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Capturing planning decisions that affect ancient woodland: A pilot study in South - East England

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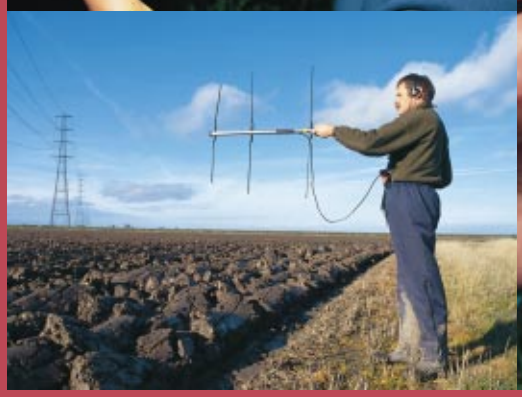

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Capturing planning decisions that affect ancient woodland: A pilot study in South – East England

A.J. Smith, S. Dackombe and P.M. Jackson

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Summary

This paper reports on a pilot study of the relationship between ancient woodland and development that is subject to planning control. The study reviews practices in selected planning authorities in South East England. This report presents the findings of the pilot study and draws conclusions regarding the assessment of how the cumulative impact of planning decisions on ancient woodland in a group of counties can be captured in relation to relevant policies.

The study gathered officers' responses by telephone interviews. Questions were grouped under five key subject areas to explore practices applied by the local authorities in determination of development applications that affect ancient woodland: applications affecting ancient woodland; cumulative impacts; internal consultation procedures; external consultations; and other decision making tools.

The interviews with local planning authorities revealed the following:

- Ancient woodland is under threat from all types of development;
- Clearer, more specific policy to protect ancient woodland is required in development plans;
- Greater clarity in responsibilities, communication and co-operation between statutory bodies is required to provide confidence in the quality of data ;
- Maintenance of the records also needs to include a mechanism for identifying previous developments

The report concludes that new systems and policies should be put in place to improve the current situation; these would enable data from Local Planning Authorities to be used on a strategic level to monitor the effects of development on ancient woodland and to improve the data held in the Ancient Woodland Inventory.

- Central government policy and English Nature guidance should encourage Local Planning Authorities to have a policy on Ancient Woodland.
- The English Nature web version of the ancient woodland inventory should be refined to allow specific information to be elicited on planning applications that may affect ancient woodland.
- Incorporation of the status (application received or approved) of planning applications that affect ancient woodland, which could similarly be added to the response pro forma.

The pilot study identifies concerns and difficulties experienced by local planning officers in determining planning applications that affect ancient woodland, and their difficulties in readily identifying the planning history related to specific woodlands. Lack of clearly defined planning policy and guidance relating to ancient woodland is considered by the participating local planning officers to be the principal underlying issue affecting the protection of ancient woodland. General recommendations have been made regarding possible means of addressing these concerns.

The technical feasibility and detail of fulfilling the recommendations would require further dialogue between English Nature and local planning officers to identify how this may be implemented.

Acknowledgements

RPS would like to acknowledge the co-operation and assistance of those organisations and individuals that participated in the study including officers of Ashford, Hastings and Waverley Borough Councils. We acknowledge that the views expressed by individual planning officers are not necessarily representative of the view of the planning authority. RPS would also like to thank Graham Bradley and Sian Thomas of the Woodland Trust for providing background information on previous ancient woodland studies.

Contents

1. Introduction

1.1 General

In September 2002, RPS was commissioned by English Nature to undertake a pilot study of the relationship between ancient woodland and development that is subject to planning control. The study was to review practices in selected planning authorities in South East England. This report presents the findings of the pilot study and draws conclusions regarding the assessment of how the cumulative impact of planning decisions on ancient woodland in a county or group of counties in relation to relevant policies can be captured.

The study has concentrated on South East England as English Nature considered that, due to the relatively high concentration of ancient woodland resources and the high degree of development in this region, a wealth of local authority experience relevant to the study topic could be drawn upon.

1.2 Ancient woodland

English Nature Research Report no.313 (Reid *et al* 1999) defines ancient woodland as:

> "Land that has had a continuous woodland cover since at least 1600AD is known as ancient woodland. Ancient semi-natural woodland is that which retains a native tree and shrub cover that has not been planted, although it may have been managed by coppicing or felling and allowed to regenerate naturally. Plantations on ancient woodland sites have had the original native tree cover felled and replaced by planting, often with conifers and usually this century".

Ancient woodland may be either ancient semi-natural woodland or Plantation on Ancient Woodland Site (see Glossary). The former Nature Conservancy Council prepared an Ancient Woodland Inventory (AWI) that recorded all ancient woodland over 2ha in size by county.

Concern regarding the loss of ancient woodland and its value as a habitat and biodiversity resource is again highlighted in the *English Nature Research Report* No.313:

> "Ancient woodland is the most important woodland for nature conservation in England due to the diversity of the plants and animals it supports, its undisturbed streams and soils, and the links that this gives us to the landscape of the past. Ancient woodland is an irreplaceable asset. It is essential that as much as possible of the remaining ancient woodland area is protected and sympathetically managed".

Ancient woodland in England is not subject to protection by means of statutory designation. However, ancient woodland may enjoy such protection by default through nature conservation or landscape designation such as Site of Special Scientific Interest (SSSI) or Area of Outstanding Natural Beauty (AONB). These designations may vary from national importance to local importance. In addition, ancient woodland may be protected by a Tree Preservation Order (TPO) where it forms an amenity woodland.

1.3 Rationale

Ancient woodland may be damaged or lost through developments such as new houses, roads, quarries etc which require planning approval. At present Local Planning Authorities may consult English Nature or the Forestry Commission on the development proposals. However, not all applications are referred to English Nature and/or the Forestry Commission, and in turn the outcomes of the planning decisions are not always communicated to these statutory bodies. Therefore no mechanism presently exists which records development impact upon ancient woodland which could provide an overview of the cumulative effect of development on ancient woodland throughout England.

There is therefore a need to identify a simple way of capturing data on the extent of ancient woodland which is affected by planning decisions. This pilot study concentrates on the degree to which planners do or do not take ancient woodland into account during the statutory development planning process.

Captured data could contribute to the updating of the Ancient Woodland Inventory (AWI) (see Glossary) but more importantly can be used to illustrate the degree to which general policies on the protection of ancient woodland are working, and to identify possible refinements to the current system.

The aim of the study is to explore how easy it is to determine the impact of planning decisions on ancient woodland across a county or group of counties, and to identify what advice/information would have been helpful to local authorities leading to a more positive outcome for ancient woodland. In addition, the type of compensation measures associated with the planning permission (if any) have been identified.

1.4 Report structure

The subsequent sections of the report deal with the following aspects:

- Section 2 – sets out the background to the report and outlines previous studies conducted by others that are of relevance to the pilot study.
- Section 3 – describes the pilot study methodology, including the questionnaire preparation and analysis techniques.
- Section 4 – presents and interprets the interview results.
- Section 5 – presents conclusions drawn from the interview results and makes recommendations regarding the effect of development control decisions on ancient woodland and improvements that could promote the welfare, perpetuation and protection of ancient woodland.

2. Background

2.1 Previous studies

This pilot study has been preceded by two studies, the first of which was conducted by the Woodland Trust, and the second was conducted jointly by the Woodland Trust and World Wildlife Fund UK. Of particular relevance is the latter study "Threats to Ancient Woodlands – Final Report" (Dec 2001). The objective of this was to study the continued effect of land use change subject to planning control on the loss of ancient woodland – a very similar objective to that of the current English Nature Pilot Study.

The 'threats' study comprised a written questionnaire which was circulated nationally to LPAs, statutory and non-statutory consultees, and environmental consultants. It sought general information about knowledge of ancient woodland and experience of ancient woodland in the planning process.

This was followed by targeted telephone interviews to those individuals who had indicated a willingness to contribute further and whose organisations fell within the description of a 'county-sized' area within the four selected areas of Kent, Lancashire, South Wales East, and Central Scotland. A list of c.40 standard interview questions was developed for telephone interview purposes.

The study resulted in a series of key recommendations grouped under sub-headings of information, planning policy guidance, process and communication, protection, awareness raising and monitoring.

2.2 The English Nature pilot study

The main objective of this study is to identify an appropriate tool for capturing planning decisions which affect ancient woodland.

The brief was to obtain information directly from three local planning departments in South East England (an area extending from Kent to Hampshire for the purposes of this study) to establish how the environmental impacts of planning decisions, with particular regard to ancient woodland, might be recorded.

This direct approach permits exploration of additional information that planning officers would like or expect from English Nature and/or the Forestry Commission to assist them in the decision making process. Targeted discussion with the planning officers also enabled information to be gathered on the types of compensation that may be required as a condition of any planning permission where a loss of ancient woodland will result directly or indirectly.

It is also intended that the study should seek to assess how the cumulative effects of planning impact upon ancient woodland can be recorded.

3. Methodology

3.1 Questionnaire

It was agreed with English Nature that the most efficient means of gathering officer responses would be via telephone interviews. In preparation for the telephone interviews, a standard questionnaire was devised and sent to the officers in advance for consideration. A copy of the questionnaire and officer briefing note is included at Appendix 1.

A questionnaire approach was selected to enable a degree of standardisation and to assist in interpretation of the results. This enabled responses to be focussed and to achieve comprehensive feedback whilst not requiring excessive time or resource input from respondents.

General factual information was sought regarding the local planning authority and the individual respondent for reference purposes. A pilot study of this nature is necessarily a subjective activity. The study questions aimed to prompt largely discursive responses. These were grouped under five key subject areas to explore practices applied by the local authorities in determination of development applications that affect ancient woodland. The subject areas were:

- applications affecting ancient woodland;
- cumulative impacts;
- internal consultation procedures;
- external consultations;
- other decision-making tools.

3.1.1 Applications affecting ancient woodland

A series of nine sub-questions were grouped under this heading to interrogate how each authority identified the presence of ancient woodland, and how potential impacts which the proposed development was likely to have on the ancient woodland were determined. Information on the nature of proposed developments was also sought in order to explore if any pattern may exist by type of development either locally or across the region.

3.1.2 Cumulative impacts

The cumulative effects of development were explored to identify if each application is considered in isolation or whether incremental impacts are taken into account. Questions within this section also sought to determine whether availability and flexibility in interrogation of planning application records are a contributory factor in limiting the assessment of cumulative effects.

