Practical Guidance – Scotland

Planning for Ancient Woodland

Planners' Manual for Ancient Woodland and Veteran Trees

July 2019

WOODLAND TRUST SCOTLAND

Contents

Niall Benvie/WTML

Introduction

Ancient woodland and veteran trees are irreplaceable. It is still possible to undertake high quality development that respects and responds to the precarious nature of our ancient woods and trees. This document covers a comprehensive range of issues relating to ancient woodland, veteran trees and planning.

We have included the latest clear, workable and accepted definitions of ancient woodland habitats and veteran trees. It also comprises our key recommendations for development in and around those irreplaceable habitats, and useful policy and technical references to support the recommendations.

The manual has been deliberately set out to provide planning authorities with material that they can use to prepare their own Local Development Plan (LDP) and Supplementary Guidance, or for inclusion in other tree, biodiversity or green infrastructure strategies or guidance on landscape character and design.

It also provides guiding principles to support good practice in the formulation and design of development proposals. Examples of good practice which elaborate on these principles should be used to help avoid or mitigate adverse effects. Promotion and appropriate adoption of such policies, principles and practice can help provide clarity for the planning authorities, the communities they serve and developers.

We recognise that each planning authority must take account of their own specific local circumstances and hence tailor the information to meet their needs. In this respect, the Woodland Trust will be happy to work with you to create locally bespoke solutions for your area's individual characteristics and requirements. A Word version of this document is also available.

For further information and support, please contact: **ScottishCampaigns@woodlandtrust.org.uk or telephone 01738 635 544.**

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1. Scottish Planning Policy

Scottish Planning Policy (SPP) recognises the high value of ancient woodland, as well as other woodland of high nature conservation value:

'216. Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. Tree Preservation Orders can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest.'

'218. The Scottish Government's Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications.'

2. What is ancient woodland?

In Scotland, ancient woodland is defined as land that is currently wooded and has been continually wooded for hundreds of years, mapping evidence for these areas existing since 1750. Its age means that it is important for biodiversity and our cultural identity.

It Includes:

- **Ancient semi-natural woodland (ASNW)** – mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.
- **Plantations on ancient woodland sites (PAWS)** – areas of ancient woodland where the former native tree cover has been felled and replaced by planted trees, usually with species not native to the site. These sites have potential for restoration due to the biodiversity still present in the woodland soils.
- **Long-established of plantation origin (LEPO)** – these are areas which have been planted in the past and to this day they have become established woodlands, often with high biodiversity value. According to SNH's

Arina Nagy-Vițitiu

Scotland's west coast is known for its temperate rainforests. These woods are dripping with biodiversity but under threat from developments such as hydro-schemes.

note on interpretation of the Ancient Woodland Inventory (AWI[1]) LEPO is interpreted as plantation from maps of 1750 (1b) or 1860 (2b) and continuously wooded since. Many of these sites have developed semi-natural characteristics, especially the oldest ones, which may be as rich as Ancient Woodland.

