

## Regulation 19 Representation: Rugby Borough Local Plan

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### 1. Introduction

The Woodland Trust welcomes the opportunity to make representations on the Rugby Borough Local Plan (Proposed Submission, January 2026) at Regulation 19 stage. The Trust is the UK's largest woodland conservation charity, owning and managing over 1,000 woods across the UK, including sites within and near Warwickshire. Our statutory objectives are to protect existing woodland, particularly ancient and veteran trees, restore degraded woodland, and create resilient new native woodland for the benefit of wildlife and people.

We acknowledge the considerable work undertaken by Rugby Borough Council to progress the plan to submission stage and recognise a generally positive direction of travel, particularly in relation to biodiversity net gain, canopy cover, landscape protection and alignment with the Local Nature Recovery Strategy (LNRS). The plan demonstrates an increasing awareness of the role that trees, woodland and green infrastructure play in addressing the twin crises of climate change and biodiversity loss, while also supporting health, wellbeing and placemaking.

However, notwithstanding this positive trajectory, the Woodland Trust considers that the plan is **not currently sound**. In particular, it is not fully **justified, effective, nor consistent with national policy**, unless a limited number of specific matters (set out below) are addressed through modifications. These relate primarily to the strength, clarity and enforceability of policies concerning ancient and veteran trees, biodiversity net gain ambition and longevity, canopy cover delivery, and landscape-scale nature recovery.

### 2. Tests of Soundness – Overview

Our representations are framed explicitly against the tests of soundness set out in paragraph 35 of the National Planning Policy Framework (NPPF).

In summary, while the plan is broadly **positively prepared**, elements of the Environment chapter fall short in the following respects:

- **Justified** – certain policy thresholds (notably biodiversity net gain and canopy cover) are insufficiently ambitious given the borough's low baseline woodland cover and the evidence base cited within the plan itself.
- **Effective** – some policies rely too heavily on national policy or discretionary wording, creating uncertainty around delivery and long-term management.
- **Consistent with national policy** – in particular, Policy EN1 does not fully reflect the strengthened protection afforded to irreplaceable habitats under the NPPF.

### **3. Policy EN1: Biodiversity and Geodiversity Protection**

The Woodland Trust supports the inclusion of Policy EN1 and the recognition of ancient woodland and ancient and veteran trees as irreplaceable habitats. We also welcome the explicit requirement for proposals to contribute towards delivery of the Local Nature Recovery Strategy.

However, the policy currently relies almost entirely on the application of national policy and legislation, without embedding the strongest national safeguards directly into the local policy wording. This creates unnecessary uncertainty at decision-making stage and risks inconsistent outcomes, particularly for irreplaceable habitats.

#### **Soundness concern – Consistency with national policy**

Paragraph 193(c) of the National Planning Policy Framework (NPPF) is clear that development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and ancient or veteran trees, should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. This critical test is not explicitly referenced in Policy EN1.

In addition, national policy and standing advice are clear that harm to ancient and veteran trees is not limited to direct loss. Indirect impacts, particularly those affecting soil structure, hydrology and rooting environments, can result in deterioration over time and therefore constitute harm.

#### **Root Protection Areas (RPAs)**

Ancient and veteran trees frequently possess extensive and asymmetric root systems that extend well beyond standard canopy spreads. While BS5837:2012 provides a baseline methodology for calculating Root Protection Areas (RPAs), it is widely recognised — including by Natural England and the Forestry Commission — that RPAs for ancient and veteran trees often need to be significantly larger and more bespoke to reflect their age, ecological function and sensitivity.

Policy EN1 does not currently require:

- Explicit identification of RPAs for ancient and veteran trees;
- A presumption against development within those RPAs;
- Assessment of indirect impacts such as compaction, changes to drainage, service runs or level changes.

This omission risks permitting development that leads to the long-term decline or eventual loss of irreplaceable trees, contrary to national policy intent.

#### **Soundness concern – Effectiveness**

Without explicit safeguards for RPAs, Policy EN1 is unlikely to be effective in preventing deterioration of ancient and veteran trees, even where outright loss is avoided.

### **Requested modifications:**

Policy EN1 should be amended to:

- Explicitly reference the NPPF paragraph 193(c) “wholly exceptional reasons” test for development affecting irreplaceable habitats.
- Require the identification, protection and long-term safeguarding of **bespoke Root Protection Areas (RPAs)** for ancient and veteran trees, informed by specialist arboricultural assessment and **aligned with Woodland Trust recommendations**. This should recognise that:
  - BS5837:2012 RPAs represent a minimum starting point only;
  - RPAs for ancient and veteran trees are frequently substantially larger than standard calculations, and should be defined in line with Woodland Trust and Ancient Tree Forum guidance as **the greater of:**
  - a radius of **15 times the tree’s stem diameter with no upper cap**, or
  - **at least 5 metres beyond the canopy edge**, with further extension where site conditions indicate wider rooting influence;
  - RPAs should normally extend to at least the canopy edge and often beyond, reflecting rooting morphology, soil conditions and hydrology;
  - Where uncertainty exists, the precautionary principle should be applied.
- Establish a clear presumption against development within these RPAs, in line with Woodland Trust guidance that RPAs for ancient and veteran trees should be treated as **construction exclusion zones**, with no incursion, level change, compaction, service runs or drainage alterations, and secured through planning condition or legal agreement.

Without these amendments, Policy EN1 is not consistent with national policy and is therefore unsound.

