

MHCLG Guidance Review July 2019

Trees and woodland

All too often we are faced with subtle tweaks to Government guidance, which have little or no effect upon how we go about our professional business. The changes issued on Sunday 21 July 2019 appear to be quite far-reaching and extensive, but will they make a difference to how we undertake our assessments or plan our developments? This article considers the changes regarding ‘Trees and woodland’.

‘Trees and woodland’ have now been recognised with their own title within the PPG – perhaps reflecting the increasing public interest in all things arboricultural – including the role trees could play in helping to mitigate climate change.

Relevant parts of the PPG begin with a new section on ‘trees within settlements’ – promoting the numerous benefits of situating trees in urban areas. There is nothing inherently new here, but the guidance reminds planners of the need to carefully consider the critical relationship between trees and the numerous competing interests within our towns and cities (as reflected in the guidance provided in BS 5837:2012 *Trees in relation to design, demolition and construction*).

What are the considerations when planning for trees within settlements?

Well-placed and well-chosen trees on streets and in urban spaces can provide a range of benefits: encouraging walking and enhanced physical and mental health; contributing to local environmental character and distinctiveness; providing habitats for wildlife; reducing noise and excessive heat; and supporting sustainable drainage. Changing climate, in particular hotter summers and more frequent periods of dry weather, and unknown pests and diseases, will place new pressures on green infrastructure in the long-term, so trees and the right species and age profile are essential.

The interaction of trees and tree roots with built infrastructure, transport networks, buildings and utility services is complex and requires detailed inter-disciplinary co-operation, with expert arboricultural or forestry advice. The selection of street trees needs to consider which species will best suit the highway environment in the long term, including associated infrastructure and utilities.

Paragraph: 029 Reference ID: 8-029-20190721
Revision date: 21.07.2019

The PPG also contains an entirely new section considering the National Forest and Community Forests. The policy now makes suggestions that new development should “*contribute to the creation and emerging character of the Forests*” and pave the way for a financial contribution of some kind in those areas.

The National Forest Company guidance for developers and planners can be found [here](#), although is due for revision.

What are the National Forest and Community Forests, and how should development be approached there?

The National Forest and the Community Forests are designed to bring the benefits of multi-purpose trees, woodland and forestry close to where people live. Within these areas developments are expected to include appropriate green infrastructure, in accordance with the National Forest Strategy or an approved Community Forest Plan. Planning policies and decisions need to consider the extent and type of woodland planting necessary to ensure that the new development will contribute to the creation and emerging character of the Forests.

The National Forest Company Guide for developers and planners will be available, after revision, to download from The National Forestry Company Website.

Paragraph: 030 Reference ID: 8-030-20190721
Revision date: 21.07.2019

The update guidance concerning ancient woodland and ancient and veteran trees echoes that to be found in standing advice previously published by Natural England and the Forestry Commission.

The PPG removes reference to 2 hectares (ha) being a lower limit for ancient woodland. In practice, sites smaller than 2ha have been appearing on the inventory with increasing frequency since the publication of the original PPG in 2012, and therefore this update is helpful in avoiding misconceptions regarding smaller areas.

How can I find whether an area contains ancient woodland?

A starting point to establish whether an area is ancient woodland is to look at the relevant ancient woodland inventory. These inventories comprise county digitised maps of sites (generally greater than 2 hectares) that are thought to have been continuously wooded since 1600 AD. The national ancient woodland inventory is published and updated by Natural England. Both Ancient Semi-Natural Woodland (ASNW) as well as Plantations on Ancient Woodland Sites (PAWS) are ancient woodland. Both types should be treated equally in terms of the protection afforded to ancient woodland in the National Planning Policy Framework. The Forestry Commission can also advise on all issues in relation to ancient woodlands.

See related policy:

- Paragraph 175

Paragraph: 031 Reference ID: 8-031-20190721

Revision date: 21.07.2019

The PPG provides guidance on how to find out if your site contains, or is bordered by, ancient woodland and/or contains ancient or veteran trees. However, from experience the data available for ancient and veteran trees is limited and the best way to understand the tree stock of any site is to survey the tree in accordance with BS 5837:2012.

How can I find out whether a site contains ancient or veteran trees? that could be affected by a development proposal are 'aged or veteran' trees? Guidance on the feature and importance of veteran trees is provided by Natural England.

