

## NE15 - special trees, important hedgerows and ancient woodlands

- Support - 27
- Neither support of object - 6
- Object - 10

The changes to the supporting text and the Local Plan policies have not only been informed by the responses to the Regulation 18 consultation but they have also taken on board any additional feedback that has come out of discussions/meetings with statutory consultees and members in order to improve the clarity and understanding of the contents of the Local Plan.

<b>Comments in support of NE15 - special trees, important hedgerows and ancient woodlands</b>		
<b>Respondent number</b>	<b>Comment</b>	<b>Officer comment</b>
<u>ANON- KSAR- NKGN-Y</u>	I strongly support this policy and it being well applied to protect our natural environment.	Comments noted and support welcomed.  <b>Recommended Response:</b> No Change
<u>ANON- KSAR- NK9G-A</u>	I support the proposal to protect ancient woodlands, special trees and hedgerows but I don't think it goes far enough. The phrase ' .....will only be permitted in exceptional circumstances where the public benefit would clearly outweigh the loss or deterioration...' is an example of a phrase which is too easily manipulated. 'Public interest' can mean anything.	Comments Noted and support welcomed.  Whilst not agreeing with the proposed wording as this is too high of a standard, the following revised wording has been proposed: amended wording has been added to the policy.  <b>Recommended Response:</b> Amend the wording to read “ <b>only be permitted in exceptional circumstances and in accordance with the relevant</b>

		<b>legislation, policy and good practice recommendations”</b>
<u>ANON-KSAR-NKS3-G Bishops Waltham Parish Council</u>	NE15 - Comment: Welcome the addition of hedgerows, to trees and ancient woodlands as protected from development (unless as stated in the policy, in exceptional circumstances)	Comments noted and support welcomed.  <b>Recommended Response:</b> No Change
<u>ANON-KSAR-NKBD-G</u>	I agree, ancient woodlands and trees must be protected. We also need to make sure that urban trees are looked after and that more, native trees are planted on an ongoing basis.	Comments noted and support welcomed.  <b>Recommended Response:</b> No Change
<u>ANON-KSAR-NKC8-5</u>	My view is that field sizes generally should be reduced as part of a transition to organic production. Increasing hedgerows, but I acknowledge this will require a review of agricultural subsidies at a national level.	Comments noted and support welcomed.  <b>Recommended Response:</b> No Change
<u>ANON-KSAR-NKYT-Q</u>	Yes and it absolutely should be applied in urban and suburban areas as well as in rural ones.	Noted. No change to policy needed.  <b>Recommended Response:</b> No Change
<u>ANON-KSAR-NKXV-R</u>	The policy is strong  But WCC have a poor record on enforcement where developers have cut down trees / pollarded trees removing so many branches that the trees die, removal of hedgerows prior to development and during development. Unless enforcement action happens with heavy financial penalties for those breaking the rules, this policy is just nice to have on a piece of paper but will continue to allow destruction of important habitats.	Comment noted. Enforcement action is taken where this it is appropriate.  <b>Recommended Response:</b> No Change
<u>ANON-KSAR-N8U2-X</u>	We support the approach within Policy NE15 to protect special natural features and their setting, to retain visual amenity, biodiversity and heritage value. However, for clarity we consider that additional definitions should be provided (either within the supporting text to this	Comments Noted. There is no need to define words like these in the Glossary of the Local Plan as they are defined elsewhere.

