

Summary

In relation to planning policy, Woodland Trust Northern Ireland's view is that inclusion of the preferred wording 'wholly exceptional' would remove the direct loss of and damage to ancient and long-established woodland, and ancient or veteran trees resulting from development. This necessary level of protection would be in line with the protection offered under the [National Planning Policy Framework](#) in England.

The principle of presumption against any development which will result in damage to or direct loss of ancient or long-established woodland, or ancient and veteran trees should be clearly communicated using the wording 'wholly exceptional', and supported by additional unambiguous policy language, e.g.: *"Developments that result in damage to or direct loss of ancient or long-established woodland WILL ONLY be permitted in 'wholly exceptional' circumstances"*; with clear parameters of what constitutes 'wholly exceptional'.

The wording 'wholly exceptional' would compel developers to be more considerate in their approach, concentrating more on the design and layout of the proposed developments to minimise impacts on these important habitats. We believe that above all else, developers want and need consistency in planning policy, implementation and enforcement, and we believe the inclusion of this wording would not result in reduced development just better designed and located development.

The additional inclusion of a 50-meter buffer zone around ancient and long-established woodlands will ensure sufficient protection for these important habitats, the resilience of these woods and their existence in to the future.

Introduction

Belfast City Council has an exciting opportunity, through the Local Development Plan (LDP) process to create and implement robust, fit-for-purpose, and future-proofed planning policy for sustainable development, providing consistency of approach and implementation for all development proposals right across the district as well as ensuring an appropriate balance between economic, social and environmental priorities.

This necessary balance is reflected in Northern Ireland's Sustainable Development Strategy 'Everyone's Involved'¹ that sets out the four guiding themes for sustainable development in NI:

- Economic prosperity;
- Social cohesion;
- Environmental protection;
- Meeting out national and international responsibilities.

¹ <https://www.nienvironmentlink.org/cmsfiles/policy-hub/files/documentation/Waste/Sustainable-Development-Strategy.pdf>

It is important to note that the Wildlife and Natural Environment Act (Northern Ireland) 2011² places a **statutory duty** on all public bodies, including councils “*to further the conservation of biodiversity*”. This duty relates to the council as an entity and any functions that it exercises which includes planning. Given the high biodiversity values associated with ancient and long-established woodlands and veteran trees, appropriate protection must be afforded these important environmental assets to ensure the council is not in dereliction of its biodiversity duty.

Ultimately, planning policy should be aspirational as well as realistic. Planning policy has the opportunity to create a sustainable equitable future, but only if we put in place sustainable and equitable planning policies now. Economic gains should not trump environmental concerns, and the full benefits of a resilient environment – reaching far beyond the planning and development sphere, should be understood and fairly valued. A flourishing economy and vibrant sustainable communities depend upon a resilient environment; this interconnected and inter-dependent relationship must be at the core of all future planning policy

Current planning policy position

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that ‘ancient and long-established woodland’ should be a material consideration in planning policy (mirrored in PPS 2: Natural Heritage):

6.192 - *Planning permission should only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:*

- *priority habitats;*
- *priority species;*
- *active peatland;*
- *ancient and long-established woodland;*
- *features of earth science conservation importance;*
- *features of the landscape which are of major importance for wild flora and fauna;*
- *rare or threatened native species;*
- *wetlands (includes river corridors); or*
- *other natural heritage features worthy of protection, including trees and woodland.*

6.193 - *A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.*

² <https://www.legislation.gov.uk/nia/2011/15/section/1>

The current policy position raises questions as to what is an 'unacceptable adverse impact', who decided what is 'unacceptable' and / or 'adverse', how is it measured and defined? There is also uncertainty around the 'benefits and value' aspect; again, how is this measured, how are the levels of benefit and value defined, are these cumulative effects, who makes this decision?

PPS 2 already provides for an 'exceptional' level of protection for European and Ramsar sites and European protected species. This 'exceptional' level of protection must be extended to include ancient and long established woodland, and ancient and veteran trees, given their unparalleled and irreplaceable biodiversity level.

Ancient and long-established woodland lost and under-threat in NI

The Woodland Trust is the UK's leading woodland conservation charity. The Woodland Trust Northern Ireland (WTNI) has been working to plant and protect trees and woods in Northern Ireland since 1996. Northern Ireland is one of the least wooded countries in Europe, with just 8% woodland cover compared to the European average of 46%. Ancient woodlands (areas wooded since 1600) are home to many rare and threatened species but this important and fragile habitat covers just 0.08% of Northern Ireland's landscape.