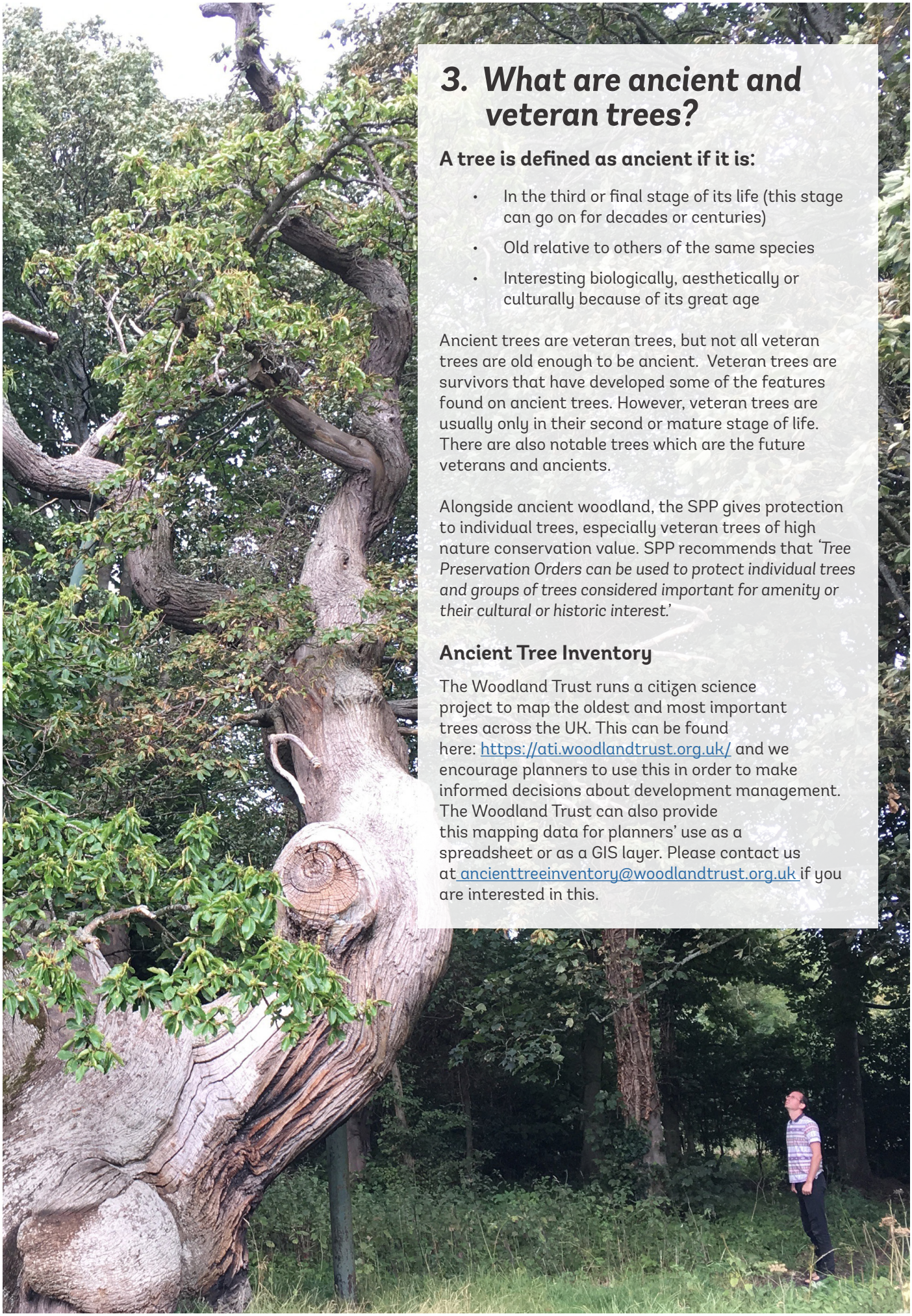
- **Other woodlands on 'Roy' woodland sites** – shown as unwooded on the Ordnance Survey 1st edition maps but as woodland on the Roy maps. Such sites have, at most, had only a short break in continuity of woodland cover and may still retain features of Ancient Woodland.
- **Ancient wood-pasture and historic parkland** - many have not been included in the Ancient Woodland Inventory or the Native Woodland Survey for Scotland because their low tree density meant that they didn't register as woodland on historical maps.

Ancient woodland is irreplaceable. It is our richest wildlife habitat, having developed over centuries, and contains a high proportion of rare and threatened species, many of which are dependent on the particular conditions that this habitat affords. For this reason, ancient woods are reservoirs of biodiversity, and because the resource is limited and highly fragmented, they and their associated wildlife are particularly vulnerable to development-induced changes.

Their long continuity and lack of disturbance means ancient woods are often also living history books, preserving archaeological features and evidence of past land use, from earthworks to charcoal pits. They are also places of great aesthetic appeal, making them attractive for recreation and the many benefits this can bring in terms of health and well-being.

Paul Glendell / WTML

1 A guide to understanding the AWI available at https://www.nature.scot/guide-understanding-scottish-ancient-woodland-inventory-awi



3. What are ancient and veteran trees?

A tree is defined as ancient if it is:

- In the third or final stage of its life (this stage can go on for decades or centuries)
- Old relative to others of the same species
- Interesting biologically, aesthetically or culturally because of its great age

Ancient trees are veteran trees, but not all veteran trees are old enough to be ancient. Veteran trees are survivors that have developed some of the features found on ancient trees. However, veteran trees are usually only in their second or mature stage of life. There are also notable trees which are the future veterans and ancients.

Alongside ancient woodland, the SPP gives protection to individual trees, especially veteran trees of high nature conservation value. SPP recommends that *'Tree Preservation Orders can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest.'*

Ancient Tree Inventory

The Woodland Trust runs a citizen science project to map the oldest and most important trees across the UK. This can be found here: https://ati.woodlandtrust.org.uk/ and we encourage planners to use this in order to make informed decisions about development management. The Woodland Trust can also provide this mapping data for planners' use as a spreadsheet or as a GIS layer. Please contact us at ancienttreeinventory@woodlandtrust.org.uk if you are interested in this.

ArinaNagy-Vigitiu

Oldest tree in Fife, chestnut at Balmerino Abbey.

