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Area Director
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Dear Canterbury Council,

Canterbury Regulation 19 Local Plan Consultation

Please note that as a Non-Ministerial Government Department, we provide no opinion supporting or objecting to planning applications or local plans including their soundness or legal compliance. Rather we are including advice and information that we advise the Council consider to ensure their pre-submission local plan avoids potential impacts and promote enhancements/expansion as part of the proposed local plan regarding trees and woodland, including ancient woodland. We acknowledge that the purpose of Regulation 19 consultations does not usually extend to making substantial changes which are not related to soundness and offer the guidance in this letter intended as helpful guidance to ensure the local plan takes every opportunity to secure the protection, enhancement and expansion of Canterbury's valuable trees and woodlands to comply with planning policy, good practice and make the most of the many benefits they provide to the environment, local economy and community.

Overall Comments

Ancient woodlands, veteran and ancient trees are irreplaceable habitats, and it is essential that they are considered appropriately to avoid any direct or indirect effects that could cause their loss or deterioration, in line with Government Standing Advice. Ancient Woodland has very high potential ecological value and should act as integral focal points, alongside other locally and nationally designated sites, as part of delivering landscape scale nature recovery.

Any development or plan that include these irreplaceable habitats on or near to the site should aim to deliver high standards of net gains and ecological connectivity that supports wider ecological networks, in line with good practice. This will also be a requirement as part of the local nature recovery strategies being driven by the Environment Act 2021 and we advise that plans should anticipate this to maximise environmental benefits to contribute to reversing the national trend of ecological decline as part of broader nature recovery networks. The Local Plan should be considered as a crucial and timely opportunity to secure significant and strategic, plan-led environmental gains due to their scope and scale, particularly given the timescales of development being influenced that coincide with UK Government commitments regarding halving emissions and protecting 30% of nature by 2030, towards a net-zero carbon and nature positive economy.

The development strategy should prioritise the protection of trees and woodlands with the highest priority being given to ancient woodland, ancient and veteran trees as individual habitats and as part of wider ecological networks.

We advise that local plan policy should include the following focus on trees and woodlands:

- Ensure all development is consistent with the Government's standing advice for Ancient Woodlands, and Veteran and Ancient Trees: <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>
- Ensure that development containing or close to trees, hedgerows and woodlands are sensitively designed to avoid impacts as far as possible

- Tree/hedgerow removal should be a last resort. Where this is justified, we advise that developments should deliver no net deforestation to help encourage development that provides an overall environmental gain. Where trees are required to be removed, additional tree planting will be made to compensate for this loss and we would advise that additional planting should be made to help compensate for the loss of habitat in the time it takes for new trees to mature.
- Long term management and maintenance of planted trees and woodland creation to give them every chance of becoming established and where trees do fail, they are replaced
- We support Canterbury's use of a minimum standard for tree canopy cover for new developments over 300 dwellings as it provides a targetable level of green infrastructure in relation to trees for the numerous ecosystem services they provide.
- Precautions should be incorporated into any woodland design and tree planting to ensure that habitat creation is established successfully and that potential impacts from deer are managed on site and in the surrounding area as appropriate. See here for further guidance that should be followed for managing impacts from deer as part of woodland creation and tree planting: <https://www.gov.uk/government/publications/woodland-creation-and-mitigating-the-impacts-of-deer/woodland-creation-and-mitigating-the-impacts-of-deer> Some good practice advice is also provided in Appendix 1 of this letter.
- We advise that any tree planting should meet the following:
 - Trees should be healthy and good practice biosecurity should be followed to prevent the risk of spreading pests and disease, in line with Government advice: <https://www.gov.uk/government/collections/tree-pests-and-diseases>. More information on the plant healthy can be found at: [Welcome to Plant Healthy - Plant Healthy](#)
 - Created or restored habitat should be managed in perpetuity in line with a robust management plan that follows good practice to ensure assumed benefits of created habitats are delivered in practice (see Standing Advice referred to on page 1). We recommend meeting the UK Forestry Standard to demonstrate this.
- To help mitigate climate and support local economy would urge council to develop local plan policy that makes use of locally sourced timber. This has multiple benefits as it can help store carbon within development, reduce impact from transportation, reduce embodied carbon from alternative materials and support local economies and communities.
- Where developments incorporate District Heating, consider locally and sustainably sourced wood-fuels for the benefits this can have for renewable energy and towards a local, circular economy
- Use tree planting as part of nature based solutions for managing flood risk as well as other multi-functional benefits from green infrastructure as part of any development (e.g. [Trees and woodlands provide £400 million of value in flood protection](#))
- We encourage the Council to refine their strategy to trees and woodlands using the recently launched 'Trees and Woodland Strategy Toolkit' available here: <https://treecouncil.org.uk/what-we-do/science-and-research/tree-strategies/> to design and deliver a local tree strategy to harness the long-term benefits that trees can bring to local communities. The local plan should be developed with tree/woodlands in mind as an integral part, alongside other supplementary strategies for the environment including biodiversity, green infrastructure, nature recovery and climate change.