3.1.3 Internal consultation procedures

Generally planning applications are allocated to and managed by planning case officers, who may consult internal specialists (landscape architects, arboriculturalists, ecologists and archaeologists etc) with regard to particular aspects of the proposals. This section of the

questionnaire sought to identify who would be consulted within an authority with regard to the potential impacts of development and at what stage such consultations took place. Clarification was also sought on whether the size of woodland affected the decision to consult, bearing in mind the 2 ha limit for the Ancient Woodland Inventory.

3.1.4 External consultations

A series of questions were included in this section to explore the role and weight officers afford to external consultations, and in particular to advice sought from or given by the statutory consultees. Importantly, questions were also included in this section to seek personal views gained from first-hand experience of any suggested improvements that could be made in the nature and/or provision of external consultation and guidance.

3.1.5 Other decision-making tools

The final section included open questions to prompt broader response from respondents regarding other information or guidance that might assist the decision-making process.

3.2 Respondent identification

The brief suggested three authorities were contacted across a county or group of counties in South East England. Focussing the study in this way permitted:

- Identification of districts or boroughs within an area with a relatively high concentration of ancient woodland.
- Identification of districts or boroughs within an area that is subject to a high degree of development pressure and hence has a strong likelihood of considering planning applications that affect ancient woodland.

To give results that were representative of general practice, authorities within different counties were invited to participate. Borough Councils were selected as they are usually subject to greater development pressure due to current Government planning guidance (i.e: preference for the location of development to be guided towards existing urban areas and close to good transport links). The selected authorities were:

- Hastings Borough Council, East Sussex;
- Ashford Borough Council, Kent;
- Waverley Borough Council, Surrey.

An initial telephone approach to the selected authorities indicated that all of the authorities matched the required profile. Two had recently considered substantial development proposals and the third had recently considered a number of smaller developments affecting ancient woodland.

4. Interview results

The questionnaire sought to establish the opinion of practicing professionals, dealing with the day-to-day practicalities of managing and protecting ancient woodland when faced with pressures for development. The findings from the telephone interview are described below under the sub-headings of the five key subjects. A synopsis of all the responses to the individual questions is contained at Appendix 2.

4.1 Applications affecting ancient woodland

The nature of the applications that may affect ancient woodland is important, and the types of development pressures were assessed during the interview. Each of the three Local Planning Authorities (LPAs) received a variety of different planning applications, with applications affecting ancient woodland to varying degrees. There is considerable pressure within each of the three areas from larger scale developments, such as house building and infrastructure requirements. This was particularly evident in the response from Ashford BC who has had to contend both with pressures from large-scale housing developments and the Channel Tunnel Rail Link (CTRL).

Waverley BC highlighted incremental losses to ancient woodland from smaller scale developments, such as outbuildings and paddocks as well as the construction of sheds and workshops required for the maintenance and upkeep of the woodlands themselves.

Given the variety of different development proposals affecting ancient woodland, the impacts and implications upon the woodlands may be either direct or indirect. Decisions on relevant applications varied: in some cases applications were refused, although refusal reasons were rarely based solely on the impact upon ancient woodland. In several cases reasons for refusal were based on the location of the proposed developments (ie within an AONB or SSSI) with the issue of ancient woodland status being coincidental and as such not included in the refusal reasons.

There was only one instance where the refusal of planning permission centered largely upon the impact of the proposed development on ancient woodland. This proposal was for a residential development in the Hastings area and was refused on account of its proposed loss of an area of ancient woodland. This reason for refusal is uncommon; the main emphasis on assessing the impact of development proposals on ancient woodland is one of management and control as opposed to outright refusal.

Measures such as the provision of public open space and the imposition of long-term landscape and woodland management schemes are all tools that have been employed to minimise and limit the impact of development on ancient woodland. The enforcement of such schemes are undertaken through legal agreements and conditions, in the same way that standard conditions and agreements relating to planning permissions would be drawn up. Because of the specialised nature of the ancient woodland, expert landscape and forestry officers are involved in the monitoring and scrutiny of these agreements and compensatory measures.

The identification of ancient woodland sites is undertaken consistently. All the Councils interviewed identify ancient woodland using a hard copy register of the location of their relevant areas of ancient woodland. These registers are based on the information supplied by

both County Councils and the former Nature Conservancy Council (now English Nature) Ancient Woodland Inventory. Ashford BC is in the process of transferring this information onto its own GIS mapping system, which will identify ancient woodland as one of a number of constraints. This system will also be available for members of the public to examine in the near future.

The one concern that was expressed, regarding the level of information available, was how up-to-date the information was. Waverley BC expressed concerns that this information is based upon surveys undertaken in the 1980's and they had no knowledge of any updating.

LPAs confirmed that areas of ancient woodland are under pressure from a variety of developments of differing scale and intensity. Interviewees have all clearly identified that pressures exist and that there is a need for careful and considered management and monitoring of such development proposals.

The lack of refusals based on presence of ancient woodland underlines the lack of policies concerning ancient woodland that should underpin such a refusal. However, those involved in the assessment of such applications are aware of how such applications may affect ancient woodland sites.

4.2 Cumulative impacts

Consideration is not always given to previous applications on or adjacent to specific ancient woodland sites. Although some previous applications are considered, others are not identified and there is no mechanism or common practice in place for considering the outcome of previous applications.

Records of previous applications affecting ancient woodland sites are often not stored by the LPA in an easily accessible location. Therefore such records are not always readily and conveniently accessible to Planning Departments. Ashford BC noted that although it has access to all records, applications affecting ancient woodland are not centrally located.

