



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 6TH NOVEMBER 2017
AT 6.00 P.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE, B61 8DA

:

SUPPLEMENTARY DOCUMENTATION

The attached papers were specified as “to follow” on the Agenda previously distributed relating to the above mentioned meeting.

4. Updates to Agenda Item 5 – Tree Preservation Order (11) 2017 as reported at the meeting (to be circulated prior to the start of the meeting) (Pages 1 - 28)

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

K DICKS
Chief Executive

Bromsgrove District Council Planning Committee

Committee Update Report 2 6th November 2017

Tree Preservation Order (No. 11) 2017

Trees on Land adjacent to 73 Linthurst, Newton, Blackwell

Officers have received two letters from Harrison Clark Rickerbys Solicitors, acting on behalf of Access Homes Limited, who have submitted objections to the order. The letters, which include a draft letter before court action, are attached to the update report. Officers' response to Harrison Clark Rickerbys is also attached.

The complaints can be grouped as follows (although members are advised to read the letter in full):

1. The inclusion of G2 in the order which the objection says is contrary to the consent order attached at appendix 9 to the report.
2. Information requests.
3. Alleged inaccurate and misleading statements about the tree felling, the landowner and the landowner's intentions.
4. The description of the previous legal challenge.
5. Misinterpretation of planning law and policy relating to the visibility of the trees from private or private property, the TEMPO assessment, guidance from the UK Forestry Statistics and failure to justify the extent of the TPO.

One of the complaints in the letters is the inclusion of group 'G2' in the Order further to the consent order which stated that the new order shall be "no more restrictive than the plan and schedule attached to this order". In order to remove this point of contention officers have changed their recommendation to confirm the order with the removal of G2. The recommendation is therefore amended as follows:

It is recommended that Tree Preservation Order (No.11) 2017 relating to trees and woodland on land adjacent to 73 Linthurst Newtown, Blackwell ('the Site') is confirmed with the modification shown the plan and schedule appended to this update

Also appended to this update are extracts from the Forestry Commission's 2017 Statistics and Sources chapter and as requested by the objector's solicitors and a plan showing where the photographs contained in appendix 9 of the report were taken from.

In relation to the other complaints, as stated in officers' response:

- The information requests have been forwarded to the Council's Freedom of Information requests.
- Gavin Boyes will brief the committee about any tree felling that has taken place on the site and appended to this update are photographs taken at the time which show some tree felling. Mr Boyes will explain the context of those photographs.
- Mr Boyes will also answer any further queries from members about the

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amenity test including the visibility of the trees, TEMPO assessment, the future potential amenity of the trees and rarity, cultural or historic value and contribution to the landscape and area. The national guidance on amenity in general and visibility in particular are contained in appendix 8 of the original report.

- The Forestry Commission extracts shows that the definition of woodland in the officer's report contains no material change from the one in the Sources chapter from the Forestry Commission's 2017 Statistics.

First Schedule

Trees specified individually

(encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Ash	399729 - 272428	Near left boundary
T2	Ash	399703-272484	Centre left side of site
T3	Ash	399661-272519	Near left boundary
T4	Ash	399658-272523	Near left boundary
T5	Ash	399649-272540	Near left boundary
T6	Oak	399698- 272582	Near right boundary
T7	Silver Birch	399704-272544	Centre site
T8	Silver Birch	399714-272551	Centre site
T9	Ash	399737-272563	Right boundary of site
T10	Ash	399757-272533	Right boundary of site
T11	Sycamore	399761-272527	Right boundary of site
T12	Ash	399764-272521	Right boundary of site
T13	Holly	399790-272479	Right boundary of site
T14	Holly	399792-272476	Right boundary of site
T15	Sycamore	399765-272484	Right side of property
T16	Yew	399759-272493	Right side of property
T17	Willow	399750-272501	Rear of property
T18	Oak	399664-272558	Centre of plot rear of Property
T19	Apple	399726-272560	Right side of site