	<p>Policy, or within the Local Plan glossary) to ensure that the policy is effective.</p> <p>We consider the following definitions should be amended/added:</p> <ul style="list-style-type: none"> <li>• Paragraph 7.106 should make a distinction between ‘Ancient Woodland’ (which should also be capitalised in the policy text) and trees of significance. Ancient Woodland is defined within the NPPF as follows and this Paragraph should include this definition i.e.: “An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS)”.</li> <li>• Paragraph 7.106 should include a specific definition of ‘special trees’ which, in our view, should be defined as ‘Trees protected by a Tree Preservation Order’.</li> <li>• Paragraph 7.107 should include a specific definition of ‘important hedgerows’ which should refer to the Hedgerow Regulations definition.</li> <li>• A specific definition should also be included for “distinctive ground flora” which, in our view, should be defined as “typical woodland ground flora assemblage that is associated with the Ancient Woodland and Important Hedgerows”.</li> </ul>	<p>Ancient Woodlands are defined in the NPPF and there is no need to define this in the Local Plan.</p> <p>Special trees may not be protected by a TPO so it is not considered appropriate to restrict Special Trees to those protected by TPOs.</p> <p>Important hedgerows are included in para 7.108. Reference to legislation included.</p> <p>This definition is considered to be too restrictive and may not cover all of the features are important.</p> <p><b>Recommended Response:</b> Add reference Hedgerow Regulations under Paragraph 7.108.</p>
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<p><u>ANON- KSAR- N8Q5-W</u></p>	<p>The Woodland Trust welcomes the policy and the robust approach to protecting woodland, hedgerows and trees.</p> <p>We recommend some additional wording to ensure the policy is effective in achieving its goals: - in para iii) adding " A larger buffer may be required for particularly significant engineering operations, or for after-uses that generate significant disturbance."</p> <p>We recognise that 15 m is the statutory minimum buffer. Where development sites are adjacent to ancient woodland, we recommend that as a precautionary principle, a minimum 50 metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. More information is in the Woodland Trust's "Planners' Manual for ancient woodland".</p> <p>The policy uses the term 'Special Trees' to designate ancient, veteran and notable trees, as explained in the accompanying text para 7.107. We strongly welcome this inclusive approach. However, to achieve robust consistency with national policy, we recommend adding linked wording within the policy eg "Development which would result in the loss or deterioration of irreplaceable ancient woodlands, important hedgerows, special trees (including ancient &amp; veteran trees), distinctive ground flora ..."</p> <p>We recommend considering adding a reference to CAVAT assessment in para i) on tree replacement. In the accompanying guidance, we recommend setting a proposed ratio of tree replacement, which reflects the Woodland Trust guidance on Local Authority Tree Strategies (July 2016) with a ratio of at least 2:1 for all</p>	<p>Comments Noted. The 15m buffer has been used as per standing advice. The 50m buffer is not considered to be justified. A 50m buffer was discussed as part of the Environment Bill in the House of Lords but it was rejected.</p> <p><b>Recommended Response:</b> No Change</p> <p>Comments noted. <b>Recommended response:</b> include the words in brackets <b>(including ancient &amp; veteran trees)</b> in Policy NE15.</p> <p>Comments noted. The Council disagrees that CAVAT is appropriate as this system puts a monetary value on the trees amenity value. The Council would strive to ensure that the standing advice from</p>
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	<p>but the smallest trees and ratios of up to 8:1 for the largest trees.</p> <p>In para ii) we recommend adding a reference to surveying for special trees (as defined in 7.107) and recording them as appropriate on the Ancient Tree Inventory.</p> <p>In para v) we welcome the reference to native species. We would further encourage the specification where possible of UK sourced and grown tree stock for new planting, to support biodiversity and resilience.</p>	<p>the Forestry commission and Natural England is adhered too.  <b>Recommended Response:</b> No Change.</p> <p>Comments noted. Unfortunately, WCC does not have the resources/capacity to do this work. If a tree is under threat, WCC would put a TPO on it. Although WCC does not own or manage many veteran/ancient trees, where they exist the council will undertake their management in line with practice and national guidance. <b>Recommended Response:</b> No Change.</p> <p>WCC tree policy states: With regard to species selection, this will be determined by the site constraints and conditions and potential future issues such as global warming, pests and diseases. Therefore, planting will not be limited to native tree species which are becoming increasingly vulnerable to pest and diseases and climate change. Instead, the council will plant a greater range of species including non-native trees, to ensure the trees in the district are more resilient to change.</p>
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	<p>The Woodland Trust would be happy to advise on this policy and associated elements of the Local Plan.</p>	<p><b>Recommended Response: Criteria v has been re-worded as follows:</b></p> <p>v. Opportunities should be identified and incorporated <b>suitable growing conditions</b> for planting of new trees, woodlands and hedgerows. New planting should be suitable for the site conditions, <del>use native species and be informed by</del> <b>and contribute to local character, and enhance or create new habitat linkages and site constraints, address potential future issues such as global warming, pests and diseases by planting a greater range of tree species and ensuring that any planting creates or enhances</b> new habitat linkages.</p>
	<p>These important policies are strongly supported, especially the tranquillity and new light pollution provisions in Policy NE14, and extensive additions to the JCS policy in Policy NE15.</p> <p>Valued Landscapes We have raised in meetings and otherwise the need for identification and designation of Valued Landscapes and accompanying policies for their protection. It seems that a decision has been taken not to move forward with Valued Landscapes despite the guidance in NPPF paragraph 174 for their protection (as indeed is quoted in paragraph 7.22 of the new Plan). Proposed Policy CN5 expressly encompasses "the landscape and visual amenity of areas designated for their local, national .....importance". The national park is an area of national importance, but the landscape outside the national park is not all of</p>	<p>General support welcomed for Policy NE15.</p> <p>The NPPF does not require local authorities to designate 'Valued Landscapes'. The majority of the district is protected 'Countryside' under current Local Plan policies MTRA4 and CP20 of the current local plan Part 1, and Policies DM15 and DM23 of the Local Plan Part 2. If Valued Landscapes were to be applied, it is unclear which part of the above policies would apply to valued landscapes. It is also unclear what additional protection would be given over</p>