4. Key recommendations

Provide clear local policy guidance

Ensure local planning policy documents contain sufficient clarity and detail on the protection of ancient woodland and veteran trees to provide certainty for all involved.

Provide definitions

Provide clear definitions for ancient woodland and veteran trees to avoid any misunderstanding.

Provide guiding principles

Apply the following principles to guide both site selection and the subsequent design of development:

- Avoid harm
- Provide unequivocal evidence of need and benefits
- Provide biodiversity net gain

Encourage good practice

When preparing development proposals follow established good practice for site assessment and design:

- Establish likelihood and identify types of impact
- Implement appropriate and proportionate mitigation and compensation
- Request that the developer provides adequate buffers
- Encourage developers to locate development away from ancient woodland sites
- Provide adequate evidence to support planning proposals
- Require adequate evidence such as a tree survey

Use a range of maps

The 'Ancient Woodland Inventory' should be used as a guideline along with SNH's interpretation note.[2] To determine the antiquity of a woodland area the following mapping resources and process will be used:

- The assessment should start by looking at the Ancient Woodland Inventory
- Then the historic OS maps 1840-60's (at six inches to the mile[3]) should be revisited
- And then the Native Woodland Survey of Scotland should be looked at to assess the presence of matures trees common in the canopy
- A woodland survey could also be conducted where the antiquity of woodland is uncertain.

5. Recommended approach to Local Development Plan policy and site allocations

The Local Development Plans (LDP) cannot contradict national policy, but they may take the opportunity to elaborate on it to meet local needs in accordance with the latest evidence. The Scottish Planning Policy already contains provisions which give some protection to ancient woodland, however the reality on the ground is that as currently applied, these policies have not always lead to much better protection of ancient woodland. It is important that planning authorities do not allocate sites on or adjacent to ancient woodland areas for development in the LDP preparation process.

We recommend that LDP policy uses the following wording in relation to ancient woodland protection, as a minimum:

'Developments likely to cause disturbance should be located away from ancient woodland, particularly those likely to modify local hydrological function. Where development is located near to ancient or highly biodiverse woodland, buffer zones should be retained or planted to reduce the distance that disturbance penetrates. If possible, access to the woodland should be limited or managed.'

We have further wording available to help inform policy. If this would be of use to you, please do not hesitate to contact us at **scottishcampaigns@woodlandtrust.org.uk.**

2 https://www.nature.scot/sites/default/files/2018-11/A%20guide%20to%20understanding%20the%20Scottish%20Ancient%20Woodland%20Inventory%20%28AWI%29.pdf

3 https://maps.nls.uk/geo/explore/#zoom=6&lat=57.2056&lon=-2.5489&layers=5&b=1

Recommended policy wording

Ancient woodland, veteran trees and development

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

Where ancient wood-pasture and historic parkland are identified they should receive the same consideration as other forms of ancient woodland.

Where development proposals may affect ancient woodlands, veteran trees and their immediate surroundings, the following principles shall be used to guide the design of development

- Avoid harm
- Provide unequivocal evidence of need and benefits of proposed development
- Provide biodiversity net gain
- Establish likelihood and type of any impacts
- Implement appropriate and adequate mitigation and compensation
- Provide adequate buffers
- Provide adequate evidence to support proposals

As ancient woodland and ancient or veteran trees are irreplaceable, discussions over possible compensation should not form part of the assessment to determine whether the benefits of the development proposal outweigh the loss.

An example LDP policy aiming to avoid harm to ancient woodlands and veteran trees:

Midlothian Local Development Plan, adopted November 2017

Policy ENV 11: Woodland, Trees and Hedges

Development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.

Where an exception to this policy is agreed, any woodland, trees or hedges lost will be replaced with equivalent. Removal of woodland, trees and hedges will only be permitted where it would achieve significant and clearly defined additional public benefits. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network.

Tessa Bunney/WTML

6. Guiding principles

The following three principles have been compiled from professional good practice, and should guide both site selection and the subsequent design of development.

PRINCIPLE 1: Avoid harm – can the proposed development go elsewhere?

Development should be designed to avoid the loss of, or in the case of adjacent development, detrimental impact on, ancient woodland, wood-pastures, historic parkland and ancient or veteran trees.

The SPP section on woodland states:

'216. Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. Tree Preservation Orders can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest.'

Scottish Planning Policy instructs planning authorities to use Scottish Government's *Policy on Control of Woodland Removal.*[4]

This policy contains a strong presumption in favour of protection of woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The Policy on Control of Woodland Removal contains a list of criteria to control woodland removal and afford adequate protection to ancient woodland.

