

Consultation Response

Fixing our Broken Housing Market

– Woodland Trust response to
the Housing White Paper

May 2017



WOODLAND
TRUST

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In order to make good the Government's clear aspiration to improve protection for ancient woodland and aged and veteran trees, National Planning Policy Framework (NPPF) paragraph 118, bullet 5, should 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.'*

This would improve clarity for developers and local planning authorities (LPAs) alike, thereby speeding up decision making and reducing uncertainty. Given that ancient woodland only covers 3% of England's landmass, the country's housing needs can be fully delivered without negatively impacting on ancient woodland or aged and veteran trees.

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. The Trust does not recognise the need to change paragraph 156 as bullet one already states 'the homes and jobs needed in the area'. To reference housing twice in this paragraph would seem to simply duplicate existing policy. Whilst we recognise the severity of the housing crisis and the need to plan for this, mentioning housing twice in a list of strategic concerns would seem to prioritise it above other issues. Such an approach would be erroneous and in clear breach of the NPPF's aspirations to create sustainable development as it would undermine the other strategic priorities set out in paragraph 156, most notably bullet 5 which states, 'climate change mitigating and adaptation, conservation and enhancement of the natural and historic environment, including landscape'.

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 Woodland Trust believes that the planning system

must remain plan-led, as this is the only way to ensure planning delivers both environmental and social justice 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.

A landscape-scale approach focusing on the delivery of ecosystem services is fundamental to successful strategic planning for the good of all. This must be embedded into the new Spatial Development Strategies. Fundamentally, these plans should be produced locally and democratically, making best use of local knowledge and reflecting the local situation.

Effectively utilising the existing evidence base is key: we highlight the Ancient Woodland Inventory (AWI), the Ancient Tree Inventory (ATI) and National Ancient Woodland and Veteran Tree Standing Advice (issued jointly by Natural England and the Forestry Commission) which must be considered at the earliest possible juncture:

- The AWI is owned and managed by Natural England (NE). 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: see A review of the revision of the Ancient Woodland Inventory in the South East (NERR042), Natural England, 2011). 3% of the land area in England is covered by ancient woodland (Lawton Review, page 31, September 2010). There is currently no comprehensive mechanism for recording ancient woodland losses in the UK. The evidence from the various studies suggests 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 - dust, noise and light pollution (among other factors) from adjacent developments can all threaten the integrity of the habitat and its ecosystem, and the successful survival of its unique characteristics.
- The Wood-Pasture and Parkland (PWPP) Biodiversity Action Plan (BAP) Priority Habitat Inventory for England is owned and managed by NE and is a provisional layer on MAGIC (NE mapping system). 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 critical to protect priority wood-pasture and parkland and in particular the habitats should not be internally fragmented, for example by housing permitted to be inserted in between free-standing trees of high value. This inventory is provisional and should be used in conjunction with the ATI (see below) to assess the quality of the resource where known.
- The ATI is a joint venture with the Tree Register of the British Isles and the Ancient Tree Forum and is the most definitive record of ancient trees in the UK. Thus 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. Ancient trees are living relics, part of our natural heritage and heritage assets of incredible age, which inspire awe and mystery.
 - 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 others of the same species
 - All ancient trees are irreplaceable and of international importance. The term 'veteran tree' may describe a tree which is mature, though not yet ancient, but also has important 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.

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

No. Whilst efforts to aid Local Planning Authorities (LPAs) in plan-making are to be applauded, it must be understood that amending the 'soundness' test for local plans is a critical change to the way the plan-led system operates. Extensive consultation and engagement on what a more 'proportionate approach' to an evidence base looks like, must be carried out prior to such a change being made. The phrase 'an appropriate strategy for the area' as set out in A.18, bullet 2 of the Housing White Paper is of particular concern, as we believe environmental policies for protection and enhancement must be consistent across the country. Likewise we believe that everyone has the right to access high-quality local green spaces that are rich in woods and trees. The phraseology of the statement could be perceived as promoting different standards across the country, and such an approach would be contrary to the Conservative manifesto pledge of 2015 to be the first generation to "leave the environment in a better state" than we found it.

Question 2

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

It is critical that LPAs use all available resources to inform the production of a sound and timely plan. The Ancient Tree Inventory and the Ancient Woodland Inventory must inform all plans.

The Trust would like to see any efforts to 'support more proportionate consultation and examination procedures' prioritise quality outcomes and engagement, rather than simply focussing on the speed of delivery. The Local Plan Expert Group's report published in March 2016 focussed on the latter - an approach which would undermine sustainable development and community engagement.

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?

We all need trees and everyone should be able to access high-quality green spaces rich in woods and trees.

Planting schemes associated with planning applications should be bespoke to fit the needs of both the site and the community. Woodland 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 in our children. 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 woods and trees. As the government reviews the way it considers housing, it should take the opportunity to put woodland and trees 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. These are:

- Natural England and the Countryside Council for Wales Accessible Natural Greenspace Standard (ANGSt) which recommends:
- No person should live more than 300m from their nearest area of natural greenspace of at least 2ha in size
 - at least one accessible 20ha site within 2km of home
 - one accessible 100ha site within 5km of home
 - one accessible 500ha site within 10km of home
 - provision of at least 1ha of Local Nature Reserve per 1,000 people
- The Woodland Trust's Woodland Access Standard (developed in association with the Forestry Commission) aspires:
 - That no person should live more than 500m from at least one area of accessible woodland of no less than 2ha in size
 - That there should also be at least one area of accessible woodland of no less than 20ha within 4km (8km round trip) of people's homes

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?

We would reiterate our position that destruction of the natural environment by speculative developments due to the absence of a local plan should not be permitted. We have no comments on the specific mechanics of a standardised approach to assessing housing needs.

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. When considered in isolation the proposed change would have little impact on the ability of LPAs to deliver their 'development needs' unless it is accompanied with a real change being made to the Duty to Cooperate. The Trust is supportive of any changes that enable LPAs to consider planning across boundaries. Such a change would also promote a more strategic landscape-scale approach to nature conservation and enhancement.

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 dubbed the 'Lawton' principles - these can only work at a landscape scale across local planning authority boundaries.

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 both detail and clarity, especially when compared to the previous stand-alone April 2014 version. It appears to be written for a newspaper reader rather than in the necessarily technical language that a planner requires. 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. Furthermore, the April 2014 version included a concise yet detailed analysis of translocation of ancient woodland soil, far reduced in the 2015 version to just two sentences.

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

These startlingly low figures also show that in reality the NPPF is rarely considered in parallel with the appropriate guidance. Through meetings with DEFRA, Natural England and the Forestry Commission, we understand that planners have only been formally notified of the updated guidance (published in October 2015) since the survey results were published which demonstrates how the approach to linking policy, as set out in the NPPF, with guidance is fundamentally flawed.

c) 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, our view - confirmed by independent legal opinions sought both by the Woodland Trust and by lawyers active in the development field (enclosed) - is that what is proposed at present in A.38 will not achieve the intended objective. <http://www.landmarkchambers.co.uk/userfiles/documents/resources/Ancient%20Woodland%20Housing%20White%20Paper.pdf>

When considered in isolation, this proposed change represents a welcome shift forward for ancient woodland and tree protection. Yet considering this change in isolation is, unfortunately, 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. 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 has a "restriction" on development but does not then take a further step forward, because 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 loophole (set out in the final 16 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'

Despite the proposed changes to Footnote 9, and the government's stated intention to put ancient woodland on a par with Green Belt, we believe that situations will continue to arise where the existing additional specific wording elsewhere in the NPPF will cause confusion and undermine this intention. The existing specific wording on Green Belt in paragraph 88 is somewhat stronger than the treatment of ancient woodland in paragraph 118. In our recent experience, some Local Plan allocations have actually proposed ancient woodland sites for housing over green belt sites - to some extent, this could be seen as a logical consequence of the current NPPF wording. For example, The Trust made representations to the Tunbridge Wells Borough Council (TWBC) Submission Draft Site Allocations Development Plan Document (DPD) regarding the potential impact of site allocation proposals on a number of ancient woodlands around the town of Tunbridge Wells. In discussions with the planners from TWBC it became clear that, in a very constrained borough, surrounded by greenbelt and ancient woodlands, the greenbelt designation was perceived to be of greater significance. The issue was resolved and a statement of common ground agreed upon, but this offers a clear illustration that the sensitivities around green belt policy can have the unintended consequence of shifting development pressures directly onto irreplaceable 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 ancient woodland would be treated in plan-making or decision-making. It simply reiterates the position currently 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 solution can be found in making a simple amendment to the wording in paragraph 118, which will indeed achieve the stated objective and, in addition, give helpful parity of language to planners dealing with all aspects of the heritage environment. We believe 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 ancient woodland and aged and veteran trees the same protection as built heritage. 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.’” The Council for British Archaeology also recognises ancient woodland and ancient and veteran trees as ‘living heritage’. 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, National Planning Policy Framework (NPPF) paragraph 118, bullet 5 should 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.’

