

# University of Kent: Sites BCD

## Ancient Woodland Policy Matters

*August 2021*

### 1. Introduction

- 1.1 This note forms part of representations submitted to Canterbury City Council in response to its Local Plan Vision and Preferred Options Consultation. It addresses national planning policy matters relating to Ancient Woodland (and Veteran Trees) associated with the proposed allocation of Sites BCD for residential led development.
- 1.2 It is structured as follows:
- **Section 2** sets out the planning policy context;
  - **Section 3** discusses the Ancient Woodland Inventory and the results of survey work;
  - **Section 4** sets out the wholly exceptional reasons why the loss of Ancient Woodland (and/or Veteran Trees) would be acceptable in this instance; and
  - **Section 5** considers compensation measures.

## 2. Planning Policy Context

### **National Planning Policy Framework**

#### Definition of Ancient Woodland

- 2.1 Within its Glossary, the National Planning Policy Framework (NPPF) (2021) defines ‘ancient woodland’ as follows:

*“An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS)”.*

- 2.2 Paragraph 180 of the NPPF further sets out that when determining planning applications, local planning authorities should apply the various principles, including the following:

*“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**

#### Definition of Ancient Woodland

- 2.3 The Government’s Planning Practice Guidance (PPG) (2021) provides further clarity concerning the definition on ‘ancient woodland’. It defines ‘ancient woodland’ as being ‘any area that’s been wooded continuously since at least 1600AD’. It includes:

- *Ancient semi-natural woodland mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.*
- *plantations on ancient woodland sites - replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi.*

- 2.4 The PPG also clarifies that the term ‘wooded continuously’ does not “mean there’s been a continuous tree cover across the whole site”. It further states that “not all trees in the woodland have to be old. Open space, both temporary and permanent, is an important component of ancient woodlands”.

- 2.5 The PPG further identifies that “an ancient tree is exceptionally valuable” and that its attributes can include its ‘great age’, ‘size’, ‘condition’, ‘biodiversity value (as a result of significant wood decay and habitat created from its ageing process) and its ‘cultural and heritage value’.

#### Making Planning Decisions

- 2.6 The PPG aligns with the NPPF insofar as it states that Local Planning Authorities “should refuse planning’ permission if development will result in the loss or deterioration of ancient woodland, ancient trees and veteran trees unless:
- There are wholly exceptional reasons; and

- There's a suitable compensation strategy in place.

2.7 The PPG further states that, when making planning decisions, LPAs should consider:

- Conserving and enhancing biodiversity; and
- Reducing the level of impact of the proposed development on ancient woodland and ancient veteran trees.

2.8 Planning decisions should also be made in accordance with Paragraph 180 of the NPPF, as set out above.

***Local Plan***

2.9 Policies LB8/LB10 of the adopted Local Plan seeks to protect ancient woodland and ancient trees. Areas of ancient woodland are not identified on the adopted Local Plan proposals map (therefore they are not subject to a local plan policy designation), instead it cross refers to the Ancient Woodland Inventory as being the mechanism to define land that may be Ancient Woodland and to which Policy LB10 would apply.

### 3. The Ancient Woodland Inventory

- 3.1 The Ancient Woodland Inventory (AWI) identifies land that may comprise Ancient Woodland. The AWI was originally compiled by the Nature Conservancy Council (now Natural England) in the 1980's and 90's, and subsequently digitised by the Forestry Commission in the 1990's.
- 3.2 More recently, it has been subject to a localised update in 2012 in the Weald and Downs Ancient Woodland Survey as set out in 'A Revision of the Ancient Woodland Inventory for Kent and Canterbury District, Kent - Report and Inventory Maps': <http://www.highweald.org/downloads/publications/project-reports/weald-a-down-ancient-woodland-survey/1072-canterbury-district-ancient-woodland-inventory/file.html>
- 3.3 The process of determining entrants into the AWI is based on 3 stages:
- i. Desk based mapping (capture dataset);
  - ii. Research using historical maps and documents (refine dataset); and
  - iii. Field survey (further refinement of dataset). Note that only a limited number of sites were subject to field work, which was based on a 'rapid/quick' survey only.
- 3.4 Inclusions in the AWI does not mean that the land comprises ancient woodland (for the purposes of the NPPF definition). It is made explicitly clear that the Inventory's content should be treated as provisional only, as it incorporates significant inaccuracies and assumptions.<sup>1</sup>

#### ***The Long Thin Woodland***

- 3.5 Land within the southern part of Site B referred to as Long Thin Wood is included in the AWI. The extent of this land is illustrated in Figures 1 and 2, below:



Figure 1: Extent of land included in the AWI (excerpt from Natural England's 'MAGIC' online mapping tool)

<sup>1</sup> Paragraph 3.2.7 (Page 26), of the 'A Revision of the Ancient Woodland Inventory for Kent and Canterbury District, Kent - Report and Inventory Maps', prepared by the Weald and Downs Ancient Woodland Survey, August 2012

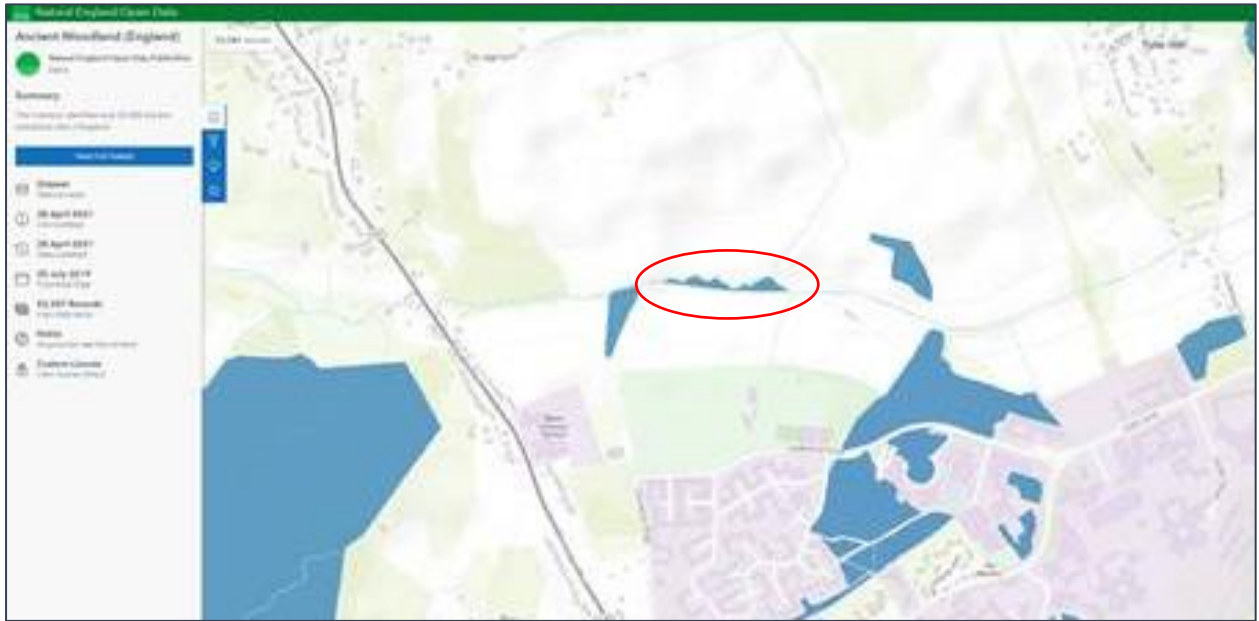


Figure 2: Image showing areas of potential ancient woodland on, or in proximity, to Site B (extracted from Natural England's website)

3.6 The land was added to the AWI in 2012 (previously the AWI only included areas of woodland in excess of 2ha, the 2012 update lowered the threshold to 0.25ha). As set out previously, however, this does not mean that this land comprises ancient woodland – however, there is logical reason to suggest that it might.

#### **Survey Work (Evidence)**

3.7 In order to help clarify whether the Long Thin Wood comprises ancient woodland, UoK's Arboricultural Consultant (WSP) has undertaken field survey work concerning this land. As set out in further detail within Appendix I, this indicates that:

- None of the trees within Long Thin Wood are likely to be over 400 years old; and
- None of the coppice stools are considered likely to be over 400 years old.

3.8 WSP's Technical Note (Appendix I) also outlines that we have been unable to source accurate historic mapping dating back to 1600AD to confirm whether the wood has been continuously wooded since this time, with the oldest accurate maps we have been able to source only dating back to 1877.

3.9 The above suggests that despite being included in the AWI, the Long Thin Wood does not meet the definition of Ancient Woodland. However, in order to reach a conclusive view it will be necessary to investigate what, if any, evidence existed to inform its addition to the Inventory in 2012.

3.10 Notwithstanding the above, WSP's review and field work has indicated that the Long Thin Woodland may include Veteran Trees. Further investigations and surveys are required to confirm this.