In addition to this, in February 2019 the Scottish Government published its Forestry Strategy 2019-29[5] which states that unnecessary loss of woodland, particularly ancient woodland, should be avoided.

Case study 1

The avoidance of harm

Name and location of wood: Begbie Wood, Haddington, East Lothian

Planning application: 16/00602/P

Proposal: Erection of poultry shed and associated works

Decision date: 24th March 2017

This application was refused by East Lothian Council on the grounds of damage to an area of ancient woodland, removal of trees, impact on woodland ecology and loss of public access to the site. All three reasons for refusal relate to ancient woodland but the first one is cited here:

1. *The proposed development would result in the removal of a significant number of trees within Begbie Wood, which is an area of Ancient Woodland. This would include the loss of trees within an area identified as 'upland Birchwood' native woodland which is identified as a priority habitat in the UK Biodiversity Plan. Their loss would adversely impact on the ancient woodland and on the amenity and nature conservation value of the area. Therefore the proposal is contrary to Policy DP14 of the adopted East Lothian Local Plan 2008 and contrary to Scottish Planning Policy: June 2014.*

Laurie Campbell/WTML

4 Forestry Commission Scotland (2009), The Scottish Government Policy on Control of Woodland Removal, available at https://forestry.gov.scot/

5 Scottish Government (2019), Scotland's Forestry Strategy, available at https://www.gov.scot/publications/scotlands-forestry-strategy-20192029/

Edge effects: the impact on ancient woodland

Further reading

Ryan, L.(2012). *Impacts of Nearby Development on Ancient Woodland – Addendum.* Available at: www.woodlandtrust.org.uk/mediafile/100168353/Impacts-of-nearby-development-on-the-ecology-of-ancient-woodland-addendum.pdf

Corney, P.M. et al. (2008). *Impacts of Nearby Development on the Ecology of Ancient Woodland.* Available at: www.woodlandtrust.org.uk/mediafile/100168350/Impacts-of-nearby-development-on-the-ecology-of-ancient-woodland.pdf


ROADS/LINEAR INFRASTRUCTURE
• Fragmentation and isolation from the wider environment
• Chemical run-off e.g. road salts
• Air pollution
• Noise pollution
INDUSTRIAL DEVELOPMENT
• Risk of water-borne pollution
• Air pollution
• Dust deposits
• Disturbance
• Fragmentation
• Invasion by non-native plant species
CAMPSITE
• Recreation pressure
• Collection of deadwood for firewood
• Disturbance by dogs
• Anti-social behaviour
• Removal/damage of ancient trees
• Trampling
• Light and noise pollution
• Fragmentation
QUARRY
• Changes to local hydrology
• Noise pollution
• Light pollution
• Dust deposits
• Vibration
• Fragmentation

Case study 2

Additional public benefit from development not justified

Street of Kincardine Chalet decided by Highland Council

Proposal: Development of a single timber holiday chalet, Land 470M SW Of Kincardine Lodge, Street Of Kincardine, Boat Of Garten

Planning application: 17/00125/FUL

Decision date: 14th November 2017

The application was refused for the following reasons, which are quoted from the planning authority's reasoning:

- The development is contrary to the Scottish Government's Control of Woodland Removal Policy (SPP paragraph 218) as it has not been demonstrated that it would achieve any significant and clearly defined additional public benefits.
- It is contrary to Policy 4.3 of the Cairngorms National Park Authority Local Development Plan 2015 in that it would adversely affect an identified semi-natural ancient woodland site and it has not been demonstrated that either (a) the objectives of the identified site and overall integrity of the identified area would not be compromised, or (b) that any significant adverse effects on the qualities for which the area or site has been identified are mitigated by the provision of features of commensurate or greater importance to those that would be lost.

Arina Nagy-Vizitiu

Notable trees in Fife development.

PRINCIPLE 2: Establish unequivocal evidence of need and benefits

If development is likely to harm ancient woodland or veteran trees, unequivocal and credible evidence should be prepared to justify the exceptional need and benefits for the development. Simply restating a national drive for housing, or need for new transport infrastructure, does not constitute exceptional circumstances where public benefit gained outweighs the loss of the woodland.

SNH's guidance 'Planning and development: trees and woodland', states that *'Ancient and semi-natural woodland is an important and irreplaceable national resource. It must be protected and enhanced, as should be all native and mature woodlands.'* Discussions on compensation on ancient woodland should not form part of the assessments of the development.

Since ancient woodland covers less than 2% of Scotland's land mass, the country's development needs can be fully delivered without negatively impacting ancient woodland or veteran trees.