Officers who have dealt with the same cases individually in the past have direct access to the files concerning them, but other than this, accessibility of computer files is restricted to the option of viewing all applications, with no filter mechanism to view all applications affecting ancient woodland sites.

All the LPAs agreed that decision-making is affected by cumulative losses and impacts, and Ashford BC deems these cumulative losses and impacts to be a major consideration in affecting the decision making process. The weight attached to cumulative losses and impacts affecting decision making varies among authorities, and Waverley BC prioritises landscape impact above wildlife.

4.3 Internal consultation procedures

In all three cases there are strong lines of communication within each Local Planning Authority. The officers interviewed were all qualified arboriculturalists or landscape architects and they possess a great deal of knowledge and expertise in relation to general tree and landscape issues as well as specific ancient woodland issues.

All the officers interviewed have close links with their Development Control colleagues, ensuring that there is sufficient and adequate opportunity for discussion and negotiations on both a formal and informal level.

The landscape officers are involved at pre-application stage when proposals involve potential impacts upon ancient woodland. Involvement at an early stage in the negotiation and discussion processes prior to the submission of applications has proved an important factor in ensuring that proposed developments that may affect ancient woodland sites are subject to careful examination by suitably qualified officers.

However, there are a number of applications of varying size that are not the subject of pre-application discussions, and are submitted without warning. All three authorities have the procedures in place to identify those applications when they are registered. Identification is undertaken through use of constraint maps and registers and automatically generates a consultation with the relevant tree/landscape officer. This emphasises the need for relevant records of ancient woodland sites to be accurate and up-to-date when passed on to Local Planning Authorities.

Overall, officers were satisfied that they are consulted on the vast majority of applications affecting, or potentially affecting, ancient woodland, ensuring that the examination of such applications are thorough and subject to the proper expert advice.

4.4 External consultations

In all cases statutory and non-statutory bodies have also been involved in the consultation process. The three councils all identified the following bodies as offering advice:

Environment Agency, Forestry Commission, Local Wildlife Trust, County Council, Local Biological Record Centres.

In all cases the advice offered by these bodies was viewed as being important and useful. Advice received by Waverley BC from the Environment Agency in respect of how water courses may affect woodland areas was crucial in the determination of one particular application.

The Forestry Commission and the Local Wildlife Trust were both viewed as particularly important consultees by Waverley and Ashford BC. Not only do both organisations offer high expertise, it was also felt that their advice and comments had a particular weight and influence which could be put to good use in the negotiation process with applicants, as well as influencing the members of relevant planning committees at the time of decision making.

While there was sufficient information and advice made available to determine applications potentially affecting ancient woodland, the role of the Local Plan was viewed as being one crucial tool that could be used further to strengthen the entire decision making process.

Both Waverley and Ashford BCs stated that neither of their relevant Local Plans included policies in relation to ancient woodland nor were the areas physically marked on any Local Plan map. In both cases it was felt that this would be an important step in highlighting and bringing attention towards ancient woodland in a clear, legible and easy-to-understand manner for all parties involved in the decision-making and application process. Furthermore

the lack of recognition of ancient woodland by any consultees involved in the Local Plan process highlights a key problem in the long-term conservation of ancient woodland.

The lack of inclusion of ancient woodland in the Local Plan has historically been a problem for Ashford BC, to the extent that allocated housing sites have been included in adopted Local Plans where they have overlapped onto areas of ancient woodland.

The inclusion of ancient woodland sites in the Local Plan would mean their identification at an early stage. Key issues could then be considered at a more strategic and holistic level, as opposed to the current situation of assessing applications and development proposals, which is a more reactive process.

4.5 Other decision making tools

Following on from the questioning on consultations, the interviewees were questioned on the other data or tools they may use in the decision-making process. In terms of drawbacks or concerns regarding consultation procedures the issue of the accuracy of and the failure to pinpoint all ancient woodland was again highlighted as the only real concern. This concern ranged from the upkeep and monitoring of the ancient woodland surveys, to the inclusion of ancient woodland sites on Development Plan maps.

In order to improve and assist in the decision making process a number of potential options were considered by officers interviewed as being potentially effective in the decision making process:

- The appointment of more qualified officers who had access to up-to-date registered maps identifying ancient woodland;
- The use of effective Tree Preservation Orders – at present these can only be used if the woodland has public amenity protection, and therefore they cannot be used to any great extent. Extending their coverage to include sites of ancient woodland would provide a practical tool for protection;
- Addressing the issue of Felling License requirements: this is considered to be a fairly large ‘loop-hole’ in the system at the moment, in that the LPA has no control over felling that goes on adjacent to ancient woodland sites and which can impact upon the ancient woodland sites themselves.
- There should be more incentives for land-owners to retain and maintain areas of ancient woodland through the provision of grants and financial incentives.

The emphasis is on increasing knowledge and expertise in terms of educating officers and increasing the numbers of officers dealing with ancient woodland sites. There are also a number of tools that are limiting the effective use of planning controls over ancient woodland. Assessing the impact of land-use upon ancient woodland should not be limited to purely assessing planning proposals and applications. More mundane issues such as tree felling, leisure pursuits and grazing are all identified as having potentially detrimental impacts upon woodlands but lie outside of the direct control of the LPA.