<p>equal value, as is clear from the map at Annex 1 showing designated Areas of Special Landscape Quality in the 1999 Local Plan. These will no doubt qualify as Valued Landscapes and should be designated as such and recognised as of local importance.</p> <p>We note that East Hampshire District Council proposes to designate and protect Valued Landscapes in the emerging East Hampshire Local Plan 2021-2040. Basingstoke and Dean similarly we understand.</p> <p>By way of reminder, NPPF provides:  174. Planning policies.....should contribute to and enhance the natural and local environment by:  a) protecting and enhancing valued landscapes, .....(in a manner commensurate with their.....identified quality in the development plan).</p> <p>Court cases have established that a 'valued landscape' is a landscape outside a "designated landscape" (i.e., national park or AONB) that is more than 'mere countryside' but is a landscape that has physical [demonstrable] attributes which take it 'out of the ordinary'. Court cases also establish that development in a Valued Landscape should be restricted, on the basis that the social and economic benefit of development would be significantly outweighed by the environmental harm caused, and that this is a material consideration to be taken into account in the decision-making process. It follows that a Valued Landscape has more protection in planning terms than "ordinary countryside" (but less than landscape in a national park or AONB). The words in brackets in paragraph 174(a) above, added to the NPPF in 2018, indicate that in Local Plans adopted after 2018 Valued Landscapes should be "identified" by way of a map, with an accompanying protective Policy in the text.</p> <p>We have supported Policy NE9 on Landscape Character, but Landscape Character Assessment makes no judgment on the value of the landscape and cannot be a substitute for identification and</p>	<p>and above the existing 'Countryside' designation</p> <p>In order for a landscape to be considered 'Valued', the Landscape Institute define this as an 'area having sufficient landscape qualities to elevate it above other everyday landscapes'. The institute has produced a guidance note entitled "Assessing landscape value outside national designations' which includes a range of factors to consider when assessing the value of a landscape.</p> <p>As the NPPF does not define what a 'valued landscape' is and contradictions in case law as to what defines a, 'valued landscape', the Local Plan will not be seeking to designate 'Valued Landscapes'.</p> <p>The countryside already enjoys protection from development through the current countryside policies in the adopted Development Plan.</p> <p><b>Recommended Response:</b> No Change.</p>
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	<p>designation of Valued Landscapes. It follows that a district wide assessment (outside the South Downs National Park) is needed to identify and map Valued Landscapes for the new Local Plan, with policies in the text to give them appropriate protection. Otherwise, we consider the Plan risks not being found Sound at Examination, for failure to be in compliance with the NPPF.</p>	
	<p>Tranquillity and Dark Night Skies It is now widely acknowledged that tranquillity and dark night skies are important to well-being. So, we welcome the references to protection of tranquillity from noise pollution and dark night skies from light pollution in the policies discussed above. However, we have previously drawn attention to NPPF paragraph 185 which states that planning policies in local plans should: 185 (b) "identify and protect tranquil areas which have remained undisturbed by noise and are prized for their recreational and amenity value for this reason" and it is disappointing that no identification of such areas has taken place.</p>	<p>Comments noted and support welcomed. No evidence has been put forward in this representation on the need to identify any tranquil areas of land in the district.  <b>Recommended Response:</b> No change to policy.</p>
	<p>Ecosystem services and natural capital The benefits to be had from the natural world (ecosystems) include products such as water –a major issue over the next 25 years - food, raw materials (timber etc), functions such as soil formation/erosion, services such as water purification, air quality, health and wellbeing and the cultural benefits of access to the outdoors, as demonstrated in the NEF Report referred to in Annex A in relation to the Green Belt issue. These assets are finite and non-renewable, and it is crucial to embed the importance of “ecosystems services” into planning. This accords with revised NPPF 2021 paragraph 174 (b) which requires planning policies and decisions recognise the benefits from natural capital and ecosystem services. So, it is disappointing that a Plan designed to last until 2039 in face of increasing pressures on the natural environment does not take the</p>	<p>Comments Noted. Reference to this is already made in Policy NE4.  <b>Recommended Response:</b> No Change</p>