Case study 3

When compensation measures are inadequate to address harm

Location: Site At King's Drive, Westerwood, Cumbernauld, North Lanarkshire Planning application: 17/01502/FUL

Proposal: Residential Development Comprising 56 Houses In Roads, Access, Parking, Landscaping and other Associated Development

Appealed and rejected (appeal no. PPA-320-2129)

The application was refused on several material considerations including the lack of consideration given to the ancient woodland. Reporters concluded that *'measures proposed have not sufficiently prioritised green infrastructure as required by SDP policy 12 due to the extent of development within the ancient and semi natural woodland and the loss of the majority of the existing woodland on the eastern and western boundaries.'* The reporter further commented that they are not persuaded by the appellants argument that the development will result in an *"overall improvement with respect to green space ....by enhancing the condition and long term biodiversity of vegetation...maintaining valuable existing woodland and improving the habitat/ biodiversity value of the woodland."*

PRINCIPLE 3: Provide biodiversity net gain

"Biodiversity net gain" requires development that leaves biodiversity in a better state than before. Impacts on irreplaceable habitat always results in net loss. These impacts cannot be offset elsewhere. Where ancient woodland or veteran trees are lost or damaged there will always be net loss of biodiversity and it is impossible to secure net gain.

Biodiversity enhancement is supported in SPP principles listed in paragraph 194, *'seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats;'*

The UK Forestry Standard[6] sets out the UK Government's approach to sustainable forestry. It states, " [...] ancient semi-natural woodlands have highest value for biodiversity [...]"and
'Native woodlands, and especially ancient woodlands, are the priority habitats of greatest relevance to forestry. They have a very high biodiversity value or potential, and support a large proportion of priority species.'

The Standard has a series of UK-wide aims for semi-natural woodland and states that the area occupied by semi-natural woodland should not be reduced, and ancient woodland sites which have been planted on have the potential to be restored. The Standard goes on to discuss the importance of expanding and linking small woods to others and recognises that fragmentation of semi-natural woodland is a problem.

An explanation of how to achieve net gain is provided in Biodiversity Net Gain[7].

7. *Establishing likelihood of impacts*

Assess the site allocation and development type to see what impact these could have on ancient woodland and veteran trees present in the area, and if the proposed site use could or could not be compatible with ancient woodland

Will ancient woodland be affected?

As per the key recommendations at section 4, an assessment of ancient woodland should not be wholly reliant on SNH's Ancient Woodland Inventory. Any assessment should use this inventory as a guide alongside SNH's interpretation note[8] on this. We recommend the following maps are consulted as part of a process: the assessment should start by looking at the Ancient Woodland Inventory, then the historic OS maps 1840-60's (at six inches to the mile) should be revisited, and then the Native Woodland Survey of Scotland should be looked at to assess the presence of matures trees common in the canopy. A woodland survey could also be conducted where the antiquity of woodland is uncertain.

Will veteran trees be affected?

The first step in establishing whether proposed development is likely to impact veteran trees is to refer to the Ancient Tree Inventory (ATI[9])to identify their presence on or near to a proposed development site.

More than 160,000 ancient, veteran and notable trees are recorded on the ATI and while the number is growing all the time (trees are still being actively recorded), it is not comprehensive. Therefore a full tree survey (in accordance with guidance in the BSI Standards publication *BS 5837 Trees in relation to design, demolition and construction*[10]) is required for development sites. If any trees are identified to be ancient, veteran or notable, applicants and planning authorities should ensure these are added to the ATI. Ancient and veteran trees outside ancient woodland, along with wood-pasture and parkland, should be classified as "A3" according to *BS 5837* (see table, page 14). Furthermore, it is our view that all trees within priority habitat such as ancient woodland would be classified as A3 even if not individually ancient or veteran (including dead trees).

6 Forestry Commission (2017), UK Forest Standard available at https://www.forestry.gov.uk/ukfs

7 CIEEM, CIRIA & IEMA. (2019). Biodiversity Net Gain. Good practice principles for development. A practical guide.. Available at: https://cieem.net/resource/biodiversity-net-gain-good-practice-principles-for-development-a-practical-guide/

8 https://www.nature.scot/sites/default/files/2018-11/A%20guide%20to%20understanding%20the%20Scottish%20Ancient%20Woodland%20Inventory%20%28AWI%29.pdf

9 The Woodland Trust. Ancient Tree Inventory: https://ati.woodlandtrust.org.uk/

10 British Standard. (2012). BS 5837:2012 Trees in relation to design, demolition and construction - recommendations. Available at: www.britishstandard.org.uk/pub/bs-58372012- 9780580699177.aspx

8. *Identifying types of potential impacts*

In addition to 'direct impacts' leading to the actual damage or loss of ancient woodland or veteran trees, consideration should also be given to 'indirect impacts'; these can also result in significant harm.
Development may result in one or more indirect impact and are not mutually exclusive.