Groups of Trees

(within a dotted black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
G1	2 x Horse Chestnut, 1 x Oak, 3 x Lawsons Cypress 1 x Spruce	399743-272428	Front boundary with Linthurst Newtown road
G2	2 x Horse Chestnut 3 x Beech 1 x Birch, 6 x Sycamore	399729-272512	Centre of site
G3	1 x Pear, 4 x Apple	399746-272529	Right side of site
G4	3 x Silver Birch	399697-272574	Near right boundary
G5	1x Oak, 1x Holly 1x Ash	399686-272549	Centre of site

Trees specified by reference to an Area

(within a broken black line on the map)

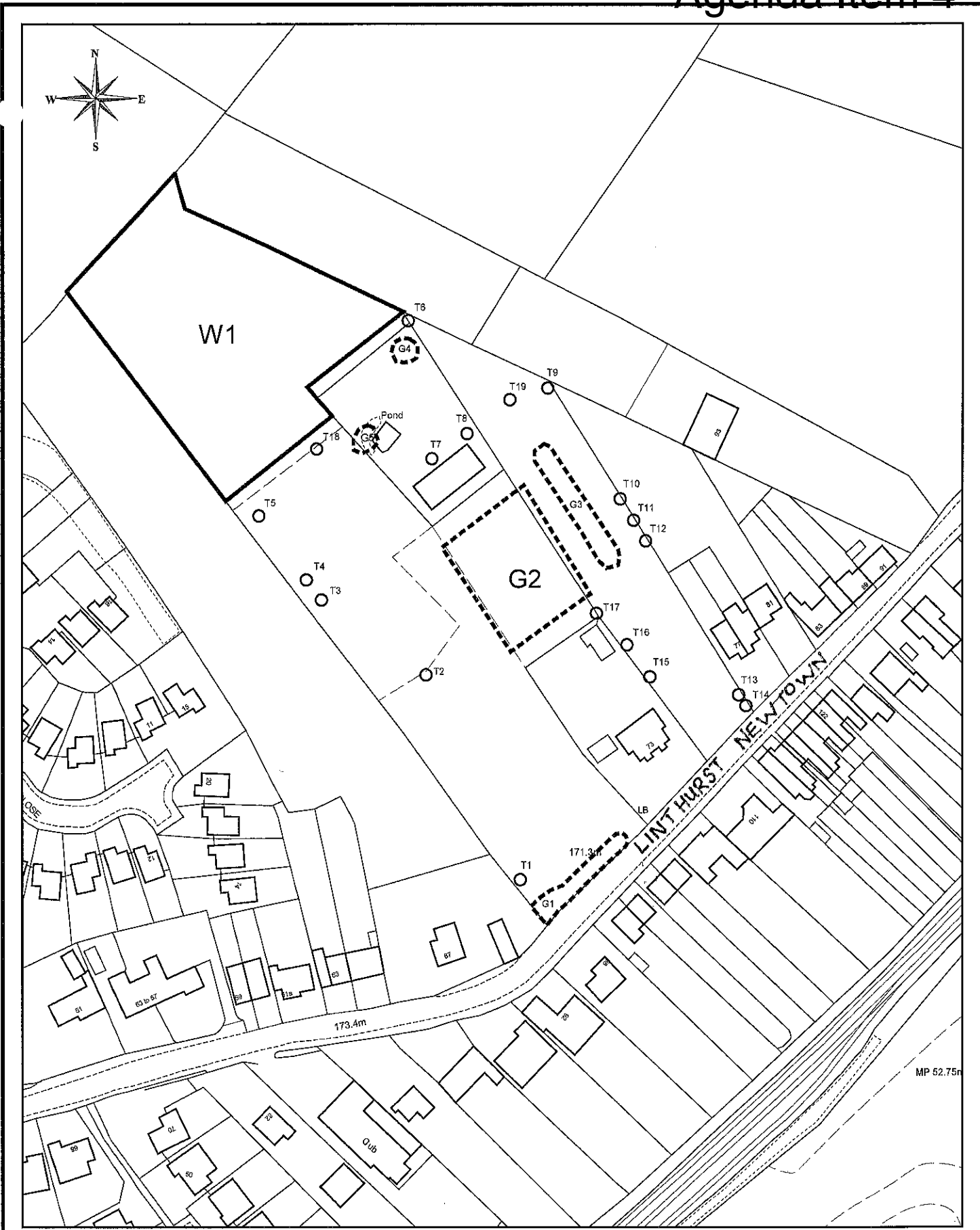
<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
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NONE