***Policy Implications***

- 3.11 Further investigations are required in order to determine if the Long Thin Wood comprises Ancient Woodland (or contains Veteran Trees).
- 3.12 If it is concluded that neither apply, there are no policy issues (ref. NPPF para 180(c)).
- 3.13 If it is concluded that the land does comprise Ancient Woodland and/or contains Veteran Trees, development should avoid their loss or deterioration unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 3.14 Our review of available historic mapping and on-site fieldwork to date has yet to confirm that Long Thin Wood meets the NPPF definition of 'Ancient Woodland'. Whilst further work is required, at this stage it is currently questionable whether the policy restrictions concerning development which impact Ancient Woodland (set out in NPPF Paragraph 180(C)) would apply.

## 4. Wholly Exceptional Reasons

- 4.1 The attached note prepared by WSP presents the provisional access strategy for Sites BCD. This demonstrates how this has been designed to theoretically avoid harm to the Long Thin Woodland (as well as the woodland area to the west). Please see Figure 3 below for further details.
- 4.2 In summary this options includes the provision of a primary road aligned through a gap between the two areas of land included in the AWI. The road is offset a minimum of 15 metres from the western woodland area. However, it is aligned within 15 metres of a small part (a 2 metre strip) of the eastern area. While it is intended to avoid the identified land itself, its proximity (albeit only at a 2 metre pinch point) is within the 15 metre 'buffer zone' distance recommended by the Woodland Trust (for Ancient Woodland) and therefore could pose a risk of harm to the woodland. We note that where the road would encroach into the 15m buffer zone, the encroachment will comprise a bridge elevated above the land – there will be no pillars or any other physical connections to any land within 15m of the land included in the AWI.
- 4.3 Any risk of harm could be minimised through detailed design and other mitigation measures, however further Arboricultural survey work and technical design work will be required to confirm this.