See pages 8 & 9 for more detail on types of development and potential impacts.

Development types and indirect impacts

Development Type	Potential Effects
Housing	Chemical effects (e.g. soil acidification)
Transport	Disturbance, including: • noise • vegetation clearance • light and dust pollution • trampling • grazing
Commercial and industrial development	
Intensive livestock units	
Energy generation and transmission	
Quarrying and mineral extraction	Habitat and landscape fragmentation
Waste disposal	Invasion by non-native plant species
Leisure and sports	Impacts from domestic pets (e.g. large no. of dogs)
Military activity	Reducing the amount of semi-natural habitats next to ancient woodland
Water management	Changes to the water table or drainage
Permitted development	Damaging activities like fly-tipping
Cumulative development	Changes to surrounding landscape character
	All or some of the above result in cumulative effects

A comprehensive review of indirect impacts on ancient woodland is provided by the Woodland Trust [11] [12].

The economic benefits of woodland

A research report by Europe Economics[13] considers and quantifies a wide range of benefits associated with trees and woodlands. These benefits include: business goods (e.g. timber); flood management; improving water quality; landscape and aesthetics; climate change mitigation; health (e.g. improvements to air quality and recreation); and safeguarding biodiversity for future generations.
The report concludes that, while it may be an underestimate (because some benefits will have been missed or undervalued), the approximate aggregate value of UK woodland is over £250bn. However, the broad range and nature of the benefits associated with woodlands often means that their full value is not understood and reflected in important decisions.

Therefore, in assessing any project, policymakers should consider whether woodland, existing or potential, might provide a range of benefits that are not obvious, but could be of profound importance to the community and of more value in the medium to long term than that of a new development proposal.

11 Corney, P.M. et al. (2008). Impacts of Nearby Development on the Ecology of Ancient Woodland. Available at: www.woodlandtrust.org.uk/mediafile/100168350/Impacts-of-nearby-development-on-the-ecology-of-ancient-woodland.pdf

12 Ryan, L. (2012). Impacts of Nearby Development on Ancient Woodland – Addendum. Available at: www.woodlandtrust.org.uk/mediafile/100168353/Impacts-of-nearby-development-on-the-ecology-of-ancient-woodland-addendum.pdf

13 Europe Economics. (2015). The Economic Benefits of Woodland. Available at: www.woodlandtrust.org.uk/publications/2015/03/the-economic-benefits-of-woodland/

Arina Nagy-Vigitiu

Site Lang Craigs with new woodland creation and Dumbarton landscape in background.

9. Mitigation and compensation

The Chartered Institute of Ecology and Environmental Management (CIEEM)[14] provides a useful reminder of the distinction between the following two terms:

"**Mitigation:** *Measures taken to avoid or reduce negative impacts. Measures may include: locating the development and its working areas and access routes away from areas of high ecological interest, fencing off sensitive areas during the construction period, or timing works to avoid sensitive periods.*"

"**Compensation**: *Measures taken to make up for the loss of, or permanent damage to, ecological features despite mitigation. Any replacement area should be similar in terms of biological features and ecological functions that have been lost or damaged, or with appropriate management have the ability to reproduce the ecological functions and conditions of those biological features.*"

If it is decided that the benefits of a development are exceptional enough to outweigh the loss or harm, planning authorities should consider the impacts in terms of what is both:

- **Appropriate** (i.e. what type of mitigation and/or compensation measures are necessary), and;
- **Proportionate** (i.e. adequate in terms of quality and quantity to address the level of harm predicted)

Direct impacts that would lead to damage or loss of ancient woodland habitat or veteran trees must either be avoided or mitigated for; there is no appropriate compensation.

14 CIEEM. (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland. Available at: https://cieem.net/resource/guidelines-for-ecological-impact-assessment-ecia/

Mitigation

Use carefully designed, appropriate mitigation measures to reduce the effect of indirect impacts. These may include:

- Adhering to *BS 5837:2012* to provide adequate tree and root protection
- Non-invasive root investigation for ancient trees and protection beyond the limit of the usual investigative tools
- Retaining and enhancing natural habitats around ancient woodland to improve connectivity with the surrounding landscape
- Producing and funding an access management plan for the woodland, and/or providing alternative natural greenspace to reduce additional visitor pressure
- Sympathetic design and use of appropriate lighting to avoid light pollution
- Measures to control noise, dust and other forms of water and airborne pollution
- Woodland restoration – such as in PAWS
- Introduction of sympathetic management for neglected woodlands or trees
- Implementation of an appropriate monitoring plan to ensure that proposed measures are effective over the long term and accompanied by contingencies should any conservation objectives not be met.