	<p>opportunity to introduce a policy to protect ecosystem services and natural capital, as per the SDNP Local Plan Core Policy SD2. In that policy the role of ecosystem services in providing important societal and environmental benefits has been recognised and included as an integral element in the Local Plan. It requires development to have an overall positive impact on the ability of the natural environment to contribute to goods and services. Relevant factors are set out in the policy.</p>	
<p><u>BHLF- KSAR- N8TG-J</u></p>	<p>Green Belt The local plan is silent on the issue of a potential south Hampshire Green Belt. This is surprising given the scale of public support for the designation of one and the work being undertaken by PfSH, which is considering the merits of such a designation. From the debate at the Scrutiny Committee on the 29th September 2022 it would appear that the Council considers that the countryside of South Hampshire would be better protected by a range of policies including; defining settlement boundaries and settlement gaps, policies on green and blue infrastructure and biodiversity. Yet, the study commissioned by the CPRE Hampshire from consultants West Waddy clearly demonstrates that policies to protect settlement gaps is not working. Also, the process of defining a Green Belt appears to be seen as a major impediment, as it would involve a number of councils working together in circumstances where new Green Belts are not supported by the Government. This is a misunderstanding. There is a whole section of the NPPF devoted to the subject and nowhere does it set out the Government's position as being opposed to new designations. The NPPF sets out criteria for the designation of Green Belts. These are met in south Hampshire. Once designated, for development to take place in a Green Belt the planning tests are set much higher than for normal local plan policies. 'Very special circumstances' need to be established, and it is this</p>	<p>Comments Noted. PfSH have undertaken a review of the tests in the NPPF for a Green Belt and this work has concluded that these tests in the NPPF cannot be met. A copy of this report and the independent legal advice is available on the PfSH website.</p> <p><b>Recommended Response:</b> No Change</p>

	<p>requirement which would ensure that the countryside of South Hampshire would be better protected by a Green Belt than with policies in the current Local Plan or proposed in the consultation Plan. Justification for these submissions is set out in the Annex to this letter, consisting of the case for a new Green Belt in South Hampshire set out in our letter of 9 April 2021 in response to the Your Plan Your Place (YPYP) consultation, to which the Reports referred therein were attached.</p>	
<p><u>BHLF- KSAR- N8BR-B</u></p>	<p>We support the approach within Policy NE15 to protect special natural features and their setting, to retain visual amenity, biodiversity and heritage value. However, for clarity we consider that additional definitions should be provided (either within the supporting text to this Policy, or within the Local Plan glossary) to ensure that the policy is effective.</p> <p>1.20 We consider the following definitions should be amended/added:</p> <ul style="list-style-type: none"> <li>• Paragraph 7.106 should make a distinction between ‘Ancient Woodland’ (which should also be capitalised in the policy text) and trees of significance. Ancient Woodland is defined within the NPPF as follows and this Paragraph should include this definition i.e.: “An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS)”.</li> <li>• Paragraph 7.106 should include a specific definition of ‘special trees’ which, in our view, should be defined as ‘Trees protected by a Tree Preservation Order”.</li> <li>• Paragraph 7.107 should include a specific definition of ‘important hedgerows’ which should refer to the Hedgerow Regulations definition.</li> <li>• A specific definition should also be included for “distinctive ground flora” which, in our view, should be defined as “typical woodland ground flora assemblage that is associated with the Ancient Woodland and Important Hedgerows”.</li> </ul>	<p>Comments Noted. There is no need to define words like these in the Glossary of the Local Plan.</p> <p>A reference to the Hedgerow Regulations have been added to the supporting text.</p> <p><b>Recommended Response:</b> Add reference to Hedgerow Regulations under Paragraph 7.108.</p>

