

DRAFT REVISION OF THE NATIONAL PLANNING POLICY FRAMEWORK –

Representations by Sylvan Consulting in relation to Ancient Woodland (Précis)

1. General

1.1 Ancient woodland is defined as an area that has been continuously wooded since at least 1600AD. It is, however, a concept that originally arose from a theory which has since largely been discarded. Although the ancient woodland concept remains *potentially* useful as a proxy indicator for sites of elevated biodiversity, this requires specialist assessment on the ground to confirm.

1.2 There is no empirical or scientific basis for the threshold date, whereby more recent (i.e. secondary) woodlands can be found in better condition and with richer biodiversity than some ancient woodland. Overall, the quality of ancient woodland varies significantly, such that the majority of it is below SSSI and candidate SSSI quality.

1.3 Unfortunately, Natural England advocates a ‘condition blind’ approach to assessment of planning proposals on ancient woodland. This is unhelpful and leads to a disconnect between theory and practice, risking loss of actual biodiversity in the quest for preservation of theoretical biodiversity.

2. Appropriateness of the proposed changes to National Planning Policy in relation to ancient woodland

2.1 Draft Footnote 7

Sylvan Consulting considers it inappropriate to include ancient woodland and aged and veteran trees within the list for inclusion within Fn7.

Unlike all other items in the list, these sites and entities are not the subject of ‘designation’, being instead subject to informal identification only.

2.2 Draft Paragraph 173(c)

We find that the text at Draft Paragraph 173(c) and the introduction of the ‘wholly exceptional test’ would have the following principal effects:

- i) Protection of ancient woodland – which is not a “designation” – would sit at the same level as designated artefacts of the highest national importance (which are currently subject to the ‘wholly exceptional’ test)
- ii) Protection of ancient woodland – which is a theoretical indicator of rich biodiversity – would exceed protection for SSSIs, which (for applicable sites) are actual indicators of rich biodiversity
- iii) Relatively few ancient woodlands are SSSIs precisely because they lack the high quality habitat/ species mix necessary to acquire this designation. Under the proposed text, sub-SSSI quality ancient woodlands would receive a higher level of protection than SSSIs which have been found on assessment to be of elevated quality
- iv) The draft text gives rise to the very real risk of increased harm to biodiversity resulting from misplaced relocation of proposals from out of low quality ancient woodland into sites of higher value. This eventuality would in turn give rise to a conflict with para. 173(a) (currently at para. 118.1), which advocates (as a preferred measure) avoidance of significant harm to biodiversity by relocation of proposals to less sensitive sites

These effects, in particular the irrational elevation of theoretical value above actual value, result in illogical primacy being given to concept rather than to the facts on the ground.

This problematic approach is compounded in the current version of the *Standing Advice*, which instructs decision-makers to ignore the condition of ancient woodland when considering acceptability of loss or deterioration.

This is nonsensical because condition is directly linked to: the quality of the habitat resource; its floral and faunal carrying capacity and assemblages; the extent of harm to biodiversity that would result from any given set of proposals; comparison to impacts arising from relocation of proposals to an alternative location; and the nature, availability and likely success of mitigation measures.

In the draft text, ancient woodland, which is not a “thing”, is being compared for protection to items (for example, Grade 1 and Grade 2* Listed Buildings), which clearly are things capable of clear and unambiguous identification and understanding. The tests for Listed status at the highest level are rigorous and solidly-based on evidence of high quality.

This is not the case with ancient woodland, the identification of which is explicitly labelled “provisional”. It is submitted that it is wholly unsound to protect a provisionally-identified, conceptual entity to the level proposed in Draft Paragraph 173(c).

2.3 Draft Footnote to Draft Paragraph 173, Footnote 49

If the recommendation in respect of Draft Paragraph 173(c) is accepted, Footnote 49 becomes superfluous.

2.4 Draft revision to Annex 2 definition of ancient woodland

The proposed change to the definition of ancient woodland is considered appropriate.

3. Recommendations

3.1 Recommendation in respect of Draft Footnote 7

“Ancient woodland” and “aged and veteran trees” should be excluded from the list.

3.2 Recommendations in respect of Paragraph 118 (existing) Draft Paragraph 173(c) (proposed)

- i) The wording of Draft Paragraph 173(c) should revert to the wording of Paragraph 118 bullet 5, with protection for ancient woodland being retained at the current level.
- ii) The current wording of Paragraph 118 bullet five should be amended so that the final word, which is currently “loss”, is replaced with “harm”, so that the sub-paragraph reads:

Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the harm

This amendment would take Paragraph 118 bullet five into consistency with bullet one of the same paragraph, which remains unchanged (at Paragraph 173(a)) in the Draft Framework, and would promote, therefore, an evidence based approach to assessment

3.3 Recommendation in respect of Draft Footnote 49

Omit Draft Footnote 49.

3.4 Recommendation in respect of Draft Definition of Ancient Woodland

Retain draft wording as proposed.

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