

**Sent:** 03 May 2022 16:33

**Subject:** 390401 2021/94552 NE Response

Thank you for contacting the [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk) mailbox.

**Natural England's role in the planning process**

Natural England responds to consultations on development proposals in line with its published [standards](#). Our advice aims to ensure the impacts of development and infrastructure on the natural environment are fully addressed, high environmental quality development is delivered and opportunities for biodiversity and other environmental gains are maximised. Natural England's advice is provided in line with the [National Planning Policy Framework](#), [National Policy Statements](#) and relevant development plan policies.

Natural England's role is to provide advice to the planning authority or other decision maker (Secretary of State or Marine Management Organisation). Our advice may take the form of a

standard no comment letter, a bespoke response requesting further information or providing detailed advice on the proposal, including any potential mitigation measures, or an objection where there are significant impacts on designated nature conservation sites or landscapes that cannot be mitigated. A lack of detailed advice or objection from Natural England does not mean that there are no significant impacts on the natural environment, only that the proposed development is not likely to result in significant impacts on nationally or internationally designated nature conservation sites or designated landscapes. Local bodies and individuals may be able to provide locally specific information to assist the decision-making process.

### **Ancient woodland**

Decisions made through the planning system can have significant impacts on trees and woodland. Find out when to consult or notify the Forestry Commission: [Planning applications affecting trees and woodland - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/planning-applications-affecting-trees-and-woodland).

Natural England and the Forestry Commission have published joint [Standing Advice on Ancient Woodland, Ancient and Veteran Trees](#). Developers should use this guidance to decide on development proposals affecting ancient woodland, ancient trees and veteran trees. This is provided in place of an individual response to a planning application in most cases and should be taken into account by LPAs in planning decision making. Natural England will only provide advice where ancient woodland is designated as a SSSI or in exceptional circumstances.

The National Planning Policy Framework (NPPF) states that 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 loss. ([National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](#)).

### **Planning application 2021/94552**

As explained above, Natural England will only provide advice where ancient woodland is designated as a SSSI or in exceptional circumstances, however we always provide additional general advice to local planning authorities in the Annex A of our consultation responses. In the case of the above-mentioned consultation (387666) we stated that *'You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances'*.

**We note the attached comments from the Woodland Trust however, which indicate that Tanner Wood could be ancient and if so, should be added to the ancient woodland inventory. Our Ancient Woodland Specialist is currently carrying out investigations and we will notify you of any further findings in due course.** In the meantime, we do not recommend any woodland clearance activities at the site of this planning application until this matter has been resolved. To reiterate our standing advice, if it is determined that Tanner Wood is ancient woodland, our advice is that:

You should refuse planning permission if development will result in the loss or deterioration of

ancient woodland, ancient trees and veteran trees unless both of the following applies:

- there are wholly exceptional reasons
- there's a suitable compensation strategy in place (this must not be a part of considerations of wholly exceptional reasons) - see paragraphs 33 and 34 of the planning practice guidance on compensation guidance

You should make decisions in line with paragraph 180 (c) of the NPPF.

Ancient woodland, ancient trees and veteran trees are irreplaceable. Therefore, you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal.

Kind regards

Sally Tainton  
Natural England