

UK Parliament EFRA Committee Inquiry: Tree Planting and Woodlands 2020

The Ancient Tree Forum's Submission

The Ancient Tree Forum (ATF) is the leading authority on the conservation of ancient and veteran trees and our international and UK expertise, knowledge and understanding of the threats and challenges relating to their sustainable management is unparalleled.

The Forum seeks to secure the long-term future of ancient trees and the habitats in which they are found, especially wood-pasture and parkland. We advocate no further avoidable loss, good management, a succession of future ancient trees and raising awareness and understanding of their international value and importance.

The ATF is a member of the Wood-Pasture and Parkland Network and we endorse their evidence to this EFRA enquiry. Ancient trees are found in open, ancient, pastoral grazed landscapes because ancient trees are, from establishment, open-grown. Such high value trees are found in priority habitats, which are primarily wood-pasture and parkland, but also traditional orchards, hedgerows and riparian habitats. Associated with all of these are very rare species of fungi, invertebrates, lichens and other epiphytes and cavity nesting/roosting birds, bats and other animals.

Old trees have sequestered and continue to sequester carbon all their long lives and the pastures in which they are found have soils with the highest levels of stored carbon. Furthermore, they are extremely valuable for heritage and culture (e.g. Historic Parks and Gardens), as well as economically for local and international tourism (e.g. Blenheim Palace, Richmond Park, Chatsworth, Sherwood Forest). The Forum notes that in September 2020, the Prime Minister committed to ensuring that *'across the whole of government, policies, decisions and investments account for the value of nature and biodiversity, promote biodiversity conservation, restoration, sustainable use and the access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation.'* We interpret that as guaranteeing that ancient and other veteran trees and their associated species must therefore be taken properly into account in all aspects of government activity but especially a Tree Strategy.

Summary

The Call for Evidence should embrace both the climate and biodiversity crises

The Government has pledged (UN Summit, Leaders' Pledge for Nature, 2020) to address both the climate and nature crises, which needs to be done without undue focus on the former to the detriment of the latter. To redress any imbalance, it is

important that the EFRA committee has evidence from all sectors that have interests in policy for/around trees in all contexts. Fundamentally, tree planting cannot contribute significantly to the short term (2030) and zero net carbon (2050) targets. Only serious carbon emission reductions can achieve this. Furthermore, ill-considered planting will release carbon from important soil stores, exacerbating the carbon problem and will damage important biodiversity.

Value, protect and establish trees outside woodlands and lone trees

The ATF is in favour of open-grown tree establishment and wood-pasture habitat expansion. As a priority, in fulfilling the commitment to establish more trees, it is vitally important to protect, buffer and extend existing good quality priority wood-pasture and parkland habitat and restore it so that it is more sustainable and resilient for the future. This habitat can contribute significantly to addressing both climate and biodiversity crises. These trees and habitats should be fully embraced in all aspects of developing strategy and targets based on awareness and detailed understanding of their distribution (mapping), status and value. Such trees and habitats have been almost completely overlooked and this is another lost opportunity to address the crisis facing ancient and other veteran trees, their priority habitats and associated rare species.

International value of diverse British treescapes

In this evidence, we make the case again for more effective protection of and funding for care, restoration and establishment of ancient and veteran trees, parkland and wood-pasture. These are of international value - see Wood-Pasture and Parkland Network (WPPN) submission. They are recognised in planning policy as irreplaceable habitat in the [National Planning Policy Framework](#) and should also be fully recognised and prioritised accordingly in any policies associated with the England Tree Strategy and other policies/strategies.

Cross-departmental champion for all trees and treescapes.

The ATF considers that the government needs to address cross departmental working with regard to trees and treed habitats. Legislation, policies, guidance, strategies and funding in relation to trees and the contexts in which they are found are spread across many departments but the departments appear to us to work in isolation and in a piecemeal way. To ensure policies, legislation, advice and funding operate in a more integrated way to deliver the range of environmental, public and business benefits that trees provide, in our view, there should be a **government-wide, lead specialist tree team** that thinks strategically, co-ordinates and advises on tree issues and liaises effectively also with Agencies, local government and relevant NGOs.

Investment in knowledgeable and experienced staff, training and advice and information

In relation to valuing, protecting, managing and establishing trees outside plantations, open-grown trees and wood-pasture and parkland, there is a dearth of understanding, expertise and guidance for regulators, advisors and land-managers.

Not just plantation forestry

There is a clear bias to plantation forestry evident in the use of language with minor references to other tree contexts despite acknowledging in Q5 that other priorities exist and in Q6 that protection and funding of existing trees and wooded habitats is an issue. As with previous consultations, the restricted scope of the questions and issues raised requires that we have included explanations/evidence beyond the questions asked.

Community influence

Significant public funds will be transferred from agencies directly to landowners according to funding scheme criteria. Apart from general consultation on the schemes, when they are being developed by the Government, there is no mechanism for community involvement in decision making at the individual contract level. Yet these planting schemes could have a profound impact on the wider community or in some cases, more locally. There must be some mechanism for local communities to influence what could potentially be very significant changes in their environment.

