judged. This policy ensures planning authorities include local policies, which distinguish between the hierarchy of wildlife sites and give appropriate weight to the importance of and contribution sites make to wider ecological networks. There is nothing in the draft revised NPPF that explicitly requires planning authorities to include policies to protect and enhance wildlife sites. By contrast, new paragraph 168a) does this explicitly for valued landscapes and sites of geological value. There are parallels here with heritage assets. Paragraph 193 sets out that the *significance of a non-designated heritage asset should be taken into account in determining the application*; the same should be true for the natural environment.

This policy detail is essential and must be reinstated in the final NPPF. Without this policy detail, there is a real risk that important policy detail will be omitted from plans and statutory and non-statutory site protection could be undermined. This would be contrary to the 25 Year Environment Plan which aims to maintain and strengthen environmental protections.

Local Wildlife Sites

The Woodland Trust supports the Wildlife Trusts' position on the protection of Local Wildlife Sites (LWS). We are concerned about the proposed changes in the revised NPPF, which effectively remove all planning protection for LWS. Local Wildlife Sites (formerly known as Sites of Importance for Nature Conservation) are of great significance as core wildlife-rich habitats and taken together they represent a major national asset, essential to nature's recovery (as discussed under Question 2). With no statutory protection, their only form of protection is through good planning policy and decisions. By withdrawing paragraph 113 (as discussed above) and all reference to locally designated sites and Local Wildlife Sites from paragraph 172a (formerly paragraph 117) and the glossary, they are now left without any protection at all.

We strongly object to these proposals, which directly conflict with the Government's commitments in the 25 Year Environment Plan to maintain and strengthen environmental

protections enshrined in planning policy. We urge the Government to reinstate the current protection policies for LWS.

Chapter 16: Conserving and enhancing the historic environment

Question 36

Do you have any comments on the text of Chapter 16?

No comments.

Chapter 17: Facilitating the sustainable use of minerals

Question 37

Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text in this chapter?

No comments.

Question 38

Do you think that planning policy in minerals would be better contained in a separate document?

No. The Trust has no objection to minerals being considered as part of the NPPF.

Question 39

Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

No comments.

Transitional arrangements and consequential changes

Question 40

Do you agree with the proposed transitional arrangements?

No comments.

Question 41

Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

No comments.

Question 42

Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

No comments.

Glossary

Question 43

Do you have any comments on the glossary?

The Woodland Trust believes the following changes must be made to the Glossary to ensure the NPPF delivers for ancient woodland and ancient and veteran trees:

Amended Definitions: additions are shown as underlined; deletions shown as scored through.

Irreplaceable habitat - those which could be described as irreplaceable due to the technical difficulty or significant timescale required for replacement. It includes ancient woodland, 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 woodland.~~

Justification – As set out in our answer to Question 34, it is critical that planning recognises the irreplaceable nature of ancient and veteran trees. As it stands the definition set out in the glossary is misleading, and it is contrary to accepted fact and Natural England's *Standing Advice on Ancient woodland and veteran trees* January 2018 which clearly defines veteran trees (their definition of veteran incorporates ancient trees) as irreplaceable. Whilst the revised NPPF definition specifically states that it is limited specifically to the purposes of paragraph 173c it is difficult to see how this could not be reflected in other plans which must align with the NPPF.

New Definitions

As set out in the answer to Question 34 we request that the terminology used in the NPPF is changed to reflect standard working practices. Specifically British Standard: 5837:2012 Trees in relation to design, demolition and construction which requires developers to undertake tree surveys and tree categorisation at the feasibility and planning stage prior to undergoing detailed design. We believe it would be beneficial for the NPPF to reflect the terminology used in the development industry to ensure consistency and clarity throughout the design and planning process and to ensure planners and arboriculturalists are speaking a common language. As such we recommend replacing the existing Aged and Veteran Tree definition with the following definitions:

Ancient tree - 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 ageing 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.

Veteran tree - The key characteristic of a veteran tree is 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 ageing 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.



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