Development Strategy

The Local Plan's development strategy should avoid impacts on Ancient Woodland as a high priority by focussing development away from these areas, especially where they are also close to other designated areas such as designated landscapes. Where development is in close proximity, this should be in line with the Standing Advice and high levels of protection from local plan policy, as advised in our Overarching Comments, above.

Where development is appropriate, it should be of a sensitive design and scale to protect, enhance and expand nearby wildlife sites. This should include consideration of increased recreational pressure from major development that can have an adverse effect on ancient woodland (e.g. as a result of soil compaction/erosion and impacts from litter/contamination).

We advise that the development strategy and site allocations avoid pressure on sites of ecological value throughout the District. Where they are in close proximity, development strategies should aim to contribute improvements to habitat creation and enhancement to support nature recovery and avoid fragmentation through greater connectivity. For example, any development near these habitats should be of an appropriate design and scale to protect and enhance the site, and the surrounding area.

We hope our advice is helpful and would welcome the opportunity to work with the Council to help define its policy to support trees and woodlands as an integral part of the Local Plan to help achieve its vision.

Yours sincerely,



Richard Cobb
Local Partnerships Advisor,
South East and London Forestry Commission

Additional Advice

Appendix 1: Forestry Commission Guidance

Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover.

It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless “*there are wholly exceptional reasons¹ and a suitable compensation strategy exists*” (National Planning Policy Framework paragraph 180).

One of the most important features of Ancient woodlands is the quality and inherent biodiversity of the soil; they being relatively undisturbed physically or chemically. This applies both to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS). Direct effects of development can cause the loss or deterioration of ancient woodland or ancient and veteran trees by:

- damaging or destroying all or part of them (including their soils, ground flora or fungi)
- damaging roots and understorey (all the vegetation under the taller trees)
- damaging or compacting soil
- damaging functional habitat connections, such as open habitats between the trees in wood pasture and parkland
- increasing levels of air and light pollution, noise and vibration
- changing the water table or drainage
- damaging archaeological features or heritage assets
- changing the woodland ecosystem by removing the woodland edge or thinning trees - causing greater wind damage and soil loss

Indirect effects of development can also cause the loss or deterioration of ancient woodland, ancient and veteran trees by:

- breaking up or destroying working connections between woodlands, or ancient trees or veteran trees - affecting protected species, such as bats or wood-decay insects
- reducing the amount of semi-natural habitats next to ancient woodland that provide important dispersal and feeding habitat for woodland species
- reducing the resilience of the woodland or trees and making them more vulnerable to change
- increasing the amount of dust, light, water, air and soil pollution
- increasing disturbance to wildlife, such as noise from additional people and traffic

¹ For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.)

- increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas
- increasing damaging activities like fly-tipping and the impact of domestic pets
- increasing the risk of damage to people and property by falling branches or trees requiring tree management that could cause habitat deterioration
- changing the landscape character of the area

It is therefore essential that the ancient woodland is considered appropriately to avoid the above impacts, including suitable buffer zones between activity and the ancient woodland.

[Planning Practice Guidance](#) emphasises: *'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).'*

If this application is adjacent to or impacting the Public Forest Estate (PFE):

- Please note that the application has been made in relation to land near the Public Forest Estate and [Forestry England](#), who manage the PFE, is a party to the application. They therefore should also be consulted separately to the Forestry Commission.

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions and legal agreements in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that *"Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal"*.

We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

Deer Management

We offer the following general guidance which we hope is helpful:

- Fences should be considered if woodland habitat and tree planting is being targeted. Fences can be breached so some provision should be made for removing deer from fenced areas in their interest of deer welfare and preventing tree damage
- Woodlands should be designed to accommodate deer management now and into the future. If fencing is being installed to protect woodland from deer, deer should still be managed on adjacent land in the event that fences are breached, decay or are taken down

- Tree guards and tubes are important for protecting trees. In addition, deer management is needed to realistically achieve woodland habitat if deer are present (for example for woodland flora)
- Deterrents for deer are as yet unproven and tend to be less effective if deer numbers are high
- Brush piles/fences and alternative feed are not likely to be effective if deer density is very low.

Further Guidance

[Felling Licences](#) - Under the Forestry Act (1967) a Felling Licence is required for felling more than 5 cubic metres per calendar quarter. Failure to obtain a Licence may lead to prosecution and the issue of a restocking notice.

[Environmental Impact Assessment](#) - Under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended, deforestation which is likely to have a significant impact on the environment may also require formal consent from the Forestry Commission.

Information Tools – The Ancient Woodland Inventory

This is described as provisional because new information may become available that shows that woods not on the inventory are likely to be ancient or, occasionally, vice versa. In addition ancient woods less than two hectares or open woodland such as ancient wood-pasture sites were generally not included on the inventories. For more technical detail see [Natural England's Ancient Woodland Inventory](#). Inspection may determine that other areas qualify.

As an example of further information becoming available, Wealden District Council, in partnership with the Forestry Commission, Countryside Agency, the Woodland Trust and the High Weald AONB revised the inventory in their district, including areas under 2ha. Some other local authorities have taken this approach.

Appendix 2: A summary of Government policy on ancient woodland A summary of Government policy on ancient woodland

[National Planning Policy Framework](#) (published 2021).

Paragraph 180 – “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”.

[National Planning Practice Guidance](#) – Natural Environment Guidance. (Published March 2014)
This Guidance supports the implementation and interpretation of the National Planning Policy Framework. This section outlines the Forestry Commission’s role as a **non-statutory consultee** on “development proposals that contain or are likely to affect Ancient Semi-Natural woodlands or Plantations on Ancient Woodlands Sites (PAWS) (as defined and recorded in [Natural England’s Ancient Woodland inventory](#)), including proposals where any part of the development site is within 500 metres 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”

It notes that **ancient woodland is an irreplaceable habitat**, and that, in planning decisions, **Plantations on Ancient Woodland Sites (PAWS) should be treated equally in terms of the protection afforded to ancient woodland in the National Planning Policy Framework**. It highlights the Ancient Woodland Inventory as a way to find out if a woodland is ancient.

[Standing Advice for Ancient Woodland and Veteran Trees](#) (published October 2014, updated January 2022)

The Forestry Commission has prepared joint [standing advice](#) with Natural England on ancient woodland and veteran trees which we refer you to in the first instance. This advice is a material consideration for planning decisions across England. It explains the definition of ancient woodland, its importance, ways to identify it and the policies that relevant to it. It also provides advice on how to protect ancient woodland when dealing with planning applications that may affect ancient woodland. It also considers ancient wood-pasture and veteran trees.