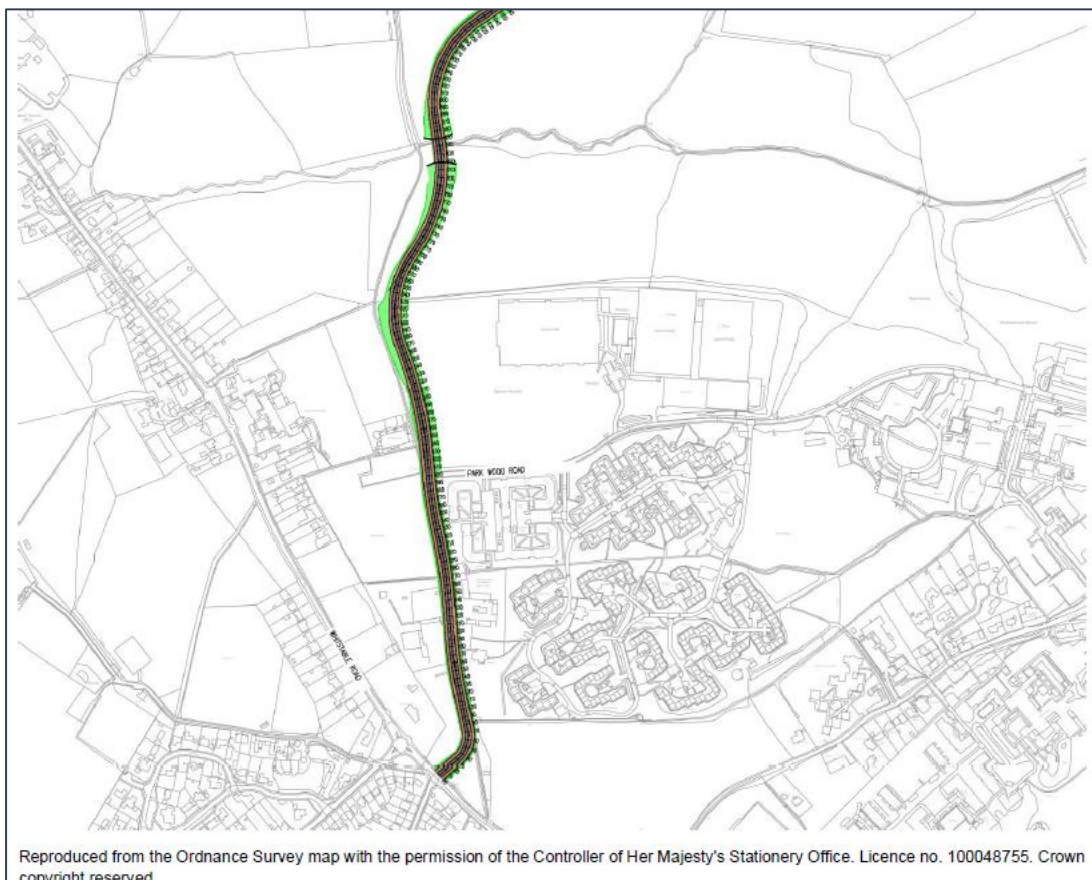


Figure 3: Indicative Access Road Location

- 4.4 It is uncertain whether the Long Thin Wood meets the definition of Ancient Woodland or not. However, if it is concluded that the Long Thin Wood does comprise Ancient Woodland and/or if veteran trees would be lost/harmed then 'wholly exceptional reasons' would need to be demonstrated to justify the proposals. It is our view that these exceptional reasons exist, as explained below:

#### ***Severity of Harm***

##### Arboricultural Value

- 4.5 Any harm to Ancient Woodland or Veteran Trees is by definition harmful in planning terms. Bearing in mind that the area of potential harm would comprise part of a 2 metre wide slither of woodland only, it would be reasonable to conclude that the severity of any harm to Ancient Woodland would be limited (this will need to be clarified via further Arboricultural survey work which would also determine the severity of harm to any Veteran Trees).

##### Biodiversity and Ecological Value

- 4.6 As set out within Appendix I, WSP has undertaken an assessment of the biodiversity and ecology considerations associated with the Long Thin Wood area on Site B. In summary:
- The ground flora of the woodland habitat is not considered to be very diverse or to have much variation throughout the site, given that it is mostly made up of ground Ivy. However, ground flora north of the watercourse running across the woodland does have greater species diversity and flora cover than the habitat south of the watercourse.
  - Although mostly dominated by ground ivy there are two small sections of Hyacinthoides sp in the south of the woodland. Due to the time of year and the plant not being in flower, it cannot definitely be identified down to species level, with it possibly being Common bluebell Hyacinthoides non-scripta which is an ancient woodland indicator or Spanish bluebell Hyacinthoides hispanica and Hyacinthoides hispanica x non-scripta (the most common hybrid) which have little ecological value as they are not native. Red campion which is also a species which is an ancient woodland indicator was also recorded throughout the Site in all areas. In addition to this another ancient woodland indicator Guelder rose was located on the woodland border on the south of the Site in very small quantities.
  - Throughout most of the habitat and at the woodland edge bramble and cleavers were present while garlic mustard was seen closer to the watercourse south west of the woodland. Areas of bracken made up the interior of the wood close to the watercourse embankment. Ash dieback was evident in the north and east of the area, but as of present was not seen in the ash trees in the south and east. Species were mostly native with Himalayan balsam heavily present in the north east of the Site which has replaced most of the native ground flora present within the inhabited area.
- 4.7 Given the above, WSP do not consider that the Long Thin Wood area generates any pronounced/noticeable biodiversity value as a result of significant wood decay and habitat creation from its ageing process.

##### Cultural and Heritage Value

- 4.8 In our view, the current Long Thin Wood area generates little cultural and/or heritage value. It comprises a thin strip of woodland, largely unused/accessed by the public currently.

***The Need for Development***

- 4.9 NPPF para.7 confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Para.8 clarifies that achieving sustainable development means that the planning system has three overarching objectives – economic, social, and environmental – and that these are interdependent and need to be pursued in mutually supportive ways.
- 4.10 The economic objective focusses on helping to build a strong, responsive and competitive economy. The social objective focusses on supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. The environmental objective focusses on protecting and enhancing our natural, built, and historic environment.
- 4.11 There is a site-specific interdependent economic, social, and environmental need for land at the UoK to be brought forward for development. This land can only be developed via the provision of a new access road along the proposed alignment (as per the attached WSP note).
- 4.12 Meeting this need will deliver the sustainable development objectives of the planning system. This is a unique opportunity for the district which cannot be achieved via development elsewhere. As a consequence, it is our view that this opportunity should be a significant consideration in determining the Vision, Strategic Objectives, and preferred policy options for the new local plan, and would constitute the wholly exceptional reasons that would be necessary to justify harm to Ancient Woodland or Veteran Trees should this be the case.

