

The Rights of Trees, Woodlands and Forests Toolkit

A Comprehensive Guide to Delivering Rights-Based Protection for Trees, Woodlands and Forests

University of Sussex Environmental Justice Law Clinic

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FOREWORD

Britain, it is often said, is one of the most nature depleted countries in the world. And yet we also pride ourselves on being a nation of nature lovers, including deeply rooted connections with our trees, woodlands and forests. So how has this come about? There are undoubtedly many reasons, including a fixation with an economic system that prioritises profit over people and planet. But it is also increasingly being recognised as a direct consequence of our disconnection from the natural world. More than ever before, it's becoming clear that we urgently need a new framework for rethinking human-nature relations in law and beyond.

That is exactly what this ground-breaking toolkit offers. It serves not only as a legal and policy resource, but also as a reflection of a wider cultural shift in how societies value and live alongside the natural world. It outlines the current legal frameworks and how to make best use of them to protect trees, woodlands and forests, for example. But it also goes much further by inviting us to understand nature as a community of life that humans are part of – not above – and, crucially, it makes practical suggestions on how this can be achieved.

Developed over three years with environmental law students representing voices from many different countries and diverse backgrounds, this visionary toolkit offers a substantial contribution to the rapidly growing global Rights of Nature movement, showing how these ideas are moving from theory into real law, governance and community practice around the world, including the rapidly developing 'rights of river' movement.

Containing a wealth of practical tools to help communities, landowners, and decision-makers to begin implementing Rights of Nature approaches now, it is designed to inspire action, from legal and policy reform to community stewardship. And it shows how local action, in planning, land management and governance can help drive much-needed national and global legal transformation too.

Rooted in multi species justice, and in the recognition that protecting nature and protecting communities are inextricably linked, it is an approach whose time has come. This vital toolkit offers both the vision, and the practical steps, to place nature's intrinsic value at the heart of our democratic processes.

Caroline Lucas



Professor of Practice, University of Sussex
Former Leader, Green Party of England and Wales
MP Brighton Pavilion 2010-202

PREFACE

The seed for this toolkit was planted about three years ago, when a colleague suggested that our students at the University of Sussex Environmental Justice Law Clinic help create a Rights of Woodlands Toolkit, a suggestion I readily welcomed. At that point, I did not realise how much there was to learn, consider, ponder over and debate, and that it would take several years and 3 cohorts of students and volunteers to launch!

Our trees, woodlands and forests are such wonderful living communities that we live alongside. I know how many people have a favourite tree, a special spiritual connection with trees or find another sense of being within our beautiful British woodlands and those further afield. These relationships are not easily quantifiable, but they speak to an appreciation of trees for their own sake and recognise that trees are important beyond solely human use. Trees are living and communicating beings that we share our planet with, as well as the lungs of our earth. Yet, the stark reality is that Britain's trees, woodlands and forests alongside the animal and bird communities that call them home are not well enough protected by law and are regularly destroyed even when deemed 'irreplaceable'. They face even harsher threats given the worrying directions our country is going in.

Against this backdrop this toolkit has been developed to outline existing law and policies to protect trees and give guidance on how to use them (Part 1). More than that, the toolkit outlines ways, chinks of light and opportunity, to better respect, protect and restore our trees, woodlands and forests recognising their intrinsic value. Many kind experts and friends gave time to be interviewed by our students for the toolkit and with their knowledge, and our own, we drew out key themes. These themes guided our suggestions on how to embed Rights of Nature approaches for trees, woodlands and forests in Britain – right now (Part 2).

More than anything, we hope this toolkit is a useful and living resource for all those nature defenders trying to protect and improve special trees, woodlands and forests. Please do update us on any actions however big or small that you are taking using our toolkit, or independently: there is a [Padlet](#) to contribute to. Please also support our declaration for trees woodlands and forests by adding your signature to our [petition](#). Let's join together and inspire each other to grow new relationships to live in more harmonious ways within nature, from the bottom up, from the tree roots to the canopy and beyond.

Dr Joanna Smallwood-Miller

Lead and Solicitor for the University of Sussex Environmental Justice Law Clinic

GET INVOLVED!

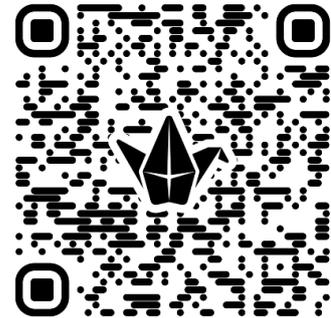
Contribute to our Interactive Timeline

Please share what you are doing to protect trees, woodland and forests – big or small – using our interactive timeline on [Padlet](#).

In your contribution, include:

- Where you are based;
- Which tree/woodland/forest you are trying to protect;
- The rights-based approach you used (and whether inspired by the Toolkit); and
- Lessons learned/what you could do differently.

Add your post to the Timeline at the relevant date by following this [link](#) or scanning the QR code.



Together, let's see how this movement develops over time.

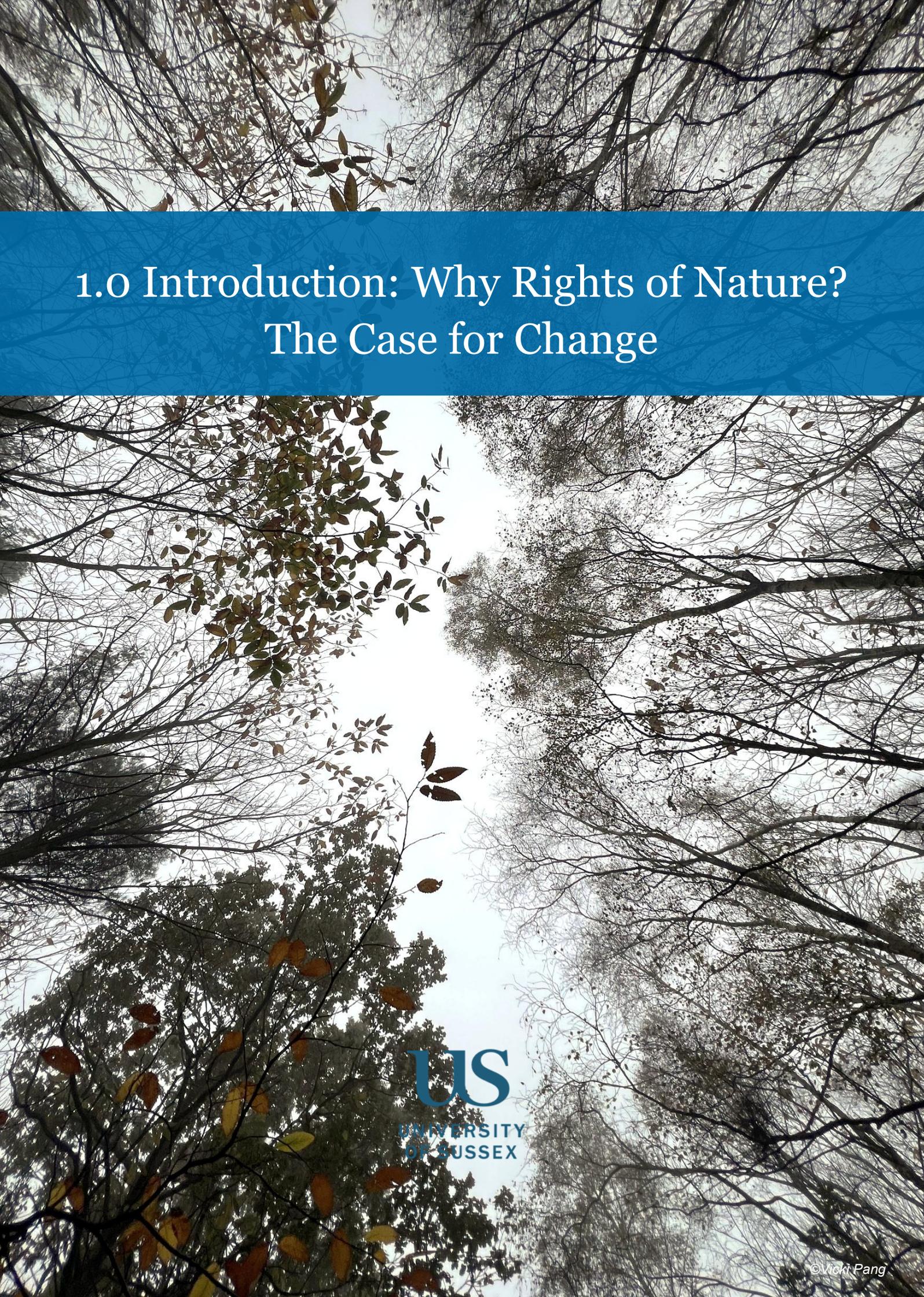
Sign our Petition

Join us in safeguarding the future of our environment by signing the University of Sussex Environmental Justice Law Clinic [petition](#) to protect trees and forests with rights-based approaches.

Let us stand together to ensure that our forests and trees continue to provide their essential services, unparalleled beauty, and ecological benefits forever.

Your support and signature will signal to decision-makers the urgency of protecting our trees and forests.





1.0 Introduction: Why Rights of Nature? The Case for Change

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There are many ways to understand and value nature. Some views focus on their instrumental value: seeing trees, woodlands, and forests as resources for timber, fuel, or economic profit. Others value trees for their non-material benefits, such as climate regulation, clean air, cultural heritage, recreation and wellbeing. For many communities and spiritual traditions, forests hold ceremonial, cultural, and sacred meaning. Yet one form of value remains largely absent in UK law and policy: intrinsic value.

Focusing solely on nature's instrumental values has contributed to widespread environmental degradation, disrupting food and water security, public health, and supply chains, and is increasingly predicted to contribute to wider geopolitical instability. Nature loss has been categorised as an issue of [national security](#) in the UK.

‘Six ecosystem regions (including the Amazon rainforest) are critical for UK national security given the likelihood and impact of their collapse. Severe degradation or collapse would drive displacement of millions, change global weather patterns, increase global food and water scarcity, and drive geopolitical competition for remaining resources.’

To combat this widespread environmental destruction and degradation, this toolkit argues that we must fundamentally transform our negative relationships with other beings in the natural world to find more respectful and harmonious ways to live within nature.

HOW NATURE IS VALUED

The ways humans act within nature are shaped by how we value nature. Understanding these [diverse value systems](#), and how they align or conflict, helps explain why some woodlands are protected while others are destroyed, and why decisions vary widely between places and contexts.

ANTHROPOCENTRIC VALUES

The dominant value system shaping environmental governance in the UK is anthropocentrism; a worldview that places humans above other life forms and views other species primarily in terms of usefulness to humans. Within this framing, trees woodlands and forests are seen as objects, assets or resources. This viewpoint underpins current policies, planning frameworks and market-based tools such as ecosystem services, carbon credits, and biodiversity offsetting in the UK. These underlying assumptions of UK law and policy have enabled the loss of irreplaceable ancient woodlands and trees. Weak legal protections allow development that prioritises economic profit over ecological integrity with no consideration of the rights of other species.

It is true that human wellbeing is inseparable from ecosystem health. In 2022, the [United Nations General Assembly](#) formally recognised a clean, healthy and sustainable environment

as a universal human right. Yet in our view, achieving this requires moving beyond human-centric governance toward approaches that also protect nature for nature's sake.

CULTURAL AND SPIRITUAL VALUES

Alongside economic and functional values, many belief systems recognise trees, woodlands and forests as living, sacred, intelligent beings. In Pagan, Celtic and many Indigenous worldviews, trees are ancestors, teachers and kin. Such worldviews align with the Rights of Nature movement, which recognises nature not as property, but as a rights-bearing community of life.

'Living in harmony with nature means coexisting with nature, caring for nature, and allowing its regeneration for future generations.'

- Lidia Cano Pecharroman

INTRINSIC VALUE AND ECOCENTRIC ETHICS

Recognising the **intrinsic value** of trees, woodlands and forests means acknowledging that they have worth in themselves, regardless of human benefit. This understanding sees them as living, relational beings part of interconnected systems, deserving of dignity, respect, and protection. As Dr Neil Williams explains, intrinsic value means that a being has worth simply because it exists and reflects a kind of care or moral regard that is not conditional on usefulness.

Rights of Nature frameworks are grounded in ecocentric and biocentric ethics, which recognise:

- All living beings and ecosystems have moral (and legal) standing
- Human life is not superior to other life
- Rights and responsibilities extend beyond the human species

These perspectives are increasingly supported by ecological science, which shows that forests communicate, adapt, remember, and form interdependent communities of organisms across generations.

BALANCING RIGHTS AND VALUES

Recognising intrinsic value does not eliminate the need to balance diverse values. Instead, it ensures that the wellbeing of trees, woodlands and forests are not secondary to economic interests. In some contexts, woodlands and trees are considered absolutely irreplaceable, while in others their sustainable and carefully managed use may be justified, and in others the restoration of trees and woodlands is essential.

Although intrinsic, cultural, and relational values of trees are often harder to measure than metrics like economic value, carbon storage, or canopy cover, their significance should not be overlooked. Trees hold meaning beyond quantifiable benefits, they have intrinsic value, shape cultural identity and traditions, and form important connections between people, communities, and the rest of nature. Recognising these less tangible values is essential for balanced and meaningful decision-making. Globally, Rights of Nature governance is developing **new forms of evaluation**, such as story-based monitoring, guardianship models and cultural indicators, that allow nature's voice, values and rights to be recognised alongside scientific evidence.

A USER'S GUIDE TO THE TOOLKIT

To help address the current imbalance created by predominantly anthropocentric focused governance, it is argued that laws, and policies relating to trees, woodlands and forests, as well as social understandings, should place much higher priority on their intrinsic value. In the context of the ecological crisis and the need to shift towards ways of living more in harmony with nature, intrinsic value and nature's rights should be given significantly greater weight than economic profit or human convenience.

Our toolkit aims to highlight ways in which the intrinsic value of trees, including through recognition of their rights, can be instilled in law, policy and cultural understandings. We suggest practical and imaginative use of law, as well as legal, social and political reform. **Part 1 of this toolkit** outlines current legal and policy frameworks relevant to trees, woodlands and forests and gives advice on how to make best use of these. Case study examples are included to show how the law has been applied. Part 1 also starkly demonstrates how current laws and policies fall short in protecting even supposedly irreplaceable trees and woodlands in the UK. **Part 2 of the toolkit** envisions a new way forward for the governance of trees, woodlands and forests and suggests practical pathways for embedding intrinsic value and Rights of Nature principles into law, planning, monitoring and everyday decision-making, primarily in England, but with relevance across Britain and internationally.

An important note to Toolkit Users. We know the Toolkit is full of information and quite long (!) – it is not intended to be read from beginning to end. As well as the content page, we include guides below to help you navigate the Toolkit to assist you with your specific project, task, initiative or mission.

The following guides highlight the most relevant sections depending on your aims and goals. If you are still not clear, or have any questions, please contact our clinic who will be happy to advise you.

1 I want to learn about the Rights of Nature

1.0 Introduction

- 2.1 Charter for Rights of Trees
- 2.2 Political and Legal Reform (Introduction)
- 2.3 Lessons from Other Jurisdictions
- 2.6 Rebuilding connections with nature
- 2.7 Language as a Tool for Change

2a I want to protect an individual tree – current law and policy

- 1.0 Introduction
- 1.1 Individual Trees
 - 1.1.1 Tree Preservation Orders
 - 1.1.3 Capital Asset Value for Amenity Trees
 - 1.1.5 Local Biodiversity Action Plans
- 1.2 Urban Trees
 - 1.2.1 Legislation
 - 1.2.5 Action Plans to Preserve Urban Trees
 - 1.2.6 How to Protect Urban Trees: Practical Solutions
- 1.4 Woodland Animals and Birds

2b I want to protect an individual tree – Rights of Nature approach

- 2.1 Charter for Rights of Trees
- 2.2 Legal and Political Reform
- 2.3 Lessons from other Jurisdictions
- 2.7 Language as a Tool for Change
- 2.8 Practical Tools and Templates (Rights of Nature Approach)
 - 2.8.2 EIR Request: Template
 - 2.8.3 Rights Based TPO Request: Template
 - 2.8.5 Council Motions for Tree Rights
 - 2.8.9 Rights Based Conservation Covenants

3a I want to protect a woodland – current law and policy

- 1.0 Introduction**
- 1.3 Ancient Woodlands**
 - 1.3.1 Existing Legal Protection for Ancient Woodland in England
 - 1.3.2 Opportunities to Influence Decisions
 - 1.3.5 Lessons for Campaigners
- 1.5 Private Woodlands**

3b I want to protect a woodland – Rights of Nature approach

- 2.1 Charter for Rights of Trees**
- 2.2 Legal and Political Reform**
- 2.3 Lessons from Other Jurisdictions**
- 2.5 Ecocide and Rights of Nature**
- 2.6 Re-Building Connections with Nature**
- 2.7 Language as a Tool for Change**
- 2.8 Practical Tools and Templates (Rights of Nature Approach)**
 - 2.8.3 Rights Based TPO Request: Template
 - 2.8.5 Council Motions for Tree Rights
 - 2.8.7 Woodland Guardianship Bodies and Tree Stewards
 - 2.8.9 Rights Based Conservation Covenants

4 I want to set up a tree or woodland guardianship body

- 2.3 Lessons from Other Jurisdictions**
- 2.6 Re-Building Connections with Nature**
- 2.6 Advocacy and the Role of Woodland Guardianship Bodies**
- 2.8 Practical Tools and Templates (Rights of Nature Approach)**
 - 2.8.7 Woodland Guardianship Bodies and Tree Stewards
 - 2.8.2 EIR Request: Template

**5a I want to protect woodland animals and birds –
current law and policy**

- 1.3 Ancient Woodlands**
- 1.3.1 Felling Licences
- 1.4 Woodland Animals and Birds**

**5b I want to protect woodland animals and birds –
Rights of Nature approach**

- 2.6 Re-Building Connections with Nature**
- 2.7 Language as a Tool for Change**
- 2.8 Practical Tools and Templates (Rights of Nature Approach)**
- 2.8.2 EIR Request: Template
- 2.8.5 Council Motions for Tree Rights
- 2.8.3 Rights Based TPO Request: Template
- 2.8.7 Woodland Guardianship Bodies and Tree Stewards
- 2.8.9 Rights Based Conservation Covenants

6a I want to help protect forests globally – current law and policy

- 1.0 Introduction**
- 1.7 Consumption and Global Forest impacts**

6b I want to help protect forests globally – Rights of Nature approach

- 2.4 International Law and the Rights of Nature**
- 2.5 Ecocide and Rights of Nature**
- 2.6 Re-Building Connections with Nature**

7a I want to form a strategy to protect trees, woodlands, forests – current law and policy

1.3 Ancient Woodlands

1.3.1 Felling Licences

1.4 Woodland Animals and Birds

7b I want to form a strategy to protect trees, woodlands, forests – Rights of Nature approach

2.6 Re-Building Connections with Nature

2.7 Language as a Tool for Change

2.8 Practical Tools and Templates (Rights of Nature Approach)

2.8.2 EIR Request: Template

2.8.3 Rights Based TPO Request: Template

2.8.5 Council Motions for Tree Rights

2.8.7 Woodland Guardianship Bodies and Tree Stewards

2.8.9 Rights Based Conservation Covenants

8 I want to improve education in my community about Rights of Nature

1.5 Private Woodlands

1.5.3 Citizen Science and Monitoring

2.1 Charter for the Rights of Trees

2.6 Re-Building Connections with Nature

2.6.1 Let's Change the Focus: Education and Learning Initiatives

2.7 Language as a Tool for Change

9a I want to help restore trees and woodlands – current law and policy

1.5 Private Woodlands

1.5.3 Opportunities for Landowners to Support woodland Conservation and Restoration

1.6 Forests and Landscape Recovery

1.6.2 Landscape Recovery

1.6.4 Local Nature Recovery Strategies

**9b I want to help restore trees and woodlands –
Rights of Nature Approach**

2.1 Charter for Rights of Trees

2.6 Re-Building Connections with Nature

2.7 Language as a Tool for Change

2.8 Practical Tools and Templates (Rights of Nature Approach)

2.8.3 Rights Based TPO Request: Template

2.8.7 Woodland Guardianship Bodies and Tree Stewards

2.8.9 Rights Based Conservation Covenants

10 I want to advocate for the rights of trees, woodlands, and forests

2.1 Charter for Rights of Trees

2.2 Legal and Political Reform

2.3 Lessons from Other Jurisdictions

2.5 Ecocide and Rights of Nature

2.7 Language as a Tool for Change

2.8 Practical Tools and Templates (Rights of Nature Approach)

2.8.5 Council Motions for Tree Rights

1.1 Individual Trees



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This section sets out current law and policy available to protect individual trees in England. It explains how trees have some protection in planning systems, through criminal sanctions, biodiversity policy, and valuation mechanisms. While these laws and policies can provide meaningful protection in certain circumstances, they are fragmented, reactive, and often contingent on human-defined values such as amenity, risk, or economic impact. Mapping both the reach and the limits of these existing mechanisms, this section establishes the need for new approaches.

1.1.1 TREE PRESERVATION ORDERS

Tree Preservation Orders (“TPOs”) are statutory instruments designed to protect individual trees, groups of trees, or woodlands deemed to have amenity value.

*‘Although **Amenity** is not defined in law, it is assessed through **visibility**, where the tree’s prominence to the public is considered; **individual impact**, evaluating its size, form, rarity, and contribution to local character; and **wider impact**, examining its collective and environmental significance within the surrounding landscape.’*

- Department for Communities and Local Government,
Tree Preservation Orders: A Guide to the Law and Good Practice,
2012, Chapter 3

Established under the [Town and Country Planning Act 1990](#), TPOs prohibit the unauthorised felling, lopping, topping or destruction of protected trees without the consent of the local planning authority, serving as a key legal mechanism within planning law. TPOs aim to balance the preservation of trees and woodlands against the demands of other land uses (agricultural expansion, infrastructure development, commercial forestry, recreational development, pollution).

Protected trees can be of any size or species and may be situated on either privately owned or public land. When TPOs apply to groups of trees, they may include those planted or those that have naturally regenerated: anything *ordinarily regarded as a tree* can be protected (*Bullock v Secretary of State for the Environment* [1980]). TPOs are placed on trees by local authorities, either themselves or at the request of an external party. An external party can be anyone, even if the tree is not on their property.

HOW TO REQUEST A TPO

Each local council have slightly different procedures for third-party applications, so be sure to check your local council’s website for the most accurate guidance; however, the underlying principles are broadly consistent.

A TPO request should be submitted **in writing** and include:

- A **map** clearly identifying the tree, group of trees, or woodland proposed for protection, and
- A **statement of reasons** explaining why the tree(s) should be considered for protection. Remember to link your reason to the relevant **amenity value** the tree brings, as highlighted in the text from *Tree Preservation Orders: A Guide to the Law and Good Practice 2012* (above).

CONFIRMATION, CONSENT AND APPEALS

During the initial six-month period following the creation of a TPO, the local authority may confirm, modify, or revoke the order at any time. However, modification cannot include the addition of more trees; if further trees require protection, the council must issue a new TPO.

If no objections are lodged within this six-month timeframe, the TPO is confirmed and becomes permanent. Thereafter, any **proposed tree works must be authorised through a formal application to the local planning authority**, in accordance with the [Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012](#).

The case of *Robinson v East Riding of Yorkshire Council* [2003] illustrates that while a TPO itself cannot be appealed, a landowner may apply for consent to carry out works and subsequently appeal a refusal, thereby providing a procedural route to challenge a local authority decision to grant a TPO indirectly.

STRENGTHS AND LIMITS OF TPOS IN PRACTICE

Undertaking works to a tree protected by a TPO without consent or outside an exemption is an offence under [Section 210 of the Town and Country Planning Act 1990](#) and the [Tree Preservation \(England\) Regulations 2012](#). The criminal implications of breaching TPO protections are explored in greater detail in the following section of the Toolkit, for either breach of a TPO or general criminal damage as was the case for the Sycamore Gap tree.

