

**From:** "White, Nicholas"  
**Date:** 4 May 2021 at 09:13:06 BST  
**To:** Susan Deakin  
**Subject:** RE: BNG and Ancient Woodland / LWS

Hi Susan,

Thanks for your email. Even when the Environment Bill comes legally into force (2 years post Royal Assent) the requirements relating to Irreplaceable Habitats will remain pretty much identical to how they apply now. This is that irreplaceable habitats are regarded as being exempt from BNG on basis of their irreplaceability – this a development that impacts these habitats will have to go through the usual mechanisms for dealing with such impacts as set out in the NPPF. However, this applies to these habitats only. All other habitats that the development impacts can be expected to deliver BNG (in accordance with whatever requirements have been set out in the local plan – until such a time as mandatory BNG comes into force). This means that a project can still deliver and meet its BNG requirements even if it partly impacts an irreplaceable habitat as these are regarded as separate to the BNG requirements. Impacting an irreplaceable habitat affects how the project can claim BNG (it can only claim it for the non-irreplaceable features) but does not mean a project cannot meet a BNG requirement.

Hope this helps?

Nick

**From:** Susan Deakin  
**Sent:** 04 May 2021 09:07  
**To:** White, Nicholas  
**Subject:** BNG and Ancient Woodland / LWS

Dear Nick

Firstly apologies for contacting you direct like this but you seem to be the expert in matters BNG at NE and I have a query that I would really like some definitive advice on if at all possible.

I am involved in a proposed residential development site for which the proposals will impact on several blocks of Ancient Woodland (also LWS) (in terms largely of deterioration due to recreational impact, proximity of houses, pollution, pet predation etc etc.) rather than actual habitat loss.

My understanding of the BNG metric (both the Defra and the Natural England updates) is that Ancient Woodland should be omitted altogether from the metric (even if there is no loss), as it is irreplaceable habitat and as such (NPPF and NE guidance) cannot be readily mitigated / compensated.

If there is considered to be inevitable degradation of the woodlands (and also an ancient and a number of veteran trees also) over time but on the other hand the BNG for the remainder of the site is positive eg arable land converted to meadow grassland, what is the overall situation with regard to Project level BNG ?

My understanding is that in this situation, it is not possible to achieve BNG at the overall Project level. This then ( and in accordance with NPPF 175 c) and 2019 Chancellor's Spring Statement) means that planning permission should be refused.

I would really welcome your advice on this.

Thank you very much

Susan

Susan Deakin BSc MSc CMLI  
Landscape Manager and Ecologist

Liz Lake Associates