All those interviewed indicated that they use the Internet to assist their work and site-specific dealings with ancient woodland through the examination of legislation, reports and papers as well as relevant press releases and documents. Websites for statutory bodies such as English

Nature, The Forestry Commission and County Councils are used as well as the web site of the Office of the Deputy Prime Minster. Ashford BC is also in the process of finalising its own internal computer mapping system, which will be made available for members of the public calling at the Council offices, to use in the near future.

The issue of ancient woodland data is a key issue. Generally those interviewed felt that the data and the upkeep of the information should be held at a local level although there was also some call for the Forestry Commission to hold the records. However the upkeep and amendment of the information, particularly in terms of lost ancient woodland, needs to be centrally located. This would require the body with the greatest expanse of up-to-date information and details regarding ancient woodland to store and update such information, which should then be fed down to local level. The interviewees felt that the Forestry Commission should feed the information down to the relevant County Councils, who in turn pass the information onto the Local Planning Authorities.

4.6 Conclusions

There is a growing interest and awareness amongst LPAs that the role of ancient woodland is important. All those interviewed are keen to improve upon and maintain the work on ancient woodland that they are currently undertaking.

Two overriding issues stand out. First the centrally held information that indicates ancient woodland status, and more specifically, the loss of ancient woodland sites, needs to be accurate and up–to-date. Whilst no specific incidents regarding the accuracy of the ancient woodland inventory were cited, there is a 'grey area' as to who is responsible for its upkeep, who ensures it is accurate and whether the most up-to-date version is being used.

Second, and following on from the first issue, the areas of ancient woodland need to be the subject of greater emphasis in Local Plan documents. Two out of the three councils interviewed do not have any specific Local Plan policies relating to ancient woodland (Ashford and Waverley BC). Those interviewed were of the view that the implementation of such policies, along with the inclusion of the ancient woodland upon proposals maps would be beneficial to the long-term conservation of these areas. The instance of Ashford BC allocating housing sites within ancient woodland sites in the past typifies the problems that have arisen.

5. Conclusions and recommendations

Three main conclusions have been drawn from the interviews.

- Ancient woodland is under threat from all types of development at various scales and small incremental development appears to be as damaging as individual large-scale developments.
- Clearer, specific policy is required in order to protect ancient woodland and to achieve a sensitive and appropriate form of development and any attendant compensatory measures.
- The ancient woodland inventory records must be maintained with up-to-date correct information. Greater clarity in responsibilities, communication and co-operation is required to provide confidence in the quality of data and to provide efficient pooling

of resources to maintain up-to-date records. Maintenance of records also needs to include a mechanism for identifying previous developments on or in the vicinity of ancient woodland sites so that cumulative and incremental effects can be monitored and given due weight in the determination process.

5.1 Policy and guidance

The pilot study has highlighted that uses not subject to planning approval also have negative impacts upon ancient woodland, over which LPAs have no control. A mechanism for protecting woodlands against such uncontrolled activities and operations needs to be established.

There is a need for development plans to include specific policies to protect ancient woodland. Such policy would provide the impetus for clear identification and mapping of ancient woodland on Local Plan proposals maps. It would also add weight to protection whilst providing clearer guidance to developers; and it would further assist officers in the determination and protection of planning applications that would affect ancient woodland. This would create a better framework for the sensitive treatment of development within or adjacent to ancient woodland, and remove the current reliance on the presence of other designations such as those for nature conservation or landscape character to provide adequate protection for ancient woodland.

Widening the scope of Tree Preservation Orders to include ancient woodland not in amenity use could also provide a robust tool for protection.

These responses would be assisted by, and to a degree are dependent upon, stronger guidance from central government that would add more weight to ancient woodland protection. This higher-level guidance and policy would provide the impetus and authority, whether by means of good practice guidance or by statutory requirement, to compel local authorities to develop ancient woodland policies. At present there is little legislative imperative for such policy.

5.2 Data maintenance

Current ancient woodland mapping is conducted at national level by English Nature, and indirectly by the Forestry Commission (the FC National Inventory of Woodland and Trees collates the presence of ancient woodland, but AW information is sparse in the published inventories). Printed mapping is published on a county scale, which in turn is disseminated to the local boroughs and then the districts. Although not subject to statutory protection, ancient woodland is considered as a biodiversity resource at the national scale, and it is therefore appropriate that English Nature and the Forestry Commission monitor it at the national scale.

Feedback from the officers was inconclusive with regard to the responsibility for the maintenance of data; some indicated English Nature or the Forestry Commission as the appropriate authority, others suggested a more local body was appropriate. However, as the arbiters of the majority of planning applications, local authorities may be considered to be at the forefront of ancient woodland protection and are best placed, subject to resources, to provide details of incremental and cumulative impacts. Information transfer should therefore be a two–way process to maintain the accuracy of the ancient woodland inventory, and involve organisations at all levels, not just the current ‘trickle down’ arrangement.

English Nature is in the process of modernising the Ancient Woodland Inventory, which began in the 1980s). The Inventory Database (descriptive text) is available for the whole of England although losses may not have been picked up, whilst digital data (mapping) is inaccurate for some parts of England. The web site provides a generalised feedback pro forma for comments regarding English Nature databases, which can be used to submit information concerning both inaccuracies and real losses.

The authorities indicated that they still refer to paper records (including the original 1980's AWI reports) for identification of ancient woodland locations. However, they also use the Internet to identify and/or confirm other aspects relating specifically to ancient woodland and generally in relation to planning policy and case law. Some of the authorities continue to use the paper reports because they were not aware of the availability of ancient woodland GIS data from the English Nature web site or do not have the GIS expertise at officer level to access it.