<p><u>BHLF-</u> <u>KSAR-</u> <u>N8BQ-A</u> Historic Environment <a href="#">Link here</a></p>	<p>We welcome the protection given by policy NE15 to special trees, important hedgerows and ancient woodlands, and the acknowledgement that they contribute to the heritage of an area</p> <p>A really good opening to this section, with welcome acknowledgement of the contribution made by heritage to quality of life, local distinctiveness and the economy</p>	<p>Comments Noted and Support welcomed.</p> <p><b>Recommended Response:</b> No Change</p>
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**Comments which neither support nor object to NE15 - special trees, important hedgerows and ancient woodlands**

<b>Respondent number</b>	<b>Comment</b>	<b>Officer comment</b>
<u>ANON-KSAR-NKG5-6</u> <u>Crawley Parish Council</u>	We would support this policy if it was extended to include the preservation and replanting of hedgerows on farmland.	Comments Noted. The policy discusses the prevention of the loss of existing hedgerows, rather than the creation of new hedgerows.  <b>Recommended Response:</b> No Change
<u>ANON-KSAR-N8EX-M</u>	Policy NE15 Special Trees, Important Hedgerows and Ancient Woodlands  The wording of this policy needs to be tightened up. It refers to “irreplaceable ancient woodlands, important hedgerows, special trees, distinctive ground flora and the space required to support them”. What is meant by ‘special trees’ – should this be a reference to trees subject to TPO? Or any tree which is considered special and if the latter, special to whom? At present it is unclear what this policy would relate to.	Comments Noted. TPO’s are covered by separate legislation. The wording of this policy has been agreed with the Council’s Tree Officer.  <b>Recommended Response:</b> No Change.
<u>ANON-KSAR-N8GX-P</u>	In principle I would support the policy but this does not cover pre-application removal of hedgerows and trees which all too often are uprooted prior to any application for development.  In addition should there be a specific distance from the boundary of the development, rather than a building, to ensure that trees are not cut back to boundaries causing harm to the trees/hedgerows we are so desperate to protect.	This is covered elsewhere in policy NE5 viii which refers to clearing of habitats which includes all vegetation.  <b>Recommended Response:</b> No Change
<u>ANON-KSAR-NKFQ-1</u>	We are concerned by the suggestion implicit in this policy that some hedgerows are unimportant. In our view ALL hedgerows are important both for their role as natural biodiversity corridors and for their impact	Comments Noted. Important Hedgerows are a defined asset; however, the policy

<p>Upham Parish Council</p>	<p>on local character in the streetscene and general landscape. Perhaps use of the word 'mature' hedgerows would be better, with maturity defined as the number of species present within a 30m run of hedge which is a standard and easily measurable metric.</p>	<p>also makes reference to the protection of hedgerows under the general criterion.</p> <p><b>Recommended Response:</b> No Change</p>
<p><u>BHLF-KSAR-N86F-K</u> Natural England <a href="#">Link here</a></p>	<p>Policy NE15 Special Trees, Important Hedgerows and Ancient Woodlands</p> <p>We are supportive of this policy which sets out measures to protect existing trees. We recommend the Policy includes a requirement for development proposals to provide a minimum canopy cover, minimum like for like replacement or similar provision to ensure tree planting at an appropriate level, and a requirement for the provision of suitable growing conditions for new trees. Whilst we are supportive of the use of native trees (Policy NE15 part v) it is also important to ensure species are suitable for the changing climate and offer resilience to pests and disease through species diversity across the tree inventory of a development site and strategically. Please refer to early comments regarding the Natural England GI Framework, GI Strategic and UGF for more details.</p> <p>Where a plan area contains irreplaceable habitats, such as ancient woodland, ancient and veteran trees, there should be appropriate policies to ensure their protection. Natural England and the Forestry Commission have produced standing advice on ancient woodland, ancient and veteran trees.</p>	<p>Comments Noted. Policy NE15 is focussed around special trees, important hedgerows and ancient woodlands. Whilst canopy cover is an important consideration asking developers to provide a minimum canopy over with a like for like replacement is covered to be far too onerous. Criteria v of Policy NE15 has be altered and now includes suitable growing conditions and reference to global warning and pest and disease.</p> <p><b>Recommended Response:</b> Criteria v has been altered to:</p> <p>V. Opportunities should be identified and incorporated <b>suitable growing conditions</b> for planting of new trees, woodlands and hedgerows. New planting should be suitable for the site conditions, <del>use native species and be informed by and contribute to local character, and enhance or create new habitat linkages</del> <b>and site constraints, address potential future issues such as global warming, pests and diseases by planting a greater range of tree species and</b></p>