TPOs offer some protection in law, but in practice that protection can be weakened. Councils may grant consent for works where development pressures are high, particularly for housing and infrastructure. In addition, some developers carry out unauthorised works and treat enforcement or fines as a commercial risk. As a result, TPOs can be robust on paper yet fragile in practice when set against development imperatives.

For example, as reported in the [Ministry of Housing, Communities and Local Government's press release](#), the UK Government's target of delivering 1.5 million new homes in England by 2029, equivalent to around 370,000 new homes per year, creates substantial pressure on planning departments to facilitate development.

Councils may justify permitting works to protected trees on the basis that development serves the public interest, particularly where it supports housing delivery or economic growth. Under [Section 70\(2\) of the Town and Country Planning Act 1990](#), planning decisions must take account of the development plan and other material considerations, while the [National Planning Policy Framework](#) frames decision-making as a balance between environmental, social, and economic objectives. In practice, this can place tree protection in competition with development priorities, leading to compromises that weaken the intended strength of TPO protections.

KEY TAKEAWAYS – TPO REQUIREMENTS

- Tree Preservation Orders are statutory mechanisms under the Town and Country Planning Act 1990 that safeguard trees, groups, or woodlands of notable amenity value from unauthorised felling, topping, lopping, or destruction.
- Protected trees may be on either public or private land and include both planted and natural trees.
- Anyone may request a TPO by submitting a written application to their local council, including a map identifying the tree(s) and a statement of reasons linked to their amenity value.
- Following a TPO's creation, the council has six months to confirm, modify, or revoke it; if unchallenged within that period, the order becomes permanent.

Further guidance can be found here: [Department for Communities and Local Government, 'Tree Preservation Orders: A Guide to the Law and Good Practice', 2012](#)

ENFORCEMENT AND CRIMINAL LIABILITY

Under the [Town and Country Planning Act 1990, Section 210 4\(B\)](#), it is a criminal offence **if a TPO is disregarded without consent of the Local Authority** (cutting, topping, uprooting, and wilfully causing damage or destruction.) Section 210 applies strict liability, a legal standard where a party can be held responsible for damages or harm caused by their actions, regardless of intent or fault. The time limits for bringing proceedings are no later than three years after the offence was committed. Such offences are usually heard in the Magistrates' Court, where penalties are limited. However, where the damage exceeds £5,000 (including loss of amenity), the case may be sent to the Crown Court, where an offender may face an unlimited fine and up to 10 years' imprisonment. Councils may also require replacement planting. If a tree does not have a TPO there may also be a case for **general criminal damage** under [Section 1 of the Criminal Damage Act 1971](#), as was the case for the Sycamore Gap Tree.

In theory, this makes TPO protection robust. In practice, however, enforcement varies and penalties have not always reflected the true ecological or economic value of the tree. This has contributed to situations where unauthorised felling is treated by some developers as a calculable risk rather than a true deterrent.

Breach of TPO

Under the [Town and Country Planning Act 1990, Section 210](#), it is an offence to cut down, uproot, lop, top, or wilfully damage a tree protected by a TPO without the consent of the local planning authority.

This is a strict liability offence (no intent needed).

Those found guilty can face an unlimited fine for the destruction of a protected tree, or a fine of up to £2,500 for lesser works such as unauthorised pruning.

In addition, the offender may be required to plant a replacement tree, ensuring that the environmental and amenity value of the area is maintained.

This route focuses on protecting public environmental interests rather than private property rights.

General Criminal Damage Claim

As illustrated in the Sycamore Gap case, trees can also be protected through general criminal damage claims.

Under [Section 1 of the Criminal Damage Act 1971](#), it is an offence for a person, without lawful excuse, to intentionally or recklessly destroy or damage property belonging to another. This includes trees on private property.

Evidence will be needed of the offence.

If found guilty the prosecuted faces up to 10-years imprisonment and/or an unlimited fine (Crown court).

The offence becomes more serious if the person intends to endanger life or is reckless as to whether life of another would be endangered by their actions. When the damage is caused by fire, the offence is charged as arson.

1.1.2 CASE STUDY: THE SYCAMORE GAP TREE

The Sycamore Gap Tree (*Acer pseudoplatanus*) was located on National Trust land situated next to Hadrian's Wall in Northumberland, England. The tree became well-known and celebrated due to its beauty and situation in the landscape and named 'English Tree of the Year' in 2017 but did not have a TPO.

The Sycamore Gap tree was [illegally felled on the 28th September 2023](#) amidst huge public outrage and sadness. In 2025, two individuals were arrested, charged and sentenced for the criminal damage of the Sycamore Gap tree. They were sentenced to four years and three months in prison and fined £622,191. This sentencing is a significant win for environmental lawyers, activists and a step towards protecting the UK's trees through criminal sanctions. However, such cases are exceptional and many trees which are illegally damaged or felled may not receive justice due to the lack of strong legal protection and enforcement.

The Sycamore Gap tree was just one of many important trees across the UK, thousands of which are already under more typical threats including development, disease, climate change, and neglect. Many are recorded on the [Woodland Trust's Ancient Tree Inventory](#), which maps

over 190,000 ancient and veteran trees, revealing both their national significance and their growing vulnerability.

The destruction of the Sycamore Gap Tree is seen as a huge loss of a shared historical and environmental treasure. For many, the tree deserved protection not just for human benefit but more importantly for its own **intrinsic value** beyond human use. The felling was seen by many as an act of destruction against nature itself, rather than just a property crime.

‘The outpouring of grief, sadness & anger about the felling of Sycamore Gap Tree shows the strength of love & care many British people feel for our trees.’

- Paul Powlesland and Brontie Ansell from Lawyers for Nature

Sycamore trees are common in the UK, yet the history and culture surrounding the Sycamore Gap tree made this case somewhat unique. For less publicly visible trees, it is often difficult to resource the necessary police actions to identify people responsible for illegal tree damage. Furthermore, the approaches taken for general criminal damage are based on remedies ‘after the event’ even though the tree(s) is lost forever.

1.1.3 VALUATION AND ALTERNATIVE LEGAL TOOLS

PROTECTION OF WILDLIFE IN TREES

Wildlife living in trees has their own forms of protection and can be used indirectly to protect the trees they live in. Please see [1.4. Woodland Animals and Birds](#).

CAPITAL ASSET VALUE FOR AMENITY TREES (CAVAT)

Capital Asset Value for Amenity Trees (“CAVAT”) is a UK tree valuation system, treating trees as **public assets** to be managed by local authorities. CAVAT does not measure timber value or private property value, but the **amenity value to the community**. The CAVAT method was used in [calculating the value of the Sycamore Gap tree](#) for the court case.

CAVAT functions as both a preventative and restorative mechanism for the protection of trees. The formal valuation of a tree can deter unauthorised removal or damage as it establishes a clear financial liability that would be incurred if harm were caused.

There are two [methods for assessing the value of trees](#), these are [the Quick Method](#), which takes a strategic valuation of an entire stock of trees and [the Full Method](#), which is a detailed valuation of an individual tree or woodland. They both assess a range of factors such as the trees size, public accessibility, function and sale expectancy to create an Asset Value.

CAVAT is intended for use on **public trees** or **trees of demonstrable public importance**. This is because a CAVAT requires a public amenity value and incorporates the Community Tree Index (“CTI”), which adjusts tree value according to local population density and public accessibility, making it unsuitable for purely private trees with no meaningful public benefit. Examples of suitable trees for a CAVAT valuation include Street Trees, Park and Woodland trees, Trees on school or housing estate grounds, Trees with TPOs, Trees within a Conservation area, Trees that are privately owned but publicly visible or contribute to the townscape and character of the landscape.

To get a CAVAT a trained specialist such as an arboriculturist should be used to determine the valuation. This is because several steps rely on expert professional judgement. You can do this by contacting your local authority or finding an independent specialist such as [Arbtech](#).

INSURANCE CONDITIONS AND RISK MANAGEMENT

Insurance conditions are a significant and often less known driver of tree felling such as the [current threat to the Billingshurst Oaks](#). Threats identified from insurance usually arise due to subsidence, storm damage, and perceived risk to property or people. Insurers often require the removal of nearby trees as part of the remedial works, even where the scientific link is uncertain or contested. The industry has historically relied on conservative assumptions about tree-related risk leading to felling becoming a popular ‘solution’, and removal is treated as a risk-management measure rather than as a last resort.

Legally, insurers have no direct power to require felling. However, their influence operates through contract and leverage: policies often require the insured to mitigate future loss; failure to follow an insurer’s recommendations can jeopardise cover; and mortgage lenders may align with insurers in requiring ‘risk removal.’ Where a tree is protected by a TPO or wildlife law, formal consent is still required. But in practice, insurers’ assessments can carry significant weight with both property owners and local authorities, particularly when framed in terms of safety, liability, or structural integrity.

Tree owners, including private individuals and local authorities, face some legal and financial risks where trees are alleged to cause property damage and they are required to fell them. This is typically through root-related or structural interference claims. Liability for such claims is assessed under the law of tort, in nuisance and negligence. The most common requirements are proof of foreseeability, knowledge (actual or constructive), causation and loss.

While the mere presence of a tree is insufficient to establish liability, once a credible complaint such as prior damage or expert evidence is presented, the owner may be seen to have constructive knowledge of a **real risk of harm**. From that point, a continuing duty exists to take **reasonable preventative action**. This potential/constructive liability occurs even where the nuisance, such as the tree root growth under a property's foundations, originated before ownership.

[Delaware Mansions Ltd v Westminster City Council \[2001\] 1 AC 321](#) is the leading authority. The House of Lords confirmed that encroaching tree roots can constitute an actionable nuisance once the landowner knows, or ought to know, of the risk. From that moment, failure to take reasonable preventative action can give rise to liability for subsequent damage.

1.1 Individual Trees

The duty however on individuals is to **take reasonable steps**, not necessarily to fell the tree. In principle, this may include monitoring, pruning, root barriers, or engineering solutions. In practice, however, the legal risk often drives owners and insurers toward felling as the most certain way to eliminate future liability.

To avoid tree felling when such issues are raised by insurers you can: request a senior review from the insurers; submit independent expert evidence to the insurers; argue that the proposed mitigation satisfies the duty to prevent future loss; and if necessary, use the insurer's complaints process and the Financial Ombudsman Service.

The insurers position can be tested by challenging their evidence base. Insurers often rely on generic assumptions about tree-related risk, particularly in subsidence cases. Independent expert reports frequently show that causation is uncertain or overstated.

You can request from the insurers:

- The arboriculture and geotechnical evidence relied upon;
- The methodology used to link the tree to the damage; and
- Whether alternative causes have been excluded.

PROPOSE REASONABLE ALTERNATIVES

In nuisance law, the duty is to take reasonable steps, not to fell. If these would reasonably mitigate risk, felling is not the only lawful response. You can suggest:

- Introduce root barriers;
- Increase the frequency of pruning or scale of pruning (the selective removal of specific branches or parts of a tree);
- Reduce the crown (selectively shortening the outer branches of the tree);
- Use monitoring and movement sensors (request level monitoring readings: these are repeated measurements taken over time to record vertical or horizontal movement in the tree);
- Consider engineering solutions (e.g. underpinning).

INVOKE LEGAL PROTECTIONS

Where a tree is protected by a TPO, wildlife law, or Site of Special Scientific Interest ("SSSI") regime, consent is required regardless of insurer preference. The presence of bats, nesting birds, or protected habitats can lawfully prevent or condition felling. Councils are not bound by insurers' views.

RELY ON PROPORTIONALITY AND REASONABLENESS

In nuisance, liability arises only if the owner fails to take reasonable steps after knowledge. Courts do not require the most drastic measure. If **less intrusive measures** would address the risk, insisting on felling can be disproportionate.

As insurers do not account for environmental benefits, the financial risk associated with ongoing or repeat insurance claims often incentivises pre-emptive felling or chopping down of trees, even where alternative interventions may be viable.

1.1.4 REGISTERING TREES

‘Trees outside woodlands (TOWs) are all trees that do not fall within the definition of a woodland, and consists of patches of trees <0.5 ha, trees along linear features, and lone trees. A recent inventory has determined that there are 742,000 ha of TOWs in Britain, corresponding to 3.2% of total land cover, and representing 19% of all tree cover.’

The **Trees Outside Woodland (TOW)** programme is a £4.8 million, five-year action research initiative funded by HM Government and delivered in partnership with The Tree Council, Natural England, the Department for Environment, Food & Rural Affairs (“Defra”) and five local authorities. It began work around 2020/2021 and, as a five-year programme, is expected to run through to around 2025/2026.

Its purpose is to develop and test new, scalable approaches to:

- Planting and protecting trees outside forests,
- Embedding trees into planning, highways, and public realm decisions, and
- Creating long-term, sustainable models for managing and valuing trees in everyday landscapes.

In effect, it marks a shift in policy thinking: trees are no longer seen only as woodland resources, but as critical elements of towns, farms, and communities.

The government has produced the [first national map of trees outside woodlands](#). Existing trees outside woodlands are being systematically recorded and measured, first through high-resolution national mapping (identifying canopy features and spatial distribution), and second through targeted ground surveys to validate that mapping and to gather condition data. The programme’s outcomes help establish baseline data for nature planning, monitoring change, and guiding future tree-cover targets. TOWs can be registered through national and local inventories. Most notably via surveys coordinated by the Forestry Commission, local authority tree records such as TPOs and tools such as the National Forest Inventory and urban tree assessments.

Currently there is no public-facing mechanism for an individual to submit a tree directly into the national TOW dataset. However, there are other meaningful ways for people to ensure important trees are visible and protected: **significant individual trees** (especially ancient, veteran, or notable trees) can be recorded on the [Woodland Trust's Ancient Tree Inventory](#), which is open to public submissions and widely used by planners and inspectors. Communities can ask their local authority to assess a tree for a Tree Preservation Order ("TPO"), which places it on a legally binding local register (see [2.8.3](#) and [2.8.4](#) of the Toolkit for guidance and a template on making a TPO request). This means that they are then registered by local authorities and can be found on searchable maps of protected trees, which effectively act as a formal local list of legally protected trees.

Local councils and community groups can maintain **local heritage tree registers**, which can influence planning and policy even where no national designation exists and it is worth checking how to document trees via similar initiatives in your area. Local initiatives like the [Lost Woods project in Sussex](#) aim to map ancient and veteran trees in parts of the county and are inviting people to report old and noteworthy trees as part of community action and scientific survey work. Groups in Brighton & Hove and other parts of Sussex have created [special trees maps](#) or documented significant trees (e.g. champion trees) using community data and broader databases like the Tree Register.

1.1.5 LOCAL BIODIVERSITY ACTION PLANS (LBAPS)

Local Biodiversity Action Plans ("LBAPs") translate international obligations (see [2.4 International Law and the Rights of Nature](#)) and UK policies and obligations into action on the ground: to conserve biodiversity of national and local importance; to provide a framework for the conservation of biodiversity and to coordinate existing and new initiatives; to raise public awareness of and involvement in the conservation of biodiversity; to collect and collate information on the biodiversity of the area

Local Biodiversity Action Plans ("LBAPs") set out **locally and nationally agreed conservation priorities**, identifying threatened or important habitats and species and defining objectives for their protection and recovery. LBAPs no longer operate as a single national programme but continue to inform the identification of Species and Habitats of Principal Importance under the [Natural Environment and Rural Communities Act 2006 \("NERC"\)](#) and the [Environment Act 2021](#).

LBAPs do not provide direct legal protection to individual trees or woodlands, instead, they function as evidence-based policy instruments that **guide public authorities in fulfilling their biodiversity duties**. LBAPs are routinely used to:

- Justify the need for ecological surveys;
- Inform mitigation and avoidance strategies; and
- Shape site design and tree retention.

See [1.3.2 Opportunities To Influence Decisions](#).

LBAPs inform planning, land management and development decisions. Where proposals may affect priority habitats or species, LBAPs help determine the need for ecological surveys, mitigation or avoidance. TPOs protect specific trees for their amenity value through a separate legal mechanism. LBAPs differ in that they are habitat- and species-led, recognising trees for their ecological function rather than appearance alone. Veteran, mature and decaying trees are often priority habitats, supporting species such as bats, birds, invertebrates and fungi. Where a tree contributes, or has the potential to contribute, to LBAP priorities, planning authorities may require its retention or impose protective measures, even without a TPO. LBAP evidence can also support the case for making a TPO.

While LBAPs are not statutory designations, they identify recognised conservation priorities and, where **embedded in policy**, can be treated as **material considerations** in planning decisions e.g. When referenced in the Local Plan or supplementary planning documents; reflected in local biodiversity strategies or nature recovery plans; or otherwise adopted or relied upon by the local planning authority.

LBAPs can influence survey requirements, site design, tree retention and mitigation, and help guide local authorities in biodiversity strategy and **nature recovery planning**. LBAPs demonstrate how non-statutory but evidence-based policies can influence decisions and support stronger protection for trees and biodiversity.

1.1.6 RIGHTS OF NATURE APPROACHES

This section has shown that trees can be protected to some extent within existing legal frameworks. Where trees have amenity value to the community, they may be protected by Tree Preservation Orders, which are legally enforceable, and their public value can be recognised through CAVAT valuations. Local action plans and biodiversity strategies may also identify woodland as priority habitat, offering a degree of protection through the planning system. Even insurer-led pressures to fell trees can, in some circumstances, be challenged.

However, all these mechanisms remain fundamentally anthropocentric. They protect trees because of their usefulness to people, whether for amenity, biodiversity, risk management, or regulatory compliance, rather than because trees have intrinsic value. Their limitations are evident in the continued loss of trees and woodlands to development and infrastructure, despite the existence of these laws.

‘All life forms are unique and warrant respect regardless of their worth to man.’

- 1982 UN World Charter in Principle 2

There are other possibilities that move toward a Rights of Nature approach and enable communities to play an active role in protecting trees. These approaches are explored in Part 2 of the Toolkit, including:

- [2.1 Charter for the Rights of Trees, Woodlands and Forests](#)

- [2.2 Legal and Political Reform](#)
- [2.6 Re-Building Connections with Nature](#), including citizen science initiatives
- [2.7 Language as a Tool for Change](#)

The [2.8 Practical Tools and Templates](#) that follow provide resources for putting these ideas into action, including:

- [Rights-based TPO templates](#), reframing tree protection in terms of intrinsic value and ecological integrity;
- [Conservation Covenants](#), which can secure long-term protection for trees and habitats by attaching legally enforceable obligations to land, binding current and future owners under Part 7 of the Environment Act 2021;
- [Woodland Guardianship Bodies and Tree Stewards](#), voluntary roles that advocate for trees in both community and formal decision-making settings, undertake surveys, and support restoration, planting, and protection; and
- [Council Motions](#), which embed Rights of Nature principles within local governance and policy.

Together, these tools shift protection away from a purely instrumental view of trees and toward recognition of trees and woodlands as living beings within interconnected ecosystems, worthy of care, respect, and long-term protection.

1.2 Urban Trees



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OF SUSSEX

INTRODUCTION

The UK is home to around [3.5 billion trees](#), a significant proportion of which are in urban environments. Given that, as of 2022-2023, about [85% per cent of people in the UK lived in urban areas](#), ‘urban trees’ (a term used to include both street trees, and trees in parks, public spaces, and wider urban green infrastructure) undoubtedly play an important role in providing essential biodiversity, protecting wildlife, and offering benefits to humans.

1.2.1 URBAN TREE LEGISLATION AND TREE PROTECTION ORDERS

Below, we set out legislation applicable to urban trees, including **Tree Protection Orders (“TPOs”)**, and provide brief examples of their application and use. In England, **the Forestry Commission** regulates tree felling through the felling licence system, which can apply in both rural and urban areas where statutory volume thresholds are exceeded. However, in practice, many urban trees are exempt from felling licence requirements, particularly where they are located within domestic gardens or where removal is authorised through full planning permission. Even where a felling licence is not required, other legal controls may still apply, including Tree Preservation Orders, Conservation Area protections, and wildlife legislation. These regimes operate independently, meaning compliance with one does not remove the need to comply with others.

LEGISLATION

1) The Environment Law Act 2021

Section 115 (1) states that a local highway authority in England must consult members of the public before felling a tree the highway

2) Highways Act 1980

Section 154 of this act provides that where a ‘hedge, tree or scrub overhangs a highway or any other road or footpath, to which the public has access, so as to endanger or obstruct the passage of vehicles or pedestrians, or obstructs or interferes with the view of drivers of vehicles or the light from a public lamp, a competent authority may [...] cut vegetation to remove the cause of the danger, obstruction or interference’.

3) The Forestry Act 1967; and Forestry Commission

Overall, this act and the corresponding commission regulate and manage the felling of trees, permitted only by licence. It is important to note however that, under Section II, subsection 9, there are exceptions to the need for a licence, which include, for example:

- a) Garden/churchyard/public open space;

- b) Safety exemptions; and
- c) Works required by another Act.

4) Tree Protection Orders (TPOs)

Tree Protection Orders (“TPOs”), also discussed in [1.1 Individual Trees](#), are orders made by **Local Planning Authorities (“LPAs”)** for the purpose of protecting specific trees or groups of trees deemed to provide amenity value. [Amenity value](#) is assessed through visibility, where trees or woodlands:

- a) Can be seen by the general public;
- b) Have individual impact; and
- c) Are of significance to their local surroundings.

TPOs are a critical tool for the protection of urban trees, particularly in situations wherein a tree of vital importance is scheduled for felling. However, the strength of TPOs is arguably significantly undermined on the basis that planning decisions can override TPOs.

In light of the notable weakness in TPOs, the Toolkit [proposes reforms](#) which include reframing of TPOs as tree management and stewardship orders, which may better reflect that trees are dynamic organisms with changing management considerations over the course of their lives.

1.2.2 CASE STUDIES

Below we focus on two key case studies, **Sheffield Street Trees** and **Plymouth Armada Way Trees**, which highlight the difficulties in protecting urban trees, but also potential routes to success. Both examples involved the felling of urban trees for the improvement and maintenance of Sheffield and Plymouth roads, and the creation of accessible public areas. Furthermore, in both studies, the felling of urban trees resulted in debates about how to balance urban development and planning, and environmental protection.

SHEFFIELD STREET TREES

In [July 2012](#), Sheffield City Council launched a £2 billion highway maintenance project called ‘[Streets Ahead](#)’, with Amey, a private contractor. The project included the maintenance of trees in Sheffield, and the [proposed felling of 17,500 trees](#) for the upgrade and maintenance of Sheffield city roads, drainage and pavements, streetlights and bridges. In the first five years of the project, [5,500 trees](#) were felled and subsequently replaced with new, young trees.

During the project, a number of contentious issues arose, including:

- a) Drainage of mature trees;
- b) A lack of regard for trees with cultural connections;
- c) A lack of transparency from the council; and
- d) Low public consultation.

These issues formed the basis of protests against the Streets Ahead programme, which had a city-wide highways maintenance contract, responsible for upgrading and maintaining the condition of Sheffield's roads, pavements, streetlights, bridges and other street furniture over a [25-year period](#). The **Sheffield and Rotheram Wildlife Trust ("SRWT")** and the **Sheffield Tree Action Group** were the [primary advocates against the contract](#).

In 2019, the [Sheffield Street Tree Partnership](#) was subsequently established, which focused on the balance between urban development and environmental protection. This group consisted of representatives from the SRWT, Sheffield Tree Action Groups, the Sheffield City Council, and Amey.