A wider perspective

The EFRA questions have been too narrowly framed. We would draw your attention to the detailed replies that we have provided in the recent ELMS, England Tree Strategy (ETS), Environment Bill and the Planning White Paper (PWP) consultations which are relevant to the subject of this Inquiry.. The questions do not address all the issues relating to all types of tree establishment in the right place. The Forum is extremely concerned that the limited scope and targets of the government's tree planting and woodland proposals appear to be solely focussed on plantation forestry and urban trees. In this response below, we have addressed these issues in relation to all trees i.e. lone trees, other trees outside woodlands, different woodland types, carbon sequestration and storage, biodiversity, culture and heritage.

Question 1) Are the UK Government's targets for increasing forestry coverage, and tree planting, for England and the UK sufficiently ambitious and realistic?

Terminology - definition and clarity is essential

The term 'forestry' has not been defined. Generally, and within this enquiry, the term appears to have a very narrow meaning of plantation forestry¹ The term forest is used interchangeably with woodland and neither represent the diversity of treed landscapes that this enquiry should be addressing. Most people would understand forestry or woodland to be closed canopy plantation/high forest or coppice

¹ *"Plantations exhibit the great paradox: we strive with ingenuity to intensify production for our needs, while we seek to restore a natural world so that we can live in it."* Dargaval (2020) 'Are Plantations the answer' in "Restoring forests in times of contagion" Papers to celebrate John Evelyn on the occasion of his 400th birthday.

with/without standards, and in our view this is too narrow and does not include all types of tree cover, especially those with open-grown trees.

No loss of carbon storage

The priority must be not to release carbon significantly through land-use change or forestry management practice i.e. the carbon generated and released during harvesting, conversion and restocking of multiple rotations. The policy has an underlying assumption that forestry/plantation tree planting only can deliver carbon capture effectively. Whereas, there is wide ranging evidence that carbon is sequestered better and stored for longer in open, pastoral (wood-pasture and parkland) habitats with long-lived, open-grown trees which are also the most diverse treed habitats for biodiversity and landscapes of beauty and leisure. Such habitats should be protected, not negatively impacted by inappropriate planting and should instead be actively promoted as part of the policy and included in targets, because they provide carbon capture and multiple other benefits, especially biodiversity.

The ATF's overriding concern is that quick-fix tree planting and forestry plantations will damage soil carbon stores which are unlikely to recover in under 30 years (Friggens et al 2020). This will entirely undermine one of the key drivers of the targets by directing important resources to outcomes that will damage short and long-term carbon sequestration. At the same time, such planting schemes will not significantly benefit biodiversity or landscape quality, especially that associated with ancient and other veteran trees and their particular habitats i.e. wood-pasture, parkland and hedgerows and will instead cause them damage and deterioration.

Lone tree and wood-pasture and parkland contribution to carbon and biodiversity

Open grown trees need space to develop full canopies and distance between them, to ensure the best outcome for vulnerable biodiversity. There are 20 times as many leaves on a lone, open-grown, mature oak tree as one of plantation form, which translates into equivalent flowers, pollen and seed (Kaetzel et al, 2013). The crown faces different directions creating subtle niches for different wildlife. The large, lower limbs are a specialist habitat in their own right. The full value of lone trees, especially mature and older trees, is largely overlooked and is important for carbon sequestration as the rate of tree carbon accumulation increases continuously with size (Stephenson et al., 2014).

Wood-pasture is a silvo-pastoral system and is predicted to achieve a higher level of carbon storage than equivalent areas of separate woodland and pasture (Upson et al 2016). Natural colonisation is preferred in wood-pastures and has been found to capture more carbon more quickly and securely than tree plantations, besides being better for biodiversity (Cook-Patton, 2020).

Diversity of tree cover and targets

Outcomes and targets should encompass the wide range of landscapes with a diversity of tree density and more natural processes of generation i.e. lone trees, trees in hedgerows, wood-pastures, parkland, rewilding as well as closed-canopy woodland. Ancient and other veteran trees are an essential part of these landscapes and are mostly found outside woodlands.

Quality not numbers

Targets should be based on quality/benefit outcomes, not by numbers (numbers of trees or numbers of hectares), to tackle climate change and biodiversity loss in 'an integrated and coherent way' (Leaders' Pledge for Nature 27 09 20). Current grant aid of forestry plantation/woodland creation at high densities of planting is of very limited value for biodiversity beyond establishment phase. Plantation/standard woodland creation is perhaps the most simplistic tool to achieve targets and although promoted on biodiversity grounds, it misleads the general public. Equally 'natural regeneration' or abandonment, through grant aid, which also results in closed canopy woodland requires the same numbers of trees per ha as plantation forestry, and although less intensive in terms of initial establishment, it delivers just as poorly in terms of biodiversity. To achieve quality i.e. diversity of tree establishment and density/cover, a wider range of grant aid structures and revised standards (UKFS) are needed along with much more supporting expertise and land-manager guidance.

Realistic targets

The absence of adequate site data on existing biodiversity values of land; time pressures, insufficient UK produced planting stock; and poor choices of tree establishment in the wrong locations, will all very likely result in failure to achieve targets for carbon storage, sequestration or biodiversity (as has happened in the past). Priority should be given to wood-pasture sites where more naturalistic regeneration can proceed and get established, especially while gaps in data are filled and time allowed for producing UK planting material, in particular, for biosecurity reasons.