Economic Need

- 4.13 Underpinning this opportunity is a significant site-specific economic need for development.
- 4.14 The Higher Education sector delivers significant economic and social value to the UK. Sustaining and growing the sector is a key component of cross-departmental UK Government policy and is accounted for in national planning policy which requires Local Plans to give significant weight to the need to support the sector.
- 4.15 Locally, the University of Kent delivers significant economic and social value to Canterbury and Kent and significant weight should be placed on the need to sustain and grow the University in preparation of the new Local Plan.
- 4.16 The University has a continuous need to invest in its core business, that being teaching, research and student experience to allow it to compete effectively in the UK Higher Education Market. This requires continual investment in its estate. Compounding this is the continual drive for innovation and sustainability in a changing social and technological world which requires one off investments in facilities and infrastructure.

- 4.17 There is a broader local economic need for the University to invest in related developments, such as hotel/conferencing facilities to help optimise the potential for add-on complimentary benefits to the wider local economy that can spin-off from the University.
- 4.18 The University's ability to make these necessary investments is constrained by its high operating costs (including costs of staffing and delivering services across its extensive estate) combined with the way it is funded. The University's income is principally based on funding from the UK Government for domestic students<sup>2</sup> (which is capped and loss making), combined with fees from international students, research income, student accommodation and spin-off commercial activities.
- 4.19 This income stream has been impacted by Covid-19. Whilst the University has weathered the impacts of the pandemic relatively well, there remain significant economic pressures on the University and the sector as a whole as a consequence. These include:
- Those relating to income generated from the University's student accommodation. Due to the lockdowns enforced by Central Government, together with international travel restrictions and social distancing measures, many students have had to move and / or remain at home during term-time. There are concerns that these changes could have a longer-term effect, with students choosing to remain at home in the long-term rather than renting accommodation on or in close proximity to the University. This could result in a reduction to the University's current income (outside of course fee income streams).
  - In addition to the above, courses have also been delivered virtually which has necessitated investments and improvements to the technology used by the University, supporting online learning and assessment, student support and IT equipment for staff to enable them to work at home. Buildings have also had to remain operational, which has been at the cost of the University.
- 4.20 These financial pressures are currently reducing the University's ability to invest in its estate and facilities. It follows that there is a need for the University to increase its income in order to meet the economic need to sustain and grow the University.
- 4.21 The University plans to increase its income via the disposal of surplus land (Sites BCDEF) for housing development. Subject to the land being allocated for development in the new Local Plan, this will generate a significant one-off receipt.
- 4.22 This receipt will help the University release itself from debt obligations, increase the resilience of its balance sheet, and help to overcome the financial pressures it is currently facing. In turn this will open up opportunities for reinvestment back into the University, including the acceleration of essential investment in the development of the institution necessary to support its core business functions (teaching, research and the UoK student experience). This will allow it to not only remain competitive as a thriving UK Higher Education Institution but to also continue to grow its substantial economic, social and cultural impact on the district and wider region.

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<sup>2</sup> It is likely that funding from domestic fees is likely to be reduced further following the publication of the Augar Report (May 2019) which provides recommendations to review post-18 education and funding structures.

Housing Need

- 4.23 The need to allocate extensive land to meet the district's future housing needs is clearly set out in the Local Plan Vision and Preferred Options document.
- 4.24 As explained in the proceeding sections of this document , surplus land at the University is demonstrably suitable, available and achievable for housing development and therefore is capable of meeting part of the district's future housing need.
- 4.25 There may be other sites in the district that may also be suitable, available, and achievable for housing development, however no other sites are capable of mutually addressing both housing and the unique economic needs set out above.

Environmental Need

- 4.26 Achieving the environmental objectives of the NPPF is dependant on meeting the district's development needs in a manner that protects and enhances the district's natural, built and historic environment.
- 4.27 Much of the theoretical land supply in the district is significantly constrained by landscape, heritage, and other environmental constraints. Land at the UoK is sustainably located, subject to comparatively few substantial environmental constraints, and is capable of being brought forward for development in a manner that will deliver the environmental policy objectives of the NPPF. The alternative to allocating land here would be to direct development to less sustainable locations subject to greater environmental constraints.

## 5. Compensation Measures

- 5.1 For the reasons explained above, it is not clear whether any Ancient Woodland or Veteran Trees would be harmed by the proposed development. Further investigations and survey work is required to determine this, however, at this point in time it is anticipated that potential harm to Ancient Woodland (and/or Veteran Trees) could at best be avoided or at worst be limited.
- 5.2 Should it be concluded that there would be any harm, then a compensation package will be prepared in line with best practice.

# **Appendix 1:**

## **WSP Technical Note - *University of Kent, Canterbury Campus Access Road Alignment***