Ancient woodlands have evolved into complex ecological communities of interdependent plants, animals and fungi, including invertebrates and soil micro-organisms. This level of biodiversity accumulates over hundreds or thousands of years, with some ancient woodland indicator species taking hundreds of years to colonise woodland. The soils found within ancient woodland are often undisturbed and are home to some of the most hidden but also most functionally important elements of a woodland system such as mycorrhizal fungi.

Creating new woodlands through tree planting cannot replace ancient woodland. New woodland creation would still take hundreds (or thousands) of years, with favourable conditions such as adjacent ancient woodland or ancient hedgerows, to be in with a chance of developing the same level of biodiversity as ancient woodland. With unfavourable conditions, such as tree planting on previously agriculture land, it is unknown whether the right conditions will ever exist to support the complex biodiversity mix found in ancient woodland, even after the passage of necessary time. Because these ancient woodland features, by definition, take a long time to develop, they would also take a long time to replace, if they can be replaced at all; this is why their protection is a priority.

The WTNI is not anti-development; we welcome and value thoughtful and considerate sustainable development that benefits communities, the economy and the environment. As an organisation, we work to ensure that the public has access to woodlands, including our rare ancient and long-established woods. This access work involves the introduction of sensitive pathways and trails to allow the public to access and enjoy the woodlands but also direct them away from particularly sensitive areas and minimise the damage resulting from public access.

The first and only comprehensive review of Northern Ireland's ancient and long-established woodland was carried out by the WTNI between 2003 and 2007. The resulting Ancient Woodland Inventory was published in 2007. The comparable surveys carried out across the rest of the UK were undertaken by statutory agencies.

Woodland Trust Northern Ireland is not a statutory consultee and so has no official record of threats against ancient and long-established woodland, only those which are highlighted by staff, volunteers, members and supporters, and the public. We are not aware of any local or regional government, statutory or departmental register of threat or loss against these important habitats.

Through our work on the Ancient Woodland Inventory, we know that around 13 per cent of ancient and long-established woodland that survived to the 1960s has since been lost. A total of 273 ancient and long-established woods have been cleared altogether since that time, with **13% (or 35) ancient and long-established woodlands being lost through development.**

In 2007, of the ancient and long-established woodland areas that still remained, nearly two-thirds (63 per cent) are under 2 hectares in area, and less than one tenth are over 10 hectares in area. It is vital that these small, often disparate, areas of ancient and long-established woodland are not forsaken as a result of being greatly undervalued due to their size.

It is vital that the necessary protections are put in place now, to ensure these ancient and long-established woodlands, and ancient and veteran trees exist for future generation; to safeguard their continuance for wildlife and guarantee no loss of biodiversity.

Development and ancient and long-established woodland in Northern Ireland

Small developments such as those associated with phone masts, leisure activities, housing, waste disposal etc, are clearly not spatially dependent and nor are they of regional significance. There is therefore no reason why they should be located where they will cause damage or loss to ancient or long-established woodland.

In relation to large developments, even those with regional significance, we have found that early engagement with developers has allowed for the siting or re-routing of projects away from areas of ancient or long-established woodland.

Many types of development cause 'indirect impacts' on ancient and long-established woodland, often because they are adjacent to or closely abutting these areas. Depending on the scale and nature of the development WTNI recommends the inclusion of a 50 meter buffer zone around ancient and long-established woodland for adjacent development proposals. To ensure any potential damage is mitigated against and the important woodland habitat is appropriately protected.

Wider environmental protection in planning policy

The management of invasive species must also be recognised in planning policy, given the extensive negative impacts on sustainable development, public health and environmental resilience. Invasive species such as Japanese Knotweed can cause damage to building structures, will disqualify an individual from a mortgage for the site and will most likely prohibit the site/property being sold. Its removal is so important regionally that in September 2016 the NI Assembly called “on the Minister of Agriculture, Environment and Rural Affairs to bring forward proposals for a regional programme to eradicate Japanese knotweed”³.

Conclusion

Planning policy must seize this opportunity to create a framework for truly sustainable development. Without the recognition of the wide-ranging benefits a resilient environment provides, planning policy will fail in its ultimate aim of supporting sustainable land use decisions across the district.

Planning policy must reflect the council’s statutory duty to further the conservation of biodiversity; it must recognise the irreplaceable nature of ancient woodland and the inappropriateness of mitigation and/or compensatory measures when considering damage or loss to ancient or long-established woodland.

The inclusion of the wording ‘wholly exceptional’, additional unambiguous policy wording and a required 50-meter buffer around ancient and long-established woodland would provide policy certainty and consistency for all developers as well as providing for the protection of important and valuable habitats and biodiversity levels throughout the district.

³ <http://data.niassembly.gov.uk/HansardXml/plenary-20-09-2016.pdf>