Connectivity not density targets

Connectivity i.e. de-fragmentation of habitats should drive decision making and biodiversity outcomes (see Buntgen et al 2019). The application of Lawton Principles to restore, buffer and extend aggregations of lone trees whether in small groups, hedgerows or extended wood-pasture sites should be guiding policy and be a priority.

Local Nature Recovery Plan Targets

These must include appropriate targets which prioritise wood-pasture and parkland and open grown trees. The ATF would support more ambitious and realistic targets where they relate to protection, restoration and creation of wood-pasture and parkland, other treed priority habitats, agroforestry/silvo-pastoral systems and open-grown trees outside woods.

More good quality, open space for recreation

The COVID-19 lockdowns have demonstrated the need for more open space, especially in urban areas. Generally, the lack of attractive, accessible areas close to population centres has contributed to over-use and damage of statutorily protected

sites by recreational pressure. The attractiveness of such sites is their open nature with a diversity of tree cover and large, open-grown trees rich in biodiversity.

Stratified funding

Targets, guidance and funding mechanisms must maximise benefits for biodiversity as well as carbon storage, and where possible for heritage and culture as well. A strong appraisal system is necessary that favours diversity and **right tree, right place, right space, right reason**, and not just a one-size numbers game that benefits landowners with the largest schemes.

Question 2) Are the right structures in place to ensure that the UK wide target for increasing forestry coverage is delivered?

No

Safeguards are inadequate

We are very concerned that the safeguards and protection, which the Government says are in place to ensure land valued for other reasons is not planted with plantation forests or other types of tree cover, are demonstrably not adequate e.g. Berrier Farm. This is critical to achieve the best outcomes for the right tree, right place, right space. See Q6 for more detail.

Wrong tree, wrong place, wrong space

Outside the forestry sector and FC grant-controlled schemes, many well-intentioned people and organisations are planting in places which do not adequately take into account the negative impacts on existing trees and priority habitats. Also, opportunities are being lost to restore diversity of treescapes including establishing lone trees.

A strategic tree team at the heart of government is crucial

Cross departmental working with regard to trees and treed habitats is essential to avoid policies and actions which work against each other or do not support each other. Aspects of legislation, policies, guidance, strategies and funding in relation to trees and the contexts in which they are found, are scattered across many departments including Defra, for environment (e.g. flood relief), agriculture (e.g. agroforestry, hedgerows), Natural England (biodiversity), Forestry Commission (forestry/tree health); MHCLG (Local Planning Authorities - including tree protection, Tree Preservation Orders and Conservation Areas, Local Tree Strategies, Local Nature Recovery Strategies); DCMS - heritage (e.g. Historic England - Historic Parks and Gardens). It results in piecemeal decision-making. In our view, to enable a co-ordinated or joined-up approach, there should be a specialist tree team which advises on and ensures integration of tree policy and issues across government and liaises effectively also with Agencies, local government and relevant NGOs.

Comprehensive environmental mapping

The safeguards are simply not in place to ensure that suitable locations are chosen for the right type of planting (i.e. that trees are not planted in the wrong places as has happened in the past and more recently). Government has to commit to improve environmental mapping so that negative biodiversity impacts can be better avoided in the first instance. This information is also needed to avoid damage and loss from development and to calculate Biodiversity Net Gain, The government should ensure that the focus of resources is on identifying priority habitat using all available sources of direct and indirect data (see specific requirements below).

Incomplete GIS mapping gives false reassurance and demarcates areas as low risk for tree planting and development if not recognised for any valuable features (due to lack of survey) or as statutory sites. Where there is insufficient data, areas should be categorised as “unknown” and safeguarded until a comprehensive survey has been carried out, before decisions are taken.

National Habitat Map (as required by the Environment Bill) should inform strategic targeting of the 500,000 ha of priority habitat, including trees, scrub, woodland and other habitats, that will form a Nature Recovery Network, plus measures in the wider countryside to secure nature’s recovery. Wood-pasture and parkland should, in our view, comprise a significant proportion of this target (see Wood-Pasture & Parkland Network response).

Currently, land availability for tree planting is too often allocated by a range of organisations based on crude assessments purely on the land grade or to avoid highly protected sites. This approach completely ignores designated/undesignated but unprotected historic parks and gardens, mapped/unmapped priority habitats and other irreplaceable habitats such as ancient and other veteran trees, cultural and heritage landscapes. Furthermore, this simplistic approach does not take into account the space/land needed around existing open grown trees and non-woodland priority habitats so that they continue to provide their benefits. Edge habitats should not be overshadowed by tree planting either in extending or restoring (Lawton principles - restoration, buffering and extending).

It is vital that tree planting is not allowed to “infill” between ancient and old growth trees and the open habitats of existing wood-pasture and parkland sites. Infill is often an easy option for a landowner as it does not require change to the arable or other land in the estate.

Specific needs to improve environmental mapping

This needs to be comprehensive and up to date.

1. Revision of the Ancient Woodland Inventory (to include wood-pasture and parkland)
2. Investment in refining and adding data to the Woodland Trust’s Ancient Tree Inventory to build a more comprehensive and robust database to identify habitats and opportunities/candidates for restoration and extension. This would involve increasing engagement with volunteers and developing expertise to encourage robustness of the data.
3. The biggest areas of data deficiency are on privately owned land and therefore in order to qualify for public funding there must be a prior survey and relevant data added to public databases.

4. Soil carbon mapping to ensure that land-use change does not deplete soil carbon stores.

Right people, right skills

The Government should develop across the land-use sector an integrated “comprehensive resources, skills and training strategy”. People with the right knowledge and expertise are necessary to achieve good decision-making to ensure appropriate trees are planted/established in the right density and location and for the right reason. Making the right decisions, which will have such long-term implications on land use, biodiversity and landscape, requires a wider input of skills than forestry alone. Included in decision making must be staff with the right range of expertise in Natural England, Forestry Commission, Historic England, Environment Agency as well as arboriculturists, tree ecologists and landscape heritage specialists who understand all the values of trees, treed habitats and historic landscapes.

Decision-makers will need to educate and lead land-managers and consult fully with appropriate NGOs and local communities to achieve the right solutions for the specific situation and on-going management. Availability of a range of funding should be in place to stimulate a diversity of initiatives across land-use sectors, the public and business, but should not drive the decision-making process.

Right regulatory structures, right guidance

The regulatory structures and guidance necessary to improve and control future management need to be updated so that schemes achieve their objective and are compliant with grant conditions. Such measures would include revision of the UK Forestry Standard to encompass a greater diversity of tree establishment and management (see Q6). To implement this effectively requires skilled and knowledgeable staff.

Develop training and guidance materials

There is currently a deficiency in the breadth of understanding and promotion of wood-pasture and parkland, ancient and other veteran trees and open grown trees within the statutory conservation and forestry bodies which needs to be addressed. We would be happy to work with the appropriate organisations to develop training and materials to address these gaps.

Review Carbon code and UKFS

The UK Carbon Code and UKFS need to be reviewed and refined to ensure the latest scientific evidence, in what is a rapidly developing field of research, is reflected in assessments of the carbon sequestration value/potential of schemes. The evidence appears to be very one-sided and only tree planting for plantations in accordance with the current UKFS counts toward any future emissions reduction targets or regulatory requirements. ATF **strongly objects** to this as it gives no

recognition or incentive to do other, much more multi-benefit, types of tree establishment.

Biodiversity net gain and natural regeneration

Tree establishment/planting proposals should be able to demonstrate net biodiversity gain for that specific site i.e. the loss of biodiversity from the change of use should be outweighed by new habitat creation. Proposals should also justify why natural regeneration/colonisation, or a mixture of natural regeneration and planting, cannot be the preferred option on the chosen site. A wood-pasture and parkland metric is necessary to measure net gain calculations and to encourage developer contributions towards this habitat as well as other options.

Requirement for multiple objective, cost benefit analysis

Before committing all funding and resources to a one-size-fits-all solution, other options should be fully explored. Full cost benefit analysis of schemes is required and, in the short term, regenerative agriculture and pastoral systems that focus on soil health are the priority. More evidence is needed, and consultation regarding the full cost-benefit of carbon sequestration outcomes compared with biodiversity. Even systems with slightly lower sequestration values may provide much better biodiversity outcomes, and a discussion needs to be undertaken about which solutions best fit different circumstances.

Sliding scale for funding

Large-scale afforestation is possible on large landowner estates. There should be a sliding or stratified scale of support that demonstrates greater public good from outcomes as funding increases.

Question 3) How effective is the co-ordination between the four nations on forestry issues, including biosecurity, plant health and other cross-border issues?

The climate and biodiversity crises know no borders

It is essential that the country nations comprising the UK work together as effectively as possible to address them. Ancient and other veteran trees and priority habitats such as wood-pasture are less well understood, documented, protected and appreciated in Scotland, Wales and NI. An overarching body to lead, educate and be consulted, such as the Joint Nature Conservation Committee, could more effectively understand the combined UK wide values of such trees and habitats and ensure their international values are understood, properly recognised and protected.

Biosecurity must be strengthened

Tree biosecurity depends on a capacity to prevent the introduction, inter-UK translocation, establishment and control of alien pests and pathogens which could harm trees, especially ancient and other veteran trees, which sustain priority wildlife habitat-types such as wood-pasture. With regard to biosecurity, there is serious

cause for concern that all trees could be greatly harmed if a major planting programme leads to the importation or establishment of alien pests.

There are fundamental weaknesses in the plant passport system and in plant health inspections which are failing to protect our trees even from well-documented major pests, let alone pests whose existence is not yet known. There is a need to strengthen plant health regulations. It is unclear how this issue will be addressed post Brexit between Eire and Northern Ireland.

The British Isles are to some extent protected from alien pests and pathogens that cannot readily disperse by natural means across the Channel. We therefore have even more reason to strengthen measures to guard against accidental introduction of these harmful organisms through international trade.

Divergence has consequences

The divergence of legislation, policy, guidance, control and the regulatory mechanisms following devolution is a real challenge to all organisations and businesses that work across borders e.g. small NGOs, with great expertise but little capacity, finding it ever more onerous to keep up to date and influence positive change.

Question 4) Why were previous ambitions for increasing tree planting in England not met and what lessons should be learned?

Factors at play have been partly covered in our responses to questions 1 and 2.