RUSTLINGS ROAD AND CHELSEA ROAD ELM TREE EXAMPLES

Rustlings Road

In 2016, [the Sheffield Street Trees Project felled trees on Rustlings Road](#), which prompted SRWT to [send a letter](#) to Sheffield City Council, highlighting their duties under Section 40 of the Natural Environment and Rural Communities Act 2006 ("NERC"). This section states that public authorities have a duty to **conserve and enhance biodiversity** within England. These efforts ultimately failed, and the trees were felled, amidst strong public community anger.

Chelsea Road Elm Tree

One tree, which raised particular concern with the SRWT was [the Chelsea Road elm tree](#), scheduled to be felled on account of the damage it had caused to the road. The SRWT argued that this tree ought to be protected due to its age, resistance to Dutch elm disease, and the [White-letter Hairstreak butterfly population](#) that the tree supported.

Threatened with legal action, Sheffield City Council reached an agreement that allowed for the pruning of the elm and road repairs, preventing the tree from being felled. In accordance with NERC, new elm trees have been planted near the Chelsea Road elm to ensure the continuance of the local butterfly population.

PLYMOUTH TREES ON ARMADA WAY

Plymouth City Council developed a similar [regeneration scheme](#), which included the [felling of over 100 trees](#) along Armada Way. The [purpose of the scheme](#) was to improve the safety of the city centre with pathways, water drainage systems and levelling, and to make space for housing development. The felling began on March 2023 and continued until an injunction was secured by the **Save the Trees of Armada Way ("STRAW")** group, which halted the felling, and removal of the felled trees and branches. The injunction was issued due to concerns over bird species such as the Collared Dove and Woodpigeon, species reliant upon the trees.

A report by [STRAW found](#) that before felling, the Plymouth City Council chose Armada because it was a regeneration project, [the city centre needed revitalisation, and public spaces](#)

[were in a poor state of repair](#). The council's aim was [to regenerate Armada Way in the city centre, planting 202 new trees and creating a large children's play area the size of five tennis courts](#). However, Plymouth City Council only planned to retain/plant 14 species, increasing the likelihood of tree disease. Following the difficulties and issues with the scheme, it has [since been updated](#) to include the planting of more trees, which includes a wider variety of species.

Nesting Birds

In this discrete example, Plymouth City Council Plymouth City Council found [evidence of nesting birds in the debris of felled trees](#), which meant that the works needed to be paused in order prevent a potential breach of the Wildlife and Countryside Act 1981, which provided for a prohibition on any person from the killing or injuring of wild birds or their nests or eggs. The felled trees were not able to be removed until the end of the nesting season.

1.2.3 WHY SHOULD URBAN TREES BE PROTECTED?

Below, we briefly consider a range of reasons, which support protection of urban trees. These range from functional benefits to intrinsic value.

CREATING HABITATS FOR WILDLIFE

First, trees are **habitats for wildlife**, and a source of food for birds, insects and other fauna. Urban trees therefore have a huge impact on biodiversity. See [1.4 Woodland Animals and Birds](#) and [1.3.2 Opportunities to influence decisions](#)

PREVENTING FLOODING

Urban trees can be valuable **counter measures to natural disasters**, such as floods and drought. They may intercept rainwater, combat surface water flooding, and improve water quality by filtering out pollution. In addition, rainwater is collected through leaves and stems, which can reduce the amount of rainfall reaching the ground by as much as [45%](#) according to the woodland trust.

It is also important to note, that whilst urban trees can offer protection against natural disasters, such as drought and flooding, these disasters may also pose a potential threat to urban trees. Flooding and waterlogging for example, may restrict the supply of oxygen to tree roots, and prevent normal functioning, damage soil health, and increase vulnerability of tree diseases. Drought may also be fatal, and create vulnerability to pests and diseases, and reduce tree growth and productivity.

IMPROVEMENT OF AIR QUALITY

Urban trees may also [reduce air pollution](#), noise and keep cities shaded and cool. In 2020, the air pollution removal services provided by nature are estimated to have avoided 2,001 deaths and prevented 49,126 years of life being lost. Alongside reducing air pollution, [trees reduce emissions from power generation by reducing energy consumption and releasing oxygen through photosynthesis](#).

1.2.4 CULTURAL AND ECOLOGICAL IMPORTANCE OF TREES

CULTURAL IMPORTANCE

Urban Trees hold significant **cultural importance**. Trees are a sign of shared values and a considerable part of culture and society. They form shared ways of thinking, feeling, responding to, and communicating the values of trees. These values are interlinked with the **cultural and social dynamic intergenerational interactions** with trees. Dr Brockett et al, for example, created five different approaches to explore the social and cultural values of trees outside of woodlands in peri-urban and rural settings:

- The life framework;
- Biophilia;
- Cultural ecosystem services;
- Relational values; and
- Sense of place.

In the context of Sheffield and Plymouth, there is a substantial connection of the social and cultural importance of trees, to how the public and NGOs show concern for felling and lack of tree protection.

INTRINSIC VALUE

Urban trees have **intrinsic value** for their own sake and beyond their values for humans. The outrage of many urban tree felling projects illustrates the emotional feelings that urban trees can cause, recognising their worth irrespective of human interests.

1.2.5 DOES UK LAW PROVIDE ADEQUATE PROTECTION FOR URBAN TREES?

UK law currently provides **inadequate protection for urban trees**, supported by the fact that planning permission can override TPOs, the most direct and effective means offered to

individual trees. A second issue, which potentially undermines the effectiveness of TPOs is the discretion of local authorities as to whether they issue a TPO. Third, TPO's are expensive forms of protection and, with significant legal costs, TPOs are often [used as a reactive means of protection](#), as a last resort.

Furthermore, whilst local authorities have a [duty to replace felled trees](#), and an original TPO would be applied to a new tree, this will have no effect on local authorities power to initially override TPOs. It is also noted here that [the cost of paying a fine](#) for violating a TPO, and/or harm to the environment and ecosystems may be seen as a price worth paying, potentially outweighing the financial benefit of development.

ACTION PLANS TO PRESERVE URBAN TREES

In the [England Trees Action Plan 2021-2024](#), the government committed to the placement of more trees in towns and cities, contributing to climate resistance, health and the aesthetics of urban centres. Some of the most important commitments were:

- New guidance through the [National Model Design Code](#) on how trees can be included in the built environment, including design parameters for the placement of urban trees.
- Changes to the National Planning Policy Framework to make clear that **community trees** such as community orchards, should be incorporated in new developments, and that streets should be tree-lined.
- Extension of the **Urban Tree Challenge Fund** (closed for application as of 1st December 2025) to support the planting and establishment of trees in urban and peri-urban areas.
- A **commitment to the improvement of TPOs** by ensuring that the planning system fully recognised all the [benefits trees provide](#). This was anticipated to ensure that trees in the urban environment were no longer seen as a management liability because of the costs, rather than they were seen as an important asset.
- A new **duty on local authorities to consult on felling urban trees** in the [Environmental Act 2021](#).
- **Work with engineers, developers and arboriculturists** to increase the amount of trees in urban centres, and on streets, and in developments, including by revision of the Manual for Streets and potentially amending National House Building Council guidance on foundations.

While there have been positive steps towards enhancing urban tree coverage and management in England since 2025, challenges remain in [meeting planting targets](#), ensuring equitable access, and providing adequate protection and maintenance for existing trees. The 2023 [Green Infrastructure Framework](#) guides local policy-making, emphasising the importance of integrating trees into urban planning and aims to increase the amount of green cover to 40% in urban residential areas. Some local authorities have developed or updated their [tree strategies](#) to align with national goals.

1.2.6 HOW TO PROTECT URBAN TREES: PRACTICAL SOLUTIONS

Whilst it may seem hard to help protect urban trees considering current legislation, there are ways to increase chances of protection:

1) MAKE FULL USE OF EXISTING PLANNING POLICY

National and local planning policy already supports **biodiversity net gain**, **climate resilience**, and **green infrastructure**. These policies can be used to argue for retention of mature trees, challenge unnecessary removals, and highlight cumulative canopy loss impacts in planning decisions. Campaign for trees to have their rights recognised by local council. See [1.3.2 Opportunities to influence decisions](#) and [2.8.5 Council Motion Guidance](#).

2) USE LOCAL NATURE RECOVERY STRATEGIES AND LOCAL BIODIVERSITY POLICIES

Local Nature Recovery Strategies, **Local Biodiversity Action Plans**, and **Section 41 priority species** lists can help demonstrate the ecological importance of urban trees, particularly where they support habitat connectivity or priority species. See [1.1 Individual Trees](#) [1.3.2 Opportunities to influence decisions](#), [1.4 Woodland Animals and Birds](#).

3) STRENGTHEN AND INFLUENCE LOCAL TREE STRATEGIES

Local authorities already have powers to produce **tree strategies**, **urban forest plans**, and **climate adaptation plans**. Groups can advocate for canopy cover targets, no net canopy loss policies, and replacement standards based on canopy value rather than simple tree numbers.

4) USE EXISTING BIODIVERSITY DUTIES AND WILDLIFE LAW

The **biodiversity duty** under Section 40 of NERC, alongside **wildlife legislation** and **ecological survey requirements**, can provide strong legal and procedural arguments against unnecessary tree removal. See [1.4 Woodland Animals and Birds](#).

5) USE CONSULTATION AND TRANSPARENCY MECHANISMS EARLY

Public consultation duties, planning consultation rights, and environmental information rights can be used to obtain surveys, risk assessments, and decision evidence early in decision-making processes. See [2.8.2 Environmental Information Requests Template](#) in Practical Tools and Templates.

6) FOCUS ARGUMENTS ON MATURE TREE RETENTION

Existing policy supports **retention of established green infrastructure**. Mature trees should be framed as irreplaceable due to the time required for replacement ecosystem services to develop.

7) BUILD COALITIONS AND MULTI-INTEREST SUPPORT

Effective campaigns often involve partnerships between community groups, environmental organisations, climate groups, heritage groups, and public health advocates. See [2.8.7 Tree and Woodland Guardianship: Guidance](#) in Practical Tools and Templates.

8) HOLD AUTHORITIES TO EXISTING POLICY AND FUNDING COMMITMENTS

Local authorities already commit to tree planting, climate adaptation, and green infrastructure expansion. These commitments can be used to challenge inconsistent decision-making or excessive canopy loss. See [2.8.7 Tree and Woodland Guardianship: Guidance](#) in Practical Tools and Templates.

9) PROMOTE LONG-TERM STEWARDSHIP, NOT JUST PLANTING

Current policy supports climate resilience and urban ecosystem health. Groups should advocate for long-term maintenance funding, soil protection, root protection enforcement, and lifecycle management planning for urban trees. See [2.8.7 Tree and Woodland Guardianship: Guidance](#) in Practical Tools and Templates.

1.2.7 UNIVERSITY OF SUSSEX TREE CHARTER

As part of the solution, we propose the application of the [University of Sussex Tree Charter](#), which includes the following rights:

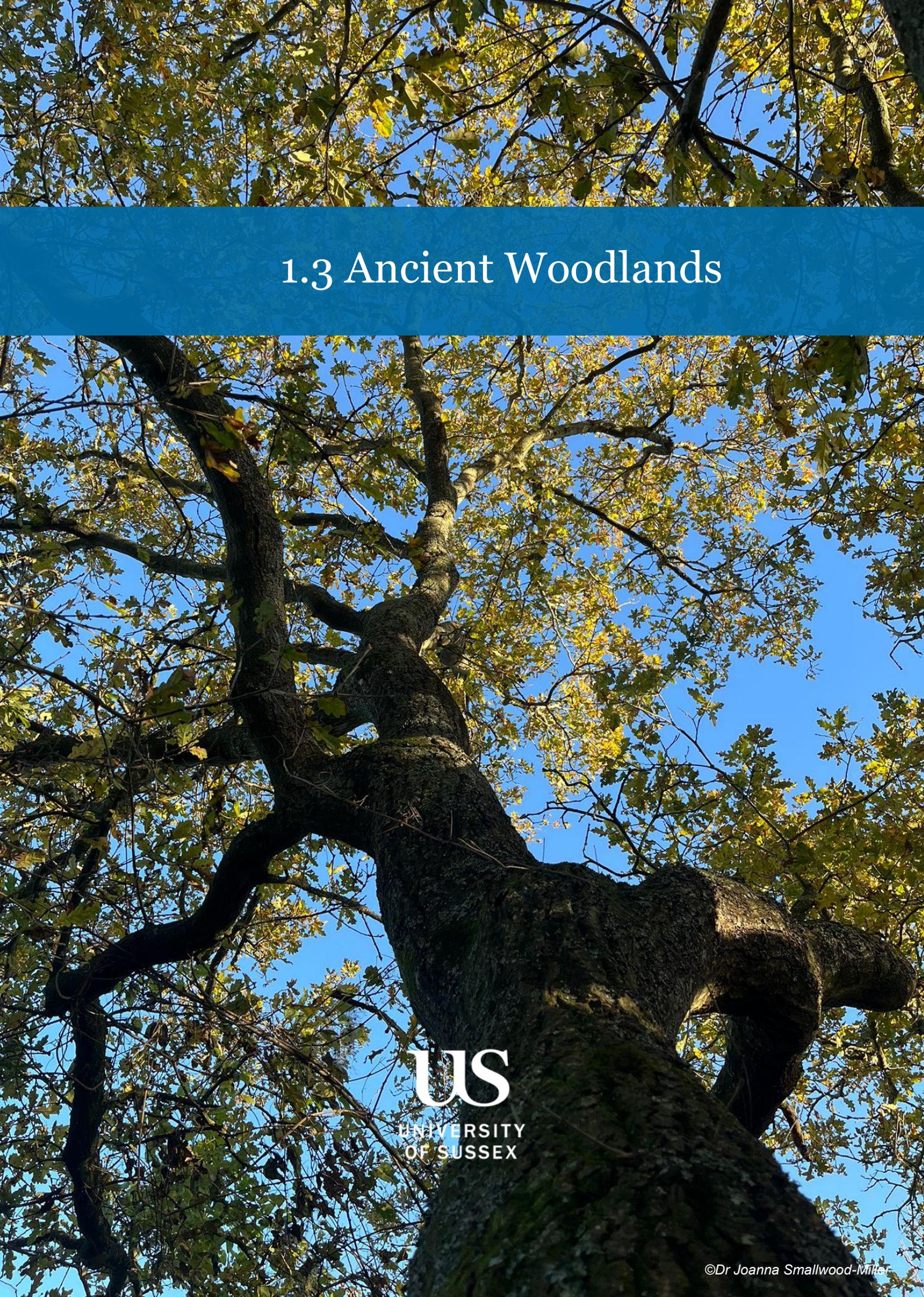
- **The right to exist:** the right to exist and be respected for their inherent values.
- **The right to flourish:** the right to flourish and maintain and generate life cycles, structure, functions and evolutionary processes.
- **The right to respire:** the right to unpolluted air of suitable temperature.
- **The right to healthy soil:** the right to abundant and undisturbed mycelium, nutrients, mycelium networks, that promote natural connectivity between trees.
- **The right to water.** The right to unpolluted water, essential for life.
- **The right to be restored.** Public authorities will support, and non-public bodies will be supported, in scaling initiatives to replant trees in line with healthy ecological function.

1.2 Urban Trees

- **The right to be represented.** Any person, or community can represent the rights of trees, woodlands and forests, and have the right to participate in decision making forums, and to call upon public authorities to enforce and interpret these rights.
- **The right to informed decisions.** ALL citizens of the United Kingdom have the right to access timely information in relation activities impacting trees, woodlands and forests.
- **The right to a precautionary and preventative approach.** Any decision made concerning trees, woodlands and forests will adopt the precautionary and preventative approach in line with these general principles of international law.
- **The right to live out their natural life cycles** and, where decline or death is inevitable, to die in situ with dignity, with decay understood as a regenerative process that sustains soils, biodiversity, and future growth.

Urban trees are essential to the health, resilience, and wellbeing of communities and ecosystems across the UK. While current legal protections are often fragmented and inconsistently applied, there remain many opportunities for communities, practitioners, and decision-makers to strengthen protection using existing law, policy, and local governance tools. Public awareness, early engagement in decision-making, and informed advocacy can play a powerful role in improving outcomes for urban trees.

A key takeaway is that **everyone can contribute to urban tree protection**. For further inspiration and practical examples of community action, see the Woodland Trust resource: [‘Street Tree Heroes: Standing up for Street Trees’](#).



1.3 Ancient Woodlands

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INTRODUCTION

Ancient woodland is land that has been continuously wooded since at least 1600 AD. Ancient woodlands cover only [2.5% of England](#) yet hold extraordinary ecological, cultural and historical value. These woods contain undisturbed soils, store large amounts of carbon and are home to many rare species, classed by the Department for Environment, Food & Rural Affairs (“Defra”) as [‘irreplaceable habitats’](#). Yet Ancient woodland remains among the most legally vulnerable parts of nature. This section explains how ancient woodland is currently protected, or left exposed, within English law. It explores the fragmented framework of planning policy, standing advice, species protection, Tree Preservation Orders, and felling licences, showing how these mechanisms operate in practice and where they fall short using case studies. By examining opportunities for public participation, administrative challenge, and judicial review, this section equips communities with practical routes to intervene when ancient woodland is threatened. At the same time, it reveals the structural weakness of a system that treats irreplaceable ecosystems as negotiable interests rather than as entities with inherent value.

1.3.1 EXISTING LEGAL PROTECTION FOR ANCIENT WOODLAND IN ENGLAND

NATIONAL PLANNING POLICY FRAMEWORK AND STANDING ADVICE

Among its other functions, the [National Planning Policy Framework \(“NPPF”\)](#), currently subject to [significant reform](#), aims to provide robust protection for the natural environment, recognising the ‘intrinsic character’ of the countryside. Ancient woodlands and veteran trees receive the highest level of protection as ‘irreplaceable habitats’.

Planning decisions should contribute to and enhance the natural and local environment by: *recognising the **intrinsic character** and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and **other benefits** of the best and most versatile agricultural land, and of trees and woodland.*

- National Planning Policy Framework’ (n 1) 54, section 15(187)(b)

Under the NPPF, developments that would result in the loss of deterioration of ancient woodland should be refused unless there are **‘wholly exceptional reasons’** for the development, and a suitable compensation strategy is provided. Exceptional circumstances can include:

Infrastructure projects, including:

- 1) Nationally significant infrastructure projects;
- 2) Orders under the Transport and Works Act and hybrid bills; and

3) Where the public benefit would clearly outweigh the loss or deterioration of habitat.

For implementation, Local Planning Authorities (“LPAs”) must consider [Natural England and the Forestry Commission’s Standing Advice \(2023\)](#) (“**The Standing Advice**”). This guidance policy is a **material consideration** for planning decisions and guides the assessment of ecological impacts on ancient woodland. Whilst not legally binding, the guidance operationalises the NPPFs protections by establishing a clear mitigation hierarchy: **harm must first be avoided or, where unavoidable, strictly minimised and mitigated**. The Standing Advice reinforces the presumption of refusal where loss or deterioration remains expected after mitigation, directing LPAs back to the ‘wholly exceptional reasons’ test established in national policy.

TREE PRESERVATION ORDERS (TPOS)

In planning decision Tree Preservation Orders (“TPOs”) can offer some protection for ancient woodlands. TPOs are discussed in more depth in [1.1 Individual Trees](#), are made under the [Town and Country Planning Act 1990](#) and the [Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012](#), and allow protections of individual trees, groups, or entire woodlands, whose importance often lies in its overall structure, historic continuity, and habitat features rather than individual specimen trees.

However, TPOs have significant limits – designation is discretionary, protection is based primarily on **amenity value** rather than ecological or intrinsic value, and their effectiveness can be undermined in several ways. For example, protection may be weakened where planning permission is granted for development requiring tree removal. Whilst the planning decision is subject to the NPPF ancient woodland protection tests (wholly exceptional reasons) as outlined above and environmental assessments ([1.4 Woodland Animals and Birds](#)), these can be overridden and licensing permits granted to allow felling. Further there are statutory exemptions such as works to dangerous trees or those required by statutory undertakers, and the Forestry Commission can grant a felling licence, all of which can reduce the practical level of control exercised by Local Planning Authorities in relation to ancient woodlands

FELLING LICENCES

Under [Part 2 of the Forestry Act 1967](#), some woodlands will require a felling licence issued by the Forestry Commission, assessed against the [UK Forestry Standard \(“UKFS”\)](#). Felling licences are typically granted for activities within ancient woodlands and are typically associated with conservation and restoration efforts rather than development, yet [felling can be seen as a threat](#). Further, even in the event a felling license is granted certain woodland species are protected and a felling license does not override species-protection law.

Key limitations of felling licenses that threaten ancient woodlands include the fact that a felling licence can override a TPO, UKFS is not statutory, and enforcement capacity is limited. Decisions can be challenged only through the Office for Environmental Protection (“OEP”) (in systemic cases) or judicial review, which focuses narrowly on legal errors. As a result, the

felling licence system provides an important but incomplete mechanism for protecting ancient woodland.

Contrastingly, when tree removal is authorised through **planning permission for development**, a separate felling licence is not necessarily required and the felling is therefore not subject to the UKFS (promoting sustainable woodland management with **principles relevant to ancient woodland**, such as conserving biodiversity and avoiding damage to veteran trees and sensitive habitats). None-the-less, where ancient woodland contains protected species, felling may also trigger separate offences under the [Habitats Regulations 2017](#), meaning a species licence may be required even if a felling licence is not. (See [1.4 Woodland Animals and Birds](#))

1.3.2 OPPORTUNITIES TO INFLUENCE DECISIONS

OBJECTING IN THE PLANNING PROCESS

In the UK, development generally requires planning permission under ([Town and Country Planning Act 1990, Section 57\(1\)](#)). Once a planning application is submitted and validated, members of the public are typically able to comment or object during a statutory consultation period, which is usually 21 days, allowing local communities and stakeholders to raise environmental or other planning concerns.

Where possible, **raise concerns early at the pre-application stage**, as developers may still be able to amend proposals before submission. Once an application is submitted, locate it on your Local Planning Authority (“LPA”) website and review all supporting documents carefully. When making objections, focus on **material planning considerations** such as design, traffic, ecology, noise, flooding, landscape impact, and compliance with planning policy, rather than personal preferences or impacts on property value.

When submitting comments, clearly state your name, address, and the application reference number. Present clear, concise points supported by evidence, planning policy, or identified environmental impacts. Objections can usually be submitted through the **council’s planning portal, by email, or by post**, and must be received before the **consultation deadline**. Where appropriate, you can also suggest mitigation measures, amendments, or planning conditions rather than only objecting in principle.

It can also be helpful to encourage neighbours, community groups, and local councillors to raise complementary planning concerns. If the application is decided by planning committee, you may be able to register to speak and coordinate points with others. After a decision is issued, review the outcome carefully. If significant concerns remain, you may wish to monitor or comment during any appeal process or consider whether there may be grounds for legal challenge.

Further Resources

- LPAs websites to track applications and access local planning documents and decisions
- Planning Inspectorate Appeals Casework Portal – view appeal documents and decisions
- [Plain English guide to the planning system \(England\) \(gov.uk\)](#)
- [Influencing the Planning Process \(England\): House of Commons Library \(UK Parliament\)](#)
- [Guidance on How to Object to a Planning Application: Woodland Trust](#)
- [Campaign to Protect Rural England: How to Respond to Planning Applications: An 8 Step Guide](#)

ENGAGING WITH LOCAL PLANNING AUTHORITIES, AND NATURAL ENGLAND

Local voices can influence decisions before a planning application is approved, and whilst ancient woodland do not have statutory protection, early engagement often prevents harmful proposals reaching the approval stage, avoiding the need for costly legal challenges.

Natural England (“NE”) is the Government’s statutory advisor on nature conservation, providing standing advice for ancient woodland and protected species. NE also acts as a statutory consultee for certain planning applications and issues protected species licences under the [Conservation of Habitats and Species Regulations 2017](#).