This would improve clarity for developers and LPAs alike, thereby speeding up decision making and reducing uncertainty. Given that ancient woodland only covers 3% of England’s landmass, the country’s housing needs can be fully delivered without negatively impacting on ancient woodland or 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 parklands and trees which also have an important part to play in improving health, wellbeing, biodiversity and resilience and should be protected 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.

Development must be carefully located with regard to the natural environment. The Trust would like to make particular

reference to the importance of protecting ancient woodland, which includes priority wood-pasture and parkland, and aged and veteran trees. 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 and cannot be recreated, nor its loss compensated for. Furthermore, it also holds a unique, immeasurable value for all those who visit or have an association with it.

New developments should be rich in woods and trees in order to promote health and wellbeing for residents, and to support healthy, sustainable and cohesive communities. Such developments permitted and sold by local authorities (LPAs) would set a gold standard for new developments. There are existing standards on open space provision that the Trust would like to see all these 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) recommend:
 - No person should live more than 300m from their nearest area of natural greenspace of at least 2ha in size
 - at least one accessible 20ha site within 2km of home
 - one accessible 100ha site within 5km of home
 - one accessible 500ha site within 10km of home
 - provision of at least 1ha of Local Nature Reserve per 1,000 people
- The Woodland Trust’s Woodland Access Standard (developed in association with the Forestry Commission) aspires:
 - That no person should live more than 500m from at least one area of accessible woodland of no less than 2ha in size
 - That there should also be at least one area of accessible woodland of no less than 20ha within 4km (8km round trip) of people’s homes’

There are also positive 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 then 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.

- New woodland planting (ideally a minimum size of 0.25ha)
- Creation of woodland belts (minimum of 15m wide)
- Planting to form parkland-style landscapes
- Ecologically designed sustainable drainage systems
- Creation of new habitats (wetlands, reedbeds, meadows, heathlands)
- Incorporation and management of existing woodland, hedgerows and other habitats
- Greenways - landscaped footpath and cycle routes
- Roadside trees
- Development landscaping with a strong tree emphasis
- Incorporation of heritage features

In exceptional circumstances there is also the option of making a financial contribution to offsite provision.

This is a positive example of how a best practice approach to green infrastructure can be embedded into the planning process, providing certainty and clarity. These standards should be seen as a baseline for all developments, but developments on former LA land should be striving to go beyond these.

Development sites sold by LAs must strive to be best practice examples of development; we are very keen that these new communities embrace the opportunity to develop their own local character through the existing natural environment. Local seed collections can ensure that local species can prove to be the bedrock of any planting scheme, whilst careful introduction of other native species can ensure resilience against disease and climate change.

Question 6

How could land pooling make a more effective contribution to assembling land, and what additional powers or capacity would allow local authorities to play a more active role in land assembly (such as where 'ransom strips' delay or prevent development)?

This question falls outside the Trust's charitable remit.

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.

Question 8

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

a) highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?

This question falls outside the Trust's charitable remit.

b) encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?

This question falls outside the Trust's charitable remit.

c) give stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?

This question falls outside the Trust's charitable remit.

d) make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?

This question falls outside the Trust's charitable remit.

e) expect local planning authorities to work with developers to encourage the sub-division of large sites?; and

This question falls outside the Trust's charitable remit.

f) encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?

This question falls outside the Trust's charitable remit.

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. Although we appreciate that LAs will aspire to high quality developments, budgetary pressures will require a push for short-term delivery to generate council tax and rates revenue, rather than considering the potential long term gains of creating the high quality, healthy, sustainable communities required.

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 to ensure they can hold developers to account to really deliver best practice developments. 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.

Garden towns and villages should be rich in woods and trees in order 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. There are existing standards on open space provision that the Trust would like to see all these 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) recommend:
 - 'No person should live more than 300m from their nearest area of natural greenspace of at least 2ha in size
 - at least one accessible 20ha site within 2km of home
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There are also positive 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
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The guidance then 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.