Woodlands

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
W1	Mixed native Species woodland	399639-272584	North-eastern end of site



  www.redditchbc.gov.uk	 Bromsgrove District Council www.bromsgrove.gov.uk	Project: Bromsgrove District Council Tree Preservation Order (11) 2017	Drawn: G.B.	Engineering and Design Services Town Hall Waiter Stranz Square Redditch Worcs B98 8AH
		Drawing: Land Adjoining 73 Linthurst Road Blackwell	Scale: 1/1250 @ A4	
		Drawing No: Page 5 P0000/0	Date: 06/11/2017	
				© Crown Copyright and database rights 2017 Ordnance Survey 100024252

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Your reference:

Our reference: RA03.ACC0014-0001.RA

Direct email: randrews@hcrlaw.com

2 November 2017

BY SPECIAL DELIVERY BY 1PM

FAO Tracy Lovejoy
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PLANNING TEAM

BY POST AND EMAIL

t.lovejoy@bromsgroveandredditch.gov.uk

Dear Sirs

LETTER BEFORE ACTION – CONTEMPT OF COURT AND SECTION 288 CHALLENGE

**TREE PRESERVATION ORDER (NO. 11) 2017
TREES ON LAND ADJACENT TO 73 LINTHURST NEWTOWN, BLACKWELL**

We are instructed by Access Homes LLP in relation to Bromsgrove District Council's ("the Defendant") unlawful actions in reporting to its Planning Committee on the merits of Tree Preservation Order (No. 11) 2017 ("the TPO").

The consent order dated 20 June 2017 ("the Order") includes a requirement that any replacement TPO "*shall be no more restrictive than the plan and schedule attached to [the Order] at Schedule 3*". As such, any new TPO is required by the Order to be no more restrictive than the TPO quashed as a result of that Order. However, the proposed new TPO seeks to include three Ash trees within group 'G2' which were not included on the quashed TPO. As such, the new TPO includes additional trees which were previously not protected and is accordingly 'more restrictive' in direct contravention of the Order.

Breach of a court order is a serious matter and renders the Council in contempt of court. Any adoption of the proposed new Order would therefore put the Council at risk of an application by Access Homes LLP for committal for contempt of court.

Additionally, the Council has failed to advise the Committee in a way which is impartial, transparent, fair, or provides adequate (or any proper) reasoning for the recommendation made. The Council is promoter of the TPO and is also determiner of the TPO and therefore has an enhanced duty to act judiciously and without prejudice, which it has not.

Birmingham T 0121 434 0739 F 0121 455 7211 53 Colthorpe Road, Edgbaston, Birmingham B15 1TH
Cheltenham T 01242 224422 F 01242 518422 Ellenborough House, Wellington Street, Cheltenham, GL50 1YD
Hereford T 01432 349670 F 01432 349660 Thraype House, 29 Broad Street, Hereford, HR4 9AB
London T 0203 949 8290 New Broad Street House, 35 New Broad Street, London, EC2M 1NH
Thames Valley T 0118 911 1206 F 0118 900 7874 100 Longwater Avenue, Green Park, Reading, RG2 5GP
Worcester T 01905 612501 F 01905 744899 5 Deansway, Worcester, WR1 2JG
Wye Valley T 01989 562377 F 01989 363961 Overcox House, Ross Park, Ross-on-Wye, HR9 7US

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MEMBERS

CHAMBERS
AND PARTNERS

LEGAL
500

Lexcel
FIDUCIARY MANAGER'S STANDARD
LAW SOCIETY ACCREDITED

INVESTORS
IN PEOPLE

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In addition to the potential liability for contempt, should the Council proceed to adopt the TPO on the basis of the officer's report as written, any decision based upon such a report would be vulnerable to challenge pursuant to s.288 of the Town and Country Planning Act 1990 on the bases set out within the draft letter below.

What follows is a draft letter before claim in accordance with the pre-action protocol under the Civil Procedure Rules. Should the Council proceed to make the TPO on Monday 6 November, the letter will be issued formally and Access Homes will also consider service of an application based on the Council's contempt of court.

In any event, Access Homes also requests disclosure of the following documents which are considered to fall well within the Council's duties under the Environmental Information Regulations 2004 and will in any event become disclosable under the Council's duty of candour should proceedings be issued:

- (a) All written reports and site notes regarding the TPO and / or Bromsgrove District Council Tree Preservation Order (No. 12) 2016 – Tree/s on land at side and rear of 73 Linthurst Newton, Blackwell dated 12th January 2017, and the provisional Tree Preservation Order relating to the same site served in August 2016, relating to the visits made to site by tree officers Gavin Boyes and Andy Bucklitch or other officers involved. In particular, documentation relating to the assessment of the trees at the site as suitable for a tree preservation order (sometimes referred to as an amenity value assessment). The above request is for the disclosure of all written reports and site notes which are not annexed to the Report or the Committee Report dated 9th January 2017.
- (b) Any letters and emails sent to and received from the above officers and notes of any meetings or telephone conversation by or with the above officers in relation to the TPO and / or Bromsgrove District Council Tree Preservation Order (No. 12) 2016 – Tree/s on land at side and rear of 73 Linthurst Newton, Blackwell dated 12th January 2017, and the provisional Tree Preservation Order relating to the same site served in August 2016, and in particular communications to and / or from planning officers, local councillors (District and Parish), their clerks or staff, and residents. The above request is for the disclosure of all written reports and site notes which are not annexed to the Report or the Committee Report dated 9th January 2017.
- (c) A plan showing the locations from where all the photographs provided at Appendix 9 of the Report were taken, and confirmation of who took each of the photographs in question.

Given the proposed site visit and Planning Committee meeting are due to take place on Monday 6th November, the Council is required to confirm by no later than noon on Friday 3 November 2017 that this item will be withdrawn from the Planning Committee agenda for 6 November 2017 and that if the Council wishes to proceed to protect the trees on the site, steps will be taken to support any such new TPO with a legally compliant officer's report.

Yours faithfully



HARRISON CLARK RICKERBYS LIMITED

BY SPECIAL DELIVERY BY 1PM

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PLANNING TEAM

BY POST AND EMAIL

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Dear Sirs

LETTER BEFORE ACTION – CONTEMPT OF COURT AND SECTION 288 CHALLENGE

TREE PRESERVATION ORDER (NO. 11) 2017

TREES ON LAND ADJACENT TO 73 LINTHURST NEWTOWN, BLACKWELL

1. THE CLAIMANT

Access Homes LLP, The Exchange, Haslucks Green Road, Shirley, Solihull, West Midlands, B90 2EL.

2. DEFENDANT'S REFERENCE DETAILS

Defendant's reference: Tree Preservation Order (11) 2017
Defendant's Legal Officer: Tracy Lovejoy

3. DETAILS OF THE CLAIMANT'S LEGAL ADVISERS

Harrison Clark Rickerbys Limited, 5 Deansway, Worcester, WR1 2JG.
Reference: RA03.ACC14-1

4. DETAILS OF THE MATTER BEING CHALLENGED

The decision taken by Bromsgrove District Council ("the Defendant") to report to its Planning Committee on the merits of Tree Preservation Order (No. 11) 2017 ("the TPO") in a way which is not impartial, transparent, nor fair, nor which provides adequate reasoning for the recommendation made.

5. DETAILS OF ANY INTERESTED PARTIES

None.

6. THE ISSUES

The Defendant has published a report to its Planning Committee to consider the confirmation of the TPO without modification ("the Report"), however the Report has not been prepared to the standard required by law.

The Report contains a number of misleading statements, inaccuracies, omissions, irrelevant and misleading photographs, and fails to provide adequate reasons for the recommendation made. Further, the Report clearly demonstrates that the applicable law has been misinterpreted and misapplied.