You can write to NE if:

- A development impacts ancient woodland or veteran trees;
- Protected species (e.g. bats, dormice, badgers) may be present;
- Surveys are missing or insufficient;
- Standing Advice has not been followed;
- You need clarification on buffer widths, mitigation, or compensation.

It is important to note that NE cannot stop an application by itself or force an LPA to enforce Standing Advice. However, **NE’s technical assessment** can be powerful evidence in objections or litigation.

ENVIRONMENTAL INFORMATION REQUESTS

The Environmental Information Regulations (“EIR”) give the public a right to access environmental information held by public authorities, including local planning authorities. EIR requests can be made verbally or in writing, and authorities must assist the requester where clarification is needed. Once a valid request is received, the authority must determine what information is held and respond within 20 working days, with the option to extend to 40 days in complex cases.

EIRs operate separately from the Freedom of Information (“FOI”) Act. Some planning authorities may respond incorrectly using the FOI Act, in which case, requesters may challenge the authority for using the wrong legal framework. However, if the information requested is not environmental, an FOI may be used instead.

An EIR can request:

- The timeline for consultation;
- Relevant ecological surveys;
- Tree and habitat assessment reports;
- Details of any pre-application discussions with developers;
- Whether ancient woodland, veteran trees, or protected species have been identified.

Early communication allows you to highlight missing evidence or request additional surveys (for bats, soil profiles, hydrology, etc.).

EIR requests can be refused only if exceptions apply, but refusals must be justified and may allow partial release through redaction. Most exceptions require a **public interest test**, so authorities must show why withholding is necessary and inform applicants of review and appeal options.

Requests are often rejected if vague or falling under exceptions; clearly specify documents, dates, subjects, and stress the public interest in transparency. Focus on public value and accept redaction to strengthen your request. For details,

Please see the practical tools and templates section at the end of the toolkit for a [sample letter/email](#) requesting Environmental Information that can be used for ancient woodlands and takes a Rights of Nature approach.

See here for more on: [What are the Environmental Information Regulations](#).

SUMMARY TABLE: WHO TO CONTACT AND WHEN

Issue	Contact	Why
Ancient woodland threatened	LPA planning officer	Decision Maker
Missing surveys/bat issues	Natural England	Regulate protected species
Public mobilisation	NGOs	Media + networks
Laws and policies	Environmental law NGOs/ solicitors/law clinics	Legal Advice

1.3.3 JUDICIAL REVIEW AND LEGAL CHALLENGES

Judicial review (“JR”) is the legal process through which courts assess whether decisions made by public bodies are lawful. For example, if there have been failures in the planning process, applying national policy relating to protected species, procedural unfairness, and irrational or inconsistent decisions. Rather than reconsidering the substance of a decision, **judges examine how the decision was made**, including whether the correct procedure was followed, whether relevant legal duties and considerations were taken into account, and whether the public body acted within the powers granted to it by law. If a court finds that a decision-making process was unlawful, it can **quash the decision, require it to be reconsidered, or provide guidance on the correct legal approach**.

JR is distinct from an appeal. They are separate legal routes with different purposes, grounds, and potential outcomes. An appeal generally challenges whether a decision was right or wrong on its merits, whereas **judicial review focuses on the lawfulness of the decision-making process** itself. A JR can only be brought where it is argued that a public body acted unlawfully, irrationally, or procedurally unfairly, rather than simply because someone disagrees with the final decision.

To assess whether a claim may be **eligible for judicial review**, several key issues need to be considered, and legal advice is usually required. First, it is important to establish whether there **is an alternative remedy available, such as a statutory appeal**, as courts will generally expect this to be used instead of judicial review where possible. It must also be determined whether the **decision was made by a public body**, or by an organisation exercising public functions, as only these types of decisions are usually capable of being challenged through JR.

Judicial review is generally regarded as a **remedy of last resort**. Courts will usually expect claimants to pursue any suitable alternative remedies first, and a JR application may be refused if an adequate alternative route has not been used without good reason. Key alternatives may include: **Tribunals** – In some environmental matters, tribunals such as the First-Tier Tribunal (Environmental Chamber) provide a quicker, specialist, merits-based appeal process and may have the power to substitute their own decision. This can be useful where the issue is whether a decision was correct on its merits rather than whether it was made lawfully. However, tribunal jurisdiction only applies in specific statutory contexts (such as environmental permitting and Environmental Information Requests).

Internal complaints procedures – These can be useful where there are factual disputes, service failures, or where urgent court action is not required. Complaints can be made against public bodies such as local planning authorities through an appeals process via the Planning Inspectorate the Environment Agency, the Forestry Commission, and Natural England. Applicants can appeal felling license decisions to the Secretary of State under the Forestry Act 1967.

Ombudsman - investigate complaints of maladministration where internal complaints processes have not resolved the issue. For example, the Local Government and Social Care

Ombudsman may investigate complaints about how a council handled a planning or tree protection matter. Internal complaints procedures usually need to be completed first, and ombudsmen cannot overturn planning decisions but can recommend remedies for poor administration.

It is also necessary to consider whether there is an individual or organisation with “**sufficient interest**” (**standing**) to bring the claim. Finally, the claimant must be able to show that the **decision was unlawful** on recognised judicial review grounds, such as illegality, procedural unfairness, or irrationality.

Individuals or groups must demonstrate that they are **sufficiently affected by the decision** to have standing to bring a claim, while environmental NGOs must show a **clear connection between the decision being challenged and their organisational purpose**. In practice, courts often take a relatively flexible approach to standing, particularly in environmental and public interest cases.

GROUNDS FOR JUDICIAL REVIEW

Illegality: Arises where a public body acts outside its legal powers, misinterprets the law, or fails to take into account relevant policies or statutory duties.

Irrationality: Applies where a decision is so unreasonable that no reasonable decision-maker could have reached it, or where it is manifestly disproportionate, particularly in contexts involving human rights or retained EU law principles.

Procedural Unfairness: Occurs where proper procedures are not followed, including failures to ensure fair consultation, impartial decision-making, or where decisions are influenced by bias or improper considerations.

REMEDIES IN JUDICIAL REVIEW

The main remedies available in judicial review include a **quashing order**, which overturns an unlawful decision; a **prohibiting order**, which prevents a public body from carrying out unlawful action; a **declaration**, which clarifies the correct legal position; and an **injunction**, which can temporarily require or restrain action (for example, pausing works while a case is considered). Other possible remedies include **mandatory orders** (requiring a public body to take a specific action), **declarations of incompatibility** in human rights cases, and, in limited circumstances, **damages**.

Judicial review offers [relatively limited prospects of success in environmental cases](#), with **success rates often estimated to be low** (around 10%, though figures vary depending on how success is measured). In addition, policy-based decision-making frameworks can make it difficult to establish clear legal grounds for challenge. Remedies are granted at the court's discretion, and even where a claim succeeds, the public body may be allowed to remake the decision lawfully and reach the same outcome.

There is also potential **exposure to legal costs**, although environmental claimants may be able to seek costs protection under the Aarhus Convention cost rules ([Civil Procedure Rules Part 45, Section VII](#)), capping exposure to £5,000 or £10,000 plus costs recovery. Judicial review is also highly time-sensitive, with claims required to be brought promptly and usually within three months of the decision being challenged. Even where a claimant succeeds, relief is not guaranteed, and courts may limit remedies to avoid unduly constraining public bodies' decision-making powers.

THE THREE-STEP JUDICIAL REVIEW PROCESS

- 1) **Pre-Action Stage**, where the claimant sets out their legal challenge and gives the public body an opportunity to respond;
- 2) **Permission Stage**, where the court decides whether the case is arguable and should proceed; and
- 3) **Final Hearing**, where the court considers the full legal arguments and evidence.

Judicial review can be a lengthy process, often taking around 9-12 months or longer, and seeking specialist legal advice at an early stage is strongly recommended.

For full guidance, see the [Public Law Project: Guide to Judicial Review](#).

The following sections examine two judicial review cases in 2020 and 2021 that were unsuccessful in preventing destruction of ancient woodland arising from the construction of the HS2 railway.

1.3.4 CASE STUDY: HIGH SPEED RAIL (LONDON-WEST MIDLANDS)

[*R \(Packham\) v Secretary of State for Transport, the Prime Minister and HS2 Limited \[2020\] EWCA Civ 1004*](#)

The High-Speed Rail ("HS2") case study shows that legal protections for ancient woodland are limited. The 2017 High Speed Rail Act allowed the HS2 project, resulting in the loss of ancient woodlands despite NPPF guidance to reject such harm, as national projects often take precedence over environmental concerns.

In April 2020, Chris Packham sought a JR to **challenge the HS2 route due to its impact on six ancient woodlands**. The High Court rejected his claim for being out of time and dismissed all grounds, refusing to halt tree felling. In July 2022, Packham appealed, focusing on environmental concerns, but the Court of Appeal refused the appeal, allowing HS2 to proceed.

Legal Issues and Reasoning

- 1) **Time Limits:** The High Court ruled the claim late under a six-week deadline, but the Court of Appeal said the three-month limit applied as the decision was outside statutory planning, noting lack of promptness alone shouldn't bar claims.
- 2) **Local Environmental Impacts:** Packham's argument that local effects were ignored was rejected – the court found such matters were previously addressed, and no new evidence was provided.
- 3) **Climate Obligations:** Claims that the government overlooked climate commitments failed; the review acknowledged carbon impacts and net-zero targets.
- 4) **Standard of Review:** Given the political nature of the decision, the court intervenes only in cases of bad faith or irrationality and found no basis to overturn government discretion here.

The case demonstrates the **limited power of judicial** review for enforcing environmental protection, especially when lacking statutory support. Parliamentary sovereignty prevails, often resulting in prioritisation of economic development over environmental concerns.

1.3.5 CASE STUDY: KEIR V NATURAL ENGLAND (JONES HILL WOOD)

'This is a dismal decision, it allows HS2 to carry on with no care to our environment and show little regard to compensation. Jones Hill is lost, lost to hideous miserly mitigation. We must stop this happening elsewhere.'

- Mark Keir

[R \(Keir\) v Natural England and others \[2021\] EWHC 1059 \(Admin\)](#)

The *Keir v Natural England* case involved **protected barbastelle bats** in **Jones Hill Wood**, Buckinghamshire, affected by the proposed HS2 route. HS2 Ltd sought permission to remove ancient woodland using a licensing exemption under Regulation 55 of the Conservation of Habitats and Species Regulations 2017. Regulation 55 allows competent authorities to grant licences permitting activities that would otherwise be illegal, such as harming or disturbing European Protected Species.

Ultimately, the court **discharged the interim injunction** and **refused permission for judicial review**, finding that all five grounds of challenge were unarguable, noting in particular the significant delay and cost consequences that would arise if the project were halted. The court held that:

- **Ground 1:** Natural England had properly applied the favourable conservation status tests, adopting a cautious and evidence-based approach.

- **Ground 2:** Natural England was entitled to rely on the Bat Guidelines and expert ecological judgement informed by survey data.
- **Ground 3:** Natural England had not erred in its approach to consent relating to HS2’s bat box installation measures.
- **Ground 4:** There was no material inconsistency between Natural England’s earlier position (in February) and its later conclusions, as additional evidence had emerged to support the final assessment.
- **Ground 5:** Allegations of irrationality were rejected, with the court finding that Natural England’s assessment met the required legal standards and its reasoning had not been misrepresented.

These recent cases highlight how **ancient woodland in England remains highly vulnerable** due to the heavy reliance on policy protection rather than strong, standalone statutory protection. Existing planning guidance and species protection regimes often involve discretionary balancing exercises and can be set aside where projects are considered to deliver significant economic or infrastructure benefits. This is illustrated by the HS2 cases, where destruction of irreplaceable ancient woodland was ultimately permitted despite acknowledged environmental harm.

LESSONS FOR CAMPAIGNERS

Lesson	What It Means in Practice
1) Act Early: Prevention is better than Litigation.	Engage at Local Plan stage, pre-application discussions, and early consultations; stopping harm is easier before permission is granted.
2) Use the Right Words.	Use terms with legal weight: irreplaceable habitat, wholly exceptional, material consideration, Standing Advice, protected species.
3) Demand Strong Ecological Surveys	Push for full-season bat surveys, dormouse surveys, soil and hydrology assessments, and veteran tree surveys; courts defer to evidence already on the record.
4) Hold Authorities to the Correct Legal Tests	Ask LPAs whether they have applied NPPF 180(c), considered alternatives, and assessed whether species licences are realistically obtainable.
5) Keep a Clear Paper Trail	Save emails, committee reports, objections, survey critiques, and evidence gaps: these are essential for any possible JR.

6) Expect Deference to Major Infrastructure	Courts rarely block nationally significant projects; combine JR with political advocacy, media work, and community mobilisation.
7) Use Protected Species Law Strategically	Species protections can help, but licences may be granted for 'overriding public interest'; robust evidence is vital to challenge weak assessments.
8) Understand the Practical Barriers of JR	JR is costly, fast-moving, and uncertain; consider Aarhus cost protection and get legal advice early.
9) Recognise the Limits of Current Law	Ancient woodlands have no statutory rights; courts can only intervene when process or policy is breached – highlighting the value of Rights of Nature.
10) Build Strong Alliances	Combine local knowledge, NGO expertise, legal input, political engagement, and public pressure for maximum influence.

CONCLUSION

The protection of ancient woodland in England rests largely on policy rather than on firm legal rights. As the HS2 case studies demonstrate, even the strongest planning language; “irreplaceable habitat” and “wholly exceptional reasons”, can be overridden where economic or infrastructure priorities prevail. Judicial review provides a vital backstop, yet it is limited, uncertain, and rarely capable of preventing loss once major projects are underway.

Together, these dynamics expose a fundamental gap: **ancient woodlands are recognised as irreplaceable in principle yet treated as expendable in practice**. This section therefore **underlines the case for a Rights of Nature approach**. Recognising ancient woodland as a rights-bearing entity would move protection beyond policy and procedure, establishing a legal status grounded in intrinsic value and ecological integrity. As Part 2 of the Toolkit explores, Rights of Nature approach offers a pathway to transform ancient woodland from a conditional planning interest into a subject of enforceable care, continuity, and respect.

See:

- [2.1 Charter for Rights of Trees, Woodlands and Forests](#)
- [2.2 Legal and Political Reform](#)
- [2.6 Re-Building Connections with Nature](#), including citizen science initiatives
- [2.7 Language as a Tool For Change](#)
- [2.8 Practical Tools and Templates](#), which provide resources for putting these ideas into action, including:
 - Rights-based TPO templates (see [2.8.3](#)), reframing tree protection in terms of intrinsic value and ecological integrity;

1.3 Ancient Woodlands

- Conservation Covenants (see [2.8.9](#) and [2.8.10](#)), which can secure long-term protection for trees and habitats by attaching legally enforceable obligations to land, binding current and future owners under [Part 7 of the Environment Act 2021](#);
- Woodland Guardianship Bodies and Tree Stewards (see [2.8.7](#) and [2.8.8](#)), voluntary roles that advocate for trees in both community and formal decision-making settings, undertake surveys, and support restoration, planting, and protection; and
- Council Motions (see [2.8.5](#) and [2.8.6](#)), which embed Rights of Nature principles within local governance and policy.

1.4 Woodland Animals and Birds



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INTRODUCTION

Trees are ecosystems, supporting a wide array of protected wildlife. In England, legal protection for trees does not arise solely from tree-specific regulatory mechanisms such as Tree Preservation Orders (“TPOs”) or forestry felling controls. Rather, a powerful and sometimes decisive layer of protection emerges indirectly through **species protection law**, where trees operate as integral components of legally protected habitats for wild animals.

This section explores the intersection between species – based legal protections and the practical realities of tree management and development control. It focuses on three principal statutory regimes: protections under the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017 (particularly in relation to European Protected Species), and species-specific legislation such as the Protection of Badgers Act 1992. It also considers the expanding normative and legal influence of animal welfare and sentience principles in shaping public authority decision-making affecting tree-dependent wildlife.

In practice, species law is often the strongest legal constraint on tree works in England. The presence of protected species can fundamentally constrain, reshape, or prevent otherwise lawful tree works, including works authorised through planning permission, TPO consent, or felling licences. In this way, wildlife legislation reframes trees not simply as physical assets or amenity features, but as legally significant **ecological habitats** embedded within a complex statutory protection framework.

1.4.1 SPECIES BASED PROTECTIONS IN TREES

This section focuses on protection of individual species inhabiting trees. While TPOs safeguard individual trees and woodlands for their amenity value, **wildlife protection laws** can provide another layer of protection if trees host protected species. There are two potential routes to protect species (and therefore their tree habitats), firstly if the tree is home to a species protected by [the Wildlife and Countryside Act 1981 \(“WCA”\)](#) and secondly if there are [European Protected Species \(“EPS”\)](#) living in trees.

WILDLIFE AND COUNTRYSIDE ACT 1981

Whilst the common law offers little protection for wild animals, important statutory safeguards exist. In practice, these provisions mean that routine land management and tree works can give rise to criminal liability where protected species or their nesting sites are affected, unless a relevant statutory defence or licence applies. For example, under [Part I of the Wildlife and Countryside Act 1981](#) all wild birds are protected and it is an offence to: Intentionally kill, injure or take a wild bird; take, damage or destroy an active nest or take or destroy egg. Certain species such as owls (barn,

snowy and short-eared) are listed on Schedule 1 of the Wildlife and Countryside Act 1981 and benefit from enhanced protection, making it an offence not only to harm the bird or its nest, but also to intentionally or recklessly disturb birds during nesting and breeding activities.

Additional safeguards apply to certain species listed under [Schedule 5 of the Wildlife and Countryside Act 1981](#), including rare animals such as the red squirrel and the stag beetle, both commonly associated with veteran or decaying trees. For these species, it is a criminal offence not only to harm the animal, but also to damage or destroy any place used for shelter or protection.

Trees containing holes, hollows, or dense cover are positive indicators for wildlife use and should always be treated with caution. Before any tree works are undertaken, appropriate checks, and where necessary a **nesting or bat survey**, should be carried out to ensure compliance with wildlife law.

In limited circumstances, licences granted under section 16 of the Wildlife and Countryside Act 1981 may authorise tree works that would otherwise be unlawful, but only where the activity meets a permitted statutory purpose, is necessary because there is no other satisfactory solution, and will not undermine the conservation status of the species, with appropriate avoidance and mitigation measures secured.

Considerations for WCA licenses

- Licences under the WCA, Section 16 are granted for specified purposes (e.g. public health or safety, preventing serious damage, conserving wild birds, science/education, etc.).
- For wild birds, authorities must be satisfied action is necessary for the stated purpose and that there are no other satisfactory solutions.
- Natural England consider conservation impact and proportionality, can impose conditions (timing, method, mitigation), and may refuse if impacts would be unacceptable.

EUROPEAN PROTECTED SPECIES AND THE HABITATS REGULATIONS 2017

The [Conservation of Habitats and Species Regulations 2017](#) (the “Habitats Regulations”), retain core provisions of the Habitats and Birds Directives in England and Wales and extend protections to [European Protected Species \(“EPS”\)](#), that include woodland species such as bats e.g. the Common Pipistrelle (*Pipistrellus pipistrellus*) and Dormice (*Muscardinus avellanarius*). It offers stronger protection to EPS and it is an offence under the Habitats Regulations to deliberately capture, kill, or disturb protected species, as well as damage or destroy their breeding or resting sites, including roosts within trees, even if the animals are not present at the time.

The **deliberate disturbance test** helps determine whether an **EPS offence** is likely to occur. If this test shows that there will be disturbance, then this triggers the need for three further statutory tests to determine whether a licence can lawfully be granted (that the activity is for a permitted

purpose, that there is no satisfactory alternative, and that the action will not harm the species' favourable conservation status).

The EPS Deliberate Disturbance Test

The local authority and Natural England must be satisfied that these three tests are met:

- 1) **Purpose test** (allowed purposes include: imperative reasons of overriding public interest, public health and/or safety, or other purposes listed in the Regulations).
- 2) **No satisfactory alternative test** (no other feasible way to achieve the purpose that avoids the offence (e.g. redesign, different timing, micro-siting, using alternative trees)).
- 3) **Favourable Conservation Status ("FCS") test** (works must not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range).

The Supreme Court in [R \(Morge\) v Hampshire County Council \[2011\] UKSC](#) considered what is a disturbance in further depth applying more specific provisions:

- Disturbance can occur at all stages of a species life cycle, and not just 'important life cycle processes';
- Disturbance can be indirect and not just from physical development (e.g. Noise and light pollution);
- Disturbance need not be 'significant' in relation to the whole species.

Following *Morge*, disturbance still focuses on species and not individual animals, but potentially disturbance to a small number of animals within a species would be significant enough to fulfil the disturbance test.

LICENSING TESTS

Further, a planning authority should not grant permission for works where an EPS offence is likely, unless it is satisfied (on the information before it) that the Natural England licensing tests could realistically be met. Ultimately it will be up to Natural England to judge each case species-by-species and to reach such decisions.

[Regulation 55](#) allows Natural England to issue licenses in limited cases in certain circumstances (no satisfactory alternative, accepted purpose and maintaining favourable conservation status). This licensing framework interacts with planning through [Natural England's Standing Advice \(2014\)](#), which assists LPAs in identifying when a license may be required, and reinforces the mitigation hierarchy (avoidance, mitigation, and compensation). Planning authorities should ensure that any development affecting protected species is supported by robust ecological evidence but the mechanisms are limited in that:

- They apply only to species formally designated as protected;
- Do not readily address cumulative ecological impacts; and

- Depend on the adequacy of ecological surveys and enforcement capacity to function effectively.

PROTECTION OF BADGERS ACT 1992

[Protection of Badgers Act 1992](#) prohibits damaging or disturbing badgers and their setts, which can easily occur during felling or root disturbance. Under Section 1 and Section 3 it is an offence to kill, injure, take, inflict cruelty upon, and interfere with a sett, the most common offence reported to the Badger Trust each year.

Natural England will apply a **licensing test** (Section 10 of the [Protection of Badgers Act 1992](#)) to avoid, minimise and mitigate badger disturbance by considering:

- 1) If there is a **lawful purpose** for the activity (e.g. preventing serious damage to land, crops, property or infrastructure; public health or safety reasons; development, scientific, educational, conservation, archaeology reasons etc.).
- 2) If there is **no satisfactory alternative** (serious consideration of reasonable alternatives such as rerouting, micro-siting, revised methods, timing).
- 3) How to **minimise harm and maintain local badger use** (consideration of robust mitigation and compensation so the local social group can continue to thrive, and impacts on the clan). Suggested mitigations include: hand digging near tunnels; lightweight planting, artificial set creation, exclusion or closure of setts only under licence and with strict seasonal windows, monitoring of setts.

1.4.2 THE LIMITS OF LICENSING AND ENFORCEMENT

The wildlife licensing system in England requires ecological assessment and engagement with Natural England, and in principle is designed to ensure that harm to protected species is avoided or strictly controlled. In practice, however, the system is under increasing strain. [Natural England's 2023–24 Key Performance Indicator report](#) highlights the growing volume and speed of licence determinations, reflecting the intensity of development pressure.

Environmental organisations have warned that **licensing is increasingly used to facilitate development** rather than to prevent ecological harm. This concern is amplified by recent and proposed [reforms to planning and infrastructure law](#), [widely criticised by bodies](#) such as the National Trust, the Wildlife Trusts and the RSPB, which are seen as further diluting environmental safeguards. Taken together, these trends reveal the limits of a system that relies on exceptions, defences, and discretionary permissions: wildlife protection is frequently subordinated to economic and infrastructural priorities, leaving nature vulnerable within a framework that is formally protective but operationally permissive.

Initiatives to increase public participation at the **pre-planning stage** in applications could serve as an important tool in ensuring ecological considerations, including the presence of protected species, are given consideration in planning.

1.4.3 ANIMAL SENTIENCE AND WELFARE

The [Animal Welfare \(Sentience\) Act 2022](#) recognises animals as sentient beings and requires Ministers to have “all due regard” to the welfare of all vertebrate animals, including wild species such as those that depend on trees and woodlands, including badgers, red squirrels, birds, bats, and dormice.

The Act establishes the [Animal Sentience Committee \(“ASC”\)](#), whose role is to scrutinise whether government policy has had “all due regard” to the welfare of animals as sentient beings. The ASC may review any UK Government policy, including planning policy and Defra’s forestry and trees policies, and has already emphasised that greater attention must be paid to the immediate welfare impacts on wild animals. While its recommendations are not legally binding, they shape the normative and legal context in which public decision-making occurs and can prompt the incorporation of explicit animal-welfare safeguards.

1.4.4 WELFARE AS A MATERIAL CONSIDERATION

Following the High Court case of [R \(Animal Equality UK\) v North East Lincolnshire Council & ASL New Clee Limited \[2025\] EWHC 1331 \(Admin\)](#) **animal welfare can be a material planning consideration**. This marks an important shift away from viewing wildlife solely through the lens of population-level or favourable conservation status, and towards recognising the welfare impacts on individual animals affected by development and land-use decisions.

When trees provide habitat for protected species, they benefit from indirect protection under wildlife law, which can in practice be stronger than a TPO alone. Even where TPO consent is granted for works, wildlife legislation must still be complied with, and councils may refuse consent or impose conditions specifically because of the presence of bats, nesting birds, or other protected species. At the same time, these regimes contain numerous exceptions and licensing routes for “acceptable activities,” through which permission may be granted or harm authorised.

Wildlife law can reinforce tree protection by recognising trees not merely as landscape features, but as **living ecosystems** and **homes for sentient beings**. Yet its effectiveness is constrained by unsustainable development priorities, enforcement gaps, and a species-by-species approach that limits holistic protection of woodlands and the wider ecological communities they support.

1.4.5 LOCAL BIODIVERSITY ACTION PLANS (LBAPS)

Local Biodiversity Action Plans (“LBAPs”), together with other relevant **local planning policies**, often identify **priority species** and habitats of local importance, meaning that impacts on these species are likely to receive increased scrutiny and weight in planning, land management, and development decisions.

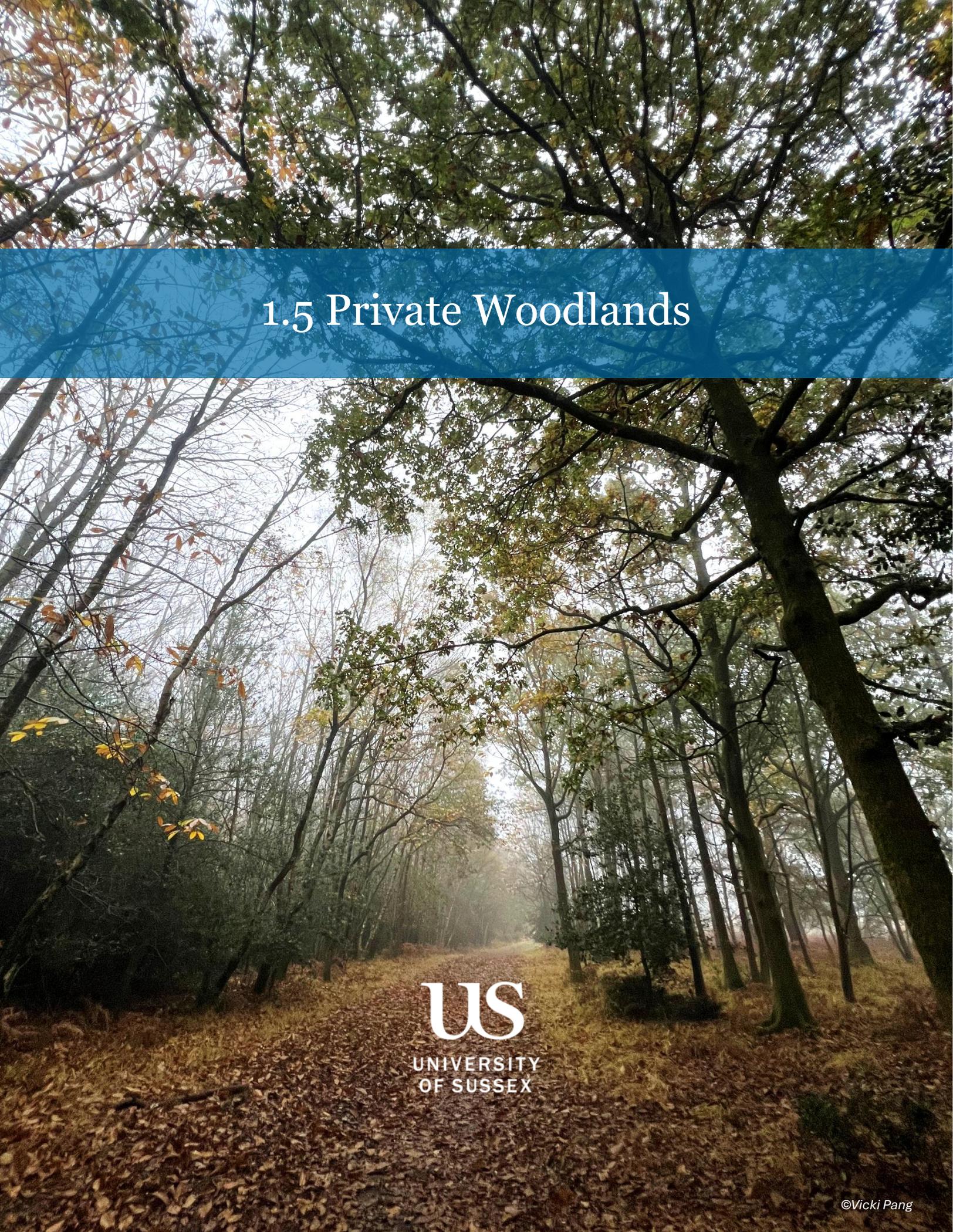
As mentioned in [1.1 Individual Trees](#), LBAPs inform planning, land management and development decisions, and where proposals may affect priority habitats or species, LBAPs help determine the need for **ecological surveys, mitigation or avoidance**. Wildlife legislation means that works cannot lawfully proceed if they harm protected species or their habitats, even where planning permission or TPO consent has been granted. However, wildlife offences can be lawfully avoided where a valid license has been granted under the relevant legislation as discussed above.

CONCLUSION

This section shows that wild animals living in trees, woodlands, and forests do benefit from some additional protection under existing legal frameworks. For protected species, such as nesting birds, bats, owls, badgers (including their setts beneath root systems), red squirrels, and stag beetles, **surveys** and **standing advice** can help identify these species and activate legal safeguards. **Animal welfare** may also be a relevant factor in planning decisions.

However, these protections can be **overridden through licensing** and often rely on inadequate evidence, resources, and political commitment. Therefore, they remain discretionary and procedurally fragile, limiting their overall effectiveness in consistently protecting wildlife.

Globally, there is growing recognition of more holistic approaches to environmental protection. Rights of Nature models seek to recognise ecosystems, including forests and woodlands, as having intrinsic legal value. At the same time, there is increasing formal recognition of **animal rights** at part of nature and as **sentient beings** and, in some jurisdictions, as **legal subjects** with forms of legal personhood. Together, these developments point towards a shift in environmental law, from protecting nature only where harm is proven, towards recognising the intrinsic value of ecosystems and the individual animals that form part of them. See [2.1 Charter for the Rights of Trees, Woodlands and Forests](#), [2.6 Re-Building Connections](#), and [2.7 Language as Tool for Change](#).



1.5 Private Woodlands

US

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1.5.1 PRIVATE WOODLAND OWNERSHIP

Great Britain has experienced a significant reduction in its forests and woodlands over the past centuries, largely due to agricultural expansion, industrialisation, urban development, and historic demand for timber and fuel. Across the UK, there is an estimated 3.29 million hectares of woodland covering only 13% of the UK's land area; when trees outside woodlands are included, this figure rises to 16%. However, most woodlands consist of **conifer plantations for timber** rather than native woodlands. Much woodland is privately owned, and this makes the choices of private woodland owners critical for trees, woodlands and forests.

‘Much of England is owned by a very small number of landowners, who have a responsibility to better use their land in a way that helps address the climate and nature crises facing us all. A big part of this means growing more trees, which would remove planet-wrecking carbon from the air and provide homes for wildlife.’

- Guy Shrubsole, Friends of the Earth trees campaigner

Private landowners (individuals, farms, estates, small holders) hold a substantial share of England's woodlands, at least one-third, and possibly much more when smaller holdings are counted. The top ten owners include Forestry England, National Trust, Ministry of Defence, Crown Estate, United Utilities, Highways England, Network Rail, RSPB, Duchy of Cornwall, and Church Commissioners. Many woodlands remain unaccounted for due to data complexity, with a large portion held by smaller private owners (see Figure 1).

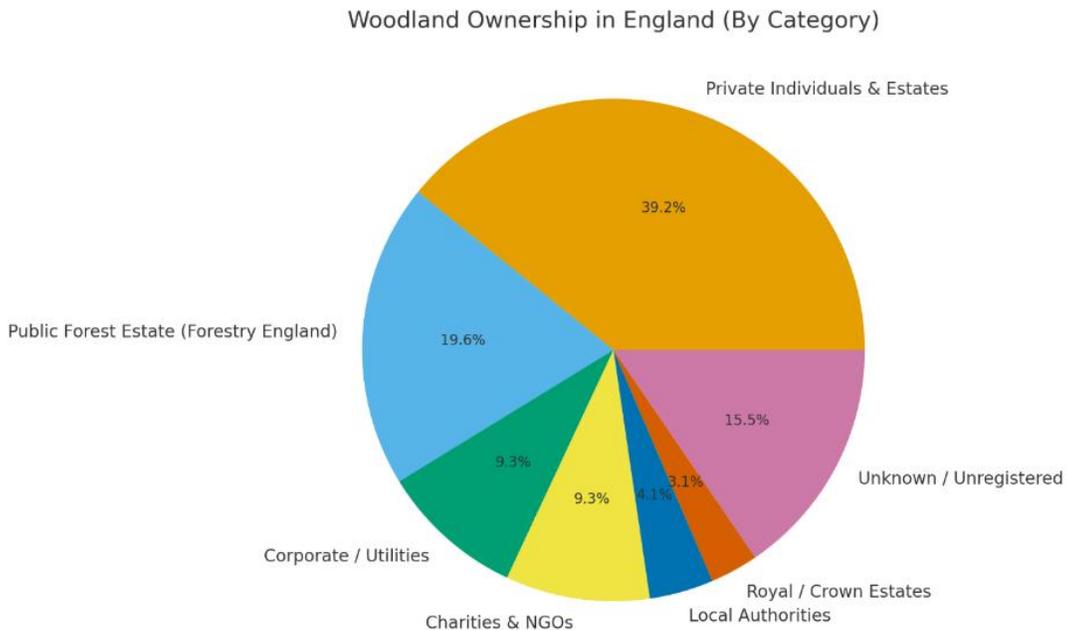


Figure 1. NFI Woodland Ownership Report for Great Britain, Forest Research (2022)

1.5.2 WISTMAN'S WOOD, DARTMOOR

Royal estates own about 3% England's woodlands. One notable example is **Wistman's Wood** on Dartmoor. Wistman's Wood is owned by the **Duchy of Cornwall**, a private estate currently, Prince William holds the title and oversees the Duchy's operations. The woodland forms part of the Longaford Newtake, an enclosed area on Dartmoor, and has been under the Duchy's ownership since the 19th century. Whilst Dartmoor National Park is [managed by Natural England](#), the land itself is owned by the Duchy of Cornwall as a private estate. National Park status does not remove ownership rights: it mainly regulates planning, rather than land management. As a result, even within nationally important landscapes like Dartmoor, decisions about grazing intensity, woodland regeneration or restoration remain largely dependent on landowner willingness.

Dartmoor National Park, situated in Devon, Southwest England, [covers an area of approximately 954 km²](#). The park is distinguished by its dynamic geography, featuring High Willhays as its highest point at 2,039 feet above sea level and Doghole Bridge as the lowest at 98 feet above sea level. There are three notable high-altitude woodlands: Piles Copse, Black-a-Tor Copse, and Wistman's Wood.

[National Parks in England cover 9.3% of the land area \(19.9% in Wales and 7.2% in Scotland\).](#)

The establishment of protected landscapes such as National Parks and areas of outstanding natural beauty ("AONBs") can help to protect surviving ancient woodland but **more initiatives driven by private woodland owners are urgently needed to expand woodlands in National Parks** and Wistman's wood provides a good example of how this can be achieved.

Wistman's Wood is one of the [few remaining high-altitude oakwoods](#) in Britain and is considered a remnant of the immense forests that blanketed Dartmoor and the wider region around 7000 BC. This **unique woodland ecosystem** supports a rich variety of plants and animals, including rare Atlantic mosses and lichens – such as Horsehair lichen (*Bryoria smithii*), found at just two sites in Britain – and a range of bird species like redstarts and spotted flycatchers. Nearly **100 ancient hut circles** are located nearby, pointing to significant human activity during the Bronze Age and underlining the area's historical significance. Folklore holds that Wistman's Wood may once have been a **sacred grove** used by Druids or ancient pagan peoples.

LEGAL STATUS AND RIGHTS OF LANDOWNERS

The Duchy Estate has driven strong conservation, and restoration plans for ancient woodlands on Dartmoor. The rights of landowners on Dartmoor, including the Duchy of Cornwall, are shaped by **statutory conservation designations** and other legislation including for common land (as outlined below). These legal designations are aimed to protect and conserve woodlands, forests and other ecosystems but they are still regarded as property, giving landowners control over how they are used. Landowners can manage their property, determine its use (within the limits set by

conservation legislation), restrict access (with limitations under the [Countryside and Rights of Way Act 2000](#)), and lease or oversee land management. Ultimately, landowners have authority over the trees and woodlands on their property, including the decision to conserve woodlands or to clear them. The management of woodlands in England is placed in the hands of a small number of individuals, which may not serve the best interests of the broader public or nature.

LEGAL PROTECTION FOR WISTMAN'S WOOD

Wistman’s wood has [multiple conservation designations](#) and legal protections, that may apply to other similar woodlands depending on where they are located as summarised in the table below.

Designation	Year/Legal Basis	Purpose	Implications for Management
Site of Special Scientific Interest (“SSSI”)	Designated in 1964 . Established under the National Parks and Access to the Countryside Act 1949; strengthened by Wildlife and Countryside Act 1981.	Protects Wistman’s Wood’s unique biological features, especially its internationally important lichen and bryophyte communities.	Strict controls on damaging activities; Natural England must consent to operations; such as felling, removing dead wood, building paths, monitoring and long-term ecological protection.
National Nature Reserve (“NNR”)	Declared under the Wildlife and Countryside Act 1981 .	Highlight the woodland’s national ecological importance and ensures protection of habitats and species of high scientific value.	Managed primarily for conservation, research and education; typically involves active habitat management and restricted public access to sensitive areas. Scientific study is prioritised.
Special Area of Conservation (“SAC”)	Established under the EU Habitats Directive (transposed through the Conservation of Habitats and Species Regulations 2017 (Parts 2, 12 & 13)).	Contributes to protecting rare and vulnerable European priority habitats, including Western acidic oak woodland, and associated species.	Requires maintaining or restoring favourable conservation status; assessments are needed before any project that may affect the SAC. Activities cannot proceed unless

they are to avoid ‘adverse impacts’.

Tree Preservation Orders (“TPOs”):

[TPOs protect specific trees or woodlands.](#)

Additional tool to safeguard individual trees of significant amenity value.

Local planning authorities can issue prohibiting activities like felling or lopping without consent

National Parks and Access to the Countryside Act 1949

National Parks become subject to special planning and management arrangements — including powers over by-laws, controls over land use and development permissions, and prioritised duties of conservation and public enjoyment

- Conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- Promote opportunities for public understanding and enjoyment of the Park’s special qualities. To seek to foster the economic and social well-being of local communities within the Park – but conservation interests should take priority. (Sandford principle)

Clear legal mandate to protect landscape, biodiversity, and cultural heritage. This can be invoked when challenging harmful development or advocating for protection.

NPA is the local planning authority, and has direct control over development permissions, land management, by-laws and planning decisions

National Park Policies

Dartmoor Local Plan 2018 – 2036

Planning policies used to assess development proposals across the Park. It operates alongside a “Policies Map” that spatially identifies zones, protections, and constraints.

Local Plan provides a binding policy framework: not just guidance, but enforceable policies for land use, development, and landscape management.

CONSERVATION INITIATIVES

The Duchy of Cornwall [launched a nature recovery plan](#) in 2023 to rejuvenate and expand Wistman's Wood. This involved two years of work with their agricultural tenants, Natural England and consulting with the Dartmoor National Park Authority, to develop a **landscape scale plan** to expand Wistman's Wood to bring about its increased resilience. The initiative is part of the **Duchy's estate's commitment to sustainable stewardship**, aiming for a net-zero and nature-rich environment, with farming central to achieving these goals. This initiative aims to double the size of Wistman's Wood by 2040 through natural regeneration, controlled grazing, and the creation of additional wood-pasture habitats. It demonstrates **the potential of private landowners to conserve and restore woodland and forests**.

However, conservation efforts face challenges with competing interests. [Grazing pressure](#) has caused key wildlife habitats on Dartmoor to deteriorate. Overgrazing by livestock has been identified as a significant barrier to natural regeneration, as young saplings are often eaten or damaged before they can mature. Cattle and sheep have free access to Wistman's wood and addressing this issue requires careful negotiation with local farmers and the implementation of sustainable grazing practices to balance agricultural interests with ecological preservation.

1.5.3 OPPORTUNITIES FOR LANDOWNERS TO SUPPORT WOODLAND CONSERVATION AND RESTORATION

Private landowners play an increasingly important role in protecting and restoring Britain's woodlands. As environmental policy has shifted toward **landscape-scale nature recovery**, land managers are now central to delivering biodiversity targets, improving climate resilience, and safeguarding irreplaceable habitats such as ancient woodland. There are now multiple pathways for landowners to contribute, from engaging in local nature planning to accessing funding for habitat creation, restoration, and long-term ecological management.

Recent policy developments recognise that **large-scale nature recovery cannot be delivered by public bodies alone**. New frameworks aim to align private land management with national environmental priorities while offering financial and practical support. These mechanisms can help reduce pressures such as overgrazing, support natural regeneration, improve habitat connectivity, and fund new woodland creation, while also creating opportunities for income through ecosystem service delivery and biodiversity enhancement.

The following section outlines key funding streams, policy frameworks, and participation opportunities available to private landowners, showing how woodland conservation can be integrated into sustainable land use and long-term environmental stewardship.

LOCAL NATURE RECOVERY STRATEGIES

[Local Nature Recovery Strategies \(“LNRS”\)](#) can directly support private landowners seeking to conserve or restore woodland by identifying priority areas for habitat protection, woodland expansion, and ecological connectivity at a landscape scale. This can **strengthen the justification for woodland creation, buffer planting around ancient woodland, or restoration of degraded sites when applying for funding** schemes such as woodland creation grants, Environmental Land Management schemes, or Biodiversity Net Gain opportunities. In addition, alignment with LNRS priorities can make projects more attractive to funders and public bodies, while also helping landowners demonstrate that their management supports wider regional nature recovery goals.

More broadly, LNRS can help landowners anticipate future planning and policy expectations, making it easier to integrate woodland conservation into long-term land management decisions and contribute to the development of connected habitat networks across private and public land.

ENVIRONMENTAL LAND MANAGEMENT SCHEMES

[The Environmental Land Management Schemes \(“ELMS”\)](#) form England’s replacement for the European Common Agricultural Policy and are a key mechanism for supporting nature recovery on agricultural and mixed-use land, including areas suitable for woodland conservation and restoration. The scheme is structured across three tiers: the Sustainable Farming Incentive , Countryside Stewardship Plus, and Landscape Recovery.

In a woodland context, ELMS can provide payments to support management practices that protect and enhance woodland habitats. This includes reducing grazing pressure from livestock such as sheep and ponies to allow natural woodland regeneration, supporting natural woodland succession on marginal or low-productivity land, restoring degraded woodland habitats, and improving ecological connectivity between fragmented woodland sites. These measures can be particularly important for buffering ancient woodland, restoring Plantation on Ancient Woodland Sites (“PAWS”), and strengthening wider woodland networks.

Further details on eligibility, application processes, and available funding options for woodland-related conservation activities are provided by the [Department for Environment, Food and Rural Affairs \(“Defra”\)](#).

ENGLAND WOODLAND CREATION OFFER

[The England Woodland Creation Offer \(“EWCO”\)](#) provides grant funding to support both the creation of new woodland and the restoration of existing woodland in England. Funding is available for activities such as **tree planting, establishing young woodland, and installing**

fencing or other infrastructure needed to protect saplings from grazing animals. In addition to establishment costs, EWCO can provide ongoing payments recognising the **delivery of ecosystem services**, including carbon sequestration, biodiversity enhancement, and improved water management. The scheme can be particularly valuable where woodland expansion or buffer creation around ancient woodland is needed for ecological protection and resilience.

The scheme can provide up to £10,200 per hectare to cover standard capital costs such as planting and infrastructure, with additional payments potentially available for activities including nature recovery, natural flood management, water quality improvements, riparian buffer creation, and public access provision. Annual maintenance payments of around £400 per hectare are available for up to 15 years following establishment to support successful woodland growth. As of late 2025, the administering body continues to update official guidance and application processes, so applicants should check current scheme information before applying.

NATURE FOR CLIMATE FUND

The [Nature for Climate Fund \(“NCF”\)](#) provides financial support for **large-scale woodland creation** and peatland restoration projects that contribute to the UK’s net zero emissions targets. The fund **prioritises native woodland creation, strengthening nature recovery networks, and developing landscapes** that are resilient to climate change, with particular emphasis on restoring ecosystems within National Parks and other high-value landscapes.

For landowners managing ancient woodland or other ecologically important sites, the fund can support projects that enhance woodland connectivity, restore degraded habitats, and expand native woodland cover at landscape scale. While the NCF has been a significant source of government funding for nature-based climate solutions, its long-term availability is subject to future government policy and funding commitments.

BIODIVERSITY NET GAIN

From February 2024, most new developments in England are required to deliver [Biodiversity Net Gain \(“BNG”\)](#), securing at least a 10% increase in biodiversity value for a minimum of 30 years. While ancient woodland is considered irreplaceable and cannot be directly offset, BNG can still play an important supporting role by funding the restoration of degraded habitats, creating ecological corridors, and contributing to the wider National Nature Recovery Network. In this way, **BNG can help channel investment into high-biodiversity landscapes and support the long-term protection of areas** from indirect or cumulative environmental pressures.

Private landowners can [participate in BNG](#) by creating, restoring, or enhancing habitats on their land to generate biodiversity units. These units can then be sold to developers who need them to meet mandatory BNG requirements. Landowners can also **secure long-term habitat protection** through legal agreements, such as [conservation covenants](#) or section 106 agreements, which

require habitats to be managed for at least 30 years. Part 2 of this Toolkit includes a [template for a Rights of Nature-style conservation covenant](#) to support long-term ecological stewardship.

CITIZEN SCIENCE AND MONITORING

[Citizen science](#) enables communities to play an active role in caring for trees, woodlands, and forests. By involving local people in monitoring tree health, recording biodiversity, observing climate impacts, and tracking habitat change, citizen science **helps generate valuable ecological data** while also **strengthening people's connection** to local woodland environments and supporting more inclusive environmental decision-making.