- New woodland planting (ideally a minimum size of 0.25ha)
- Creation of woodland belts (minimum of 15m wide)
- Planting to form parkland-style landscapes
- Ecologically designed sustainable drainage systems
- Creation of new habitats (wetlands, reedbeds, meadows, heathlands)
- Incorporation and management of existing woodland, hedgerows and other habitats
- Greenways - landscaped footpath and cycle routes
- Roadside trees
- Development landscaping with a strong tree emphasis
- Incorporation of heritage features

In exceptional circumstances there is also the option of making a financial contribution to offsite provision.

These standards should be seen as a baseline for all developments, but garden towns and villages should go beyond them, striving to lead best practice. We are very keen that these new communities embrace the opportunity to develop their own local character through the existing natural environment. Local seed collections can ensure that local species can prove to be bedrock of any planting scheme, whilst careful introduction of other native species can ensure resilience against disease and climate change.

Question 10

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

a) authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?

This question falls outside the Trust's charitable remit.

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 fully support this proposal. 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.

c) appropriate facilities for existing cemeteries should not be regarded as 'inappropriate development' in the Green Belt?

This question falls outside the Trust's charitable remit.

d) development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt?

This question falls outside the Trust's charitable remit.

e) where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?

This question falls outside the Trust's charitable remit.

f) when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs?

This question falls outside the Trust's charitable remit.

Question 11

Are there particular options for accommodating development that national policy should expect authorities to have explored fully before Green Belt boundaries are amended, in addition to the ones set out above?

This question falls outside the Trust's charitable remit.

Question 12

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

a) indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?

This question falls outside the Trust's charitable remit.

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. Moves to consider green infrastructure at the earliest possible stage of the plan-making process are also very welcome. We would however add a note of caution regarding the over-reliance on local and neighbourhood plans to set these standards. 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 the design of the green infrastructure on the sites and how it fits within the wider landscape. The Trust'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, housing is scattered among any retained trees and the whole habitat is damaged, 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. Enabling development should not be at the expense of irreplaceable habitats or aged or veteran trees.

Habitat fragmentation has a negative effect on the richness and diversity of plant species. The smaller the patch of ancient woodland and the greater the distance between patches (patch isolation), the lower the species richness and diversity. This is particularly true for woodland specialist species, such as ferns, which have very specific habitat requirements usually only found in the interior of large, mature woods. Once woodland specialist species have disappeared from a patch, the isolation of the patch becomes the main factor controlling the recruitment of woodland specialists back into the woodland. More generalist species are not so affected by spatial isolation, as they tend to be more evenly distributed across the landscape and therefore tend to dominate once woodland species become locally extinct (L. Ryan (2012) Impacts of nearby development on ancient woodland – addendum).

When time is taken to consider ancient woodland as part of the wider landscape, well-considered large housing schemes can minimise the problem of fragmentation, for example through new woodland and individual tree planting that joins up ancient woodland patches to 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.

These are all measures that must be considered early on in the master planning stage. Therefore we strongly urge that 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.

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?

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?

This question falls outside the Trust's charitable remit.

Question 13

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

a) make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?

This question falls outside the Trust's charitable remit.

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?

This question falls outside the Trust's charitable remit.

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?

This question falls outside the Trust's charitable remit.

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 Trust understands the argument for more efficient use of space and promoting higher housing densities. However, the risks involved in such objectives have not been clearly identified or mitigated for. In some cases the housing white paper 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 is an ambiguous statement

which could lead to increased confusion for LPAs around both open and green spaces.

It is unclear whether this is suggesting that the benefits to public health and wellbeing 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 and the need for sustainable drainage systems need not be followed - which would of course be unacceptable.

There are existing standards on open space provision that the Trust 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) recommend:
- No person should live more than 300m from their nearest area of natural greenspace of at least 2ha in size
 - at least one accessible 20ha site within 2km of home
 - one accessible 100ha site within 5km of home
 - one accessible 500ha site within 10km of home
 - provision of at least 1ha of Local Nature Reserve per 1,000 people'
- 'The Woodland Trust's Woodland Access Standard (developed in association with the Forestry Commission) aspires:
 - That no person should live more than 500m from at least one area of accessible woodland of no less than 2ha in size
 - That there should also be at least one area of accessible woodland of no less than 20ha within 4km (8km round trip) of people's homes'

Question 14

In what types of location would indicative minimum density standards be helpful, and what should those standards be?

This question falls outside the Trust's charitable remit.

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)?