These legal errors include:

(a) Inaccurate and misleading statements:

- a. Tree Felling: At paragraph 3.6, the Report states that trees had been felled on the site prior to the making of the provisional Tree Preservation Order in August 2016. This is factually incorrect: it was primarily scrub clearance on the land and no mature trees had been felled, as was confirmed by the Defendant's Tree Officer on a site visit. Trees had been felled within the garden of 73 Linthurst Newtown, however this property is in separate ownership, and does not form part of the site covered by the TPO. This statement, together with the similar statement at paragraph 4.3, and the reference in paragraph 4.6 of the Report to the "**level of work that was being gradually undertaken**" is designed to mislead the Planning Committee in relation to the justification for the TPO and to justify the Tree Officer's perception of a 'threat' to any trees on the site as discussed below.
- b. Identity of landowner: At paragraph 3.6 the Report states that the owner of the site is a '**property development company who are understood to specialise in acquisition of land for then onward sale once outline planning permission has been granted**'. This statement is made without any evidential foundation and is extremely misleading. Although the Defendant is an investment company owning real estate, it primarily owns let residential properties. It has not applied for planning permission nor sold sites on for development. The Report also claims that the Defendant is '**under the management of the Fell Family**', which is a false statement – the Defendant is a partnership where 50% is owned by an unrelated party.
- c. Speculation about landowner and its intentions: Although the Planning Practice Guidance confirms that local planning authorities may consider development pressures and landowner's intentions when considering whether it is expedient to make a tree preservation order, the statements in paragraph 4.3 of the Report that "**the nature of the companies owning the land are understood to specialise in acquisition of land for then onward sale once outline planning permission has been granted**" and that "**it was reasonable to assume the site would be largely cleared of tree**

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stock to accommodate development on the site” are without evidential basis. The Report also justifies the making of the TPO at paragraph 4.6 by reference to “*the known nature of the companies who own the land*”, and so this speculation has clearly played a large part in the Officer’s decision-making process. The Report fails to mention the fact that the landowners have cooperated and engaged with the Claimant throughout, and were prepared to accept a tree preservation order over a number of trees on the site. These statements and omissions are designed to mislead the Planning Committee and to taint the Planning Committee’s perception of landowner.

- d. Previous legal challenge: The description of the previous legal challenge in paragraph 3.8 of the Report fails to note that the previous Tree Preservation Order was quashed as it was unlawfully made, and the Council paid the Claimant’s costs of bringing the challenge. It must be made clear to the Planning Committee that the Claimant’s actions in bringing the previous legal challenge were correct and justified due to the Defendant’s legal errors. The wording of paragraphs 3.6 to 3.8 of the Report suggest that the Claimant was unjustified in bringing the legal challenge, which serves to further mislead the Planning Committee.

Moreover, the report is materially misleading in failing to draw the Committee’s attention to the serious consequences should the Council adopt a TPO which is in breach of a court order. Far from being “not a relevant matter” (per paragraph 4.8 of the Report), this is a material consideration of considerable weight. Committee members should be made aware of the grave consequences of proceeding in contravention of a court order.

(b) Misinterpretation of law and planning policy:

- a. Visibility from private gardens: The Report refers to views of the trees proposed to be protected from private gardens in a number of places, including paragraphs 4.4, 4.7, 4.10, 4.17, and a number of the photographs provided at Appendix 9 to the Report. The merits of the TPO must be considered on the basis of the public amenity, and any amenity provided to private properties cannot provide a lawful consideration for the confirmation of the TPO. The Report is misleading the Planning Committee and there is a significant risk of the Planning Committee taking unlawful considerations into account as a result.
- b. Tempo Assessment: All the trees are marked in the Tempo Assessment as having an ‘expediency’ score of 3, which is the equivalent of a ‘foreseeable threat’. If the threat were marked accurately, the ‘expediency’ score should be reduced, which would push a number of the trees below the threshold for suitability for inclusion in the TPO. Additionally, a degree of visibility is given to trees T5, T6, T7, T8, T9, T18, and T19, where these trees are not visible at all from public places.
- c. Guidance: Paragraph 3.5 of the Report provides a quote from the UK Forestry Standard and National Forestry Statistics which refers to the definition of woodland including ‘*woodland scrub*’. This is an incorrect quote, and this reference is in neither the 2011 nor 2017 versions of the guidance.

