

Canterbury local plan draft - Forestry Commission consultation comments

Cobb, Richard [REDACTED]

Mon 03/06/2024 17:21

To: Consultations <Consultations@canterbury.gov.uk>
[REDACTED]

📎 2 attachments (427 KB)

Outlook-xgbam4b0; Forestry Commission consultation response - Canterbury local plan Regulation 19.pdf;

You don't often get email from [REDACTED] [Learn why this is important](#)

--Email From External Account--

Dear Canterbury Council,

Overarching comments

As a Non-Ministerial Government Department, we do not provide an opinion supporting or objecting to planning applications or local development plans. Instead, we provide advice on the potential impact that proposed developments could have on trees and woodland using our local knowledge and expertise, planning policy and legislation that could be relevant and measures that could help to avoid or limit impacts and result in overall gains wherever possible.

In addition to this email, please also refer to the comments we made on our letter dated 16th January 2023 (attached for reference) regarding comments for producing effective policy and guidance regarding trees and woodland which we would like to reiterate.

We continue to recognise and welcome the Council's continued commitment to setting specific canopy cover targets for developments over 300 dwellings and the welcome commitment to a 20% BNG target among other well considered policies that clearly demonstrate an effort to go beyond minimum environmental policies including a distinct set of policies relating to biodiversity's recovery.

However, we would like to raise our concern regarding the Plan's proposals regarding Policy C12 (Land north of University of Kent) as there is a risk that the allocation could result in direct loss and/or deterioration of ancient woodland in an area of strategic ecological significance (the Blean Complex). We have focussed our comments on this policy due to these potential impacts. If there are any other issues that the Council would value our input on please let us know and we will be happy to help.

Ancient Woodland impacts

Ancient woodlands, ancient trees and veteran trees are irreplaceable habitats. Paragraph 186(c) of the NPPF sets out that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In considering the impacts of the development on Ancient Woodland, Ancient and Veteran trees, the planning authority should consider direct and indirect impacts resulting from both construction and operational phases. Impacts can be caused by activities outside of areas designated as ancient woodland (eg within buffer zones), or within open areas of ancient woodland, which can result in loss or deterioration of ancient woodland.

Please refer to Natural England and Forestry Commission joint [Standing Advice for Ancient Woodland and Ancient and Veteran Trees](#), updated in January 2022. The Standing Advice can be a material consideration for planning decisions, and contains advice and guidance on assessing the effects of development, and how to avoid and mitigate impacts. It also includes an [Assessment Guide](#) which

can help planners assess the impact of the proposed development on ancient woodland or ancient and veteran trees in line with the NPPF.

The Town and Country Planning (Consultation) (England) Direction 2024 (published January 2024) requires local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development, including development that affects ancient woodland: [The Town and Country Planning \(Consultation\) \(England\) Direction 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/the-town-and-country-planning-consultation-england-direction-2024)

Loss or damage of ancient woodland

Point h) suggests that an area of ancient woodland may be lost or damaged to provide access to the new development proposed. It is not clear if exceptional circumstances have been demonstrated or what suitable compensation measures are being proposed. It is also not clear if the mitigation hierarchy has been followed as any loss or deterioration should be avoided as far as possible in the first instance before considering any losses and subsequent compensation measures.

Air quality

We would also like to highlight the potential for impacts on Blean Woods SSSI/SAC/ASNW which Magic Map's Impact Risk Zone highlight as potentially causing an impact as a result of increases in air pollution and for development over 50 dwellings. It is not clear if the extent of air pollution associated with the development being proposed has been appropriately considered, in line with the Standing Advice and through the Habitats Regulations process, to provide enough confidence for the purposes of progressing the site allocation. We advise to seek advice from Natural England regarding this aspect to ensure they are satisfied that adverse effects are not expected.

We would also like to highlight other direct and indirect impacts on these areas including from recreational pressure and other forms of disturbance which should be considered in line with the Standing Advice. While we welcome the principle of improving access to woodland for all the benefits this can provide for people, this is an area that needs careful consideration to ensure that the use of these woodlands are managed appropriately, with a commitment to proportionately contribute to active management and sensitive access for the lifetime of the development.

Strategic significance

If the above issues can be resolved, we would like to highlight the strategic ecological significance of the area proposed for development which the Council have rightly recognised in its Blean Complex policy (DS23). We welcome the commitments proposed in Policy C12 regarding significant areas of green space, buffer areas, 20% BNG, and wildlife/green corridors, and the general commitment to avoid impacts to the Blean Woodland Complex (point i)). However, we encourage more ambitious commitments be made to make nature recovery a fundamental principle for the design, layout and use of the area given its proximity to pioneering nature conservation work such as Wilder Blean being led by Kent Wildlife Trust. We also request that as this allocation emerges, the Council collaborate with key stakeholders to co-develop principles and a detailed masterplan that is informed by local knowledge and priorities, and that mitigation measures and biodiversity gains are as effective as possible. As the Government's forestry experts, we can provide further advice regarding suitable mitigation measures and ways to maximise effectiveness of gains involving woodland creation/enhancement.

Other relevant policies

Existing trees should be retained wherever possible, and opportunities should be taken to incorporate trees into development. Trees and woodlands provide multiple benefits to society such as storing carbon, regulating temperatures, strengthening flood resilience and reducing noise and air pollution.^[1] Paragraph 136 of the NPPF seeks to ensure new streets are tree lined, that opportunities should be taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible. Appropriate measures should be in place to secure the long-

term maintenance of newly planted trees. The Forestry Commission may be able to give further support in developing appropriate conditions in relation to woodland creation, management or mitigation.

Biodiversity Net Gain (BNG): As of the 12th of February 2024, major development (unless exempt) will have to deliver 10% net gain in biodiversity. Paragraph 180(d) of the NPPF also sets out that planning (policies and) decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 180(d) encourages development design to integrate opportunities to improve biodiversity, especially where this can secure net gains for biodiversity. BNG offers opportunities for protecting (retaining) trees and woodlands, as well as new planting and enhancement of existing trees and woodlands, and the planning authority also should consider the wider range of benefits trees, hedgerows and woodlands can provide as part of delivering good practice biodiversity net gain requirements *in addition* to contributing to the BNG figure. Ancient woodlands (including PAWS) and ancient & veteran trees are already recognised as irreplaceable habitats and as such are exempt from the net gain requirement.

We hope you find our advice helpful. If you have any questions, please let me know and I will be happy to help.

Kind regards,
Richard

Richard Cobb (he/him)
Local Partnership Advisor
South East and London Area Team

Forestry Commission England
Guildbourne House
Worthing
West Sussex
BN11 1LD



www.gov.uk/forestrycommission



Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorised to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware.