

P-06-1306 More protection for ancient & veteran trees in Wales. Old Trees can be relocated. Stop The Chop

Y Pwyllgor Deisebau | 6 Chwefror 2023
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Reference: SR22/4474-2

Petition Number: P-06-1306

Petition title: More protection for ancient & veteran trees in Wales. Old Trees can be relocated. Stop The Chop

Text of petition: 1960's tree felling laws are out of date. Current planning policy allows for the chopping down of ancient & veteran trees.

We call on the Welsh Government to amend Planning Policy in relation to Tree Protection Orders (TPOs). More protection is required, the laws are far too relaxed.

Planning policies for both small & large-scale developments allow property developers/land owners to apply for a Tree Felling Licence via Natural Resources Wales.

Stop The Chop of ancient & veteran trees.

Additional Information: Reference Videos on how to move a tree without felling it:

How to Transplant and Move Large Trees Featuring an Air Tool:

<https://youtu.be/rMlbv6cdAsk>

Tree Moving Machine:

<https://youtu.be/9TtzQtVga7Y>

What does it cost to move a Large Tree:

<https://www.greerbros.com/greerblog/cost-to-move-a-large-tree>



Why allow for an Ancient or Veteran Tree to be felled? It is simple, instead of felling relocate the tree. Therefore, planning policy should be amended to the following extent: "No felling of Ancient / Veteran Trees, all developers must uproot and move the trees to a very close by location". This in turn would not only save the trees but in addition create jobs throughout Wales.

Save ancient and veteran trees. Stop the Chop!

1. Background

The Woodland Trust describes ancient and veteran trees as follows:

A veteran is a mature tree that has developed valuable decaying wood features, not necessarily as a consequence of time, but due to its life or environment. Veteran trees may not be very old, but share similarities with ancient trees, such as trunk or branch hollowing, or significant amounts of other decaying wood.

An ancient tree is one that has passed beyond maturity into an ancient life stage, or is old in comparison with other trees of the same species. The typical lifespans of trees differ according to species; for example, birches tend to live shorter lives than oaks. As a result, the age at which different species reach ancientness can also vary by a few hundred years.

The Welsh Government's Woodlands for Wales strategy says:

Ancient and veteran trees are a cultural resource linking people to place, environment and culture (past and present), and also provide continuity of habitat for some increasingly rare lichens, mosses and fungi in both the rural and urban landscape. Sometimes described as green monuments, veteran trees are too often perceived as a problem rather than an asset, and not properly cared for. More information on their location and status can help us ensure these trees are protected and effectively managed.

The strategy commits to better protection and management of ancient and veteran trees.

The Welsh Government's national planning policy, Planning Policy Wales (PPW), sets out a framework for protecting trees, woodlands and hedgerows. Paragraph 6.4.26 says:

Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. ...

Paragraph 6.4.25 says:

... Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

A Tree Preservation Order (TPO) is an order made by a Local Planning Authority (LPA), under the *Town and Country Planning Act 1990*, which in general makes it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree without permission.

As noted in the letter to you from the Minister for Climate Change, Julie James, the control of tree felling is regulated through the *Forestry Act 1967*. A felling licence is required where an owner wishes to fell growing trees. There are exemptions for the need for a licence, including where the tree is dangerous and where felling trees is required as part of a development authorised by planning permission. A felling licence is also needed if someone wants to fell trees covered by a Tree Preservation Order (TPO) (unless there's an exemption, such as planning permission having been granted).

Natural Resources Wales (NRW) is responsible for processing and regulating felling licences.

2. Welsh Government action

The Minister's letter sets out planning policy relevant to ancient and veteran trees, as described above, and provides further detail.

The Minister's letter also acknowledges that the TPO legislation "whilst effective needs some attention".

The Welsh Government asked the Law Commission to review Welsh planning law, with the aim of simplifying and consolidating it. The Law Commission published recommendations in 2018. Some of the recommendations related to the TPO regime. The Welsh Government accepted most of the recommendations and said in 2020 changes would be made via a Planning Consolidation Bill. The Bill is due to be introduced this Senedd term. The Minister's letter says most of the recommendations will be addressed through associated regulations.

The Law Commission's recommendations and the Welsh Government's response to them can be seen on pages 51 to 55 of this table; Welsh Government detailed response to the Law Commission's report on planning law in Wales.

The Minister's letter concludes "amending the framework as set out in the Petition is not necessarily going to achieve the improvements sought". It says the Welsh Government's "programme of keeping PPW under review and future TPO amendments coming through the Planning Consolidation Bill, and associated regulations, will strengthen the system and afford the protection to trees sought by the Petitioner."

3. Welsh Parliament action

The most recent Senedd action on this issue has been the Economy, Trade and Rural Affairs Committee's Stage 1 consideration of the Agriculture (Wales) Bill. While the Bill focuses primarily on agricultural issues, it also contains provisions relating to increasing flexibility in tree felling licences.

The Committee heard evidence questioning why other related woodland issues, such as greater protections for ancient woodland and veteran trees, weren't included in the Bill.

The Committee published its Stage 1 report on 27 January 2023. It recommends that the Minister for Rural Affairs, Lesley Griffiths, should set out how she will address woodland management issues raised during Stage 1 scrutiny, including greater protections for ancient woodland and veteran trees.

The Minister is due to respond within six weeks of the publication of the report and the Senedd is due to debate the general principles of the Agriculture (Wales) Bill on 7 February 2023.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.