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- (c) Failure to justify the extent of the TPO: No substantive justification has been given by the Council for the extent of the protection in the TPO, nor has an assessment of the trees selected for protection been provided, particularly in view of the clear and reasoned objection made on behalf of the Claimant by Barton Hyett Associates (attached at Appendix 3 to the Report). It has been admitted at paragraph 4.18 of the Report that “**not all the trees are visible from a public place**”, but the Report concludes that the trees merit protection by reason of their “**future potential as an amenity, rarity, cultural or historic value, contribution to and relationship with the landscape and benefit they provide to the character of the area**”. Any justification on these grounds must be explained to the extent that the reasoning cannot be adequately determined from the public documents prepared for the Planning Committee, which reasoning has not been provided in the Report.

It is further materially misleading to introduce the concept of ‘rarity’, ‘cultural or historic value’ and ‘contribution to the landscape’ within the conclusions of the Report without any evidence whatsoever to support an assertion that the trees are in any way rare, have cultural or historic value or make a contribution to the landscape (as distinct from visual amenity). The inclusion of this paragraph suggests to the Committee that some assessment has been made of these criteria, which does not appear to be the case, or in any event such assessment is not before the Committee.

The Planning Committee is due to consider the Report at its Committee Meeting on Monday 6th November 2017, however for the reasons set out above the Report is legally flawed. The errors made go to the heart of the matter which the Planning Committee will be considering, and so any decision made on the basis of the Report will be unlawful.

The effect of the Report is to significantly mislead the Planning Committee about material matters and the law relating to the TPO. The way the Report has been drafted, together with the photographs taken from neighbouring properties, raises questions about the impartiality of the author, and gives the appearance of bias.

The Court may properly exercise a higher degree of scrutiny of the Defendant’s conduct in relation to tree preservation orders and apply an enhanced duty to deal with objectors fairly and openly on the basis that the Defendant is both promoting the TPO and determining objections made against it, in accordance with the case of Wilkson Properties v Royal Borough of Kensington and Chelsea [2011].

There is a duty for the Defendant to give reasons for the recommendation given in the Report where the reasoning cannot be adequately determined from the public documents prepared for the Planning Committee, as was established by the case of Oakley v South Cambridgeshire District Council [2017].

If the Report were presented in a lawful way, it is highly likely that the Planning Committee would come to different decision.

7. ACTION THE DEFENDANT IS EXPECTED TO TAKE

The Council is expected to sign a consent order agreeing to the quashing of any new TPO made on 6 November 2017.

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Given the clear prejudice shown by Tree Officers, Andy Bucklitch and Gavin Boyes, whose independence as promoters of the TPO is irrevocably tainted, any further TPO should be supported by a report authored by an alternative Tree Officer or alternatively an independent and appropriately qualified expert.

8. DETAILS OF ANY DOCUMENTS THAT ARE CONSIDERED RELEVANT AND NECESSARY

The Claimant asks the Defendant to provide within one week of the date of this letter (and before any consideration of this matter by Planning Committee):

- (d) All written reports and site notes regarding the TPO and / or Bromsgrove District Council Tree Preservation Order (No. 12) 2016 – Tree/s on land at side and rear of 73 Linthurst Newton, Blackwell dated 12th January 2017, and the provisional Tree Preservation Order relating to the same site served in August 2016, relating to the visits made to site by tree officers Gavin Boyes and Andy Bucklitch or other officers involved. In particular, documentation relating to the assessment of the trees at the site as suitable for a tree preservation order (sometimes referred to as an amenity value assessment). The above request is for the disclosure of all written reports and site notes which are not annexed to the Report or the Committee Report dated 9th January 2017.
- q
- (e) Any letters and emails sent to and received from the above officers and notes of any meetings or telephone conversation by or with the above officers in relation to the TPO and / or Bromsgrove District Council Tree Preservation Order (No. 12) 2016 – Tree/s on land at side and rear of 73 Linthurst Newton, Blackwell dated 12th January 2017, and the provisional Tree Preservation Order relating to the same site served in August 2016, and in particular communications to and / or from planning officers, local councillors (District and Parish), their clerks or staff, and residents. The above request is for the disclosure of all written reports and site notes which are not annexed to the Report or the Committee Report dated 9th January 2017.
- (f) A plan showing the locations from where all the photographs provided at Appendix 9 of the Report were taken, and confirmation of who took each of the photographs in question.