		<b>ensuring that any planting</b> creates or enhances new habitat linkages.
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<b>Comments which object to NE15 - special trees, important hedgerows and ancient woodlands</b>		
<b>Respondent number</b>	<b>Comment</b>	<b>Officer comment</b>
<u>ANON-KSAR-NKZ5-S</u>	<p>Text Box. What are we aiming to achieve?</p> <p>Add new final sentence:</p> <p>All new plantings should be appropriate to contribute to mitigating, protecting and adapting our environment and communities to the climate and biodiversity crises.</p> <p>General comment which needs to link back to Policy NE. Protecting ancient trees is fully supported. But not protecting mature trees is wholly inappropriate in the face of the climate and biodiversity crises.</p>	<p>Comments Noted. Criteria v of Policy NE15 has been amended.</p> <p>v. Opportunities should be identified and incorporated <b>suitable growing conditions</b> for planting of new trees, woodlands and hedgerows. New planting should be suitable for the site conditions, <del>use native species and be informed by and contribute to local character, and enhance or create new habitat linkages</del> <b>and site constraints, address potential future issues such as global warming, pests and diseases by planting a greater range of tree species and ensuring that any planting</b> creates or enhances new habitat linkages.</p>
<u>ANON-KSAR-NKJV-A</u>	<p>Bloor Homes does not support the approach set out in Policy NE15 as it does not identify how the habitats set in the first paragraph are irreplaceable. Further supporting text and evidence is required to justify all the habitats identified. Whilst paragraphs 7.107 and 7.108</p>	<p>Comments Noted. Recommended Responses: Irreplaceable habitats are defined in the Glossary of the NPPF. <b>Recommended</b></p>

	<p>explain what 'special trees' and 'ancient trees' are, there is no similar explanation for the other habitats referred to in the policy.</p> <p>Criteria i) is considered to go beyond what is set out in the NPPF, with regard to the reference to exceptional circumstances. This should be removed.</p> <p>It is noted that the minimum 15m buffer requirement for ancient woodland appropriately reflects national guidance and is therefore supported, but there would be concern if in practice significantly larger buffer areas are requested in the absence of specific justification as this would have significant implications for the efficient use of land and overall housing delivery.</p>	<p><b>Response:</b> add in brackets after the word irreplaceable habitats <b>(as defined in the NPPF)</b>.</p> <p>Comments noted. The wording of criteria i has been agreed with the Council's NERT team. <b>Recommended Response:</b> No Change.</p> <p>Comments noted. The Council is not seeking to go beyond the 15m buffer.</p> <p><b>Recommended Response:</b> No change.</p>
<p><u>ANON- KSAR- NKA3-X</u></p>	<p>This Policy is very loose as to its categorisation of trees / hedgerows etc. It is unclear as to how, for example, 'special trees' are delineated from standard trees and by whom ?</p>	<p>Comments Noted. A tree/hedgerow may be special because of their age, large size, or link with important historical event. They may also provide important habitat and are the biggest of their species.</p> <p><b>Recommended Response:</b> No change.</p>
<p><u>ANON- KSAR- N8GP-E</u> Denmead Parish Council</p>	<p>iii A minimum buffer of 15m will be required between dev and ancient woodland or veteran trees. This is not enough or at the very least the buffer should include gardens so 15m from the curtilage to ensure trees are not cut back to boundaries as we have seen on the Carpenters Field development. TPO trees have been cut back to garden boundaries.</p>	<p>Comments Noted. The 15m buffer has been used as per standing advice. The 50m buffer is not considered to be justified, with 50m discussed as part of the Environment Bill in the House of Lords but was rejected.</p> <p><b>Recommended Response:</b> No Change</p>

