Written evidence submitted by the Woodland Trust [FPS 045]

Introduction

1. The Woodland Trust is the largest woodland conservation charity in the UK, with over 1,200 sites in its care covering over 29,000 hectares. Access to its woods is free. Established in 1972, the Woodland Trust now has over 500,000 supporters. The Trust wants to see a UK rich in native woods and trees for people and wildlife, and has three key aims: i) protect ancient woodland which is rare, unique and irreplaceable; ii) restoration of damaged ancient woodland, bringing precious pieces of our natural history back to life; iii) plant native trees and woods with the aim of creating resilient landscapes for people and wildlife.

2. The Woodland Trust welcome this opportunity to submit written evidence. We also supports the evidence made by the Wildlife and Countryside Link. Our evidence discusses the role of the planning system in protecting and planting woods and trees, our concerns over the government's proposals and details a number of recommendations.

3. The Trust would welcome the opportunity to give oral evidence to the committee.

Q1: Is the current planning system working as it should do? What changes might need to be made? Are the Government's proposals the right approach?

Is the current planning system working as it should do?

4. Planning matters for our woods and trees. It helps to ensure they are protected from the effects of development and provides a mechanism to create and restore woods and trees through development. For our ancient woods and ancient and veteran trees this is particularly important, given their irreplaceability and as they cover less than 3% of England's land area. At present these habitats receive strong protection in the National Planning Policy Framework (NPPF); this is vital given that many are not directly protected through legislation. It is also essential, therefore, that such protections are not undermined.

5. Since the updates to the NPPF in 2018, which strengthened the protection for irreplaceable habitats such as ancient woods and ancient and veteran trees, we have seen a drop in the number of cases being put forward that would result in the direct loss of ancient woods or ancient and veteran trees. However, indirect impacts have grown, leading to an increase in the number of overall cases that the Woodland Trust is aware of (see Table 1).

Table 1: the number and proportion of woods and trees at threat from development, before and after the updates to the NPPF in July 2018. Source: Woodland Trust database

	Direct Impacts	Indirect Impacts	All Impacts

	Number of woods	Percentage of total cases	Number of woods	Percentage of total cases	Total number
July 2016-2018	138	32%	292	68%	430
July 2018-2020	99	23%	318	77%	417

What changes might need to be made?

6. In many cases where decisions lead to loss of woods and trees, it is not necessarily the system at fault. In our experience, it is poor quality applications and weak implementation of policy and guidance that leads to unnecessary damage and loss of our irreplaceable habitats. These are two areas could be addressed without wholescale changes to the planning system.

7. The Trust regularly finds that delays are a result of poor applications that are missing key information. Council planning officers will often work with a developer to address shortfalls in an application, rather than not validate or refuse the proposal, as they fear the costs of an appeal. This leads to drawn out decision making. Providing clarity on the level of evidence required as part of a planning application will help address this.

8. In terms of implementation, we often see proposals put forward that damage ancient woods where developers have been able to argue that a non-exceptional scheme is wholly exceptional. The Trust has further examples of development approved with a buffer smaller than the minimum size outlined in planning guidance or where compensation planting is used as part of the balancing exercise to approve development, again contrary to planning guidance and standing advice.

9. These suggest that it is not wholescale reform that is needed, but investment in resources – the skills and capacity within local authorities to implement the planning system, and clear guidance that sets strong minimum standards for the protection and creation of woods and trees. A Woodland Trust survey of planners found that 70% had not used standing advice, so simply making this guidance accessible is also an important step.[i] This should be matched with training and upskilling, so that local authority personnel across different areas are able to apply policy and guidance.

10. Alongside the RTPI, the Woodland Trust has developed a training module for planners on ancient woodland in the planning system.[ii] We also have a bespoke manual for ancient woodland and veteran trees.[iii] These, and other resources can play an important role in helping determine applications that impact ancient woods and ancient and veteran trees.

Are the government's proposals the right approach?

11. We support many of the objectives of the White Paper. Improving trust in the system, increasing public engagement, making use of digital technology, and ensuring well designed development are all important. However, the mood music from Government has, at times, been unhelpful on this - and has exacerbated concerns about the direction of travel into which the proposed planning changes fit. The proposed changes fall short of delivering on the government's objectives of leaving the natural environment in a better state, and on a number of other commitments made by government to protect and create woods and trees.

12. The concept of categorising land is not completely new to the English system. The system already designates habitats and landscapes for protection, allocates sites for new development and encourages the reuse of suitable brownfield land. However, the proposed changes oversimplify this, blurring important distinctions and removing key checks and balances in the process. This brings significant risks to the natural environment.

13. The White Paper misses a number of opportunities to better connect the planning system with the 25 Year Environment Plan and emerging England Tree Strategy to deliver protection and creation of woods and trees.