Citizen science programmes typically involve a wide range of participants, including families, school groups, amateur naturalists, academic researchers, and specialist ecologists. This collaborative approach **supports education and skills development** while producing robust data that can inform planning decisions, conservation strategies, and long-term woodland management grounded in community engagement and stewardship. [2.6 Re-Building Nature Connections](#) also considers the important role of citizen science and education.

[The Ancient Tree Inventory](#) is one of the largest and longest-running tree-focused citizen science projects in the UK. It aims to map ancient, veteran, and notable trees nationwide. Volunteers can submit tree records by providing details such as species, girth measurements, estimated age class, photographs, and location data. All submitted records are reviewed and verified by experts to ensure accuracy and reliability.

Further, trees of public importance can be recorded using methodologies such as Capital Asset Value for Amenity Trees (“CAVAT”) (see [1.1.3](#)) and Recognition of Ancient and Veteran Trees (“RAVEN 2”) to identify veteran trees (See [2.2.3](#))

REWILDING

Rewilding is growing in scale across Britain, with the **Knepp Estate** in West Sussex widely recognised as a leading example of how private landowners can restore woodland and wider ecosystem health by allowing natural processes to drive recovery. Rather than relying on intensive intervention, rewilding can involve supporting natural regeneration, creating more structurally diverse and resilient woodland ecosystems. This approach benefits wildlife through habitat creation, deadwood retention, and the development of varied ecological niches. Long-term success often depends on landowners engaging with stewardship schemes that provide guidance, ecological monitoring, and, in some cases, financial support, allowing management to adapt as ecosystems recover.

Knepp demonstrates how managing land as a mosaic of habitats – including woodland, scrub, wetland, meadow, and pasture – can support large-scale biodiversity recovery with limited

intervention. **Habitat restoration** and **species reintroductions** have helped restore ecological processes and supported the return of a wide range of species. For example, re-introducing the Black Poplar and later beavers, helped restore wetland systems and supported the return of species such as greylag geese, purple emperor butterflies, and diverse woodland birds. The project highlights how trees, soils, water systems, and wildlife are interconnected, meaning improvements to one part of the system can drive wider ecosystem recovery. Legal protections and funding mechanisms have also helped make the transition from intensive agriculture to rewilding financially viable.

Knepp shows that nature recovery and productive land use can coexist. **Free-roaming livestock** now help shape the ecosystem while supporting high-welfare food production. The project has become an influential model for landowners and communities seeking alternatives to intensive land use, demonstrating that rewilding can enhance landscape resilience, biodiversity, and long-term environmental sustainability.

Rewilding Funding Schemes are available to support landowners interested in adopting such an approach:

- [Rewilding Innovation Fund](#)

Provides grants of up to £15,000 to support early-stage rewilding projects, including feasibility studies and business planning. The scheme supports ambitious long-term restoration projects, typically requiring around 40 hectares of connected land and commitment to rewilding principles.

- [Species Recovery Programme](#)

Provides funding typically ranging from £10,000 to £1.5 million. Both private and public applicants can apply, with projects required to align with Threatened Species Recovery Actions priorities and demonstrate value for public funding.

CONCLUSION

This section highlights the **crucial role private landowners play in woodland conservation** and restoration in England. The examples of Wistman's Wood and the Knepp Estate show that while legal protections are important, long-term ecological outcomes often depend on **landowner stewardship** and engagement with restoration initiatives, funding schemes, and nature recovery policies.

The tools outlined – including Local Nature Recovery Strategies, ELMS, woodland creation funding, Biodiversity Net Gain, citizen science, and rewilding – demonstrate that woodland conservation can be integrated into **practical and financially viable land management**.

1.5 Private Woodlands

Part 2 of this Toolkit builds on this by providing practical approaches to help private woodland owners embed a Rights of Nature perspective into woodland management, including [2.1 Charter for the Rights of Trees, Woodlands and Forests](#), [2.6 Re-Building Connections with Nature](#), [2.7 Language as a Tool for Change](#), [2.8.7 Tree and Woodland Guardianship: Guidance](#), and [2.8.10 Deed of Covenant: Template](#).

1.6 Forests and Landscape Recovery



University of Sussex field trip to Ashdown Forest, 2024
©Dr Joanna Smallwood-Miller

INTRODUCTION

Forests would have once dominated landscapes across England with around 70-80% woodland covered after the last Ice Age, this has steadily declined to about 10% today due to agriculture, settlement, and industrialisation. England's key forests include ancient royal forests such as the New Forest, Sherwood Forest, and the Forest of Dean, representing fragments of the ecological and cultural legacy of a once heavily forested country.

Ashdown Forest is a medieval royal forest (established in Norman times) and is largely lowland heathland but is named a "Forest". Ashdown Forest is used in this section of the toolkit as an example of how forests and landscapes are protected in England and to highlight opportunities and limitations to their conservation.

'Before visiting Ashdown Forest, I was unaware of island biogeography – the idea that small, isolated ecosystems support fewer species due to low colonisation and higher extinction rates. Ashdown Forest exemplifies this challenge: its isolation limits biodiversity, and meaningful improvement would require larger, better-connected habitats beyond its current boundaries.'

- Ireja Edwards (University of Sussex Law Clinic student)

1.6.1 ASHDOWN FOREST AND LEGAL PROTECTIONS

Ashdown Forest is situated in the South-East of England and contains 6500 acres of land open to the public, one of the largest publicly accessible spaces in the South-East.

Perhaps its most famous claim is as **Winnie the Pooh's home** which was the inspiration for A. A. Milne's stories when he lived in the area in the 1920s. Ashdown Forest used to be home to pine martens, beavers, turtle doves, red backed shrikes and nightingales. Now the landscape provides habitats for many rare and endangered species, such as the Dartford warbler (*Sylvia undata*) and the silver studded butterfly (*Plebejus argus*). The Forest now contains one of the largest single continuous blocks of lowland heathland in southern England. The dry heath in Ashdown Forest is dominated by common heather (*Calluna vulgaris*). In wet heaths, Sphagnum moss, is common and provides suitable conditions for several species of bog mosses. Ashdown Forest also supports a mosaic of oak–birch woodland, alder and willow, scattered Scots pine, and scrub, shaped by acidic soils, hydrology.

Ashdown Forest has a long and complex history of ownership, use and legal protections. There are many legal frameworks that are relevant to Ashdown Forest, and it is a great example of how different layers of law can be relevant to one area of land.

Ashdown Forest is subject to its own Act of Parliament, The [Ashdown Forest Act](#), which has changed the way it is governed and managed since the first Act was promulgated in 1885.

The Forest is now owned by Ashdown Forest Trust and managed by the **Conservators of Ashdown Forest**. The Forest is common land, which means that ‘commons rights holders’ or ‘commoners’ have rights to take things from the land, such as wood, or rights to graze animals.

Sites may be legally designated to conserve habitats and species, or to protect distinctive landscape character. **Ashdown Forest is subject to multiple overlapping conservation designations**, reflecting its ecological importance. It is designated as a **Site of Special Scientific Interest (“SSSI”)**, a **Special Protection Area (“SPA”)** for wild birds, and a **Special Area of Conservation (“SAC”)** for its heathland habitat.

A Site of Special Scientific Interest (“SSSI”) is a nationally important site for wildlife and geology. SSSIs cover approximately 8% of England and are protected from damaging forms of development and land management. Special Protection Areas (“SPAs”) are designated to safeguard vulnerable or threatened bird species and require legal measures to prevent deterioration of these habitats. This framework was established under the 1979 European Directive on the Conservation of Wild Birds.

Special Areas of Conservation (“SACs”) are designated under the 1992 European Habitats Directive to protect important habitats and species other than birds. Together, SPAs and SACs form the UK’s contribution to the Emerald Network, an international system of protected areas established under the Bern Convention.

Ashdown Forest lies within the [High Weald National Landscape](#) (formerly designated as an Area of Outstanding Natural Beauty). National Landscapes are protected areas recognised for their distinctive natural beauty, cultural heritage, and ecological value, and are afforded statutory protection under English law.

The [protection of landscapes](#) was significantly strengthened by the [Levelling-up and Regeneration Act 2023](#), which amended the longstanding duty on public authorities from merely having to “have regard to” the statutory purposes of protected landscapes to a more proactive obligation to **“seek to further”** those purposes. In practical terms, this shift requires decision-makers, particularly in the planning context, to take positive steps to conserve and enhance landscape character, rather than simply avoiding harm.

The Act also confers a new power on the **Secretary of State** to require National Landscapes to contribute to the achievement of **national environmental targets**, including those relating to biodiversity recovery and climate change. These positions protected landscapes such as the High Weald not only as areas to be preserved, but as active contributors to wider environmental governance, including habitat restoration, nature recovery networks, and climate adaptation strategies

This multilayered protection of Ashdown Forest provides an important legal basis for its conservation, but complications in the different aims and conservation purposes can lead to difficult decisions on the ground.

[Mark Infield](#), Ashdown Forest's Landscape Recovery Manager speaks about the heathlands of Ashdown Forest and the complexity of their conservation with often competing needs. Ashdown Forest's woodland coverage has increased from less than 10% to over 40% since the 1940s, however the increase in woodland cover has crowded out the more rare and biologically diverse lowland heathland habitat. Complications arise because conservation management requires the right tree to be in the right place, and for Ashdown Forest that right place should not displace its valued heathland.

Mark further highlights the complexities of nature of conservation with the anecdote of the recent rediscovery of the treasured Dormouse on Ashdown Forest, unrecorded for several years. Recently, a team charged with heathland scrub clearing, a necessary job to protect heathland, found Dormice present in the scrub that was about to be cleared. While the primary aim is heathland conservation, in this case, doing that job would destroy the habitat of the returning Dormice. This example demonstrates the complexity of conservation, and the balancing act conservation sites such as Ashdown Forest need to address in their day-to-day activities.

1.6.2 LANDSCAPE RECOVERY

Landscape Recovery is a government initiative designed to support groups of landowners and farmers in delivering large-scale, long-term environmental projects, combining public funding with private investment to enhance biodiversity, restore ecosystems, and generate wider environmental benefits across entire landscapes. Landscape Recovery is important as it recognises that fragments of protected areas need to be increased and better connected to allow nature to thrive.

Projects under the scheme are structured in two stages: a project development phase and a project implementation phase.

Ashdown Forest took part in a [trial of Landscape Recovery](#). Ashdown Forest's most recent application focused on bringing neighbouring landowners and farmers together to develop collaborative approaches to addressing biodiversity loss and regenerating the local environment. In particular, the proposal explored the design of shared land-management agreements to enable landscape-scale recovery through conservation grazing, species reintroduction programmes, and land-use diversification, including sustainable tourism and food production.

Unfortunately, competition is high and funding limited, and Ashdown Forest was not successful in receiving funding. Applications for participation in [Landscape Recovery](#) are not currently open. However, other fragmented landscapes, with similar goals of collaborative and large-scale conservation, have been granted funding for an implementation phase, such as the [Boothby Wildland](#) Project in Lincolnshire which focuses on turning 620 ha of former arable farmland into a dynamic mix of habitats, and the [Upper Duddon Project](#), who hope to restore 2,800 ha of uplands in West Cumbria into a mosaic of natural habitats through the

collaboration of local communities and farmers. Their success will take time and funding to continue.

‘Ashdown Forest’s patchwork landscape presents conservation challenges but also opportunities for collaboration with surrounding landowners. This reflects the principle of “Bigger, Better, More, Joined,” as biodiversity loss can only be addressed through coordinated, landscape-scale action.’

- Ireja Edwards (University of Sussex Law Clinic student)

1.6.3 VOLUNTARY INITIATIVES – WEALD TO WAVES

The financial aspect of achieving better connectivity of important biodiversity sites such as Ashdown Forest is challenging because there is insufficient funding especially considering recent funding cuts to sustainable farming initiatives. This presents a barrier to being able to bring different stakeholders together to manage land for biodiversity at a landscape-scale to enable restoration.

Ashdown Forest has also taken part in a voluntary initiative with other landowners in the area aimed at nature recovery, the [Weald to Waves project](#). This project aims to create a 100-mile wildlife corridor across Sussex through a network of farmers, land managers, councils, researchers, wildlife charities, schools, gardeners and community groups (see Figure 2). The project connects fragmented biodiverse sites to support biodiversity, capture carbon, as well as support food production and the rural economy. Weald to Waves is hosted by the Knepp Wildland Foundation and asks farmers and other landowners and land managers to pledge to be part of the corridor. In return, participants receive land management advice.

Ashdown Forest was an early partner in the Weald to Waves project and is actively developing relationships with neighbouring landowners and land managers in practical terms to manage more land for nature conservation. Mark Infield points out the need for more local strategies, and a focus on building relationships with local landowners. This can be done in a number of ways, in the Ashdown Forest, grazing plans have been developed with neighbouring landowners to allow grazing rotation over the year to maximize biodiversity.

There is a growing movement of large-scale conservation efforts focusing on conservation-oriented land management that connect existing nature sites, rather than focusing on the conservation of isolated sites. This approach has been gaining momentum as **landscape connectivity** is becoming recognised as a key method to achieve long-term success for biodiversity. These types of land management rely on the **cooperation and continued partnership of surrounding landowners**, from large single owners to farmers to trustee governed land such as Ashdown Forest.



Figure 2. A Map of the Weald to Waves Corridor

1.6.4 LOCAL NATURE RECOVERY STRATEGIES

New local planning documents, [Local Nature Recovery Strategies \(“LNRS”\)](#) are statutory instruments created under the Environment Act 2021. Local authorities are legally required to prepare an LNRS for their area, follow statutory guidance, identify priorities for nature recovery and areas where action would be most effective.

LNRS are mandatory and could become an integral tool for landscape management; they map the local area and set out priorities for conservation that would best improve the area’s recovery. LNRS focus on local efforts, and involve the local community, which means that they are able to access local knowledge of the history of the land which better informs conservation plans.

Ashdown Forest faces challenges common to many collaborative conservation initiatives, particularly the difficulty of securing long-term funding sufficient to develop and sustain intended outcomes. Conservation and restoration programmes often operate on timescales of ten to fifteen years, yet available grants typically last only a few years, creating a mismatch between funding cycles and ecological realities. Sustaining partnerships over such extended periods is also challenging, especially given the number of stakeholders involved and the diversity of priorities they represent. Landowners may be reluctant to remain committed to management approaches that are less immediately profitable, particularly where tangible ecological benefits may not be visible for several years.

One approach to strengthen landscape recovery is to **strengthen environmental regulation and enforceability**, for example by embedding schemes such as LNRS within more robust legal frameworks rather than relying primarily on voluntary participation. Greater enforceability could increase long-term commitment, though this is unlikely to be universally welcomed given the range of interests and perspectives among landowners.

A **Rights of Nature framework** could strengthen LNRS and Landscape Recovery by providing a **clearer legal and ethical foundation for landscape-scale action**. By recognising ecosystems as rights-bearing entities, such an approach would support coordination across landownership boundaries, reinforce long-term commitments beyond short funding cycles, and enhance enforceability where recovery objectives are undermined. Crucially, Rights of Nature also promotes a systems-based understanding of nature, recognising woodlands, lowland heaths, and other habitats as interconnected components of living landscapes. This perspective helps resist simplistic restoration narratives and supports mosaic landscapes, such as Ashdown Forest, where biodiversity depends on the continued coexistence and management of multiple habitat types.

1.6.5 COMMUNITY ENGAGEMENT WITH LNRS USING A RIGHTS OF NATURE APPROACH

LNRS Stage	What Communities Can Do	How a Rights of Nature Approach Helps	Practical Tools
LNRS preparation & consultation	Participate in public consultations; submit local ecological knowledge; challenge omissions	Reframes consultation as speaking on behalf of nature , not merely expressing interests	Community statements framed as “representations for nature”; collective submissions
Mapping priority areas	Help identify important habitats, corridors, and degraded sites	Supports viewing ecosystems as living systems with integrity , not isolated parcels	Participatory mapping; citizen science; habitat walks
Evidence gathering	Document biodiversity loss, pollution, fragmentation	Translates ecological harm into violations of nature’s rights	Photographic records; species counts; local ecological histories

Governance & advocacy	Engage local authorities, councillors, and planning bodies	Strengthens claims by framing LNRS objectives as duties owed to nature	Rights-based letters; motions; briefing notes
Landowner engagement	Facilitate dialogue between neighbouring landowners	Shifts focus from individual benefit to shared responsibility to ecosystems	Community convenings; landscape-scale agreements
Delivery through funding schemes	Support or co-design agri-environment and Landscape Recovery bids	Reinforces long-term commitment by grounding projects in ecological necessity , not short-term incentives	Community-backed funding proposals
Monitoring & accountability	Track whether LNRS priorities are being implemented	Enables communities to argue ongoing harm where commitments lapse	Community monitoring groups; annual reports
Planning & development challenges	Intervene in planning decisions that undermine LNRS	Frames objections as defending the rights of ecosystems , not NIMBYism	Rights-based planning objections
Public education & narrative change	Build local awareness and stewardship	Reorients perspectives from “land use” to living landscapes	Workshops; storytelling; school projects
Escalation & legal strategies	Campaign for stronger duties or legal recognition	Positions RoN as a pathway from voluntary strategy to enforceable obligation	Policy advocacy; test cases; alliances with legal clinics

CONCLUSION

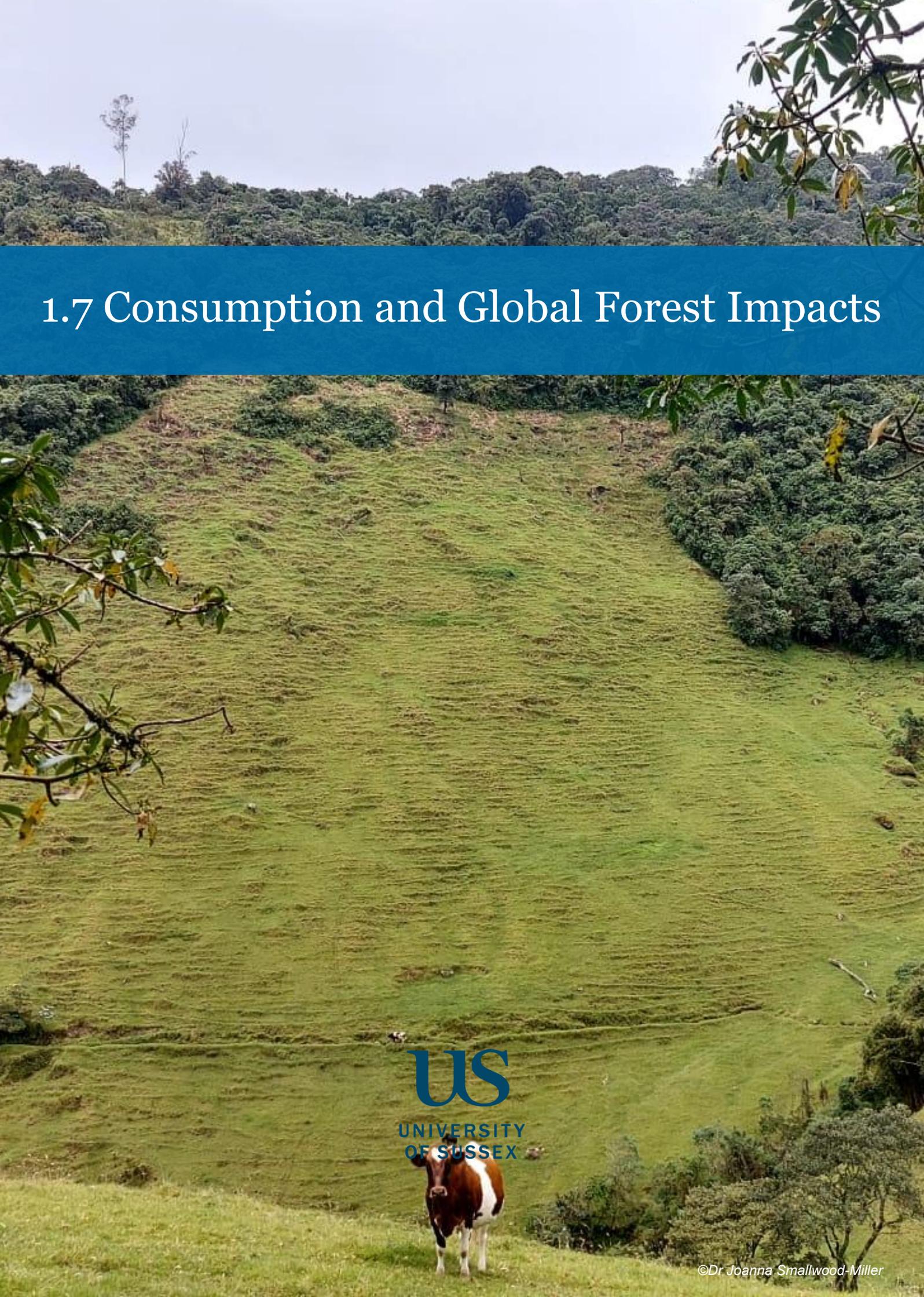
Ashdown Forest demonstrates both the strengths and limitations of England’s current approach to landscape and habitat protection. While multiple legal designations, local

governance structures, and conservation schemes provide an important framework for protection, long-term ecological outcomes ultimately depend on sustained collaboration between landowners, public bodies, communities, and funding mechanisms. The case of Ashdown also shows that conservation is rarely straightforward, often requiring difficult decisions between competing ecological priorities, such as woodland expansion and heathland preservation.

The section also highlights the growing importance of landscape-scale conservation approaches. Initiatives such as Landscape Recovery, Local Nature Recovery Strategies, and voluntary partnerships like Weald to Waves show that isolated protected sites are not sufficient to reverse biodiversity loss. Instead, effective conservation increasingly relies on connecting habitats across ownership boundaries and aligning environmental goals with viable land management practices.

Looking forward, strengthening long-term funding, improving coordination between landowners, and embedding stronger legal and governance frameworks, potentially including Rights of Nature approaches could help support more resilient, connected landscapes. The next steps do not have to be groundbreaking; a Rights of Nature approach can be implemented by simply changing the way we speak about nature (see [2.7 Language as a Tool for Change](#)), switching from an egocentric to ecocentric approach. By doing this we alter the way we think and prioritise nature, changing from considering what nature can do for us to considering it as its own living entity ([2.1 Charter for the Rights of Trees, Woodlands and Forests](#) explores this in detail).

Stronger legal and governance frameworks can begin to be established through simple tools such as conservation covenants; which are voluntary legally binding agreements between the landowners and a responsible party which would attach the obligation to take conservation into account to the land instead of a person (see [2.8.9](#) and [2.8.10](#) for Deed of Covenant guidance and template). Therefore, binding the current and subsequent owners of the land with an obligation to commit to conservation objectives. Other tools include tree guardianships (see [2.8.7](#) and [2.8.8](#) for Tree and Woodland Guardianship guidance and questionnaire) which assign the responsibility of speaking for specific trees and woodlands to volunteers, they are charged with the duty of acting in the best interests of those trees and woodlands.



1.7 Consumption and Global Forest Impacts

INTRODUCTION

This toolkit mainly focuses on trees, woodlands, and forests in England, but improving [consumption patterns](#) in high- and middle-income countries is crucial, as these habits drive **large scale deforestation** elsewhere.

Deforestation has rapidly increased worldwide; from [1990 to 2020, an area larger than Europe was lost](#). This trend is mainly driven by demand in the global North for everyday foods like **beef, soy, palm oil, cocoa, and coffee**, as well as [products from mining](#) for gold and components used in modern technologies (phones, computers, electric vehicles). Deforestation leads to significant ecological harm in countries that host global biodiversity hotspots, including highly biodiverse forests.