The Defendant is reminded of its strict duty of candour in this respect.

9. THE ADDRESS FOR REPLY AND SERVICE OF COURT DOCUMENTS

Harrison Clark Rickerbys Limited, 5 Deansway, Worcester, WR1 2JG. Correspondence to be sent for the attention of Mrs R. Andrews, quoting reference: RA03.ACC14-1

Yours faithfully

HARRISON CLARK RICKERBYS LIMITED

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tel: (01527) 64252

Your ref: RA03.ACC0014-0001.RA

Ms R Andrews
Harrison Clark Rickerbys Solicitors
5 Deansway
Worcester WR1 2JG
By e-mail only

06 November 2017

Dear Rosalind

**Letter before Action – Contempt of Court and Section 288 Challenge
Trees Preservation Order (No. 11) 2017
Trees on Land adjacent to 73 Linthurst, Newtown, Blackwell**

Thank you for your letters of 2 November 2017 which we have considered.

We do not believe there that are any grounds to withdraw the confirmation of Bromsgrove District Council's TPO (11) of 2017 from the agenda of the meeting on 6 November 2017 as we do not consider that your allegations of unlawfulness are made out. However, we will put your letter before the committee, along with this reply, for them to consider. Please let me know if you object to this approach.

Also, to remove the contention around this issue, we will amend the recommendation to ask members to remove G2 from the TPO and confirm the order with this modification.

In relation to your allegation that the committee report fails to advise the committee in a way that is impartial, transparent and fair and fails to provide adequate reasoning for the recommendation made, we reserve the right to address your points in detail if the order is confirmed and you proceed with the section 288 challenge. Without prejudice to our right to add to the following points, we would comment as follows:

- We will, in the event of a challenge, draw the court's attention to the extensive procedure in this case and efforts made by the Council to make this order as fair and transparent as possible including: attaching all the objections to the report, attaching all objections from the 2016 order, attaching a full version of the consent order to the report, several site visits including some with your client's consultant, arranging the current site visit without the tree officer, which your client's consultant attended, and giving you notification once the report was published.

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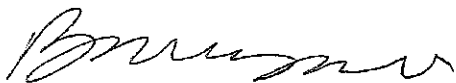
- In relation to the previous legal challenge, the order was quashed by consent. The report does not state that your client was “unjustified” in bringing the claim. The report accurately states the reasons why the Council agreed to the consent order. In any event, the consent order is attached to the report and so members can see the terms of the order and the compromise reached, to the extent that this is relevant.
- We have passed your information request to our Freedom of Information team and they will be in contact with you directly.

I enclose the plan requested in paragraph (c) of your first letter and 8(c) of your second letter and will send you the information as soon as I receive it. The plan will accompany the report and so be before members at committee.

The Forestry Commission's most recent 2017 publications use the definition of 'woodland' given in the report. I enclose the same by way of reference and refer you to paragraph 11.1 of the Sources chapter (page 15).

In summary we do not accept the inaccuracies alleged in your letter or that the report fails to advise the committee correctly or put all relevant considerations before it. We will place your LBA and the plan of the photographic locations before the committee as indicated.

Yours sincerely



Tracy Lovejoy
Legal and Democratic Services

10/08/2016 13:09



10/08/2016 13:05





10/08/2016 13:07

10/08/2016 13:06



10/08/2016 13:06





10/08/2016 13:09

Positions Photographs Were Taken From For Appendix (9)

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Forestry Statistics 2017

Introduction, Glossary, Sources

Release date: 28 September 2017

Coverage: United Kingdom

Geographical breakdown: Country

Issued by: IFOS-Statistics, Forest Research,
231 Corstorphine Road, Edinburgh, EH12 7AT

Enquiries: Jackie Watson 0300 067 5238
statistics@forestry.gsi.gov.uk

Statistician: Sheila Ward 0300 067 5236

Website: www.forestry.gov.uk/statistics



11.1 Sources: Woodland area and planting

Introduction

The definition of woodland in United Kingdom forestry statistics is land under stands of trees with a canopy cover of at least 20% (or having the potential to achieve this), including integral open space, and including felled areas that are awaiting restocking. There is no minimum height for trees to form a woodland at maturity, so the definition includes woodland scrub but not areas with only shrub species such as gorse or Rhododendron.

There is no minimum size for a woodland. In this report, statistics based on the National Forest Inventory (NFI), refer to woods and forests of at least 0.5 hectares, as mapped through the NFI. Previously, figures based on the 1995-99 National Inventory of Woodland and Trees included sample-based estimates for woods and forests between 0.1 hectares and 2.0 hectares in addition to mapped areas of 2.0 hectares or over.

This is a slightly different definition from that used internationally which is based on 10% canopy cover, a minimum height at maturity of 5m and minimum area of 0.5 hectares. The latest estimate of the effect of the difference in minimum canopy cover threshold, based on the 1995-99 National Inventory of Woodland and Trees, is that there are around 50 thousand hectares of land with 10-20% canopy cover in the UK (or around 2% of the total UK woodland area).

Integral open space is included in woodland area figures derived from the National Forest Inventory if the areas of open space are less than 0.5 hectares; larger areas are mapped out and excluded from the woodland area figures. This differs slightly from the approach used for the National Inventory of Woodland and Trees, where areas of open space of up to 1.0 hectare were included as woodland.

Woodland includes native and non-native trees; semi-natural and plantation areas. Woodland habitat types are not currently differentiated in these statistics.

Most public sector woodland is owned by or managed by the Forestry Commission (FC) in England and Scotland, Natural Resources Wales (NRW) in Wales, or the Forest Service (FS) in Northern Ireland. Woodland owned by local authorities, the Ministry of Defence, and other public sector bodies is included in "private sector woodland".

The Natural Resources Wales woodland areas and land areas shown in this release relate to areas previously owned or managed by Forestry Commission Wales. They exclude any areas previously owned or managed by other parts of Natural Resources Wales, such as the former Environment Agency in Wales and the former Countryside Council for Wales.

The following pages provide more detail on the data sources and methodology used to produce statistics on woodland area and planting. A quality report on Woodland Area, Planting and Restocking is available from our [Quality web page](#).

Forestry Statistics 2017

Chapter 1: Woodland Areas and Planting

Release date: 28 September 2017

Coverage: United Kingdom

Geographical breakdown: Country

Issued by: IFOS-Statistics, Forest Research,
231 Corstorphine Road, Edinburgh, EH12 7AT

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1.1 Woodland Area

Woodland is defined in UK forestry statistics as land under stands of trees with a canopy cover of at least 20% (25% in Northern Ireland), or having the potential to achieve this. The definition relates to land use, rather than land cover, so integral open space and felled areas that are awaiting restocking are included as woodland. Further information, including how this UK definition compares with the international definition of woodland, is provided in the Sources chapter.

Statistics on woodland area are used to inform government policy and resource allocation, to provide context to UK forestry and land management issues and are reported to international organisations. They are also used in the compilation of natural capital accounts.

Increases in woodland area result from the creation of new woodland. This can be achieved through new planting or by natural colonisation of trees on land near existing woodland. Further information is available in the section on New Planting.

Decreases in woodland area result from the conversion of woodland to other land uses. Regulatory approval is usually required before trees can be felled. Felling approval will normally require the area to be restocked, but there are some cases in which trees may be permanently removed, generally for environmental reasons. The permanent removal of trees may also be authorised under planning regulations, to enable development.

Most public sector woodland is owned and managed by the Forestry Commission (FC) in England and Scotland, Natural Resources Wales (NRW) in Wales and the Forest Service (FS) in Northern Ireland. Other public sector woodland (e.g. owned by local authorities) is included with privately owned woodland as "private sector" in this release.

The Natural Resources Wales woodland areas and land areas shown in this release relate to areas previously owned or managed by Forestry Commission Wales. They exclude any areas previously owned or managed by other parts of Natural Resources Wales, such as the former Environment Agency in Wales and the former Countryside Council for Wales.