

## New Standing Advice

Updated 4<sup>th</sup> Jan 2018

### Ancient Woodland and Veteran Trees

Natural England and the Forestry Commission have updated their Standing Advice on 'Ancient Woodland and Veteran Trees: protecting them from development' (originally published 13 October 2014). The Standing Advice is important as it represents a 'material' consideration in the planning process. Further to an update in November 2017, a further hasty revision was published on 4 January 2018.

#### Background

In respect of ancient woodland and veteran trees the National Planning Policy Framework (NPPF, 2012) states in paragraph 118:

*"...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"*

It is worth noting that The Woodland Trust recent issued their own guidance entitled 'Planning for Ancient Woodland (Planners' Manual for Ancient Woodland and Veteran Trees)' (October 2017). This document is specifically designed for Local Planning Authorities (LPAs) to use in the preparation of Local Plans and other planning documents. Although it does not carry the same weight as the Standing Advice, this manual assimilates a lot of information and case studies and will undoubtedly become an important point of reference.

#### 50m or 15m buffer?

The November 2017 update to the Standing Advice introduced new guidance on buffer zones to ancient woodland, suggesting that a 50m zone may be required to mitigate the effects of pollution and trampling. The 4 January 2018 update removes the specific reference to the effects of pollution and trampling and retracts any mention of a 50m buffer. However, other wording from the November 2017 update remains.

**4<sup>th</sup> Jan 2018 Natural England issued the following statement regarding this very recent change:**

*"The advice on the appropriate size of buffer zones (under 'Mitigation measures') has changed. The last version [i.e. 27<sup>th</sup> Nov 2017] suggested a 50 metre (m) zone to mitigate the effects of pollution and trampling. Following queries about the 50m zone, this text has been removed. Natural England and the Forestry Commission are reviewing the feedback they've received."*

This latest amendment will calm concerns raised by the changes made in November 2017 and returns the guidance to the previous position, stating that mitigation may vary but could include:

*“Leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland or tree (depending on the size of the development, **a minimum buffer should be at least 15 metres**)”.*

Despite this latest change from Natural England, it is worth remembering that other parties are still calling for larger buffer distances (such as the recent Woodland Trust guidance) and different local authorities may have specific policy requirements.

The discussions about the larger buffer zones tend to relate to impacts on the woodland ‘habitat’ rather than to direct tree root damage. For example large increases in public use could be considered to cause compaction of the soil affecting the health of the trees, or the damage by trampling of sensitive woodland edge plants.

## Other information in latest Standing Advice:

The latest Standing Advice still contains significant changes. Notably there is new wording around the size of buffers for veteran trees.

**For Veteran Trees** the latest Standing Advice changes provide a new recommendation for:

*“A buffer zone at least 15 times larger than the diameter of the tree or 5m from the edge of the canopy, if that’s greater”*

Taking an example of a substantial ancient tree with a trunk diameter of 2m, the required buffer would now be at least 30m from the tree, as against the maximum root protection area of 15m recommended by arboricultural British Standard (BS 5837: 2012)<sup>1</sup>.

## Key take home messages

Each development affecting ancient woodland or veteran trees will continue to be assessed by the planning authority on its own merits. As it stands in January 2018, the advice indicates that a:

- **15m buffer remains the minimum acceptable standoff** for ancient woodland (until Natural England and the Forestry Commission have reviewed things and any further advice is forthcoming).

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<sup>1</sup>The 15m figure is based on the maximum Root Protection Area (RPA) identified in Arboricultural BS 5837:2012 ‘Trees in relation to design, demolition and construction – Recommendations’, which is estimated as 12 times the diameter of the tree trunk at 1.5m. Where veteran trees are present it is up to the individual arboricultural consultant’s professional opinion to recommend a greater RPA if thought to be appropriate

- **Buffer for veteran trees** of 15 times the stem diameter or 5m from the edge of the canopy, whichever is the greatest. This will mean the provision of much larger buffers than typically provided in the past.

## Compensation

As the Standing Advice states "*Compensation measures are always a last resort because ancient woodland and veteran trees and their habitats are irreplaceable*". Where absolutely necessary, it identifies that measures might include planting new native woodland, restoring woodland, connecting woodland and veteran trees with green bridges, tunnels or hedgerows, and long-term favourable management can also be valuable and effective. For HS2 Natural England has supported a 30:1 ratio of new woodland to ancient woodland lost, although even at this level this compensation approach has been controversial.

### Definitions

**Ancient woodland** is any area which has had been continuously covered with trees since at least 1600 AD, including:-

- Ancient semi-natural woodland (ASNW) mainly made up of trees and shrubs native to the site
- Plantations on ancient woodland sites (PAWS) even when replanted with conifer and broadleaved trees with retained ancient woodland features, such as undisturbed soil, ground flora and fungi.
- Wood pasture (grazed woodland like much of the New Forest) identified as ancient and historic parkland

**Veteran Trees** in this context are 'Ancient, Veteran or Aged' trees which have cultural, historical, landscape and nature conservation value because of their age, size and condition – these are the sort of trees that would be well known in the locality or that you would notice and comment on if you saw them