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03/12/13

Your Ref: APP/13/01074

Dear Mr Jenkison,

Planning Application for Johnstones Coppice, Stakes Hill Road, Waterlooille

Thank you for seeking our advice about the impacts that this application may have on Ancient Woodland. We are pleased to provide you with the attached information that may be helpful when you consider the application:

- Details of the Government's National and Regional Forestry Policy
- Information on the importance and designation of ancient and native woodland

From this, you will see it is Government policy to discourage development that will result in the loss of Ancient Woodland, unless the development offers overriding public benefits. Ancient woodlands are widely regarded as irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed

These comments are based upon information available to us through a desk study of the case, including the Ancient Woodland Inventory (maintained by Natural England) and our general local knowledge of the area.

We hope these comments are helpful to you. If you have any further queries please do not hesitate to contact me.

Yours sincerely



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Annex B - 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”. This replaces and extends the duties upon Ministers and Government under section 74 of the Countryside and Rights of Way 2000.

PPS9 – Biological and Geological Conservation (published July 2005)

Paragraph 10 – “Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. Local planning authorities should identify any areas of ancient woodland in their areas that do not have statutory protection (e.g. as a SSSI). They should not grant planning permission for any development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat. Aged or ‘veteran’ trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Planning authorities should encourage the conservation of such trees as part of development proposals.”

A Strategy for England’s Trees, Woodlands and Forests. (Published 2007)

Page 28. “Working with developers and planners to implement guidance on biodiversity conservation in a manner that safeguards our ancient woods, native woodland and veteran trees.”
The UK Forestry Standard (published January 1998):

Page 43 “The area occupied by semi-natural woodland should not be reduced.”

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”

The Biodiversity Strategy for England (Working with the Grain of Nature, DEFRA, 2002) Page 50 includes the aim of protecting biodiversity-rich woodland from external threats, from industry and surrounding land uses

Importance and Designation of Ancient & 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 (English Nature’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. Very old PAWS composed of native species can have characteristics of ASNW. Ancient Woodland sites (including PAWS) are on Natural England’s (English Nature’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 (ie 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.

UK Biodiversity Action Plan (BAP) 1994

The UK BAP, which is based upon commitments at the Rio Summit, includes all semi-natural woodland (regardless of origin) as a habitat priority. The NERC Act 2006 requires all public bodies to have due regard for conservation of these priority habitats

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 2 ha or open woodland such as ancient wood-pasture sites were generally not included on the inventories. For more technical detail see the English Nature paper below. 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 have recently revised the inventory in their district, including areas under 2ha. Some other local authorities are currently considering this approach.

Further guidance:

Further information about the value of Ancient Woodlands may be obtained from Natural England, the Government's statutory advisors on nature conservation. A useful publication is:

English Nature (2005) - Ancient woodland: guidance material for local authorities – <http://naturalengland.communities.gov.uk/naturalenglandshop/docs/AWG1.pdf>

This paper explains in more detail the guidance on Planning Policy Statement 9 on ancient woodland, the definition of ancient woodland, its importance, ways to identify it, background on ancient woodland inventories. It also considers ancient woodlands less than 2ha, ancient woodpasture and ancient woodland indicators.

Website information - [http:// www.forestry.gov.uk/forestry/infd-6dfk86](http://www.forestry.gov.uk/forestry/infd-6dfk86)

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.

Website information- [http:// www.forestry.gov.uk/forestry/infd-6dfkbc](http://www.forestry.gov.uk/forestry/infd-6dfkbc)

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

Annex C – Background on FC involvement in planning consultation

Non-Statutory Consultation Recommended By Central Government

Table 2 of Appendix B of DOE Circular 9/95 as amended by DETR letter to Chief Planning Officers dated 15 March 1999

Proposals which affect ancient semi-natural woodlands or ancient replanted woodlands, as recorded in English Nature's Provisional Inventory of Ancient Woodland.

DETR letter to Chief Planning Officers dated 15 March 1999

In addition to the above, the letter advises that the Forestry Commission wishes to be consulted on:

- proposals where any part of the development site consists of ancient semi-natural woodland or ancient replanted woodland recorded in the Provisional Inventory; and
- 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.

Where a local planning authority is unclear whether to consult on a particular proposal, it should seek the advice of the Forestry Commission.

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Annex B, Paragraphs B20 and B21

The Forestry Commission should be consulted if any of the following apply:

- if it is proposed that the land be reclaimed for a forestry after-use;
- woodland on the land proposed for mineral working is dedicated under the Forestry Commission Dedication Scheme, or grant aided under section 1 of the Forestry Act 1979;
- if tree planting is to be supported by a grant under the Woodland Grant Scheme or Community Woodland Supplement.

Mineral planning authorities are also advised to seek advice from the Forestry Commission on all significant planting schemes, including those considered as part of a more general "amenity" reclamation.

Paragraph B27

Details of a programme of reclamation to forestry use should be individually tailored to suit the particular site in question and the prevailing conditions. Close liaison with the Forestry Commission is desirable