<p><u>ANON-KSAR-N8XZ-9</u> Denmead Parish Council</p>	<p>The 15m buffer should be to the curtilage of any building rather than to the building itself to protect the amenity of the trees. It should be for any trees, not just ancient woodland or veteran trees. I suggest trees over 10 years old should be protected in this way.</p>	<p>Comments Noted. The 15m buffer has been used as per standing advice. The 50m buffer is not considered to be justified, with 50m discussed as part of the Environment Bill in the House of Lords but was rejected. <b>Recommended Response:</b> No Change</p>
<p><u>ANON-KSAR-NKME-V</u></p>	<p>The policy does not define what constitutes an “important hedgerow” and the policy wording also suggests that removal of any hedgerow will only be permitted in exceptional circumstances. There is a need for reference to the definition of “important hedgerows” as set out in the hedgerow regulations and for policy to be consistent with these statutory requirements.</p> <p>It is noted that the minimum 15m buffer requirement for ancient woodland appropriately reflects national guidance and is therefore supported, but there would be concern if in practice significantly larger buffer areas are routinely requested.</p>	<p>Comments Noted. Hedgerows are protected under the Hedgerow Act 1997 and defined in the act as:</p> <p>(a) has existed for 30 years or more; and</p> <p>(b) satisfies at least one of the criteria listed in Part II of Schedule 1.</p> <p>The 15m buffer has been used as per standing advice. A 50m buffer is not considered to be justified. This was discussed as part of the Environment Bill in the House of Lords but it was rejected.</p> <p><b>Recommended Response:</b> No Change.</p>
<p><u>ANON-KSAR-N81F-E</u></p>	<p>Bargate Homes support this policy in principle, however it should include some flexibility to use non-native planting in appropriate circumstances, such as to define private boundaries of dwellings, otherwise the alternative to native species is likely to mean non-natural materials and a lost opportunity for additional greening of developments.</p>	<p>Comments Noted. Criteria v has been amended in order to pick up on this important point.</p> <p><b>Recommended Response:</b></p>



		<p>v. Opportunities should be identified and incorporated <b>suitable growing conditions</b> for planting of new trees, woodlands and hedgerows. New planting should be suitable for the site conditions, <del>use native species and be informed by</del> and contribute to local character, and <del>enhance or create new habitat linkages</del> <b>and site constraints, address potential future issues such as global warming, pests and diseases by planting a greater range of tree species and ensuring that any planting</b> creates or enhances new habitat linkages.</p>
<p><u>ANON- KSAR- N819-1</u></p>	<p>Given the biodiversity and climate crises all mature trees should come under the provision of NE15.</p> <p>All new plantings should be appropriate to contribute to mitigating, protecting and adapting our environment and communities to the climate and biodiversity crises.</p>	<p>Comments Noted. Criteria v of Policy NE15 has been amended.</p> <p><b>Recommended Response:</b></p> <p>Opportunities should be identified and incorporated <b>suitable growing conditions</b> for planting of new trees, woodlands and hedgerows. New planting should be suitable for the site conditions, <del>use native species and be informed by</del> and contribute to local character, and <del>enhance or create new habitat linkages</del> <b>and site constraints, address potential future issues such as global warming, pests and diseases by planting a greater range</b></p>

		<b>of tree species and ensuring that any planting creates or enhances new habitat linkages.</b>
<u>ANON-KSAR-N8V5-2</u>	We are in an ecological and climate emergency. Therefore, such environments should be fully protected and no developments resulting in the loss or deterioration of irreplaceable ancient woodlands etc should not be considered under any circumstances. irreplaceable means just that. Neither should any compensation strategy be considered suitable. It is just a get out clause and a 'pay to destroy' strategy. No 'public benefits' can possibly outweigh the loss of such valuable ecological assets.	Whilst the points, the wording of this policy has been very carefully drafted working with Council's Tree Officer. The word exceptional has been included as there might be situations whereby a special tree is for example, severely damaged by a storm and there is no other option available.  <b>Recommended Response:</b> No Change.
<u>BHLF-KSAR-N86N-U</u>	Policy supported in principle but should include some flexibility to use non-native planting in appropriate circumstances, such as to define private boundaries of dwellings, otherwise the alternative to native species is likely to mean non-natural materials and a lost opportunity for additional greening of developments.	Comments Noted. Criteria v has been reworded.  <b>Recommended Response:</b> Change criteria v v. Opportunities should be identified and incorporated <b>suitable growing conditions</b> for planting of new trees, woodlands and hedgerows. New planting should be suitable for the site conditions, <del>use native species and be informed by and contribute to local character, and enhance or create new habitat linkages</del> <b>and site constraints, address potential future issues such as global warming, pests and diseases by planting a greater range of tree species and ensuring that</b>