Lessons to achieve both climate and biodiversity outcomes

1. There is insufficient diversity in the offer to appeal to land-managers who operate in a variety of situations and with different aspirations.
2. The one size fits all has been promoted widely by funding schemes and NGOs but there has been virtually no promotion of other choices which may give greater returns in terms of public good such as integration of trees within farming systems in hedges or silvo-pastoral systems.
3. There has been virtually no encouragement for natural colonisation.
4. Many large landowners that do not rely on agricultural or forestry returns would prefer to see better and more immediate outcomes from wildlife i.e. rewilding, rather than just timber which is a long-term crop.
5. Needed a much better diversification of the markets for traded goods that provide a long-term income for the land-manager.
6. Creation of wood-pasture and parkland in pastoral landscapes where livestock is already present, provides a win-win solution as it allows utilisation of farming skills alongside trees or shrubs which can add value to the business as well as benefit biodiversity.
7. Rewilding with large herbivores also allows the same opportunity to utilise stockmanship skills while also increasing tree cover for biodiversity and landscape beauty.
8. Stimulating large scale planting has to be very carefully managed so as to avoid negative impacts and unintended consequences (wrong trees, wrong

place, poor access for harvesting, poor growth, long term failures due to impacts of climate change, pests and diseases, visual impacts in high value landscapes e.g. National Parks and AONBs.)

9. Small woods are uncommercial and therefore usually only planted on unprofitable areas and generally abandoned which is likely to be a poor return for biodiversity.
10. Small planting patches, if planted too close to adjacent quality habitat, will have negative impacts and therefore negative impacts on biodiversity.
11. It is essential to understand the financial constraints of the enterprise as well as the lack of skills to make major land management changes. Therefore wood-pasture where the product is still largely agricultural should be more understandable and attractive.
12. If other schemes offer easier returns e.g. solar farms or energy crops (e.g. rapeseed or maize) with less permanent change of use, these will be chosen in preference but will only give carbon benefits and not the other multiple benefits, especially biodiversity.
13. A need to create markets in non-traded goods other than just carbon and for existing habitats (other ecosystem services) as well as new habitat creation.

Question 5) In relation to increasing forestry coverage in England, what should the Government be trying to achieve? For example, how should the following policy objectives be prioritised?

- **Mitigating or adapting to climate change;**
- **Promoting biodiversity and nature recovery;**
- **Increasing biosecurity and plant health;**
- **Improving human well-being and health;**
- **Protecting natural and cultural heritage;**
- **Food security;**
- **Creating commercial opportunities from forestry, tourism and recreation; and**
- **Any other priorities?**

Multiple priorities should be maximised where possible

The Government needs to address both the climate and nature crises, without undue focus on the former to the detriment of the latter, as the highest priorities. However, many of the other priorities will benefit if tree establishment is implemented appropriately and not just along commercial forestry lines.

A priority to protect what is present already

A primary priority for carbon storage and sequestration and biodiversity should be to protect large open-grown, long-lived trees, wood-pasture and parkland, hedgerows, orchards and soils which are already delivering significantly for both priorities, and prevent their deterioration and provide for their continuity into the future.

Public money should be for public good

Such money should be used sparingly in terms of creating commercial opportunities for private businesses where profits or benefits are not returned to the taxpayer. The lessons should be learnt from the unintended consequences of CAP payments which incentivised industrial farming at the expense of the environment. The farmers and small woodland owners providing the best biodiversity outcomes have received the least support.

Government may have a justifiable role to support some types of production from treed landscapes, especially where it results in public benefits/goods or stimulates markets in non-tradable goods (ecosystem services).

Government should stimulate varied tree establishment to achieve different priorities in different places. Different priorities would be delivered more effectively in some places than others e.g. biodiversity, nature recovery, carbon storage and sequestration, soil recovery, heritage. There will be well-being and tourism benefits from buffering and restoring wood-pastures and parklands as well as creating new wood-pastures in the right places – as they are known to be attractive places to visit. Sustaining special wood-pasture and parkland landscapes requires a low density of trees and scrub to be maintained via decades-long programmes of establishment and suitable grazing.

In increasing tree coverage, it should also be a priority that schemes enhance or create landscapes with multiple amenity values including beauty. Unfortunately, large scale and dense commercial tree planting, especially conifers, does not contribute in this way and often detracts from these priorities.

Natural colonisation reduces biosecurity risks

Risks from local seed sources are much less than from seed/trees sourced from abroad, and there are added benefits from establishment through natural processes as it reduces carbon footprint created by planting. Natural colonisation is an immediately available option not dependent on home-grown nursery production. The genetics of new tree stock is as important as it being biosecure. For continuity of ancient trees, utilising local seed sources ensures a genetic base suited to their environment and characteristics for longevity. Native tree species have sufficient genetic plasticity to adapt to changing climate conditions if they can self-select where they will grow best.

Wilding should be a priority

Wilding provides multiple benefits in terms of biodiversity and carbon sequestration.

Health, well-being and biodiversity will benefit from landscape diversity

Creating a diverse treed landscape of high biodiversity value and amenity, especially wood-pasture and parkland, will add to those places that the public appreciate and like to visit most, and will provide multiple mental and physical health benefits. A further benefit for biodiversity is that they will relieve unsustainable pressures on existing sites.

Other priorities include flood mitigation and soil conservation

Open-grown, long-lived trees, riparian and hedgerow trees, wood-pasture and

parkland can also play an important role in flood mitigation, soil conservation and regeneration and should therefore be included as priorities in considering locations, diversity and style of planting.

Research is necessary

There is too little research into the contribution for carbon sequestration from open-grown and less densely planted trees, because there is no obvious commercial interest. However, there is evidence that in wood-pasture, carbon sequestration and storage is higher from soil and vegetation than in either pasture or plantation alone, but there are also much larger biodiversity benefits.

Question 6) Are the right policies and funding in place to appropriately protect and manage existing woodlands in England? How will prospective changes to policy and legislation effect this?

As with the previous questions, the scope of the question is too narrow, referring only to 'woodlands' and that term is undefined. Therefore, our answers address all types of treed priority habitats i.e. those of principal conservation value and valuable trees. Such exceptional treed habitats include ancient and other veteran trees, wood-pasture and parkland but also traditional orchards, hedgerows and riparian habitats. Other valuable trees are champions of native or long-established species, rare trees and those that have special historic or cultural interest.

Legislation, policies and guidance to protect

What are we trying to protect and fund?

In implementing any strategy to increase tree and woodland cover, planting or tree establishment should not cause loss or deterioration (initially or by their continued growth and/or management) of priority and designated treed habitats and woodlands and valuable individual trees or groups of trees (see response to Q2). Also, it is very important that tree retention in development is maximised, especially mature and older trees. "Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be wholly exceptional" (NPPF 2018).

It is the ATF's view therefore that **protecting** the most valuable trees and natural habitat that we have is the highest priority. As the UK, and England in particular, is almost unique in Europe for its internationally important ancient trees and ancient wood-pastures and parkland habitats, these should be the focus for good management, restoration and creation. An added consequence of their loss and damage is the release of substantial amounts of carbon contained in these large trees and from their soils which runs entirely counter to the aim of net reduction in CO₂ emissions.

Current protection mechanisms are failing

Existing legislation and policies for protection, which are split across many government departments and agencies (see Q2) are deficient, with serious gaps or loopholes. They are also insufficiently integrated to address the range of threats, not just those arising from inappropriate planting or tree and land management. This is exacerbated by a lack of resources to administer and enforce effectively across all bodies.

Ambitious measures are needed for protection and management

Staff (advisors and regulators), training, funding, better guidance and revised standards are urgently needed to prevent loss and deterioration of valuable trees and priority wood-pasture and parkland from all causes and to support land-managers to restore, buffer and expand them in the right place along Lawton (2010) principles. In doing so, there would be significant benefit for outcomes in addition to biodiversity, such as carbon sequestration and storage, quality of life for residents, attractiveness for tourists, restoration of beautiful heritage landscapes and help to reverse the loss or damage to the quintessential British landscape.

Unregulated pre-emptive felling and damage is a major issue

Whilst the specific risk of pre-emptive felling and habitat degradation to avoid providing Biodiversity Net Gain from development has been acknowledged in the England Tree Strategy consultation, the scope of the government commitment made to legislate to address this will not go far enough. The opportunity should be taken to make wide-ranging amendments to address serious risks from these and other activities we have identified.

ATF has proposed, in our response to the PWP and ETS, detailed changes to policy and legislation which we consider essential to achieve appropriate and effective protection for valued trees and habitats and to fulfill government commitments and pledges to promote biodiversity conservation. For this enquiry, the most relevant and urgent are outlined below.

Amendment to Felling Regulations and Forestry Act

The Forestry Act 1967, introduced to control timber supplies and prevent loss of woodland area, has wide operation, principally in rural areas, but only controls felling of growing trees above a certain volume and does not control direct or indirect damaging activities. Examples of such activities are listed in Forestry Commission and Natural England [Standing Advice](#), 'Ancient woodland, ancient trees and veteran trees: protecting them from development', and should be regulated.

Exemptions allow single or groups of trees below 5 cu m, important for biodiversity within or outside woodlands e.g. trees in hedgerows or on potential development sites, to be felled and without any prior notification. The zoning proposals in the PWP would exacerbate vulnerabilities of such trees to pre-emptive felling.

Too many important and valuable, irreplaceable trees are outside the existing scope of the Felling Licence legislation (or other protection mechanisms), and for those that do come within its scope, the penalties, including replacement provisions, are

insufficient to act as a deterrent. Replacement or compensatory planting should be based on an appropriate metric to restore lost values. Effective deterrence and enforcement are key to the conservation and sustainable future of irreplaceable trees and habitats.

We consider it essential to bring under Felling Licence control valuable trees, as defined above, but especially ancient and other irreplaceable veteran trees (including those that are dead), protected by policy in NPPF, to prevent their loss or deterioration.

Such controls would also help drive implementation of guidance in the UK Forestry Standard. This is considered necessary as the Woodland Natural Capital Account UK:2020 reported that 99% of woodlands are in unfavourable condition in relation to the retention of veteran trees, and 77% in relation to decaying wood habitat.

Amendments by regulation

In the short term, the risks to valuable trees could be significantly reduced by the following amendments to the regulations:

The 5 cu m exemption from the requirement for a felling licence should not apply to:

1. Valuable trees, but especially ancient and veteran trees or ancient woodland as identified in Forestry Commission/Natural England Standing Advice 'Ancient woodland, ancient and veteran trees: protecting them from development', or in priority wood-pasture as identified on MAGIC, designated historic parkland and other priority habitats e.g. traditional orchards and hedgerows.
2. Single, mature trees (or above threshold sizes) in priority wood-pasture as identified on MAGIC, designated historic parkland and other priority habitats e.g. traditional orchards and hedgerows, to safeguard mature trees that will provide the continuity of veteran and ancient trees in the future
3. Churchyards and traditional orchards should be removed from the list of places that are exempt from felling licence controls. Some of the UK's oldest trees, especially ancient yews which are of international importance, are in churchyards. Some churchyards are within Conservation Areas, but many are not and the church faculty system of control over tree felling has no effective sanctions. Traditional orchards are priority habitats containing ancient and veteran trees.

Amendments to the Forestry Act

The above measures would bring under control felling of valuable living trees, but valuable dead trees should be protected as well, as their habitats and other values remain and often persist for many decades and more. Felling is not the only cause of loss of trees. To effectively protect existing mature open-grown trees, valuable trees and woodland edge habitats (including their roots and soils) from damage leading to loss or deterioration will require legal protection and revised guidance. Both the legislation and the UK Forestry Standard (see below) should be extended in their scope to encompass 'buffer zones' for at least the trees and woodlands identified in Forestry Commission and Natural England Standing Advice 'Ancient woodland, ancient trees and veteran trees: protecting them from development'.

The recognition and requirements to protect buffer zones should also be consistently applied across policy areas e.g. planting and management.

The protection of buffer zones and valuable dead trees would require a change to the purpose of the 1967 Forestry Act, but it is evident that the imperative of the biodiversity crisis requires a fundamental review of this Act and other protections. Control of tree felling alone is not sufficient. More integrated, joined up, legal frameworks are needed that recognise the many values of trees and woodlands to society and respond effectively to the present risks to them. All legal structures must support policy that is consistent across government.

UK Forestry Standard (UKFS) regulation, standards and guidance - strengthened and broadened

Regulation – Protection

The controls identified above (in Amendment by regulation 1- relating to felling licence regulation and to the Forestry Act relating to dead trees) would also help effect/drive the implementation of guidance in UK Forestry Standard. This is considered necessary as the Woodland Natural Capital AccountsUK:2020 reported that 99% of woodlands are in unfavourable condition in relation to the retention of veteran trees, and 77% in relation to decaying wood habitat. The current minimal targets for deadwood and veteran trees should be doubled, the benefits promoted, incentivised or enforced if this rare habitat is to be sustained and increased.

Regulation-oversight and enforcement (see also Q2)

We cannot agree with the assertion in the consultation that UK Forestry Standard (UKFS) is self-regulating. It is not an auditable standard, and it comprises some legal requirements and some guidelines. It is only checked when there is a felling licence, grant or EIA application and even then, it may only be a desk-based exercise. We have identified in Q1 significant deficiencies with environmental data which means that such assessments cannot be relied upon to identify or safeguard important habitats. This is compounded by the under representation in the SSSI series of high value wood-pasture and parkland habitat which affords such sites the highest status, level of protection and also access to advice and funding. The series requires review and Natural England should have the resources to do so. ATF has been told that lack of resources (e.g. Aldermaston Court, Newlands Corner) is the primary reason for failure to designate sites despite their acknowledged high level of importance and even when they are threatened with damaging change.

The Forestry Commission has very few woodland officers regulating and supporting the private forestry sector. The Tree Strategy should commit to a better resourced and regulated UKFS with better enforcement to assess implementation of plans, progress toward intended outputs, the agreement of ameliorative activities, where appropriate, and compliance with legal obligations. Proportionate enforcement and advice will be crucial to achieving this.

The FC also needs officers and/or to work in partnership with others to widen their skill base in order to give advice and encourage the establishment of a diversity of treed landscapes, wood-pasture and parkland, giving priority to natural colonisation.

Standards

The UKFS should be broader in its objectives to encompass protection and restoration of the ecosystem in general and specifically the management, sustainability and resilience of ancient and veteran trees, wood-pasture and parkland. The standard urgently needs to be strengthened in the current drive for tree planting everywhere and not only from plantation planting incentives and carbon credits.

The guidance should explicitly state that tree planting should not take place where it would:

1. be too close i.e. within the buffer zone, of mature open grown trees and especially ancient and veteran trees
2. damage the wood-pasture and parkland habitat by inappropriate 'infill' of open areas.

Guidance

Guidance needs to be broadened to include establishment of wood-pasture by natural colonisation, and management of open grown trees and wood-pasture and parkland.

Changes to Tree Preservation Order legislation and guidance

Legislation

The following are proposed to respond to existing deficiencies in the protection of trees from current threats and those arising from proposals in the Planning White Paper:

- 1) Duties and responsibilities in S197 and 198 of the Town and Country Planning Act must be maintained and extended i.e. to apply where land is allocated for development.
- 2) Creation of a new tool - a Tree Conservation Area designation for areas containing many trees of special interest. e.g. wood-pasture and historic parkland.
- 3) Creation of a Register of Trees of National Special Interest (akin to the Register of Historic Parks and Gardens) to give understanding of their wider importance in local decision making, added status and to help prioritise funding for conservation to the most valuable trees.
- 4) Amendments to Permitted Development to introduce a requirement to consult for:
 - a) Development proposals (including utilities) affecting Ancient Woodland, ancient and other veteran trees, e.g. within buffer zones
 - b) Events with significant impacts in designated historic landscapes and parkland.