Providing adequate buffers

A buffer is a landscape feature used to protect a sensitive area from the impact of disturbance both during and after construction. A buffer may:

- Go around the whole area to be protected, or just along one edge
- Be planted with trees or shrubs, or it could be an area of land that the development is not allowed to encroach upon (e.g. a grassy strip)
- Also contain man-made structures such as fences, walls and earthworks (though it must not contain Sustainable Drainage Systems which could impact on the hydrology of the ancient woodland)

Although there is no 'one size fits all' with buffer design, each one should be designed to fulfil the specific requirements of its location and the type of proposed development.

As a precautionary principle, a minimum 50 metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. A larger buffer may be required for particularly significant engineering operations, or for after-uses that generate significant disturbance.

The preferred approach is to create new habitat, including native woodland, around existing ancient woodland. This will help reverse the historic fragmentation of this important habitat. The consequent increase in ecological connectivity between areas of ancient woodland will create the resilient landscapes.

Case study 4

Provision of adequate buffer

Location and name of wood: Land At Bankhead Farm, South Of Twenty-five Acre Wood, Fishcross, Clackmannanshire Council

Planning application: 17/00120/FULL

Proposal: Installation of Energy Storage System Comprising Battery Storage Containers, Ancillary Buildings, Security Fencing, CCTV and Landscaping

Decision date: 20th June 2017

The WT lodged a holding objection to this application due to lack of clarity of the site location in relation to the local ancient woodland named Twenty-five Acre Wood. The application was subsequently approved by the Council subject to several conditions which saved the ancient woodland area. The conditions related to the woodland are: additional buffer planting aiming to minimise disturbance and implementation of development in accordance with *BS5837:2012 Trees in relation to design, demolition and construction*. In this instance these requirements were in accordance with the proposed development and considered sufficient. In other cases, we do recommend larger buffers between developments and woodlands from 25m to 50m depending on the size and type of development.

Mitigation for veteran trees

Appropriate mitigation for veteran trees may include:

- Incorporating the tree(s) into open space within the development
- Providing green connectivity between individual trees wherever possible
- Controlling activities that might cause harm such as excavations and/or use of overhead machinery in close proximity to the root protection area (RPA)

Buffers around veteran trees

For veteran trees, where a more precautionary approach is warranted, RPA distances should be greater than the standard buffers stated in *BS 5837:2012*. The RPA should be a minimum of 15 times the diameter of the tree trunk or 5 metres beyond the canopy, whichever is the greater[15] [16].

10. Compensation for loss of ancient woodland

Replacement planting

Scottish Natural Heritage state that ancient woodland is irreplaceable. Therefore, loss of this type of woodland can never be compensated for. The Scottish Government's Policy on Control of Woodland Removal states that there is a strong presumption against removal of certain types of woodland which are of high nature conservation value such as ancient woodland, unless, there is a significant and clearly defined public benefit achieved through removal. This strong presumption should only be overridden in exceptional circumstances. In appropriate cases a proposal for 'compensatory planting' may form part of the balance, but it is preferred that woodland removal is avoided.

The Policy's Implementation Guidance[17] goes on to list the instances where woodland removal may be justified and requires compensatory planting, but stating that removal should be avoided in the first instance.
In cases of woodland with a strong presumption against removal, such as ancient woodland, the compensatory planting area must exceed the area of woodland removed to compensate for the loss of environmental value.

Habitat and soil translocation

Translocation cannot be viewed as mitigation for ancient woodland loss, since the latter is irreplaceable.

The Joint Nature Conservation Committee's (JNCC) guidance on translocation[18] remains the most up-to-date detailed advice. It states:

"Habitats translocation has been proposed as a means of saving wildlife from areas threatened by development. These translocations have been portrayed by some as a means of reducing the impact of developments (mitigation), whereas in reality they can only partly make amends for developments (as incomplete compensation)."

A comprehensive review of the limited evidence available on translocation was published by the Woodland Trust in 2013[19] and states that *'The Woodland Trust advocates no further loss of ancient woodland, and has for some time held the policy position that translocation is not an appropriate alternative to conservation of an ancient woodland in situ.'*

Compensation for loss of veteran trees

It is not possible to replace the characteristics and inherent value of veteran trees with new planting. However, to help compensate for loss, young trees of the same species as the lost veterans should be planted. To conserve genetic characteristics, consideration should be given to taking seeds and/or scions (cuttings for grafts) of the original tree.