		<b>any planting</b> creates or enhances new habitat linkages.
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Comments from other topics		
ANON-KSAR-N8GX-P	There should be a minimum buffer from the curtilage of the site rather than the boundary of individual boundaries.	Comments Noted. Curtilage would not be used as this can vary from site to site.  <b>Recommended Response:</b> No Change
ANON-KSAR-N838-2	Need to protect hedgerows and trees within the area by ensuring that these are not uprooted pre-applications.	Comments Noted. This is a specific case matter and would be considered when determining any subsequent application. With the introduction of the requirement of biodiversity net-gain this is now one of the ways that this can be addressed.  <b>Recommended Response:</b> No Change

	Recommendations	Officer response
Comments from SA	Policy NE15 could be strengthened by specifically requiring that opportunities for enhancements to and increased linkages to the green infrastructure network should be identified as part of proposals.	It is important to read the LP as a whole as there are a number of other LP policies that cover these points.
Comments from HRA		

### Supporting Text

7.106. Developments should not result in the loss or deterioration of irreplaceable habitats (**as defined in the NPPF**), including ancient woodlands and the loss of aged or veteran trees found in ancient woodland. Proposals should indicate how they will

safeguard the quality and appearance of special natural features and their setting, to retain visual amenity, biodiversity and heritage value.

7.107. 'Special trees' include ancient or veteran trees, those which are outstanding because they provide important habitat, are the biggest of the species, or are notable trees in their local environment (e.g. because they are large by comparison with other trees around them). Trees may also be considered as special where they are linked with an important historic event or have cultural significance, or support protected species.

7.108. Ancient trees - including hollow and pollarded trees - have biodiversity, heritage, cultural or amenity value which cannot be replaced by new planting. Similarly, important hedgerows<sup>1</sup> are identified as those of significant archaeological, historical, wildlife or landscape value that form an intrinsic part of local landscape and townscape character.

7.109. Where development may impact on the features outlined in this policy, applicants should undertake surveys to identify the extent and condition of the features and demonstrate how their proposals enhance these features or minimise impact upon them, via adequate mitigation. Conditions and/or planning agreements may be sought in order to preserve the special qualities of these features in the long term.

#### Amendments to policy

Development which would result in the loss or deterioration of irreplaceable ancient woodlands, important hedgerows, special trees, **(including Ancient & Veteran trees, trees located within a Conservation Area or protected by a Tree Preservation Order)**, distinctive ground flora and the space required to support them in the long term will only be permitted in exceptional circumstances ~~where the public benefit would clearly outweigh the loss or deterioration and where a suitable compensation strategy exists~~ **and in accordance with the relevant legislation, policy and good practice recommendations;**

- i. The removal of protected trees, groups of trees, woodland or hedgerows will only be permitted in exceptional circumstances and in accordance with the relevant legislation, policy and good practice recommendations and where it has been demonstrated to be unavoidable. Where protected trees are subject to felling, a replacement of an appropriate number, species and size in an appropriate location will be required.
- ii. Development proposals that could affect trees, hedgerows and woodland must demonstrate that they have been informed by a full site survey, including an Ecological Survey, Arboricultural Method Statement and associated Tree Protection Plan, and include a management plan Trees in relation to Design, Demolition and Construction (in accordance with BS5837:2012 or subsequent edition) and will include a tree survey and an arboricultural impact assessment.

- iii. Development proposals must provide adequate protection zones and buffers around hedgerows and other woodland and trees to prevent damage to root systems and taking account of future growth. A minimum buffer of 15 metres will be required between the development and ancient woodland or veteran trees.
- iv. Development proposals must demonstrate that appropriate protection measures are in place prior to any work on site throughout the development process as part of a comprehensive landscaping plan, and that suitable opportunities for the restoration, enhancement or planting of trees, woodland, and hedgerows are identified and incorporated.
- v. Opportunities should be identified and incorporated **suitable growing conditions** for planting of new trees, woodlands and hedgerows. New planting should be suitable for the site conditions, ~~use native species and be informed by and contribute to local character, and enhance or create new habitat linkages~~ **and site constraints, address potential future issues such as global warming, pests and diseases by planting a greater range of tree species and ensuring that any planting** creates or enhances new habitat linkages.