- 5) Amend the exception in regulations that permits removal of all dead trees and branches, to disapply to those trees that are significant for biodiversity, to enable trees identified in NPPF as irreplaceable habitat, to be protected.

Guidance

The following additions/ amendments are needed:

- 1) Guidance on making a TPO should be revised to apply on the basis of significant biodiversity, irreplaceable habitat or heritage value alone, independent of visibility;
www.gov.uk/government/consultations/biodiversity-net-gain-updating-planning-requirements.
- 2) Guidance to include the statement that the 'Woodland' category can be applied to wood-pasture and historic parkland to align with the Forestry Commission and Natural England Standing Advice 'Ancient woodland, ancient trees and veteran trees: protecting them development'.
- 3) Guidance that time limited area orders, to cover the period from initial identification/notification of land for development e.g. in local plans or zones, through to completion of build, are appropriate. Such orders should be made to protect trees from pre-emptive felling and deliberate degradation of habitat to circumvent the requirements related to biodiversity net gain.

Policies

- 1) There are insufficient policies in agriculture and forestry to protect, restore and manage open wood-pasture landscapes and trees outside woods and their buffer zones, including root areas.
- 2) A policy to identify and protect Trees of National Special Interest (TNSI) is needed. Such trees or collections of trees would be those by age, size, character, rarity, or associations with historic events or people, are of national special interest biologically, aesthetically or culturally. We have proposed that such trees be included on a register according to agreed criteria, similar to the Register of Historic Parks and Gardens.
- 3) The databases of land-use are either non-existent or deficient in information on the current extent of priority habitats and valuable trees. Therefore, any policies and decisions relating to land use change, tree establishment/planting or development are usually based on inadequate information so that protection of such habitats and trees cannot be effective.
- 4) Management policies, as expressed in UKFS, give too little acknowledgement of, or lack understanding of, ancient and veteran trees and the full diversity of treed landscapes and their appropriate management e.g. wood-pasture. Therefore, the UKFS does not protect or support good management of such important trees and priority habitats.

Funding and incentives to manage

No

The right funding and incentives are not in place nor are there sufficient advisors with the right knowledge and skills to influence landowners to deliver the outcomes that respond to both the climate and biodiversity crises.

Public money should be for public good

This is even more essential with the current state of the economy and likely continuing demands for public funds as a consequence of COVID-19. Public money should be used sparingly in terms of creating commercial opportunities for private businesses where profits or benefits are not returned to the taxpayer. Forestry, like agriculture, is a business and should not be subsidised to achieve greater profits. Public money should be used appropriately to incentivise activities that are uncommercial/uneconomic or provide or enhance outputs of beneficial non-traded goods that deliver maximum public good.

Funding for trees outside forestry or mainstream woodland should be incentivised

The ATF perceives a need for more and better targeted resources, but more particularly, there needs to be better advice and funding support for land-managers owning or considering establishing lone trees and priority wood-pasture and parkland. At the moment, it seems that funding is primarily just going to forestry/ timber production or high forest.

Despite being keystone features of the countryside, funding for mature or older trees per se have received little attention. Owners of mature and older trees in towns, especially of large species, receive no funding or advice from the state, yet may be regulated. These trees provide great benefits to communities and to society as a whole, many of which are not obvious and go unappreciated and unrewarded. As a priority to stop further losses of biodiversity and carbon storage, incentives should be available to encourage all landowners (in both rural and urban environments) to look after their existing valuable natural assets, supported by quality advice.

Land management needs to be better integrated

Decades of misplaced incentives and poor management have degraded former tree and hedgerow rich landscapes resulting in biodiversity loss on a massive scale and fragmented land use. It is essential that the move to integrate trees and woodlands with other land-uses, especially agriculture, is maintained and supported in terms of advice and, where necessary, incentives. This approach should be fully integrated into the forthcoming Environmental Land Management Schemes (ELMS). Land-managers should not be penalised for having trees within farmland and should fully understand their business value.

Incentives should be available to deliver a wide variety of treed landscapes using a variety of establishment methods that achieve biodiversity as well as climate benefits. e.g. more wilding, natural colonisation. It is important that the right grazing levels are achieved for the maximum benefits to ensure the dynamics of wood-pasture and parkland mosaic and open-grown tree habitats.

Prospective changes

Legislation

We are aware of prospective changes to felling licence controls in the Environment Bill, suggestions to look again at the Forestry Act and elements of TPO legislation in the ETS and PWP, but these either are too limited to provide an adequate response to the known risks that we have identified, or give no detail to be able to judge their possible effectiveness. The requirement to provide biodiversity net gains for all development is likely to accelerate/drive pre-emptive tree felling and habitat degradation. This has been acknowledged in the PWP. As environmental data is so deficient and this cannot be rectified quickly, we have therefore suggested amendments we consider necessary.

Environmental Land Management

In this prospective funding mechanism, it is not explicit that it will include sufficient incentives for good management, restoration and creation of priority wood-pasture and parkland and protection and establishment of lone trees in appropriate places according to Lawton principles.

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December 2020