

Yorkshire and North East Area

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Area Director
Crispin Thorn

17th December 2020

By email only

Land east of, Leeds Road, Chidswell, Shaw Cross, Dewsbury Application No. 2020/92331

Dear Mr. Victor Grayson,

Thank you for seeking the Forestry Commission's advice about the impacts that this application may have on Ancient Woodland. As a non-statutory consultee, the Forestry Commission is pleased to provide you with the attached information that may be helpful when you consider the application:

- Details of Government Policy relating to ancient woodland
- Information on the importance and designation of ancient woodland
- Comments in relation to ancient woodland buffering, woodland creation, management of existing woodland and resilience.

Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover.

It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "*there are*

wholly exceptional reasons¹ and a suitable compensation strategy exists” (National Planning Policy Framework paragraph 175).

It is important to note that damage can occur even when there is not a direct loss of ancient woodland. We also particularly refer you to further technical information set out in Natural England and Forestry Commission’s [Standing Advice on Ancient Woodland](#) – plus supporting [Assessment Guide and Case Decisions](#). The Forestry Commission notes that Natural England did respond to the previous consultation for this planning application on the 14th August 2020 and that the standing advice was included in their “generic advice” for this application.

As a Non-Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.

One of the most important features of Ancient woodlands is the quality and inherent biodiversity of the soil; they being relatively undisturbed physically or chemically. This applies both to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS). Direct impacts of development that could result in the loss or deterioration of ancient woodland or ancient and veteran trees include:

- damaging or destroying all or part of them (including their soils, ground flora or fungi)
- damaging roots and understory (all the vegetation under the taller trees)
- damaging or compacting soil around the tree roots
- polluting the ground around them
- changing the water table or drainage of woodland or individual trees
- damaging archaeological features or heritage assets

It is therefore essential that the ancient woodland identified is considered appropriately to avoid the above impacts.

Planning Practice Guidance emphasises: *‘Their existing condition is not something that ought to affect the local planning authority’s consideration of such proposals (and it should be borne in mind that woodland condition can usually be improved with good management)’.*

¹ For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.)

Ancient Woodland and Buffering

In relation to this planning application, we note there are two Ancient Woodlands that could be potentially impacted by this proposed development Dum Wood and Dogloitch Wood. We would keen to understand that the design and layout of the proposed development actively minimizes potential impact on the Ancient Woodlands for example by design and layout of the Green Infrastructure also the proposed buildings in accordance with the Standing Advice for Ancient Woodland. We note in the Parameter Plan - Green Infrastructure, that an Ancient woodland buffer zone of 20 metres is proposed. We also understand from the arboricultural survey provided, that there is a Tree Preservation Order in place for both woodlands and we recommend that these are considered as part of the decision making process for this planning application.

When developing buffer zones, the Natural England / Forestry Commission sets out the following guidance in the Standing Advice for Ancient Woodland:

A buffer zone's purpose is to protect ancient woodland and individual ancient or veteran trees. The size and type of buffer zone should vary depending on the scale, type and impact of the development.

For ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.

Where possible, a buffer zone should:

- *contribute to wider ecological networks*
- *be part of the green infrastructure of the area*

It should consist of semi-natural habitats such as:

- *woodland*
- *a mix of scrub, grassland, heathland and wetland planting*

You should plant buffer zones with local and appropriate native species.

You should consider if access is appropriate and can allow access to buffer zones if the habitat is not harmed by trampling.

You should avoid including gardens in buffer zones.

You should avoid sustainable drainage schemes unless:

- *they respect root protection areas*

- *any change to the water table does not adversely affect ancient woodland or ancient and veteran trees*

Climate Change and Resilience

The Forestry Commission would strongly encourage the applicant to consider climate change when developing their proposed development. The predicted changes in temperature along with introduced plant pests and diseases mean that there is a need to create and manage woodlands that are more resilient to these threats.

Woodland adaptation for resilience can be achieved through.

- Planting a wider range of tree species
- Using seed from a wider range of origins and provenances, including planting native trees outside their natural range.
- Encouraging natural regeneration where it is likely to be successful, to encourage evolutionary adaptation and as the climate changes
- Protecting from damaging animals

Further information can be found in the Forestry Commission's guide to Responding to the climate emergency with new trees and woodlands

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892714/Responding_to_the_climate_emergency_with_new_trees_and_woodlands.pdf

We recommend that any woodland creation by any means and woodland management works as part of this proposal are carried out in accordance to the UK Forestry Standard : <https://www.gov.uk/government/publications/the-uk-forestry-standard> This guidance sets out the UK government's approach to sustainable forestry, including standards and requirements, regulations and monitoring, and reporting.

We recommend that a Forestry Commission Standard Management Plan <https://www.gov.uk/guidance/create-a-woodland-management-plan> is developed for ongoing management of any new woodland sites and management is considered in relation to neighboring or other existing woodland in the local landscape.

This response assumes that as part of the planning process, the local authority has given due regard as to whether or not an Environmental Impact Assessment is needed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 or the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended. If there is any doubt regarding the need for an Environmental Impact assessment (Forestry), including for forest roads, please contact us.

We would also like to highlight the need to remind applicants that tree felling not determined by any planning permission may require a [felling licence](#) from the Forestry Commission.

We hope these comments are helpful to you. If you have any further queries, please do not hesitate to contact me on the email address provided above.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'Jim Smith', with a horizontal line extending from the end of the signature.

Jim Smith
Forestry Commission
Yorkshire & North East Area Local Partnership Adviser

A summary of Government policy on ancient woodland

[Natural Environment and Rural Communities Act 2006](#) (published October 2006).

Section 40 – “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.

[National Planning Policy Framework](#) (published February 2019).

Paragraph 175 – “*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*”.

[Planning Practice Guidance](#) (published March 2014)

This Guidance supports the implementation and interpretation of the National Planning Policy Framework. This section outlines the Forestry Commission’s role as a non statutory consultee on “*development proposals that contain or are likely to affect Ancient Semi-Natural woodlands or Plantations on Ancient Woodlands Sites (PAWS) (as defined and recorded in [Natural England’s Ancient Woodland Inventory](#)), including proposals where any part of the development site is within 500 metres of an ancient semi-natural woodland or ancient replanted woodland, and where the development would involve erecting new buildings, or extending the footprint of existing buildings*”

It also notes that ancient woodland is an irreplaceable habitat, and that, in planning decisions, **Plantations on Ancient Woodland Sites (PAWS) should be treated equally in terms of the protection afforded to ancient semi-natural woodland in the National Planning Policy Framework**. It highlights the Ancient Woodland Inventory as a way to find out if a woodland is ancient.

[The UK Forestry Standard](#) (4th edition published August 2017).

Page 23: “Areas of woodland are material considerations in the planning process and may be protected in local authority Area Plans. These plans pay particular attention to woods listed on the Ancient Woodland Inventory and areas identified as Sites of Local Nature Conservation Importance SLNCIs”.

[Keepers of Time](#) – A Statement of Policy for England’s Ancient and Native Woodland (published June 2005).

Page 10 “The existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland”.

[Natural Environment White Paper “The Natural Choice”](#) (published June 2011)

Paragraph 2.53 - This has a “renewed commitment to conserving and restoring ancient woodlands”.

Paragraph 2.56 – “The Government is committed to providing appropriate protection to ancient woodlands and to more restoration of plantations on ancient woodland sites”.

[Standing Advice for Ancient Woodland and Veteran Trees](#) (first published October 2014, revised November 2017)

This advice, issued jointly by Natural England and the Forestry Commission, is a material consideration for planning decisions across England. It explains the definition of ancient woodland, its importance, ways to identify it and the policies that are relevant to it.

The Standing Advice refers to an [Assessment Guide](#). This guide sets out a series of questions to help planners assess the impact of the proposed development on the ancient woodland. Summaries of some [Case Decisions](#) are also available that demonstrate how certain previous planning decisions have taken planning policy into account when considering the impact of proposed developments on ancient woodland.

[Biodiversity 2020: a strategy for England’s wildlife and ecosystem services](#) (published August 2011).

Paragraph 2.16 - Further commitments to protect ancient woodland and to continue restoration of Plantations on Ancient Woodland Sites (PAWS).

Importance and Designation of Ancient and Native Woodland

Ancient Semi Natural Woodland (ASNW)

Woodland composed of mainly native trees and shrubs derived from natural seedfall or coppice rather than from planting, and known to be continuously present on the site since at least AD 1600. Ancient Woodland sites are shown on Natural England’s Inventory of Ancient Woodland.

Plantations on Ancient Woodland Site (PAWS)

Woodlands derived from past planting, but on sites known to be continuously wooded in one form or another since at least AD 1600. They can be replanted with conifer and broadleaved trees and can retain ancient woodland features, such as undisturbed soil, ground flora and fungi. Very old PAWS composed of native species can have characteristics of ASNW. Ancient Woodland sites (including PAWS) are on Natural England’s Inventory of Ancient Woodland.

Other Semi-Natural Woodland (OSNW)

Woodland which has arisen since AD 1600, is derived from natural seedfall or planting and consists of at least 80% locally native trees and shrubs (i.e., species historically found in England that would arise naturally on the site). Sometimes known as ‘recent semi-natural woodland’.

Other woodlands may have developed considerable ecological value, especially if they have been established on cultivated land or been present for many decades.

Information Tools – The Ancient Woodland Inventory

This is described as provisional because new information may become available that shows that woods not on the inventory are likely to be ancient or, occasionally, vice versa. In addition ancient woods less than two hectares or open woodland such as ancient wood-pasture sites were generally not included on the inventories. For more technical detail see [Natural England's Ancient Woodland Inventory](#). Inspection may determine that other areas qualify.

Further Guidance

[Felling Licences](#) - Under the Forestry Act (1967) a Felling Licence is required for felling more than 5 cubic metres per calendar quarter. Failure to obtain a licence may lead to prosecution and the issue of a restocking notice.

[Environmental Impact Assessment](#) - Under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended, deforestation which is likely to have a significant impact on the environment may also require formal consent from the Forestry Commission.