Ashford BC is developing its own internal mapping system that will be available for officer use and for members of the public visiting the council offices. In part this has been in response by the authority to past conflicts between ancient woodland identification and allocation of development sites. It is possible that other authorities within England may be developing, or may have developed, similar internal mapping systems. If this piecemeal approach becomes widely established, the duplication of effort and resources would be wasteful. Further, it would add to the uncertainty regarding data provenance and topicality.

To overcome this miscommunication, local authorities should be re-appraised by English Nature of the availability and current status of the AWI database. A contributory factor to this present situation is probably the lack of or limitations to GIS experience amongst professionals that deal with ancient woodland on a daily basis.

5.3 Using the Ancient Woodland Inventory to capture planning decisions

Notwithstanding limitations in GIS experience at local authority level, feedback on the English Nature GIS database could be focussed to elicit data on the relationship between development and ancient woodland, both proposed and approved. In this way, changes to ancient woodland can be tracked and a picture of incremental and/or cumulative effects on any given woodland or within a defined geographical area would be readily available. Refinement of the English Nature GIS database feedback pro forma would include specific questions regarding proposals that affect ancient woodland, the nature of the development and its status.

Despite individual experience and knowledge of planning procedures and ancient woodland value, uncertainty and lack of conviction remains in policy terms regarding ancient woodland protection.

5.4 Using policy as a tool for updating the Ancient Woodland Inventory

Strengthening policy and/or guidance would permit:

- Ancient woodland policy to be incorporated into Local Plan policies and identification of the same on the accompanying Proposals Maps.
- Introduce a requirement for English Nature to be notified of all proposed development that affects ancient woodland.
- Introduce a requirement for English Nature to be appraised of all approved development that affects ancient woodland.

In summary, this could be achieved by:

- Central government policy and English Nature guidance encouraging LPAs to have a policy on Ancient Woodland that would be incorporated within development plans, and would also identify ancient woodland sites on proposals maps.
- Refinement of the web version of the ancient woodland inventory and pro forma for use on the English Nature web site, to allow specific information to be elicited on planning applications that may affect ancient woodland. This may be achieved by the introduction of a new digital data field incorporated into the ancient woodland database so that potential impacts upon ancient woodland may be readily identified.
- Incorporation of the status (application received or approved) of planning applications that affects ancient woodland, which could similarly be added to the response pro forma.

The technical feasibility and detail of fulfilling the recommendations will require further dialogue between English Nature and local planning officers to identify how this may be implemented.

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Abbreviations

AONB	Area of Outstanding Beauty
AW	Ancient Woodland
AWI	Ancient Woodland Inventory
BC	Borough Council
CTRL	Channel Tunnel Rail Link
FA	Forestry Authority
FC	Forestry Commission
GIS	Geographic Information Systems
LPA	Local Planning Authority
SSSI	Site of Special Scientific Interest
TPO	Tree Preservation Order

Glossary

Plantations on Ancient Woodland Sites	Ancient woodland sites where the original native tree cover has been felled and replaced by planting, usually with conifers and usually post 1900.
Ancient semi-natural woodland	Ancient woodland sites that have retained the native tree and shrub cover that has not been planted, although it may have been managed by coppicing or felling and allowed to regenerate naturally.
Ancient woodland	All woodland in Britain which has existed since at least 1600 AD. It may be described as Ancient Replanted Woodland or Ancient Semi-natural Woodland.
Ancient woodland inventory	The ancient woodland inventory project was set up in 1981 by the Nature Conservancy Council (now English Nature) to identify all woodland in Britain which has existed since at least 1600 AD. Only sites over 2 hectares identified on the 1930's base maps have been included on the inventory. Provisional (as they are subject to constant review) inventories for each English county are available from English Nature.
English Nature	English Nature is a Government agency set up by the Environment Protection Act 1990 and are funded by the Department of Environment, Food and Rural Affairs to champion the conservation of wildlife, geology and wild places in England.
Forestry Authority	A branch of the Forestry Commission responsible for policymaking, implementation of regulations and distribution of grants.
Forestry Commission	The Government Department responsible for forestry throughout Great Britain.
Geographic Information Systems	Computerbased systems designed to collate, store and analyse data which includes a spatial or geographical parameter. Information for a given feature is stored in both text (descriptive) and graphical (image) formats.

Appendix 1 – Standard interview questions

The following message was faxed to respondents in advance of telephone interview:

Message: English Nature Pilot Study
Ancient Woodland and Development

Dear ……..

RPS has been commissioned by English Nature to undertake a pilot study into Ancient woodland and development so as to identify an appropriate tool for capturing planning decisions that affect Ancient woodland. Thank you for agreeing to take part in this study.

As discussed earlier, the following outlines the study and is provided in advance of the telephone interview for your consideration and also as a copy for your records. It sets out:

- Background to the study
- Study objectives
- Standard questionnaire.

We will telephone you as agreed on…… at ……. to obtain your responses to the questionnaire, and to note any other comments or observations that you may have with respect to the study topic.

Background

The English Nature study proposal has been preceded by two studies conducted by the Woodland Trust and WWF. Of particular relevance is "Threats to Ancient Woodlands – Final Report" (Dec 2001). The objective of this was to study the continued effect of land use change subject to planning control on the loss of ancient woodland.