The Standing Advice website will provide you with links to [Natural England’s Ancient Woodland Inventory](#), **assessment guides** and other tools to assist you in assessing potential impacts. The assessment guides sets out a series of questions to help planners assess the impact of the proposed development on the ancient woodland. **Case Decisions** demonstrates how certain previous planning decisions have taken planning policy into account when considering the impact of proposed developments on ancient woodland. These documents can be found on our [website](#).

[Natural Environment and Rural Communities Act 2006](#) (published October 2006).

Section 40 – “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.

[The UK Forestry Standard](#) (published December 2017, updated June 2021).

Page 24 “Areas of woodland are material considerations in the planning process and may be protected in local authority Area Plans. These plans pay particular attention to woods listed on the Ancient Woodland Inventory and areas identified as Sites of Local Nature Conservation Importance (SLNCIs).

[Keepers of Time](#) – A Statement of Policy for England’s Ancient and Native Woodland (published June 2005 updated May 2022).

Page 18 “Our main priority is to protect ancient woodland, and ancient and veteran trees from the threats listed in this policy document. We must also recognise the value of long established woodland and consider options to provide greater protection to these habitats from development.”

[Natural Environment White Paper “The Natural Choice”](#) (published June 2011)

Paragraph 2.53 - This has a “renewed commitment to conserving and restoring ancient woodlands”.

Paragraph 2.56 – “The Government is committed to providing appropriate protection to ancient woodlands and to more restoration of plantations on ancient woodland sites”.

[Biodiversity 2020: a strategy for England’s wildlife and ecosystem services](#) (published August 2011).

Paragraph 2.16 - Further commitments to protect ancient woodland and to continue restoration of Plantations on Ancient Woodland Sites (PAWS).

Renewable & low carbon energy

The resilience of existing and new woodland is a key theme of the Forestry Commission’s work to Protect, Improve and Expand woodland in England we will continue to work with Forestry / Woodland owners, agents, contractors and other Stakeholders to highlight and identify, pests and diseases and to work in partnership to enable Woodlands and Forests are resilient to the impacts of Climate Change.

Woodfuel and timber supplies continues to be an opportunity for local market growth whilst also enabling woodlands to be brought back into active management.

Flood risk

The planting of new riparian and floodplain woodland, can help to reduce diffuse pollution, protect river morphology, moderate stream temperature and aid flood risk management, as well as meet Biodiversity Action Plan targets for the restoration and expansion of wet woodland. The Forestry Commission is keen to work in partnership with Woodland / Forest Stakeholders to develop opportunities for woodland creation to deliver these objectives highlighted above.

In the wider planning context the Forestry Commission encourages local planning groups to consider [the role of trees in delivering planning objectives](#) as part of a wider integrated landscape approach. For instance through:

- the inclusion of [green infrastructure](#) (including trees and woodland) in and around new development; and
- the use of locally sourced wood in construction and as a sustainable, carbon lean fuel.

Appendix 3: Importance and Designation of Ancient and Native Woodland

Ancient Semi Natural Woodland (ASNW)

Woodland composed of mainly native trees and shrubs derived from natural seedfall or coppice rather than from planting, and known to be continuously present on the site since at least AD 1600. Ancient Woodland sites are shown on Natural England's Inventory of Ancient Woodland.

Plantations on Ancient Woodland Site (PAWS)

Woodlands derived from past planting, but on sites known to be continuously wooded in one form or another since at least AD 1600. They can be replanted with conifer and broadleaved trees and can retain ancient woodland features, such as undisturbed soil, ground flora and fungi. Very old PAWS composed of native species can have characteristics of ASNW. Ancient Woodland sites (including PAWS) are on Natural England's Inventory of Ancient Woodland.

Other Semi-Natural Woodland (OSNW)

Woodland which has arisen since AD 1600, is derived from natural seedfall or planting and consists of at least 80% locally native trees and shrubs (i.e., species historically found in England that would arise naturally on the site). Sometimes known as 'recent semi-natural woodland'.

Other woodlands may have developed considerable ecological value, especially if they have been established on cultivated land or been present for many decades.