1.7.1 CONSUMPTION PATTERNS

Addressing consumption patterns requires **a multi-level approach** targeting supply chains, consumer behaviour, corporate responsibility, and government policy. This sub-section outlines how unsustainable consumption patterns drive deforestation, whilst also highlighting actions undertaken by the UK and EU that aim to address this issue and assessing whether they are effective using a case study of Côte d'Ivoire to demonstrate how commodity consumption can be explicitly linked to deforestation.

Côte d'Ivoire experiences one of the world's highest deforestation rates, mainly caused by agriculture (especially cocoa and palm oil), logging, and infrastructure growth. The [UK and EU significantly contribute to deforestation](#): between 2016 and 2018, an average of 21.3 million hectares—almost the size of the UK—was needed abroad each year to satisfy the UK's demand for just seven forest-risk commodities. These [commodities](#) include **beef & leather, cocoa, palm oil, pulp & paper, rubber, soy, and timber**. In Southwest Côte d'Ivoire, **cocoa production** has largely fuelled deforestation.

1.7.2 UK AND EU LAW ADDRESSING CONSUMPTION PATTERNS

In response to widespread global deforestation, both the UK and EU have taken measures to regulate global supply chains and **drive change among corporations** that operate abroad, including those in Côte d'Ivoire. The EU enacted [Regulation \(EU\) 2023/1115](#), soon after the UK's earlier [Environment Act 2021, Section 116](#). Both laws are intended to '[hold corporate actors and governments accountable for their supply chains and territories](#)' but each uses a distinct approach to tackling deforestation, with differing aims and scopes.

DEFINING LEGAL AND ILLEGAL DEFORESTATION

The definition between legal and illegal deforestation is central to understanding the scope of UK and EU regulatory approaches. **Illegal deforestation** refers to the clearing of forests that occurs in violation of the laws of the country where production takes place, such as [breaches of land use or environmental or logging legislation](#). In contrast, **legal deforestation** occurs where forest clearance is permitted under domestic law, often for agricultural expansion, yet still contributes significantly to global biodiversity loss.

The UK Environmental Act 2021 and its proposed Forest Risk Commodity Regulations adopt a narrower focus, prohibiting the use of commodities produced through **illegally deforested** land according to local laws. By comparison, the EU Regulation (EU) 2023/1115 takes a broader approach by banning the import and sale of commodities linked to **any deforestation or forest degradation** after 31 December 2020, regardless of whether it was lawful in the producer country. This distinction is significant, as the [UK's framework risks excluding up to a third of global deforestation that remains "legal" under local regimes, thereby limiting its effectiveness](#).

The UK law's primary focus on 'commodities which have been produced contrary to local laws' essentially illegal deforestation neglects tackling legal deforestation which amounts to '30% of global deforestation'. This risks incentivising producer countries to weaken their laws on deforestation so they can still compete in international markets.

MONITORING AND ENFORCEMENT OF UK AND EU FRAMEWORKS

While both the UK and EU frameworks establish **due diligence requirements**, their monitoring and enforcement mechanisms differ in strength and clarity. In the UK, oversight relies largely on **corporate self-reporting** and the **development of secondary legislation**, meaning that key enforcement structures and authorities are not yet fully operational. This creates uncertainty over how effectively compliance will be verified and penalties imposed. In contrast, the EU Regulation (EU) 2023/1115 sets out a clearer framework, requiring companies to trace products to their source through geolocation data and mandating Member States to carry out risk-based inspections. [Enforcement is supported by mandatory disclosure and significant financial sanctions where breaches occur](#). However, both systems ultimately depend on the capacity and willingness of national regulators to implement checks, and on the transparency of corporate supply chains. Without **consistent monitoring** and **public reporting**, these mechanisms risk becoming procedural rather than transformative in addressing deforestation.

The UK's Environment Act 2021 is designed to address deforestation by focusing primarily on preventing the use of illegally sourced forest-risk commodities. However, the implementation of these requirements is heavily reliant on [secondary legislation](#), which currently **lacks specificity and clear, binding obligations**. This results in regulations that may be ambiguous and inconsistent, making it difficult to establish a credible and unified effort to combat deforestation.

The absence of concrete and well-defined requirements diminishes the effectiveness of the Act. The degree to which these regulations can influence consumer behaviour and corporate practices is largely contingent on the quality and enforcement of the secondary legislation. Without robust design, implementation, and enforcement, the impact of the Act on altering consumption patterns and reducing deforestation rates in producer countries remains uncertain and potentially limited.

The **UK Forest Commodity Regulation (“UKRFC”)** part of the Environment Act 2021 [applies to big businesses with a global turnover exceeding £50 million](#). Applicable businesses will have to: 1) **prohibit the use of illegally produced** forest-risk commodities 2) **establish a due diligence system** to mitigate risks of deforested products entering their supply chain and 3) **report annually** on their due diligence activities. [Breaching these regulations can lead to penalties](#). These regulations aim to halt the use and entrance of high-risk forest risk commodities in the UK through business supply chains.

The EU adopts a comprehensive approach by regulating any listed commodity that is not ‘deforestation-free’, under Regulation 2023/1115. This legislation seeks to combat global deforestation by requiring all relevant commodities – such as cocoa, coffee, rubber, and their derivatives – to comply with strict due diligence requirements. Companies within EU Member States found to violate these provisions may face [penalties including fines, confiscation of products, or forfeiture of revenues](#) generated from the sale of deforested goods.

In contrast, UK regulations cover a more limited range of commodities and apply solely to ‘regulated persons,’ defined as organizations engaged in commercial activities in the UK that meet [specified turnover criteria](#). While both criminal and civil sanctions are available for regulatory breaches, inconsistencies persist in enforcement due to the definition thresholds for ‘regulated persons’ and only certain retailers will have to monitor the origin of certain ‘forest risk’ products. Thus, calls for increased use of penalties for more companies buying or selling deforested products are welcome, with increased transparency by enforcing public disclosure of supply chains. In contrast, the EU’s regulations are directly effective across Member States and outline explicit due diligence steps for operating entities with [enforcement strategies](#).

In summary, whilst policies enacted by the EU and the UK are a step forward and have the potential to reduce deforestation by changing corporate practices, the UK’s Act in particular features a significant limitation, with its focuses on *illegal* deforestation instead of *all* deforestation. Forest risk commodities remain highly sought after in consumer countries, and there is [‘an economic incentive for producers to breach national laws in their own jurisdictions’](#). To overcome this, calls have been made to strengthen local conservation and Land Use Policies to discourage illegal land clearing, logging and land grabbing for agriculture.

1.7.3 INTERNATIONAL LAW, PRODUCTION AND CONSUMPTION

The United Nations have recognised that forests require protection as deforestation and forest fragmentation since 1990 have significantly contributed to the on-going loss of biodiversity and ecosystem services for all, human and non-human. International law has been agreed to tackle unsustainable consumption patterns.

The [UN Convention on Biological Diversity's target 15](#) requires businesses to **assess, disclose and reduce Biodiversity-Related Risks and Impacts** and for states to implement legal, administrative, or policy actions requiring large and **transnational businesses and financial institutions** to regularly monitor, assess, and disclose biodiversity risks and impacts, give **consumers information** that supports sustainable consumption and **report compliance** with access and benefit-sharing regulations. [Sustainable Development Goal 12 \(“SDG 12”\)](#) on responsible production and consumption requires countries to implement the 10-Year Framework of Programmes on Sustainable Consumption and Production Patterns and other actions such as reducing waste, encouraging companies to adopt sustainable practices and to remove market distortions that encourage unsustainable consumption. The [2015 Paris Agreement](#) commits countries to adopt policies to reduce carbon-intensive consumption. The [UN Forest Principles](#) guides countries to implement sustainable development to conserve their forests. The [UN Forum on Forests \(“UNFF”\)](#), developed in 2000, aims to implement forest management agreements and create policy on forest sustainability and to stop deforestation. The [Strategic Plan for Forests \(“UNSPF”\)](#) adopts Global Forest Goals and other targets for 2030. Targets include enhancing forest law enforcement, and reducing illegal logging and associated trade.

Despite the international and national laws and policy for forests, the EU is [the second largest importer of products causing global deforestation](#). It is clear that the EU and others need to improve implementation of law and policy to ensure trade around forest risk commodities is regulated effectively. Figure 3 (below) illustrates how biodiversity can be mainstreamed into food systems.

The potential role of international organisations in **funding sustainable agriculture programs** is another avenue to support Ivorian farmers. For example, The World Bank has made dedicated investments to fund sustainable agriculture and agro-industrial programs for Ivorian farmers [‘in order to build a competitive and inclusive agri-food sector.’](#) Such funding could be directed towards sustainable agroforestry initiatives such as shade grown cocoa within forests and vanilla which provide alternative income-generating ventures, alongside ecotourism and use of forest-based products (like medicinal plants and shea butter) which could aid in reducing reliance on deforesting agriculture processes in favour of other ecological-related activities.

1.7.4 INDIVIDUAL CONSUMPTION PATTERNS

As individuals we can also support actions to reduce deforestation and take measures to change our own consumption patterns including moving towards a more **plant-based diet**. **Product certifications** can help consumers be more mindful of their purchases. For example, '[FSC](#)' labels denote that certified businesses, forest owners, and forest managers help support responsible forestry. Also, products with '[Fairtrade](#)' stickers show that the product has been 'grown, harvested, manufactured, and traded in a way that protects the environment and improves the lives of those who work with the product at any point'. Certificated products provide a useful 'everyday' change for consumers to support their efforts to mitigate deforestation but must not be considered as a guarantee that a '[product is free from deforestation and conversion](#)'. To ensure consumers can adequately address their own consumption, the WWF has stated that the Government should provide clear requirements for compliance with the standards in secondary legislation, which help the consumer make an informed choice.

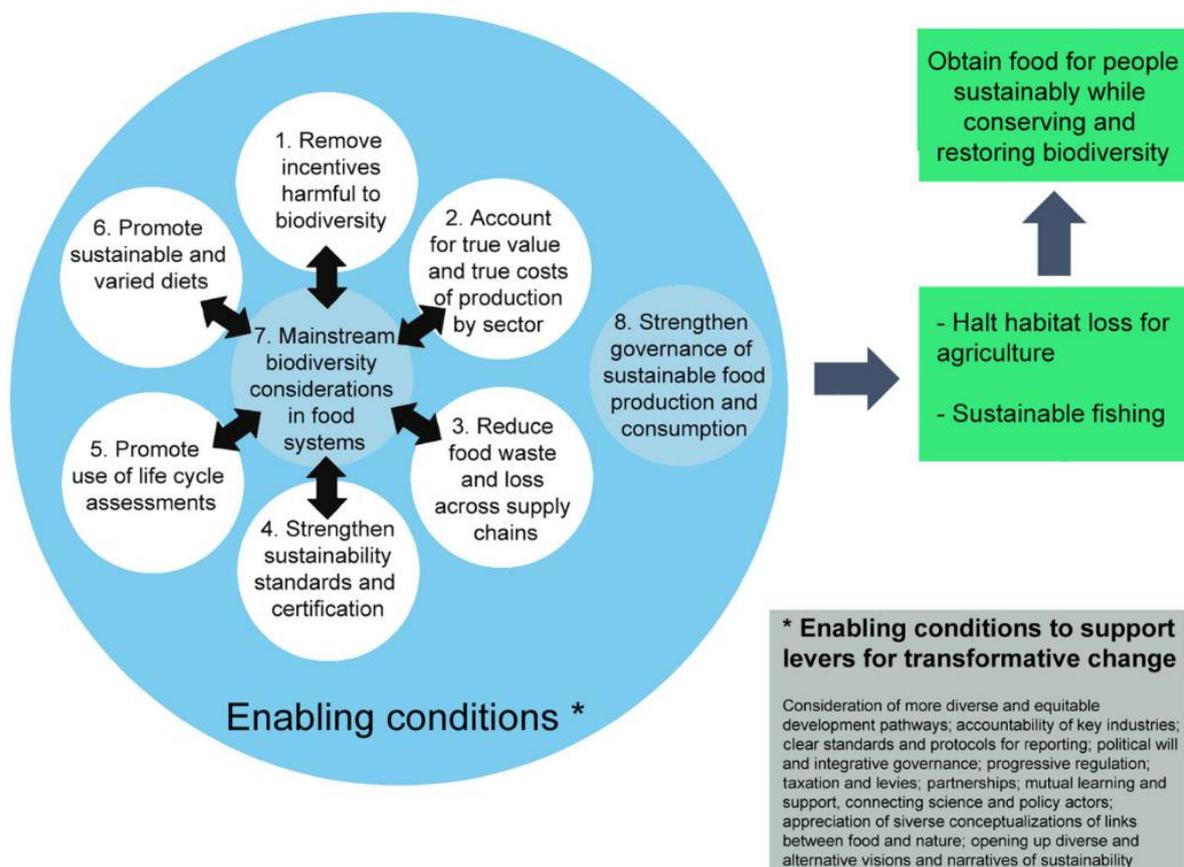


Figure 3. Delabre, I., Rodriguez, L. and Smallwood-Miller, J. et al (2021) [Actions on sustainable food production and consumption for the post-2020 global biodiversity framework](#), Science Advances 7 (12)

Deforestation is closely tied to global commodity consumption, such as cocoa in Côte d'Ivoire. UK and EU regulations can help reduce deforestation by requiring companies to conduct due diligence, but their impact is limited without strong enforcement. Addressing deforestation effectively requires both better laws and shifts in consumer behaviour.

UK and European citizens can help protect forests abroad by changing their own consumption habits and advocating for cleaner supply chains and [improved tracking](#) of consumption patterns.

ACTIONS FOR CONSUMERS: WHAT CAN YOU DO?

Check and change your purchasing habits

- Be aware of how your consumption of commodities such as palm oil, beef, soy and cocoa is linked to forest loss. [It is noted that consumer spending and product flows are coupled with biodiversity loss worldwide.](#)
- Choose certified, responsibly sourced products with labels such as Forest Stewardship Council (“FSC”), Rainforest Alliance, or fair-trade with no deforestation criteria.
- Focus on reducing consumption of high-risk items. For example, beef cattle ranching and soy expansion are major drivers of forest clearing.

Reduce consumption and waste

- In the food sphere, [eating less meat \(especially beef and lamb\), reducing food waste and favouring plant-based or mixed diets can lower land demand and the pressure on forests.](#)
- Opting for local and sustainably grown produce reduces the [invisible “import footprint” of land use changes elsewhere.](#)

Support and engage with forest friendly policies and practices

- Support organisations and policies that push for deforestation-free supply chains and land use reform. For instance, [a blog from FSC](#) outlines steps like sustainable forest/land management and consumer choice.
- [Traceability matters](#) – ensure familiarity with where products come from and ask questions of companies about their sourcing. This can include **writing to companies, supporting certification or joining community actions** that favour deforestation free goods. Below are a few examples of questions that can be asked of companies regarding their supply chain and sourcing of forest-derived materials:
 - a) Enquire on the origin of wood: which forests or regions does it come from?
 - b) Is the material certified under a recognised forest sustainability scheme (e.g. FSC)? If so, a request of the certificate number may be made.
 - c) Does the sourcing exclude wood from recently deforested areas or high conservation value forests?
 - d) Does the company have a policy on deforestation-free sourcing or sustainable forest management applicable to the product? Does this policy extend throughout the supply chain?

Support forest conservation and restoration

- While reducing deforestation is vital, so is **restoring degraded land** and **supporting forest dependent communities and Indigenous Peoples** who protect forests.

- Consider supporting initiatives that restore forests or strengthen local forest governance.
- Recognise that forests are not just ‘resources’ but home for biodiversity and climate regulation, which means that ethical engagement is important.

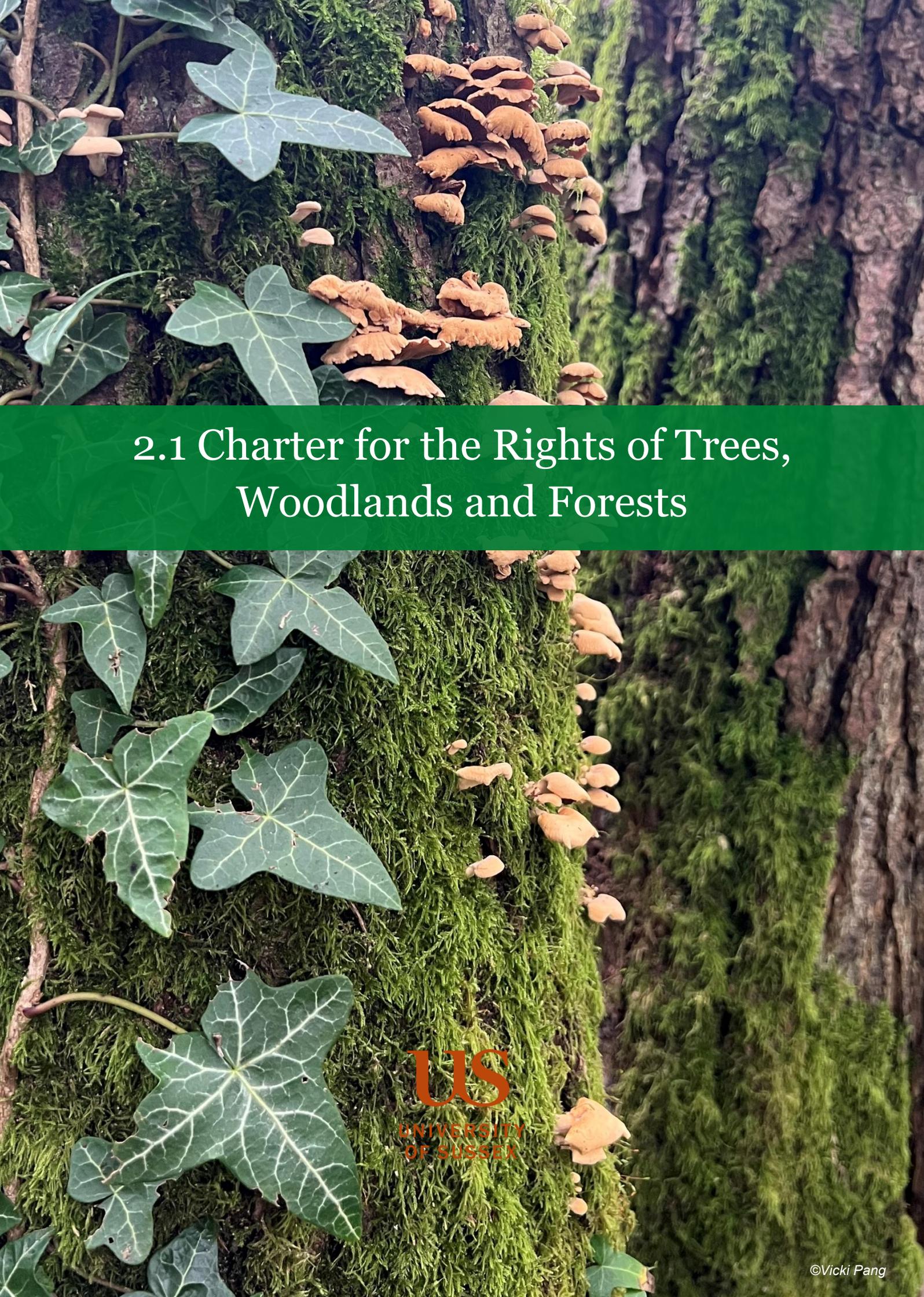
CONCLUSION

This section highlights that protecting trees, woodlands, and forests in England cannot be separated from global consumption patterns. Demand in high- and middle-income countries continues to drive deforestation in biodiversity-rich regions, meaning that domestic conservation efforts must be supported by **responsible global supply chains**, stronger regulation, and more **sustainable consumer behaviour**.

The case of Côte d’Ivoire demonstrates how everyday commodities are directly linked to forest loss, reinforcing the need for coordinated international, national, corporate, and individual action. While the UK and EU have taken important steps to regulate forest-risk commodities, differences in scope, enforcement, and reliance on secondary legislation mean that current frameworks may not yet be strong enough to significantly reduce global deforestation.

International agreements provide important direction, but their success ultimately depends on effective implementation, transparent monitoring, and meaningful corporate accountability. Without these elements, legal and policy frameworks risk remaining procedural rather than transformative.

Ultimately, reducing global deforestation requires a combined approach: stronger and more comprehensive legal frameworks, better enforcement of supply chain regulation, support for sustainable production in producer countries, and meaningful shifts in consumption behaviour. By aligning policy, markets, and individual choices, there is greater potential to reduce pressure on global forests while supporting biodiversity, climate stability, and the communities that depend on forest ecosystems. Rights of Nature approaches such as outlined in [2.4 International Law and Rights of Nature](#), [2.5 Ecocide and Rights of Nature](#), [2.6 Re-Building Nature Connections](#) and [2.7 Language as a Tool for Change](#) offer ways to re-think consumption patterns in line with nature rights.



2.1 Charter for the Rights of Trees, Woodlands and Forests

2.1.1 GUIDANCE ON THE TREE CHARTER

A **Tree Charter** of this kind can operate as a policy, governance, and decision-making framework rather than as directly enforceable law. It can be adopted by local authorities and public bodies, local communities and organisations to guide decision making in relation to trees, tree strategies, climate adaptation planning, and green infrastructure policy.

The Charter’s principles align closely with existing duties relating to biodiversity conservation, environmental information, public participation, and climate resilience, meaning it could influence planning decisions, tree management, and development design within the current legal framework.

Over time, this Charter can help shift urban tree governance towards models of stewardship and guardianship that recognise trees, woodlands and forests as living ecological systems with intrinsic value.

2.1.2 HOW THE TREE CHARTER CAN BE USED IN PRACTICE

Charter Right/ Principle	How the Right/principle can be used	Practical Example
Right to exist	Recognises the intrinsic value of trees and their supports their lives and unnecessary removal particularly of veteran, mature and culturally important trees.	Use to form the basis of planning and other decisions impacting trees, use language as a tool for change to show intrinsic and community value.
Right to flourish	Push for long-term care and tree health, not just planting replacement saplings.	Ask councils, communities, organisations to support tree rights motions, develop ecological plans and monitoring, develop guardianship bodies and stewardship models.
Right to respire	Link tree protection to public health and climate resilience	Education, rebuild connections within nature. highlight the role of trees in addressing air pollution, climate change, local heat regulation, and shade benefits in objections. Include trees in local climate strategies, actions towards climate emergency declarations.

Right to healthy soil	Challenge development that damages roots or soil structure	Request information using rights-based language on construction methods, soil protection plans, buffer zones.
Right to water	Highlight trees need water and are key part of hydrological cycles. Recognise retention of trees to reduce flooding and manage surface water.	Link tree loss to local flood risk or drainage concerns in planning. Connect to River rights.
Right to be restored	Advocate for ecological replanting rather than simple tree replacement numbers	Request native species, age diversity, and habitat-focused planting on a landscape scale.
Right to representation	Support community involvement in decisions affecting trees	Request meetings with councillors, planning committees, or highways teams
Right to informed decisions	Request information about tree surveys, felling reasons, and alternatives	Use Environmental Information Regulations to request reports and data

2.1.3 PREAMBLE

Recognising that nature encompasses human and more than human species who are interwoven and interconnected within nature.

Underscoring the importance of learning from but not generalising or romanticising Indigenous concepts, which incorporate multiple different ways of knowing. Many Indigenous laws, although not all, *'recognise Nature as a living being, towards which humanity has obligations and responsibilities'*.

Appreciating that the concept of 'Rights of Nature' is a westernised interpretation arising from Indigenous practices and is being incorporated in present-day practices across the globe (legal, social and political), including where nature is legally recognised and granted standing with inherent rights.

Reflecting a broad international understanding of Indigenous ways of knowing through the rights of nature, stressing the importance of interdisciplinary approaches alongside western sciences at multiple levels of governance from individual, local, sub national, national and international.