14. Our main, specific concerns with the proposed changes to the planning system are:

    a. The quest for speed and simplicity must not come at the expense of irreplaceable habitats, the quality of new development nor the integrity of the planning system overall. The details in planning are important to achieve a range of positive outcomes that deliver environmental, social and economic benefits together, not just trading them off against each other. The proposed approach looks set to remove local policy details and checks in the system that ensures development is done in a way that delivers sustainable development.

    b. Ancient woodland and ancient and veteran trees (alongside other irreplaceable habitats) appear to have been forgotten in the proposed reforms, thereby undermining the increased protection offered by the 2018 revisions to the NPPF. The White Paper misses the opportunity to clarify or strengthen protection of these vital habitats.

    c. At the same time, undesignated and unidentified woods and trees (including ancient and veterans) could be placed under increased threat from development, particularly when found within a Growth or Renewal area. It is unclear how the proposals will support the measurement and delivery of biodiversity net gain, which should strengthen policy for the retention of existing trees, hedgerows, woods and other green infrastructure.

    d. We welcome commitments to ensuring all new developments have tree-lined streets. However, there is a risk that the proposed changes will hinder ambition and prevent efforts to increase tree canopy cover in development as local policies reflecting local opportunities are lost.

    e. We also welcome the commitment to improved environmental data. However, the shift in emphasis away from site-specific assessments will mean fewer decisions are underpinned by high quality local data, placing important woods and trees at risk.

f. Local communities must have a say in decisions that impact their local woods and trees. The proposals look to reduce this in plan-making and remove this in some decisions, undermining a fundamental principle of a successful planning system.

Q2: In seeking to build 300,000 homes a year, is the greatest obstacle the planning system or the subsequent build-out of properties with permission?

15. Blaming one more than the other is not necessarily a fair indication of how to ensure that we are able to build the homes we need in a way that protects and enhances the natural environment.

16. As discussed in our response to Q1, in our view it is not the planning system itself, but the implementation of it, that is leading to poor outcomes on the ground. Any planning system must have the skills, expertise, data and capacity to implement policy. Planning for development is complex, and needs to bring together knowledge from tree officers, ecologists, data specialists, environmental planners and community engagement experts.

17. Deregulating the planning system is not the answer: planning rules are there to ensure we can deliver sustainable development and must not be rolled back through future changes to the planning system.

Q3: How can the planning system ensure that buildings are beautiful and fit for purpose?

18. If the term beauty is to be taken forward into the planning system, it is essential that it is defined in its broadest sense. At present, much of the focus on beauty has been about aesthetics, but it must also include placemaking and nature.

19. Trees play an important role in what makes a place beautiful. Therefore, the planning system should seek to retain and protect existing trees, and support planting and establishment of trees and woods.

20. The Woodland Trust's Emergency Tree Plan offers a recommendation for all new development to have a target of 30% canopy cover.[iv] This can work alongside the government's commitment for new developments to have tree-lined streets. This delivers more beautiful development and supports wider aims on the mitigation and adaptation to climate change, nature's recovery, improvements to our own mental and physical health and addressing inequalities in access to green space.

Q5: What is the best approach to ensure public engagement in the planning system? What role should modern technology and data play in this?

21. Communities must have a say in decision that impact their local woods and trees. This means engaging them both in the local plan process **and** when it gets to the detail of a planning application.

22. All too often the Trust hears about cases that will result in the loss of woods or trees unnecessarily. The 2020 Tree of the Year competition saw the Happy Man Tree, a 150 year old

plane tree in Hackney, crowned in England. However, this tree is due to be felled to make way for development. The developer, Berkeley Homes has admitted that the tree could have been retained if plans were amended earlier in the process.

23. The proposed reforms could make this situation even more common. This is also at odds with the direction of travel in the Environment Bill which includes clauses requiring local authorities to consult with communities before commencing street tree felling programmes.

24. The planning system must be informed and supported by good data. At present, many environmental data sets are incomplete or not up to date. The Trust would like to highlight 3 key resources in protecting important woods and trees.

25. Firstly, **the Ancient Woodland Inventory (AWI)** is an incomplete dataset, despite being the main resource for planners to locate and protect this habitat. Ancient woodlands below 2 hectares in size are unrecorded in many areas and some larger woodlands were also missed in the original surveys. Additionally, many areas of ancient wood pasture and parkland have not been included in past iterations of the AWI as their low tree density meant that they didn't register as woodland on historical maps. The Woodland Trust is working with Natural England and local partners to update the Ancient Woodland Inventory (AWI). However, given resourcing constraints in local authorities this is likely to prove a challenge to finish without further investment from national government and a clear steer to ensure it is prioritised within councils. With a need to check records on the ground, this project has seen some delays and even where work is underway, it is expected to take 2 years to complete. If the Government wants to see local plans adopted across the country prior to the next general election, it is highly unlikely that the data will be in place to support this work effectively.

26. Another important resource is the **Ancient Tree Inventory (ATI),** which the Woodland Trust hosts. The ATI has 123,000 trees recorded, but we know this is not a complete record. The Trust currently relies on citizen science, with members of the public submitting details of potentially ancient or veteran trees before it is verified by trained volunteers. While online methods, such as GIS, can do some of this work, the distribution of ancient and veteran trees is diverse, existing in both concentrated populations and as scattered individual trees in all land-use settings so ground-truthing new records is important to ensure trees are accurately recorded.