Ancient trees are trees in the ancient stage of their life. Veteran trees may not be very old but exhibit decay features such as branch death or hollowing. Trees become ancient or veteran because of their age, size or condition. Not all of these three characteristics are needed to make a tree ancient or veteran as the characteristics will vary from species to species. Further guidance on ancient and veteran trees is set out in the Forestry Commission and Natural England standing advice.

The Ancient Tree Inventory can help to identify ancient and veteran trees, although not all known ancient and veteran trees are included. Local Records Centres and other organisations with an interest in trees may also be able to advise on the location of known ancient or veteran trees. Tree surveys and site assessments may be needed to identify the ancient or veteran trees on a site and inform planning decisions.

Paragraph: 032 Reference ID: 8-032-20190721

Revision date: 21.07.2019

The Natural England and Forestry Commission provide a tool (in the form of a table) to local authorities on how to assess potential impacts both direct and indirect on Ancient woodlands ancient or veteran trees. The table can be accessed [here](#).

Should ~~consult the Forestry Commission where~~ **How can local planning authorities assess the potential impact of development proposals ~~affect~~ **on ancient woodland and ancient or veteran trees?****

~~Local planning authorities are advised to consult~~ need to consider both the direct and indirect impacts on ancient woodland and ancient or veteran trees when assessing development proposals and the scope for avoiding or mitigating adverse impacts. Their existing condition is not something that ought to affect the local planning authority's consideration of such proposals (and it should be borne in mind that woodland condition can usually be improved with good management).

When assessing whether 'wholly exceptional reasons' exist that may justify a loss or deterioration of ancient woodland, ancient trees or veteran trees, it will not be appropriate to take any compensation measures into account. These should be considered only once the existence of 'wholly exceptional circumstances' has been ascertained.

Further guidance is set out in the Forestry Commission and Natural England standing advice.

Paragraph: 033 Reference ID: 8-033-20190721

Revision date: 21.07.2019

Again, the PPG echoes the wording of the Natural England's and Forestry Commission standing advice with regard to potential mitigation for loss or impacts to ancient woodland or veteran trees.

What compensation can be provided if development resulting in loss or harm is, exceptionally, permitted?

Local planning authorities are advised to consult need to consider both the direct and indirect impacts on ancient woodland and ancient or veteran trees when assessing development proposals and the scope for avoiding or mitigating adverse impacts. Their existing condition is not something that ought to affect the local planning authority's consideration of such proposals (and it should be borne in mind that woodland condition can usually be improved with good management).

When assessing whether 'wholly exceptional reasons' exist that may justify a loss or deterioration of ancient woodland, ancient trees or veteran trees, it will not be appropriate to take any compensation measures into account. These should be considered only once the existence of 'wholly exceptional circumstances' has been ascertained.

Further guidance is set out in the Forestry Commission and Natural England standing advice.

Paragraph: 034 Reference ID: 8-034-20190721

Revision date: 21.07.2019

In addition, the PPG set out the parameters for when the Forestry Commission (a non-statutory consultee) and Natural England (a statutory consultee) should be consulted. It should be made clear that Natural England is only a statutory consultee for SSSIs and will not necessarily consult on ancient woodland and/or veteran and ancient trees. It remains for the local planning authority to decide which parties with a particular local interest or involvement should be consulted.

How can I find out whether a site contains ancient or ~~trees that could be affected by a development proposal are 'aged or veteran' trees?~~ Guidance on the feature and importance of **veteran trees** is provided by Natural England.?

Do the Forestry Commission ~~about~~ and Natural England need to be consulted where development proposals affect ancient woodland?

The Forestry Commission is a non-statutory consultee for development proposals that contain or are likely to affect ~~Ancient Semi-Natural woodlands or Plantations on Ancient Woodlands Sites (PAWS)~~ ancient woodland (as defined and recorded in Natural England's ~~Ancient Woodland~~ ancient woodland inventory.), including proposals where any part of the development site is within 500 metres of the boundary of an ancient ~~semi-natural woodland or ancient replanted~~ woodland, and where the development would involve erecting new buildings, or extending the footprint of existing buildings.

Natural England ~~and the~~ is a statutory consultee for proposals which may affect a Site of Special Scientific Interest. The Forestry Commission and Natural England have prepared standing advice to provide assistance to local planning authorities in considering proposals which ~~impact on~~ affect ancient woodland or ancient and veteran trees. This is a material consideration in appropriate circumstances.

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