The "threats" study comprised a written questionnaire that was circulated nationally to LPA's, statutory and non-statutory consultees, and environmental consultants seeking general information about knowledge of ancient woodland and experience of ancient woodland in the planning process.

This was followed by targeted telephone interviews to those individuals that had indicated a willingness to contribute further and fell within the description of a 'county-sized' area within four selected regions of Kent, Lancashire, South Wales East, and Central Scotland.

The 'threats' study resulted in a series of key recommendations grouped under sub-headings of information, planning policy guidance, process and communication, protection, awareness raising and monitoring.

The 'threats' report may be viewed at:
http://www.woodland-trust.org.uk/policy/publicationsmore/development_threats_to_a_w.pdf

The current English Nature study

The English Nature study seeks to build upon the work undertaken by the 'threats' study. The main objective of the English Nature study is to identify an appropriate tool for capturing planning decisions that affect Ancient woodland. In doing this, the study will also seek to:

- Establish the degree of difficulty officers experience in determining the impact of planning decisions affecting Ancient woodland
- Seek officer views on what advice (in-house or statutory body) would assist in this process that could lead to a more positive outcome for AW
- Seek officer views on what resources (form and content) would assist in this process that could lead to a more positive outcome for AW
- Explore types of compensation measures and controls that may be sought
- Assess how the cumulative effects of planning decisions impact upon AW

The findings of the study will be presented in a short report to English Nature.

About your organisation:

Your Name: _____

Your Discipline: _____

Name of Organisation: _____

Address: _____

_____

_____

_____

_____

Email: _____

Do you have experience in determining planning applications that have/may have an affect on Ancient woodlands (AW)?

---

1. Applications affecting Ancient Woodlands:

1a. What was the nature of the proposed development?

1b. Does your authority maintain a register of AW's and if so, what is it based on?

1c. How did you identify the AW and any potential impacts?

1d. Did the proposal result in direct or indirect impact upon the loss of AW?

1e. Was the proposal approved?

1f. Were any compensatory measures required?

1g. How were they enforced/monitored?

1h. Are you aware of any applications that have been refused principally on AW grounds?

1i. If these went to appeal, were representations made by the LPA or others (eg English Nature/Woodland Trust/Forestry Authority) regarding AW's?

---

2. Cumulative impacts:

2a. Do you consider whether the AW has been subject to or affected by previous applications on or adjacent to the site?

2b. Do you have access to records that show previous applications affecting AW's?

2c. Do potential cumulative losses/impacts affect your decision-making?

---

3. Internal consultation procedures:

3a. Do you have a qualified officer to deal with AW matters?

3b. If not, whom would you refer applications to?

3c. How are you consulted?

3d. At what stage are you consulted; pre- or post application?

3e. Are you consulted in every case regarding all woodland and if not, what % of cases generally?

3f. Is the decision to consult based on a minimum woodland size?

---

4. External consultations:

4a. How did you identify sources of information or advice?

4b. Did you seek advice from Statutory bodies or others (please list)?

4c. Was this of assistance?

4d. What further advice or information would have helped you in the decision-making process?

4e. What weight/confidence would you attach to such advice?

4f. Could the decision-making process be improved?

4g. How would this provide a more positive outcome for the woodland?

---

5. Other decision-making tools:

5a. What drawbacks or concerns do you have with consultation procedures?

5b. What other resources or inputs would assist the decision-making process?

5c. Do you use the Internet or other electronic media to assist in decision-making and if so, what?

5d. At what level do you think AW data should be held, and who would be best placed to maintain that data?

Appendix 2 – Synopsis of interview responses

1. Applications affecting Ancient Woodlands:

1a. What was the nature of the proposed development?

This varied and incorporated multiple developments. These included horse related such as paddocks and riding schools, some transport related developments, eg high-speed rail links, housing related developments (deemed to have the greatest impact), and there are also examples of sheds and barns which are related to the maintenance of the woodland.

1b. Does your authority maintain a register of AW's and if so, what is it based on?

All authorities hold an inventory/register of semi ancient natural woodlands. The specifics of certain registers stipulate that only semi-natural woodlands over two hectares are recorded. These inventories can be somewhat dated (compiled in 1980's) and are based on the Nature Conservation Council Surveys and County Council information.

1c. How did you identify the AW and any potential impacts?

Ancient Woodland and potential impacts are identified by means of the register where this satisfactorily up to date, the GGP mapping system, and some case are also identified as SSSI's, SNCI's within the Local Plan.

1d. Did the proposal result in direct or indirect impact upon the loss of AW?

The proposals do have both a direct and indirect impact on the loss of Ancient Woodland in varying degrees.

1e. Was the proposal approved?

Yes in some cases which could be subject to public inquiry, and no in other cases. A relatively even balance overall.

1f. Were any compensatory measures required?

In some cases the retention of public open space and also measures where required such as mitigation measures round the site, eg long term management schemes.

1g. How were they enforced/monitored?

Through legal agreements and management agreements. In general these applications were enforced and monitored in the same manner as any other type of planning application is enforced and monitored.

1h. Are you aware of any applications that have been refused principally on AW grounds?

Just one application had been refused principally on Ancient Woodland grounds. The general consensus is promoted as attempting to direct and amend, rather than refuse. This Pilot Survey identified that applications on Ancient Woodlands or affecting Ancient Woodlands ,when refused, are denied principally due to their location within the Green Belt and AONB's, not solely based on their existence as Ancient Woodland.