27. Thirdly, trees identified by councils as having high amenity value via the Tree Preservation Order (TPO) process, are not consistently recorded. This means that it is difficult to monitor, enforce and engage with TPOs in local plans and decisions.

28. Improved data sets alone, however, will not be an effective substitute to engagement, consultation and scrutiny of individual proposals. Many valued trees will not have been identified and recorded, with site specific surveys and community engagement essential to ensure unidentified assets are not placed at an increased risk.

29. There is also a need to ensure local authorities have access to the expertise and capacity to ensure that data is accurate, up to date and published in accordance with FAIR principles (Findable, Accessible, Interoperable, and Reusable), and used to inform decisions.

Q6: How can the planning system ensure adequate and reasonable protection for areas and buildings of environmental, historical, and architectural importance?

30. The planning system must work alongside other government commitments to deliver high quality new development and deliver net zero and the 25 Year Environment Plan.

31. Any changes to the planning system must not roll back on any existing protections of important habitats: there must be no regression.

32. Loss or damage to irreplaceable habitats cannot be fully compensated, therefore it is essential that the planning system supports no further loss of ancient woods and ancient and veteran trees.

33. The planning **system should introduce a 'no-go', or Highly Protected area**, which is clear mapped as part of local planning documents. This area must include a minimum 50m buffer zone to ensure indirect effects of development are minimised. This should be supported by a tighter definition of nationally significant infrastructure projects to ensure the NPPF policy on wholly exceptional circumstances is not abused.

34. It should also ensure non-designated habitats, such as priority woodland, community woodlands, hedgerows and street trees for example, are protected in the planning system, with stronger emphasis on use of the mitigation hierarchy, and the greatest emphasis on avoiding and minimising harm, to ensure existing woods and trees are protected, wherever they are found. The need for, and benefits of, development in a particular location would need to clearly outweigh the loss of such habitats.

35. In order to deliver this, the planning system must be underpinned by high quality environmental data.

36. At the same time, better mapping of habitats should not be a substitute for site specific environmental assessments, as many valued assets have not been identified.

37. Ensure meaningful consultation on planning applications is not lost, with council scrutiny and opportunities to challenge decisions for large and controversial development retained. Communities are often the last line of defence for important trees and have detailed knowledge of their local area, and this, alongside the fundamental principles of democratic accountability and public participation in decisions, means this is important.

38. New development delivers increased canopy cover, including through tree lined streets. This must deliver a minimum 30% tree canopy cover and be of high quality, including a focus on native trees, trees sourced and grown in the UK and Ireland (UKISG) and a clear maintenance plan so that the trees can thrive in the long run.

Q7: What changes, if any, are needed to the green belt?

39. Green Belts provide an important space for nature and people: a high proportion (19%) of all England's deciduous woodland is located in Green Belts and 35% of Woodland Trust land is also located in the Green Belt.[v]

40. There is now a wealth of evidence on the many benefits of accessible woodland and high canopy cover, including improving: physical and mental health; air quality; water quality; water management (reducing flooding); shading; cooling through evapotranspiration; carbon sequestration; soil retention; as well as the more obvious benefit of improving biodiversity. [vi]

41. We should plan positively for the Green Belt, to deliver a greener resource that is benefit to people and nature alike. Opportunities could be identified in local tree and woodland strategies and local nature recovery strategies for better use of the Green Belt to provide space for tree planting, restoration, natural regeneration as well as, of course, protection.

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[i] *Woodland Trust Ancient Woodland and Standing Advice Survey to Planners* (Woodland Trust, 2016) found online at https://www.rtpi.org.uk/media/6214/9319-planners-survey-overview-a4-2_sider4_14424.pdf

[ii] *Planning to protect ancient woods and trees* (RTPI and Woodland Trust) https://www.rtpi.org.uk/events-training-and-awards/rtpi-training/rtpi-learn/bitesized-modules/planning-to-protect-ancient-woodlands-and-trees/

[iii] *Planners' Manual for Ancient Woodland and Veteran Trees, Second Edition* (Woodland Trust 2019) https://www.woodlandtrust.org.uk/publications/2019/06/planners-manual-for-ancient-woodland/

[iv] *Emergency Tree Plan for the UK (Woodland Trust, 2020)* https://www.woodlandtrust.org.uk/publications/2020/01/emergency-tree-plan/

[v] *Green Belt: Worth investing in* (CPRE,2016) https://www.cpre.org.uk/wp-content/uploads/2019/11/Our_Green_Belt_-_worth_investing_in.pdf

[vi] See the references in *Residential Development and Trees* (Woodland Trust, 2019): www.woodlandtrust.org.uk/publications/2019/01/residential-developments-and-trees/
Also *The Economic Benefits of Woodland* (Europe Economics, 2015): www.woodlandtrust.org.uk/publications/2017/01/the-economic-benefits-of-woodland/