This question falls outside the Trust's charitable remit.

Question 16

Do you agree that:

a) where local planning authorities wish to agree their housing land supply for a one-year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?

This question falls outside the Trust's charitable remit.

b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?

This question falls outside the Trust's charitable remit.

c) if so, should the Inspectorate's consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure?

This question falls outside the Trust's charitable remit.

Question 17

In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include the following amendments:

a) a requirement for the neighbourhood plan to meet its share of local housing need?

This question falls outside the Trust's charitable remit.

b) that it is subject to the local planning authority being able to demonstrate through the housing delivery test that, from 2020, delivery has been over 65% (25% in 2018; 45% in 2019) for the wider authority area?

This question falls outside the Trust's charitable remit.

c) should it remain a requirement to have site allocations in the plan or should the protection apply as long as housing supply policies will meet their share of local housing need?

Question 18

What are your views on the merits of introducing a fee for making a planning appeal? We would welcome views on:

a) how the fee could be designed in such a way that it did not discourage developers, particularly smaller and medium sized firms, from bringing forward legitimate appeals;

This question falls outside the Trust's charitable remit.

b) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; and

This question falls outside the Trust's charitable remit.

c) whether there could be lower fees for less complex cases.

This question falls outside the Trust's charitable remit.

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.

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 and cannot be recreated, nor its loss compensated for. Furthermore, it also holds a unique, immeasurable value for all those who visit or have an association with it.

Question 20

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

a) the status of endorsed recommendations of the National Infrastructure Commission is made clear?; and

Yes. This clarification is to be welcomed. But we would reiterate our calls for the NIC to consider green infrastructure within its remit because of the clear evidence base demonstrating its importance to society.

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

No. The Trust believes 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 is an irreplaceable habitat that cannot be replicated. It is important to understand each individual wood's importance on a landscape scale, as even small losses may have unforeseen impacts on other woods. Pressures from and impacts of development are varied and are often not obvious, and without a thorough understanding of the ecology of individual woods these are harder to predict and mitigate.

Housing can have significant and quite specific impacts on ancient woodland: there are five different effects; 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. The Trust welcomes the Town and Country Planning Association (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.

There are existing standards on open space provision that the Trust would like to see all new major 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) recommend:
- No person should live more than 300m from their nearest area of natural greenspace of at least 2ha in size
 - at least one accessible 20ha site within 2km of home
 - one accessible 100ha site within 5km of home
 - one accessible 500ha site within 10km of home
 - provision of at least 1ha of Local Nature Reserve per 1,000 people’
- ‘The Woodland Trust’s Woodland Access Standard (developed in association with the Forestry Commission) aspires:
 - That no person should live more than 500m from at least one area of accessible woodland of no less than 2ha in size
 - That there should also be at least one area of accessible woodland of no less than 20ha within 4km (8km round trip) of people’s homes’

Question 21

Do you agree that:

a) the planning application form should be amended to include a request for the estimated start date and build out rate for proposals for housing?

This question falls outside the Trust’s charitable remit.

b) that developers should be required to provide local authorities with basic information (in terms of actual and projected build out) on progress in delivering the permitted number of homes, after planning permission has been granted?

This question falls outside the Trust’s charitable remit.

b) the basic information (above) should be published as part of Authority Monitoring Reports?

This question falls outside the Trust’s charitable remit.

c) that large housebuilders should be required to provide aggregate information on build out rates?

This question falls outside the Trust’s charitable remit.

Question 22

Do you agree that the realistic prospect that housing will be built on a site should be taken into account in the determination of planning applications for housing on sites where there is evidence of non-implementation of earlier permissions for housing development?

This question falls outside the Trust’s charitable remit.

Question 23

We would welcome views on whether an applicant’s track record of delivering previous, similar housing schemes should be taken into account by local authorities when determining planning applications for housing development.

This question falls outside the Trust’s charitable remit.

Question 24

If this proposal were taken forward, do you agree that the track record of an applicant should only be taken into account when considering proposals for large scale sites, so as not to deter new entrants to the market?

This question falls outside the Trust’s charitable remit.

Question 25

What are your views on whether local authorities should be encouraged to shorten the timescales for developers to implement a permission for housing development from three years to two years, except where a shorter timescale could hinder the viability or deliverability of a scheme? We would particularly welcome views on what such a change would mean for SME developers.

This question falls outside the Trust’s charitable remit.