### **4. Policy EN5: Biodiversity Net Gain**

The Trust welcomes the inclusion of a dedicated biodiversity net gain policy and supports the strong emphasis on local delivery, habitat connectivity and alignment with the LNRS. These elements represent good practice and demonstrate a clear understanding of the intent of the Environment Act 2021.

Nevertheless, the policy limits delivery to the statutory minimum 10% biodiversity net gain.

#### **Soundness concern – Justified and Effective**

Given the borough’s very low woodland cover (4.5% as cited in the plan) and the scale of growth proposed, a minimum 10% requirement does not reflect the level of ambition needed to meaningfully reverse biodiversity decline. Numerous local planning authorities have now adopted higher targets, commonly 20%, supported by evidence that this remains viable.

In addition, while delivery mechanisms are clearly set out, there is no explicit requirement for a **minimum 50-year management and monitoring period**, which is particularly critical for woodland and tree-based habitats that take decades to mature.

**Requested modifications:**

- Increase the minimum biodiversity net gain requirement to **at least 20%**.
- Explicitly require a **minimum 50-year management and monitoring period** for all created or enhanced habitats.

Without these changes, Policy EN5 is not adequately justified by the plan's own evidence base and risks under-delivering against stated objectives.

**5. Policy EN6: Canopy Cover**

The Woodland Trust strongly welcomes the introduction of a standalone canopy cover policy and recognises this as a significant improvement on earlier iterations of the plan. The policy appropriately recognises the multiple benefits of increased canopy cover, including urban cooling, biodiversity enhancement, climate change mitigation and placemaking.

However, the policy would be significantly strengthened by more explicitly addressing **where** canopy cover is delivered, not solely how much is delivered.

**Tree equity and distribution of canopy cover**

Evidence consistently demonstrates that tree canopy is unevenly distributed across urban areas, with communities experiencing higher levels of deprivation, poorer health outcomes and greater exposure to air pollution and heat stress often having the lowest levels of tree cover. The Woodland Trust promotes the principle of **tree equity**, which seeks to ensure that all communities have fair access to the benefits provided by trees.

The Tree Equity Score UK tool provides a robust, evidence-based measure of how well neighbourhoods are served by tree canopy, combining data on canopy cover, climate risk, pollution and population vulnerability at Lower Super Output Area (LSOA) level. Scores are calculated out of 100, with higher scores indicating greater tree equity.

In this context, a borough-wide minimum canopy cover target, while welcome, is insufficient on its own to ensure equitable outcomes. Without an explicit spatial lens, new tree planting risks reinforcing existing inequalities rather than addressing them.

**Soundness concern – Justified and Effective**

The plan does not currently require decision-makers to prioritise canopy delivery in neighbourhoods where it is most needed, nor does it establish a measurable benchmark for equitable access to urban trees.

**Requested modifications:**

- Require the Council to assess and monitor **Tree Equity Scores for all LSOAs** within the borough.

- Establish a clear policy expectation that **every LSOA should achieve and maintain a Tree Equity Score of no less than 75**, with targeted intervention where scores fall below this level.
- Require major development proposals to demonstrate how they will contribute to improving tree equity, particularly where located within or adjacent to low-scoring neighbourhoods.

In addition, tree planting and replacement associated with delivery of canopy cover should require the use of **UK and Ireland Sourced and Grown (UKISG)** stock from appropriate local provenance seed zones. This is essential to ensure biosecurity, climate resilience and long-term survival of planted trees, and aligns with Woodland Trust policy and best practice.

## 6. Landscape Policies EN2 and EN3

The Trust supports the strong emphasis on landscape character, sensitivity and distinctiveness, particularly within the Rainsbrook Valley. We welcome the recognition of woodland, trees, veteran trees and hedgerows as integral landscape features.

### Opportunity for strengthening – Effectiveness

While biodiversity and landscape considerations are well integrated conceptually, there is scope to strengthen explicit references to:

- Habitat networks and ecological corridors.
- The role of woodland creation and restoration in reinforcing landscape character.

A clearer cross-reference to LNRS priorities within landscape assessments would enhance effectiveness and ensure consistent delivery.

## 7. Monitoring and Delivery

Across Policies EN1, EN5 and EN6, the Trust considers that clearer monitoring and enforcement mechanisms are required to ensure long-term delivery. In particular:

- Management plans should be secured by condition or legal agreement.
- Monitoring responsibilities should be clearly defined.
- Enforcement triggers should be explicit where outcomes fall short.

Without these elements, the plan risks being sound in theory but ineffective in practice.

## 8. Conclusion and Summary of Required Modifications

The Woodland Trust supports the overall direction of travel of the Rugby Borough Local Plan and recognises the significant progress made since earlier consultation stages. However, we consider that the plan is **not currently sound** unless the following matters are addressed:

1. Explicit incorporation of the NPPF paragraph 193(c) “wholly exceptional reasons” test for irreplaceable habitats within Policy EN1.

2. An increase in the biodiversity net gain requirement to at least 20%, with a minimum 50-year management period.
3. Strengthening of the canopy cover policy to reflect local need, reduce discretionary weakening, and secure appropriate planting stock.
4. Clearer mechanisms for monitoring, management and enforcement.

Subject to these targeted modifications, the Woodland Trust would be supportive of the plan proceeding to examination.

We would welcome continued engagement with the Council and the Inspector to assist in refining these policies and ensuring the Local Plan delivers meaningful, long-term benefits for nature, climate resilience and communities.