



Eich cyf/Your ref
Ein cyf/Our ref JJ/02269/22

Jack Sargeant MS
Chair - Petitions committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

09 December 2022

Dear Jack Sargeant MS,

Thank you for your letter of 12 October inviting me to express views in response to Petition P-06-1306 *'More protection for ancient & veteran trees in Wales. Old Trees can be relocated. Stop The Chop'*.

Welsh Government want to see current and historic wooded landscapes protected and individual trees, ancient and veteran trees in our urban areas and countryside better understood, protected, and managed for their cultural significance, aesthetic quality and heritage. Ancient and veteran trees are a cultural resource linking people to place, environment, and culture, they also provide continuity of habitat in both the rural and urban landscape.

Regarding the protection of ancient and veteran trees, Welsh Government's policy is set out in Planning Policy Wales 11 (PPW): <https://beta.gov.wales/planning-policy-wales> and Future Wales - the National Plan 2040 (<https://gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf>). In these documents we state clearly that planning authorities should protect ancient woodland, semi-natural woodlands and individual ancient, veteran and heritage trees.

PPW sets out the land use planning policies of the Welsh Government. PPW is a material consideration in the determination of a planning application. PPW sets out a strong framework for the protection of trees, woodlands and hedgerows.

Paragraph 6.4.26 of PPW states that, *"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."*

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Paragraph 6.4.25 states that, *“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.”*

Future Wales - the National Plan 2040, introduces at Policy 9 a safeguarding approach for the protection of habitats (amongst other objectives) to ensure that they are not unduly compromised by development. The safeguarding policy approach as set out in Future Wales can assist in the protection and restoration of ancient woodland and it can enable the planning system to take action which can complement wider approaches to the sustainable management of natural resources.

This top tier development plan policy sets out a firm policy steer to help ensure that areas of land that are potentially important for expanding or connecting ecological networks, adapting to climate change or other pressures, or which provide key ecological services are not compromised by development. Welsh Government's policy aspirations are high and ambitious; the legal status of Future Wales means that local policies and decision making must be in conformity with Future Wales.

The control of tree felling in Wales is regulated through the Forestry Act 1967, as amended. A felling licence is required where an owner wishes to fell growing trees, but there are some exemptions from the need for a felling licence. For example, felling trees immediately required for the purpose of carrying out development authorised by planning permission does not require a felling licence. A felling licence is also needed if someone wishes to fell trees that are covered by a Tree Preservation Order (TPO), unless an exemption applies, such as planning permission has been granted.

Natural Resources Wales (NRW) is the responsible body for processing and regulating all felling licences in Wales, whether it be for thinning or felling operations. NRW assesses each application against the guidelines set out in the UK Forest Standard (UKFS) which is the Governments' reference standard for sustainable forest management in the UK; each application for a felling licence must meet these guidelines.

Turning to the Petitioner's request to amend and strengthen TPO legislation, Local Planning Authorities (LPAs) can use TPOs to prohibit felling. The principal effect of a TPO is to prohibit the cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of a tree or trees without the consent of the LPA.

It is the developer's duty to ensure they secure any consents necessary to enable development. In the case of work on a tree subject to a TPO, failure to secure consent is an offence. This can result in the developer being issued with an unlimited fine.

Welsh Government does, however, recognise that the TPO legislation whilst effective needs some attention. The Welsh Government asked the Law Commission for England and Wales to undertake a detailed review of planning law in Wales, with the aim of recommending ways in which the legislation could be simplified and consolidated, TPO legislation featured in this review. The Law Commission reported to Welsh Government in 2018 and we published a full response in November 2020. Regarding TPOs we have accepted the vast majority of the Law Commission's recommendations to amend and clarify the TPO regime. A small number of those accepted recommendations relate to primary legislation, which will be brought into effect through the Planning Consolidation Bill, which is due to be introduced this Senedd term, while the majority of the recommendations will be addressed through the associated regulations.

Therefore, taken together the strategic policy and the legislative framework afford a robust and sound system of protection that recognises the special and unique qualities of our ancient woodland. Amending the framework as set out in the Petition is not necessarily going to achieve the improvements sought, our 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.

Yours sincerely,

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

Julie James AS/MS

Y Gweinidog Newid Hinsawdd
Minister for Climate Change