Question 26

Do you agree with the proposals to amend legislation to simplify and speed up the process of serving a completion notice by removing the requirement for the Secretary of State to confirm a completion notice before it can take effect?

This question falls outside the Trust's charitable remit.

Question 27

What are your views on whether we should allow local authorities to serve a completion notice on a site before the commencement deadline has elapsed, but only where works have begun? What impact do you think this will have on lenders' willingness to lend to developers?

This question falls outside the Trust's charitable remit.

Question 28

Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that:

a) The baseline for assessing housing delivery should be a local planning authority's annual housing requirement where this is set out in an up-to-date plan?

This question falls outside the Trust's charitable remit.

b) The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter?

This question falls outside the Trust's charitable remit.

c) Net annual housing additions should be used to measure housing delivery?

This question falls outside the Trust's charitable remit.

d) Delivery will be assessed over a rolling three year period, starting with 2014/15 - 2016/17?

This question falls outside the Trust's charitable remit.

Question 29

Do you agree that the consequences for under-delivery should be:

a) From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authority's annual housing requirement?

This question falls outside the Trust's charitable remit.

b) From November 2017, a 20% buffer on top of the requirement to maintain a five year housing land supply where delivery falls below 85%?

This question falls outside the Trust's charitable remit.

c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?

This question falls outside the Trust's charitable remit.

d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?; and

This question falls outside the Trust's charitable remit.

e) From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?

This question falls outside the Trust's charitable remit.

Question 30

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

The Trust was very pleased to see the proposal to allow LPAs to raise their planning fees by 20% provided this additional funding is invested in their planning department. LPAs have faced a 46% cut in funding over the past five years, resulting in chronic under-resourcing so this proposal is very welcome. We would highlight that current under-resourcing also extends to the provision of ecological expertise, with the Association of Local Authority Ecologists (ALGE) reporting that only a third of local authorities have an in-house ecologist and that the majority of local authority planners lack ecological qualifications and have had very little ecological training (Oxford, M. (2013) Ecological Capacity and Competence in English Planning Authorities. What is needed to deliver statutory obligations for biodiversity? Report published by the Association of Local Government Ecologists).

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.

Question 31

Do you agree with our proposals to:

a) amend national policy to revise the definition of affordable housing as set out in Box 4?

This question falls outside the Trust's charitable remit.

b) introduce an income cap for starter homes?

This question falls outside the Trust's charitable remit.

c) incorporate a definition of affordable private rent housing?

This question falls outside the Trust's charitable remit.

d) allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?

This question falls outside the Trust's charitable remit.

Question 32

Do you agree that:

a) national planning policy should expect local planning authorities to seek a minimum of 10% of all homes on individual sites for affordable home ownership products?

This question falls outside the Trust's charitable remit.

b) that this policy should only apply to developments of over 10 units or 0.5ha?

This question falls outside the Trust's charitable remit.

Question 33

Should any particular types of residential development be excluded from this policy?

This question falls outside the Trust's charitable remit.

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

The Trust 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 strongly 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. Woodland's role as a carbon sink for CO2 emissions is well known, but there are other ways that woodland can help build resilience to climate change, three of these are set out below:

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: “Carbon will be sequestered through the growth of new woodlands. The wood products that are harvested from England’s woodlands will help to reduce greenhouse emissions from the energy sector directly as woodfuel and from other sectors where timber replaces more energy intensive materials. In addition, our focus on protection will help to ensure that we can safeguard the large store of carbon in England’s woodlands”.

Organisations often generate significant carbon emissions which contribute to global warming. Increasingly people expect those organisations to act positively and responsibly to minimize their carbon emissions and support more environmentally sustainable practices. By working with woodland creation providers like the Woodland Trust, local authorities and other organisations can be involved in woodland creation projects operating under the government’s Woodland Carbon Code. Our scheme is a voluntary way of mitigating emissions by planting trees here in the UK, which provide multiple co-benefits to people and wildlife. For more information, see the Woodland Trust’s Woodland Carbon site - <http://www.woodlandtrust.org.uk/mediafile/100032595/woodland-carbon-for-business-1013.pdf>.

Question 36

Do you agree with our proposals to:

a) amend national policy to revise the definition of affordable housing as set out in Box 4?

This question falls outside the Trust’s charitable remit.

b) introduce an income cap for starter homes?

This question falls outside the Trust’s charitable remit.

c) incorporate a definition of affordable private rent housing?

