

Planning Comments

From: Planning Validation
Sent: 09 April 2024 10:58
To: Planning Comments
Subject: FW: PLANNING APPLICATION CONSULTATION (24/00523/FUL)
Attachments: Forestry Commission Planning Guidance Annex 1.pdf

From: Planning Consultation SEL <planningconsultationSEL@forestrycommission.gov.uk>
Sent: 09 April 2024 10:53
To: Planning Validation <planning.validation@sevenoaks.gov.uk>
Subject: RE: PLANNING APPLICATION CONSULTATION (24/00523/FUL)

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Dear Sevenoaks Council,

Thank you for taking the time to consult the Forestry Commission regarding this application. We are currently receiving a significant number of planning consultations. We are triaging all requests and may have further comments as a result; however, this response should be considered to be the Forestry Commission's formal response to this consultation unless we provide subsequent comments.

Our role

As a Non-Ministerial Government Department, we do not provide an opinion supporting or objecting to planning applications. Instead, we provide advice on the potential impact that proposed developments could have on trees and woodland using our local knowledge and expertise, planning policy and legislation that could be relevant and measures that could help to avoid or limit impacts and result in overall gains wherever possible.

Development close to ancient woodland

The planning application proposes development very close to ancient woodland, separated by a buffer of land not proposed for development.

We would like to highlight that the 15m buffer distance referred to in the Standing Advice is a minimum level and may need to be larger to account for any direct or indirect impacts

associated with the proposed developments, as well as to preserve the root protection area of trees within the woodland. This minimum buffer area would apply to a single dwelling and we would question the suitability of applying this minimum for larger scale developments. To help avoid impacts and to maximise any biodiversity gains, we encourage the applicant to:

- Incorporate a larger buffer than is being proposed
- Maximise the ecological value of the buffer area through habitat enhancement, creation and connectivity with other habitats on site and in the surrounding area (eg via lines of trees, hedgerows and areas of habitat).

Adopting these more stringent measures could help to avoid impacts from the development. If they are not applied, it is also likely to be a missed opportunity to help secure the long-term protection of this irreplaceable habitat and, where possible, expand and bolster these high value habitats especially in the context of national and local policies to recovering nature and expanding tree canopy cover.

Where woodland is within the applicant's control, we also suggest that this is brought into active management if it is not done so already, especially if there is likely to be added pressure from the proposed development. The applicant and Planning Authority can use the Assessment Guide referred to below to help establish if direct or indirect impacts are likely. We can advise further on management if helpful.

Policy to consider

The planning authority should consider the following policy and guidance as part of their decision-making process for this application (updated February 2024):

1. Ancient woodlands, ancient trees and veteran trees are irreplaceable habitats.

Paragraph 186(c) of the NPPF sets out that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In considering the impacts of the development on Ancient Woodland, Ancient and Veteran trees, the planning authority should consider direct and indirect impacts resulting from both construction and operational phases. Impacts can be caused by activities outside of areas designated as ancient woodland (eg within buffer zones), or within open areas of ancient woodland, which can result in loss or deterioration of ancient woodland.

Please refer to Natural England and Forestry Commission joint [Standing Advice for Ancient Woodland and Ancient and Veteran Trees](#), updated in January 2022. The Standing Advice can be a material consideration for planning decisions, and contains advice and guidance on assessing the effects of development, and how to avoid and mitigate impacts. It also includes an [Assessment Guide](#) which can help planners assess the impact of the proposed development on ancient woodland or ancient and veteran trees in line with the NPPF.

The Town and Country Planning (Consultation) (England) Direction 2024 (published January 2024) requires local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development, including development that affects ancient woodland: [The Town and Country Planning \(Consultation\) \(England\) Direction 2024 - GOV.UK \(www.gov.uk\)](#)

2. Existing trees should be retained wherever possible, and opportunities should be taken to incorporate trees into development. Trees and woodlands provide

multiple benefits to society such as storing carbon, regulating temperatures, strengthening flood resilience and reducing noise and air pollution. [Standard Response Template v1.1.msg](#) Paragraph 136 of the NPPF seeks to ensure new streets are tree lined, that opportunities should be taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible. Appropriate measures should be in place to secure the long-term maintenance of newly planted trees. The Forestry Commission may be able to give further support in developing appropriate conditions in relation to woodland creation, management or mitigation.

For all planning applications, we advise the Council to carefully consider the previous usage of sites, including historical satellite imagery, to consider if development is being proposed on recently felled woodland. Please contact us if you suspect this is the case.

1. **Biodiversity Net Gain (BNG):** As of the 12th of February 2024, major development (unless exempt) will have to deliver 10% net gain in biodiversity. Paragraph 180(d) of the NPPF also sets out that planning (policies and) decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 180(d) encourages development design to integrate opportunities to improve biodiversity, especially where this can secure net gains for biodiversity. BNG offers opportunities for protecting (retaining) trees and woodlands, as well as new planting and enhancement of existing trees and woodlands, and the planning authority also should consider the **wider range of benefits trees, hedgerows and woodlands can provide** as part of delivering good practice biodiversity net gain requirements **in addition** to contributing to the BNG figure. Ancient woodlands (including PAWS) and ancient & veteran trees are already recognised as irreplaceable habitats and as such are exempt from the net gain requirement.

We would also like to remind applicants that tree felling may require a [felling licence](#) from the Forestry Commission.

Please refer to Annex 1 attached for further guidance and advice that we hope you find helpful.

If you have any particular concerns that are not covered by the above, please contact us again highlighting any specific issues for us to consider in more detail.

Yours sincerely,

South East and London Area Team
Forestry Commission



[1] Recent studies have shown that the economic value of individual trees outside of our forests and woodlands has been calculated as £3.8 billion [Economic value of the UK's individual trees revealed for first time - Forest Research](#).

-----Original Message-----

From: planning.validation@sevenoaks.gov.uk <planning.validation@sevenoaks.gov.uk>

Sent: Tuesday, April 9, 2024 9:30 AM

To: Planning Consultation SEL <planningconsultationSEL@forestrycommission.gov.uk>

Subject: PLANNING APPLICATION CONSULTATION (24/00523/FUL)

This Message originated outside your organisation.

F.A.O. The Forestry Commission - Craig Harrison

Please find attached correspondence regarding the above Planning Application.

Development Control
Sevenoaks District Council

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