Replacement trees must be located sufficiently close to the lost trees to provide some ecological connection with other veterans nearby, but not to the detriment of those veterans or other habitats.

If felled or removed, the intact trunk of a veteran tree should be relocated in an upright state in close proximity to a nearby veteran tree, woodland or parkland area. This will give opportunity for those invertebrates and fungi resident within the tree to relocate.

On the topic of individual tree planting, Section 160 of the Town and Country Planning (Scotland) Act 1997 gives planning authorities the power to make tree preservation orders which may make provisions for *'securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order.'*

15 ATF_book.pdf Lonsdale, D. (2013). Ancient and other veteran trees: further guidance on management. Available from: ancienttreeforum.co.uk/wp-content/uploads/2015/02/

16 The Woodland Trust. (2005). Ancient tree guide 1: Trees and farming. Available at: www.woodlandtrust.org.uk/publications/2005/01/ancient-tree-guide-1/

17 The Scottish Government's Policy on Control of Woodland Removal. Available at: https://forestry.gov.scot/publications/285-the-scottish-government-s-policy-on-control-of-woodland-removal/viewdocument

18 Scottish Government's policy on control of woodland removal: implementation guidance, February 2019. Available at: https://forestry.gov.scot/publications/349-scottish-government-s-policy-on-control-of-woodland-removal-implementation-guidance/viewdocument

19 JNCC. (2003). A Habitats Translocation Plan for Britain. Available at: jncc.defra.gov.uk/pdf/habitats_policy.pdf

11. Providing adequate evidence to support planning proposals

Case study 5

Appeal decision notes inadequacy of information submitted with the original application

Location: Taychreggan Hotel Kilchrenan Taylnuilt Argyll and Bute, PA35 1HQ

Proposal: 4 self-catered holiday cabins for holiday use

Appeal reference: PPA-130-2069

Appeal by Taychreggan Hotel against Argyll and Bute Council

Decision date: 15th November 2018

In this appeal the reporters noted that the applicant significantly downplayed the ecological impact and that the proposals put forward by the developer do not justify the potential impact on the woodland area. The reporter notes *'The reason for the refusal of planning permission in principle is (in summary) that while the development is small scale in nature and would be constructed using materials which are sympathetic to the locality, its introduction into an undeveloped Ancient Woodland would be harmful to its unspoiled character which forms a vital part of the landscape setting of the hotel.'*

A tree survey should be required whenever there are trees on site to inform development management.

Preparation and submission of supporting ecological evidence

It is important to submit adequate information with a planning application. This should be supported by work undertaken in accordance with professional good practice to enable the planning authority to determine the application lawfully.

Therefore, in addition to following good practice on gathering evidence on the status of ancient woodland and veteran trees, planning applications likely to affect them should be prepared and implemented in accordance with British Standard publications:

- BS 5837:2012 Trees in relation to design, demolition and construction - recommendations20
- *BS 42020:2013 Biodiversity. Code of practice for planning and development*[21] (particularly Clauses 4, 5, 6, 10 and 11)

From the Chartered Institute of Ecology and Environmental Management (CIEEM):

- Guidelines for Ecological Report Writing[22]
- Guidelines for Ecological Impact Assessment in the UK and Ireland[14]
- Guidelines for Accessing and Using Biodiversity Data[23]

NOTE: Some developments may require an ecological impact assessment (EIA). Generally, it is a matter for planning authorities to consider whether a proposed development requires EIA. To request a screening opinion, developers should contact the relevant planning authority.

Adherence to published good practice will help ensure that applications contain adequate information and are not delayed through the validation and registration process, nor delayed or even refused at the determination stage.

In addition to the references in the footnotes below, the Woodland Trust can provide further details and technical advice on the recommended policy, and the principles and good practice set out in this document. If you require assistance, please email: **ScottishCampaigns@woodlandtrust.org.uk** or phone **01738 635 544.**

20 Ryan, L. (2013). Translocation and Ancient Woodland. Available at: www.woodlandtrust.org.uk/mediafile/100115770/Translocation-and-Ancient-Woodland.pdf

21 British Standard. (2013). BS 42020:2013 Biodiversity. Code of practice for planning and development. Available at: shop.bsigroup.com/ProductDetail/?pid=000000000030258704

22 CIEEM. (2017). Guidelines for Ecological Report Writing. Second Edition Available at: https://cieem.net/resource/guidelines-for-ecological-report-writing/

23 CIEEM. (2016) Guidelines for Accessing and Using Biodiversity Data. Available at: https://cieem.net/resource/guidelines_for_accessing_and_using_biodiversity_data/

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