This question falls outside the Trust’s charitable remit.

d) allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?

This question falls outside the Trust’s charitable remit.

Question 37

Do you agree with the proposal to amend national policy to emphasise that planning policies and decisions should take account of existing businesses when locating new development nearby and, where necessary, to mitigate the impact of noise and other potential nuisances arising from existing development?

The Trust would raise the issue of new developments adjacent to woodland, which raises a number of concerns.

Firstly, woodland owners are not always notified of proposals for new adjacent developments.

The Woodland Trust owns or manages over 1,250 woodlands across the UK and we find this to be a regular problem, particularly with regard to sensitive ancient woodland sites.

Secondly, development close to ancient woodland can be heavily impactful, particularly if the appropriate mitigation is not planned early on and implemented to protect this irreplaceable habitat. The following is a list of potential impacts resulting from developments adjacent to ancient woodland:

- Intensification of the recreational activity of humans and their pets causes disturbance to the habitats of breeding birds, vegetation damage, litter and fire damage
- Fragmentation as a result of the separation of adjacent semi-natural habitats, such as small wooded areas, hedgerows, individual trees and wetland habitats
- Development provides a source of non-native plants and aids their colonisation
- Noise and light pollution occurring from adjacent development, during both construction and operational phases
- Where the wood edge overhangs public areas, branches and even whole trees can be indiscriminately lopped/felled, causing reduction of the woodland canopy
- There will inevitably be safety issues in respect of trees adjoining public areas and buildings, which will be threatening to the longer-term retention of such trees
- Where gardens abut woodland or the site is readily accessible to nearby housing, there is an unfortunate tendency for garden waste to be dumped in woodland and for adjacent landowners to extend garden areas into the woodland, exacerbating the issues above
- There can be changes to the hydrology altering ground water and surface water quantities. Also the introduction of water run offs from urban development will result in changes to the characteristics and quality of the surface water as a result of pollution/contamination etc.
- Any effect of development can impact cumulatively on ancient woodland - this is much more damaging than individual effects

These are issues that can all be mitigated against with careful planning and a robust approach to natural buffering. But it is critical that neighbouring woodland owners are engaged from the earliest possible opportunity, and that the planning system recognises and understands the significance of these impacts.

Question 38

Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 98 of the National Planning Policy Framework, no transition period should be included?

This question falls outside the Trust's charitable remit.

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?

There is currently no statutory monitoring function in place for ancient woodland loss. Taking development out of the planning system by expanding permitted development rights would make monitoring the incremental loss of ancient woodlands even more difficult.

So, whilst we cannot comment on specific changes to the thresholds, we believe any changes should consider impacts on irreplaceable ancient woodland, aged or veteran trees, wood-pasture and parkland. 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. This would support a flexible, efficient approach to agricultural development whilst minimising impact on the natural environment.

The Trust is also very concerned that the extension of permitted development rights may lead to increased confusion with regard to Felling Licences and Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999. These are administered by the Forestry Commission, so whilst works such as the creation of forest tracks may be permitted development in terms of planning regulations, the developer may well require additional consents. It is critical that LPAs are provided with suitable advice and guidance for these occasions and information, such as the scale of the works and whether a woodland management plan is in place, provided. The process of submitting a planning application enables these factors to be considered. With the expansion of permitted development rights, the Trust is concerned that these channels of communication will break down and opportunities to ensure proper woodland management and protection will be lost.

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 five 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.

Consultation questions:

Do you consider that this proposal would be effective in creating more homes for rural workers, and if so:

How should the right be framed to best ensure homes are available to meet local need; and,. Should the new right have similar conditions to the existing Class Q right?

The issue of creating rural homes for rural workers and how this should be framed falls outside the Trust's charitable remit. We do however have comments to make on the new agricultural to residential permitted development right.

A change of use from agricultural to residential can have significant and quite specific impacts upon ancient woodland, such as: chemical (for example run off from salted roads, garden pesticides); disturbance (for example antisocial behaviour in woodland, predation by domestic cats); invasion by non-native plant species (for example non-native garden plants); and fragmentation caused by the development . Furthermore, a number of otherwise minor effects can, in combination, create cumulative effects. As such, even though the conversion of an agricultural barn to a house may seem inconsequential, it may have significant impacts on any adjacent ancient woodland. The development of associated infrastructure, such as access roads, may also have a significant impact on irreplaceable habitats. 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.



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