1i. If these went to appeal, were representations made by the LPA or others (eg English Nature/Woodland Trust/Forestry Authority) regarding AW's?

If applications went to appeal, the LPA, English Nature and the Wildlife Trust made representations.

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2. Cumulative impacts:

2a. Do you consider whether the AW has been subject to or affected by previous applications on or adjacent to the site?

In approximately 50% of cases the Ancient Woodland has been subject to and affected by previous applications on or adjacent to the site.

2b. Do you have access to records that show previous applications affecting AW's?

Planning Departments do have access to records that show previous applications affecting Ancient Woodlands, but this is incorporated in an accessibility of all applications in general. The convenience in obtaining these records is raised as an issue, as these records are not always located centrally.

2c. Do potential cumulative losses/impacts affect your decision-making?

Potential cumulative losses/impacts affect decision making in some cases, and when doing so this is considered a major consideration, and it was identified that this was in landscape terms more so than in wildlife terms.

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3. Internal consultation procedures:

3a. Do you have a qualified officer to deal with AW matters?

Qualified officers were assigned to deal with Ancient Woodland matters, and their positions comprised:

- *'Tree and Landscape Officer'*
- *'Landscape Manager'.*

3b. If not, whom would you refer applications to?

The Wildlife Trust is on occasion consulted but in general applications are dealt with by the allocated officers.

3c. How are you consulted?

Officers are consulted through planning applications and the use of the Register if available. However, if the Ancient Woodland is not identified on the Local Plan proposals map under, eg Green Belt or AONB, nor is it on a register, the officer may potentially be omitted from consultation.

3d. At what stage are you consulted; pre- or post application?

In every case at the pre-application stage, assuming officers are consulted at all.

3e. Are you consulted in every case regarding all woodland and if not, what % of cases generally?

Officers are consulted in approximately 90% of cases pertaining to all woodland.

3f. Is the decision to consult based on a minimum woodland size?

The decision to consult is based on the case officer's assessment of the impact on the woodland, not on a minimum woodland size.

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4. External consultations:

4a. How did you identify sources of information or advice?

Sources of information and advice are sought from the Planning Office itself, the Wildlife Trust and from statutory agencies.

4b. Did you seek advice from Statutory bodies or others (please list)?

Advice was received from the following:

- *Environment Agency*
- *Forestry Commission*
- *Wildlife Trust*
- *County Council*

4c. Was this of assistance?

This assistance was viewed as being very helpful, eg advice on water courses from the Environment Agency.

4d. What further advice or information would have helped you in the decision-making process?

No further advice would have helped in the decision making process, but what was identified as being most useful was identification of Ancient Woodlands on Local Plan proposals Maps, thus eliminating the current 'hit and miss' scenario.

4e. What weight/confidence would you attach to such advice?

The weight and confidence attached to any advice is high, and potentially adds significant weight to any argument. Individual bodies mentioned specifically as presenting significant advice were the Wildlife Trust and Forestry Commission.

4f. Could the decision-making process be improved?

Yes. It was suggested that one salient improvement would be the inclusion of more Ancient Woodland information within the Local Plan, particularly the identification of areas of Ancient Woodland on the Local Plan proposals map.

4g. How would this provide a more positive outcome for the woodland?

Were the information available earlier, eg in the form of allocated Ancient Woodland sites contained within the Local Plan, the issues could be considered at the planning process stage, and not afterward. Much of the information and advice 'trickles' through well into the consideration of the application, which could be avoided were this information and advice contained within the Local Plan.

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5. Other decision-making tools:

5a. What drawbacks or concerns do you have with consultation procedures?

The main drawback is the failure to pinpoint and consider all Ancient Woodland, but in all other respects no concerns were raised regarding consultation procedures.

5b. What other resources or inputs would assist the decision-making process?

The resources and inputs specifically identified within the pilot study as aids in assisting the decision making process were:

- *More qualified officers who had access to up to date registered maps identifying Ancient Woodland;*
- *The use of effective preservation orders on woodland - at present these can only be used if the woodland has Public Amenity Protection, and therefore they cannot be used to any great extent;*
- *Addressing the issue of Felling License requirements (considered to be fairly large 'loop holes') in so far as the LA has no control over felling that goes on adjacent to and that which ultimately effects Ancient Woodland;*
- *More incentives to retain Ancient Woodland, eg grants*

5c. Do you use the Internet or other electronic media to assist in decision-making and if so, what?

The Internet and other electronic media identified and used in the decision-making process comprise:

- *Agency sites*
- *Planning Policy Guidance*
- *GGP - digital/computer mapping*

5d. At what level do you think AW data should be held, and who would be best placed to maintain that data?

The level at which Ancient Woodland should be held is either at a local level or by the Forestry Commission. Either the County Council or the Forestry Commission are deemed best placed to maintain the data. Whoever has the greatest expanse of up to date information and the most expeditious means of monitoring Ancient Woodland loss is considered the most appropriate to maintain data.

End

ENGLISH NATURE

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Peter Wakely / English Nature 17,396
Middle left: English Nature bat warden with a whiskered bat near Holme, Devon.
Paul Glendell / English Nature 24,795
Bottom left: Radio tracking a hare on Pawlett Hams, Somerset.
Paul Glendell / English Nature 23,020
Main: Identifying moths caught in a moth trap at Ham Wall NNR, Somerset.
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