

Mrs. C. Turner
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Via email only

Area Director
Jane Hull

Your ref: WD/2021/2198/MAO

06/01/2022

Dear Mrs. Turner,

**Re: OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 290 DWELLINGS, ASSOCIATED LANDSCAPING, INFORMAL OPEN SPACE AND STRATEGIC SANG, WITH ACCESS FROM THE B2102.
LAND AT BIRD IN EYE FARM, SOUTH OF BIRD IN EYE HILL, FRAMFIELD, TN22 5HA**

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

SUMMARY:

It is highly likely that this development will impact, either directly or indirectly, on ancient woodland. This impact may include, but not be limited to, compaction and/or erosion of soils and tree roots; damage via anti-social behaviour; damage and disturbance to flora and fauna from domestic pets; noise, air, light and dust pollution during and after construction. We note that the majority of the development will be sited away from ancient woodland, and we are pleased to see that buffer zones have been taken into account, and planting of trees incorporated into the buffer zones to further protect the ancient woodland.

We would advise, however, measures where possible to avoid increased footfall and recreational pressure on the ancient woodland by implementing restrictions to access both by people and their pets. Increased access into the woodlands can lead to compression and damage to soils and roots, change in nutrient status due to faecal and urinary wastes from pets and also fly-

tipping of garden waste, and damaging anti-social behaviour such as fires, improvised structures and removal of trees.

We have concerns about the proposed pathway to be created through Bird in Eye Shaw. We appreciate that it has been included to prevent a pinch point on the required circular walk as part of the SANG provision, but do not feel that loss of ancient woodland through creation of this path is acceptable for this reason. Again, we would also recommend that, should this path through Bird in Eye Shaw be approved, that access into the woodland by visitors and pets be tightly controlled or restricted, by fencing or similar means.

Within the SANG management plan, we are encouraged to see a commitment to managing both new and existing woodlands, and ensuring new planting will be managed appropriately to ensure it establishes. We would like to see a firm commitment to increasing the resilience of the new and existing woodlands with appropriate species choices which will reflect our changing climate and threats from pests and diseases. A robust biosecurity management policy should be included in this, including a commitment to sourcing stock grown in the UK to prevent the introduction or spread of pathogens and pests.

We note the inclusion within the plans of Sustainable Drainage Systems (SuDS), with a balancing pond included within the south-west corner of the main development site. We are keen to highlight the need for care to be taken to ensure that SuDS are not installed within the ancient woodland buffer zone, and their use must not affect the hydrology of the ancient woodland, which can cause damage.

Finally, we note that the plantation woodland blocks within the SANG, identified as W3 and W4, have been created via government grants, namely a Woodland Creation Grant (WCG) under the England Woodland Grants Scheme (EWGS) and the Farm Woodland Premium Scheme respectively. Block W4 is under obligation until 2030, which means it must remain as woodland until at least this time. We would make the Council and applicants aware that, while no tree loss has been proposed in this block in the outline application, should more than 0.1ha be removed in this obligation period, that the Forestry Commission may seek to reclaim some or all of the grant monies paid. Block W3 will similarly be under obligation until 2038.

END SUMMARY

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 reasons*"¹

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.)

and a suitable compensation strategy exists” (National Planning Policy Framework paragraph 180).

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](#).

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)’*.

If this application is on, adjacent to or impacting the Public Forest Estate (PFE):

- Please note that the application has been made in relation to land on the Public Forest Estate and [Forestry England](#), who manage the PFE, is a party to the application. They therefore should also be consulted separately to the Forestry Commission.

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions and legal agreements in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that *“Ancient woodland, ancient trees and veteran trees are*

irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal”.

We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

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 sincerely,

Caroline Gooch
Local Partnerships Advisor, South East and London
Forestry Commission

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 July 2021).

Paragraph 180 – “*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.

As an example of further information becoming available, Wealden District Council, in partnership with the Forestry Commission, Countryside Agency, the Woodland Trust and the High Weald AONB revised the inventory in their district, including areas under 2ha. Some other local authorities have taken this approach.

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.