Acknowledging that the existence of trees, forests and ancient woodlands are essential to all beings, human and more than human. They play fundamental roles as providers of biodiversity, oxygen, for functioning of Mother Earth's cycles (carbon sequestration,

evapotranspiration, nitrogen, energy), regulation of pollutants, climate change mitigation, soil health, and provide resources and food.

Underscoring the crucial role of trees, woodlands and forests for the continuation of human and more than human existence which they underpin, and their contributions to the interconnectedness between all beings and ecological health.

Recognising that trees, woodlands and forest are often undervalued, unsustainably used and abused, and that harmful human actions destroy their complex systems, particularly in the United Kingdom, despite its historic culture embedded in woodlands.

Upholding and supporting the inherent rights of trees, woodlands and forests for themselves, and recognising their intrinsic value, separate from the multiple benefits provided for humans and non-human species. Recognising that trees grow, flower, dance in the wind, pass nutrients to other trees, communicate through mycelium networks and tree canopies, can be hurt, and be nurtured by their tree community when ill.

Bringing light to the co-creation of this charter as a celebration of different voices, from diverse backgrounds, cultures, and practices. To celebrate and improve our co-existence with nature including trees, woodlands and forests, and each other, and to accommodate the same wellbeing for future generations.

The University of Sussex environmental justice law clinic commits to undertaking our future endeavours with the highest intentions of implementing the principles within this charter and adopting a rights of nature approach in our legal work and invites others, particularly within the United Kingdom, to join us.

This charter mandates all interested actors:

‘to think about how we can continuously include our view, our diversity, our most opposite opinion, and to listen to the “other,” and how we must be responsible in putting these together’.

We give our thanks and deep gratitude to all our collaborations and to different ways of knowing.

2.1.4 UNDERLYING PRINCIPLES

Upholding trees, woodlands and forests as living entities, this charter establishes their fundamental rights and appreciates their diverse values including their inherent value.

Appreciating that the rights of trees, woodland or forest differ from [human rights](#). Additionally, that their justice needs will vary just as justice requirements vary in different human contexts: for example, justice for an ancient woodland will differ from justice for a street tree.

Recognising that the rights of trees, woodlands and forests will be balanced alongside other rights holders including social and economic human rights, and animal rights, and that there will be convergence and conflict between rights.

Emphasising that the fundamental principle of this charter is to uphold the inherent value of trees, woodlands and forest, who are worthy of heightened recognition as beings with inherent value, and their rights to be better represented in society, including in [decision making forums](#).

2.1.5 OBJECTIVES

Calling for trees, forests and woodlands to be recognised as holders of rights in order to mandate:

- 1) Public authorities to consider, uphold and enforce these rights;
- 2) To allow trees, woodlands and forests to be represented in legal actions and decision making of public and non-public bodies;
- 3) For courts to account for degradation of trees, woodlands and forests when granting relief,
- 4) To grant appropriate remedies to benefit them;
- 5) To take a 'whole of society' approach and enable non-governmental organisations, businesses, institutions, society and individuals, to implement and operationalise actions to support their rights.

Schedule 1

- 1) a) Trees, Forests, and Woodlands are entitled to the fundamental rights as stated in this declaration, because they exist as beings on earth.
b) As living entities they are entitled to such rights, and to be given legal and moral value alongside human rights.
- 2) The following rights for Trees, Forests, and Woodlands shall be recognised:
 - a) **The right to exist:** the right to exist and be respected for their inherent values.
 - b) **The right to flourish:** the right to flourish and maintain and generate life cycles, structure, functions and evolutionary processes.
 - c) **The right to respire:** the right to unpolluted air of suitable temperature.
 - d) **The right to healthy soil:** the right to abundant and undisturbed mycelium, nutrients, mycelium networks, that promote natural connectivity between trees.
 - e) **The right to water.** The right to unpolluted water, essential for life.
 - f) **The right to be restored.** Public authorities will support, and non-public bodies will be supported, in scaling initiatives to replant trees in line with healthy ecological function.
 - g) **The right to be represented.** Any person, or community can represent the rights of trees, woodlands and forests, and have the right to participate in decision making forums, and to call upon public authorities to enforce and interpret these rights.

- h) **The right to informed decisions.** ALL citizens of the United Kingdom have the right to access timely information in relation activities impacting trees, woodlands and forests.
 - i) **The right to a precautionary and preventative approach.** Any decision made concerning trees, woodlands and forests will adopt the precautionary and preventative approach in line with these general principles of international law.
 - j) **The right to live out their natural life cycles** and, where decline or death is inevitable, to die in situ with dignity, with decay understood as a regenerative process that sustains soils, biodiversity, and future growth.
- 3) The charter calls for the rights included in Schedule 1(2) to be recognised in law and policy and other initiatives to facilitate a whole of society approach, to ensure the present and future health of trees, forests and woodlands, recognising their contribution to the health of all ecosystems and beings.
- 4) The charter calls for all decisions be made impacting trees, woodlands and forests to prioritise ecological resilience (above short-term economic gain) recognising the vital role trees, forests, and woodlands including in addressing the climate crisis. Carbon dioxide levels have exceeded safe planetary boundaries and rising global temperatures are approaching 1.5°C and predicted to rise well beyond this.
- 5) Considering the rights in Schedule 1(2), if decisions are made that interfere with these rights, the permitted activity will be obliged to undertake activities in line with the precautionary approach and with the lowest environmental impact and minimum level of degradation, as dictated by independent ecologists.
- 6) Education will be supported by public authorities to promote and enforce positive endeavours for trees, forests and woodlands, with clear and transparent communication of educating different ways of knowing drawing upon and learning from different ways of understanding.

2.2 Legal and Political Reform

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‘Trees should be seen as stakeholders, and not just habitats for species or ways to decrease carbon dioxide levels. These rights should be recognised for their own sake, rather than only for the benefit of humans.’

- Dr Hannah Blitzer, Environmental Rights and Legal Advocate

INTRODUCTION

Legal professionals, conservation practitioners, and environmental advocates widely agree that most current laws neither adequately protect the environment nor acknowledge its intrinsic value. Existing legislation, regulations, and policy instruments typically frame the environment as a resource for human use rather than a rights-bearing entity deserving protection for its own sake. As a result, the environment holds no formal legal rights within the present UK framework.

That said, over the last few centuries, legal rights have significantly developed. Thomas Paine would have been 289 years old on 9 February 2026. In *Rights of Man*, he argued against monarchy and asserted that all individuals are born free and equal, and that governments exist to protect these inherent rights. Since Paine’s time, the concept of rights has expanded significantly, with the development of universal human rights frameworks and the recognition of Black civil rights, women’s rights, and children’s rights. Legal systems have also extended rights and legal personality to non-human entities such as corporations and, in some legal contexts, ships.

More recently, formal recognition of nature and animal rights has grown in other countries. Given that legal systems already recognise rights for non-living entities such as corporations, recognising rights for nature and sentient animals is increasingly seen not as radical, but as a logical evolution of rights in response to our dependence on ecological systems.

We argue that the time is right to develop legal frameworks in the UK for nature and to formally recognise the rights of trees, woodlands and forests, and to nature more broadly. Achieving this will require amendments to current policies, enacting stronger legislation, reinforcing criminal deterrents, and reshaping the social and political principles that guide environmental governance.

2.2.1 NATIONAL LEVEL STATUTORY REFORM

BILLS

Groups have drafted and advocated for private members Bills recognising the Rights of Nature, some are in the active process of parliamentary debate and others are awaiting selection through a random ballot for private member’s Bills. Unfortunately, many of these have failed to progress significantly through parliamentary debate. For example, the Climate and Nature

[Bill](#) failed to clear the first hurdle. The Bill aimed to place a legal duty on the Secretary of State to make sure the UK both cuts greenhouse gas emissions to net zero and meet Nature targets.

The Heritage Trees Bill (not yet under active consideration) seeks to establish a statutory framework for the identification and protection of trees of exceptional historic, cultural, landscape, or ecological value in England. The Bill if enacted would require Natural England to create and maintain a national register of heritage trees, following a nomination and consultation process.

Moreover, Heritage trees would gain Tree Preservation Orders (“TPOs”) with immediate and retrospective effect and introduce enhanced duties on landowners to maintain and publicise the protected status of heritage trees. Another significant change this bill would change is stronger enforcement and criminal penalties, with harm to a heritage tree treated as an aggravating factor in sentencing.

The [Nature’s Integrated Bill](#) (not yet under active consideration) seeks to introduce an Integrated Rights Framework that recognises nature as a rights-bearing legal subject. The Bill acknowledges that the wellbeing of society and the economy ultimately depend on the health of the natural world. It aims to create a new legal duty of care and specialist adjudicatory bodies that would provide the necessary governance infrastructure to enforce nature’s rights and ensure ecologically responsible decision-making across all sectors.

By granting legal personhood and enforceable rights for nature, it addresses longstanding deficiencies in environmental law, which has historically treated ecological harm as a regulatory issue rather than a violation of fundamental rights.

GAINING POLITICAL SUPPORT FOR BILLS

Assessing the likelihood of adopting Bills focused on Nature’s Rights requires consideration of political priorities, emerging political proposals and lessons from constitutional developments elsewhere (see [2.3 Lessons from Other Jurisdictions](#)).

While the Green Party’s 2024 Manifesto proposes a Rights of Nature Act, indicating some willingness within parts of the political landscape to reframe environmental governance around nature’s inherent rights, this support remains confined to a limited set of political actors and has not yet translated into wider legislative or governmental commitment.

Constitutional examples from [Ecuador](#) and [Bolivia](#), where nature is expressly recognised as a rights-bearing entity, demonstrate that such reforms are legally feasible but depend on strong societal support, political commitment, and sustained judicial engagement with rights-based reasoning.

[Developments in Ireland](#) illustrate the continuing challenges Western constitutional systems face when attempting to expand rights frameworks to include environmental protection and the rights of nature. The Supreme Court’s refusal in *Friends of the Irish Environment v*

Government of Ireland [2020] to recognise a freestanding **constitutional right to a healthy environment** affirms a conservative approach. Yet the Court's reasoning is not entirely negative. By emphasising that any such right must be created through **constitutional amendment by referendum**, and by acknowledging that environmental protection may nonetheless be advanced through existing constitutional rights, the judgment leaves open both a political pathway to reform and a legal space in which environmental interests can continue to be articulated within the current constitutional framework.

There is a wider civic momentum in Ireland: [the Citizens' Assembly on Biodiversity Loss](#) has recommended a referendum to insert environmental and nature rights into Bunreacht na hÉireann (the Irish constitution), demonstrating how rights-based environmental reform can gain democratic legitimacy when supported by public deliberation, even in the face of limited political enthusiasm.

THE ENVIRONMENT ACT 2021

[The Environment Act 2021](#) ("EA") became law in the United Kingdom following Brexit. Despite its anthropocentric provisions it could be amended, or interpreted in a way through guidance, and policy development to recognise the intrinsic value of nature, including in Statutory Duties.

The EA places a duty on public authorities to **actively conserve and enhance biodiversity**. **The Biodiversity Duty** currently requires Public Bodies to:

- Consider what they can do to conserve and enhance biodiversity.
- Agree policies and specific objectives based on their consideration.
- Act to deliver their policies and achieve your objectives.

BIODIVERSITY OFFSETTING – KEY RISKS

Biodiversity Offsetting – Key Risks

Biodiversity offsetting presents certain risks, including potential misuse to justify the degradation of one site in return for improvements at another location. Implementing a rights-based approach addresses this issue by ensuring that authorities evaluate whether affected forests or trees possess rights that cannot be simply exchanged or replaced. This consideration is particularly critical for irreplaceable elements of nature, such as ancient woodlands.

Implementation of Rights of Nature approaches by public bodies could be used to evidence actions towards fulfilment of their biodiversity duty and aligns with their requirement for active protection and restoration of biodiversity and avoidance of harm to nature. For example, through adoption of local council motions and through inclusion in Local Nature Recovery Strategies ("LNRS"). Such approaches also implement commitments in international law and can be reported on in National Biodiversity Strategies and Action Plans ("NBSAPs"). See [2.4 International Law and the Rights of Nature](#).

THE PRECAUTIONARY PRINCIPLE

The **Environmental Principles Duty** requires ministers and policy makers to consider the environmental impact of new policies. At present, the duty mainly requires central government ministers to have **due regard to environmental principles** such as the precautionary principle when making policy.

The precautionary principle is a core concept in environmental governance which requires decision-makers to avoid actions that could cause serious or irreversible harm where scientific certainty is lacking. Rather than waiting for harm to be proven, it shifts responsibility toward **prevention, protection, and care**, principles that align with ecocentric approaches. When applied to trees and woodlands, this principle recognises that the loss of mature, veteran or ancient trees, along with their associated fungal networks, microhabitats, and ecological relationships, cannot simply be replaced through planting or offsetting.

In the UK context, a precautionary approach aligns with existing legal duties, such as the statutory biodiversity duty under the Natural Environment and Rural Communities Act (“NERC”), Biodiversity Net Gain requirements, and protections for irreplaceable habitats in the National Planning Policy Framework. Interpreted together, these obligations support the view that **unnecessary or high-risk tree loss should not proceed where impacts are uncertain**, poorly evidenced, or cannot be mitigated. When biodiversity impacts are unclear or potentially significant, the precautionary principle requires authorities to err on the side of safeguarding trees. Felling should only proceed where evidence shows it will not compromise biodiversity outcomes.

The Los Cedros constitutional case in Ecuador illustrates how recognising the rights of forests can **operationalise the precautionary principle** in practice: a mining project was halted because it posed significant risk to the forest’s right to exist, regenerate and maintain its ecological integrity, even though the full extent of damage could not yet be measured. See [2.3 Lessons from Other Jurisdictions](#).

Legislative amendments would require political agreement however, public bodies **can incorporate intrinsic-value thinking indirectly**, if framed through statutory duties. For example, by environmental improvement, biodiversity recovery, and the precautionary approach. Implementing measures such as actions towards **species abundance targets, habitat restoration and nature recovery strategies** supports nature’s rights. Further, developing **Environmental Improvement Plans** that prioritise biodiversity conservation and enhancement using **ecosystem thresholds**, emphasising resilience and integrity connected to statutory targets and international legal obligations (precautionary principle and global biodiversity targets).

PLANNING REFORMS

The [National Planning Policy Framework \(“NPPF”\)](#) provides some protection for ancient trees and woodlands, recognising their irreplaceable nature and stating that development harming

such habitats should normally be refused. Recent proposed changes in the [Infrastructure Bill](#) still include a provision stating that the loss or deterioration of ancient woodlands and veteran trees should be refused unless there are "**wholly exceptional reasons**" but this is linked to **priorities for nationally significant infrastructure and housing delivery priorities**. This risk broadening how "wholly exceptional reasons" are interpreted in practice, potentially making it easier for decision-makers to justify loss or deterioration of ancient woodland where projects are framed as delivering overriding public or economic benefit. To strengthen protections, the government has introduced a requirement for local planning authorities to **consult the Secretary of State before granting permission** for developments affecting ancient woodland but there are still concerns.

Against this backdrop, existing and proposed national law and policy reforms can have challenges for achieving more ecocentric approaches given the current political climate. However, significant progress towards realising the rights of trees, woodlands, and forests may be possible through judicial development in common law and sub-national reforms that sit within the scope of existing legal and governance systems.

2.2.2 JUDICIAL DEVELOPMENT IN COMMON LAW

Meaningful engagement with nature by the judiciary, whether through structured dialogue, expert consultation, or exposure to ecological perspectives, could embed Rights of Nature principles within the common law. Judges in other countries have played a key role in developing Rights of Nature approaches through their legal interpretation. See [2.3 Lessons from Other Jurisdictions](#).

Nature often receives limited substantive consideration in judicial reasoning, reflecting entrenched anthropocentric assumptions. **Creating opportunities for judges to interact with environmental practitioners, communities affected by ecological harm, and conservation experts** could help reshape these perceptions. Even practices such as inviting community participation at the sentencing stage of environmental offences may serve as informal educational encounters that influence judicial attitudes and, where adopted by appellate courts, could contribute to the development of precedent.

Judges in many areas of law routinely draw on **academic commentary**, and increasing the availability and visibility of ecocentric scholarship could support a gradual shift in judicial interpretation.

Initiatives such as the [UK Earth Law Judgments project](#), which presents 'alternative judgments' written from earth-centred perspectives, exemplify how academic work can challenge prevailing legal assumptions and provide judges with intellectually rigorous models for integrating nature-centred reasoning into their decisions.

The following section outlines proposed reforms and alternative interpretations of the **common law** in torts such as Negligence and Nuisance that could be used to advance the

rights of trees, woodlands and forests, including ways in which private law principles might be adapted to support such an approach. Doctrinal changes in common law can support a more **ecocentric liability model**, helping protect trees, woodlands forests and other ecosystems within the current legal system.

DUTY OF CARE IN TORT LAW (THE LAW OF CIVIL WRONGS)

Courts could recognise that a duty is owed to nature, including trees, woodland and forests, where harm is foreseeable and avoidable. Once this is accepted, the established negligence framework continues to apply: the defendant must have failed to meet the required standard of care, and both factual and legal causation must be satisfied by showing that the defendant's conduct materially contributed to ecological harm. This approach does not require creating new legal doctrine but rather reinterpreting existing principles in light of contemporary ecological understanding, enabling the common law to provide meaningful protection for natural entities.

Example: Operations undertaken in a woodland negligently allow heavy machinery to leak oil into an ancient woodland, foreseeably damaging soil ecosystems and tree root systems. Under an ecocentric reinterpretation of the duty of care, the woodland itself could be regarded as the harmed being, enabling a negligence claim where the defendant's failure to meet the required standard of care materially contributed to the ecological degradation.

THE NEIGHBOUR PRINCIPLE IN NEGLIGENCE

Lord Atkin's *Donoghue v Stevenson* [1932] judgment introduced a general duty of care: **individuals should avoid actions or omissions likely to harm their 'neighbours'**—those foreseeably affected by their conduct. Courts have traditionally interpreted 'neighbour' as those within relational proximity, defined by the foreseeability of harm rather than physical distance.

If nature and ecosystems can be recognised as 'neighbours,' then the elements of negligence can be satisfied when environmental harm results from human actions. By extending the concept of proximity to include ecological relationships, courts could adapt the negligence framework to protect natural systems as rights-bearing entities without altering its fundamental structure.

Example: A landowner sprays herbicides at the edge of a woodland, foreseeably drifting into the woodland and harming trees. By recognising the woodland as 'neighbours' under *Donoghue v Stevenson* [1932], the court could treat ecological proximity as sufficiently relational, acknowledging the woodland as a directly affected ecological entity to whom a duty is owed.

NEGLIGENCE

Courts have historically been hesitant to apply negligence in environmental cases due to reluctance to impose a broad duty of care, especially where statutory regimes exist. Proving breach and causation is challenging because environmental harm is typically gradual, diffuse, and requires complex evidence. Consequently, courts often rely on private nuisance, strict liability (*Rylands v Fletcher* [1868]), or statutory claims instead.

However, negligence is not entirely excluded. In *Cambridge Water Co Ltd v Eastern Counties Leather Plc* [1994], foreseeability became a requirement for nuisance and *Rylands v Fletcher* claims, aligning them closer with negligence. The court also recognised that **foreseeable environmental contamination could create liability**. In *Corby Group Litigation v Corby Borough Council* [2009], the council was found negligent in its handling of toxic waste, leading to significant harm. Negligence was also present in *Barr v Biffa Waste Services Ltd* [2012], alongside nuisance, showing its ongoing relevance.

These cases suggest negligence may succeed if there is a clear duty of care and direct causation. As science better defines ecological vulnerability, traditional barriers like foreseeability and causation may be reduced, allowing recognition of harm to ecosystems as actionable wrongs.

Example: A timber-processing plant emits airborne pollutants over decades, gradually weakening oak trees in an adjacent woodland. As seen in *Cambridge Water* [1994], once harm is foreseeable and causation can be scientifically established, negligence could extend to protect the woodland, by allowing the woodland's deterioration to constitute actionable ecological harm.

PRIVATE NUISANCE

Traditionally, private nuisance involves **substantial and unreasonable interference with a claimant's land or their enjoyment of it**. Courts have often focused on natural elements like trees as nuisances, but *St Helen's Smelting Co v Tipping* [1865] shows that environmental damage, such as harm to trees from industrial activity, can ground liability, with locality relevant only for amenity loss, not material damage.

More recent cases, including *Manchester Ship Canal Co Ltd v United Utilities Water Ltd (No 2)*, demonstrate that **nuisance now recognises pollution of privately owned watercourses as actionable** and broadens who may sue to include multiple property interests, reflecting changing environmental concerns.

There is potential to further develop nuisance law so that liability includes unreasonable interferences with both land use and ecological systems, allowing environmental groups to bring actions without requiring property ownership and recognising harms like deforestation and pollution as actionable nuisances.

Example: A nearby industrial operator releases chemical run-off that causes dieback in a neighbouring coppice. Building on *St Helen's Smelting Co v Tipping* [1865], the doctrine could be reformulated so that substantial and unreasonable interference with the ecological vitality of the coppice constitutes nuisance even without a human property claimant.

PUBLIC NUISANCE

Romer LJ in *Attorney-General v PYA Quarries Ltd* [1957] 2 QB 169 (CA) described public nuisance as an act or omission that significantly disrupts the comfort and convenience of a group of people. This definition could extend to enabling environmental groups to represent ecosystems when conduct infringes environmental rights, such as those under a Rights of Nature approach.

Example: A developer clears a large area of urban woodland, materially affecting the ecological integrity of a habitat enjoyed by a broad section of the public. Following the approach in *AG v PYA Quarries* [1957], environmental organisations could act on behalf of the woodland by arguing that the destruction materially affects the comfort and convenience of a local community, whilst simultaneously upholding the ecological interests of the woodland.

Rylands v Fletcher established strict liability for hazardous activities under common law, requiring four elements: bringing something onto land, non-natural use, potential harm if it escapes, and actual escape causing damage. Traditionally, remedies covered physical damage to property for those with proprietary interests.

Today, there is scope to extend this doctrine to environmental harm—such as pollution or biodiversity loss—even when no human property is affected, by treating ecosystems as subjects of harm. Modernising *Rylands v Fletcher* could include outputs like pollutants as 'dangerous things' harming shared resources and reinforce that duties are owed not just to landowners but also to ecosystems themselves.

Example: A company stores large volumes of corrosive chemicals on its land; these escape during heavy rain and kill trees in a neighbouring woodland. Extending the strict-liability rule in *Rylands v Fletcher* [1868] to recognise ecosystems as legitimate subjects of harm would allow the forest's damage to be treated as compensable, with the chemicals classified as a 'dangerous thing' whose escape injures natural beings held in trust for present and future generations.

2.2.3 SUB-NATIONAL REFORM

COUNCIL MOTIONS FOR TREES

Reliance solely on [Tree Preservation Orders \(“TPOs”\)](#) within the planning system is problematic as TPOs can still allow for felling of veteran trees and ancient woodlands and are often weakly enforced. A more robust approach would be to push for the adoption of the **Rights of Trees**.

A recent example of this approach is the motion passed by Rother District Council in September 2025, on a proposal to grant [rights to trees such as the ancient 1066 Yew tree](#), recognising trees rights including to exist, grow and be free from wilful injury. When local authorities recognise the rights of trees, woodlands or forests, they embed emerging rights-of-nature principles into local governance.

The Rother 1066 Yew Tree Rights

The Rother District Council motion the motion seeks to recognise and protect the rights of Rother Trees. The Council welcomes the decision of Crowhurst Parish Council (located within Rother District) to support ‘personhood status’ for the 1066 Yew tree and the Council will consider how to reflect this motion in its revised Rother Local Plan and will update the Council’s Climate Strategy Action Plan to reflect this motion. Embedding such declarations in planning frameworks gives trees a voice in decision-making, ensuring they are treated as rights-bearing entities not just commodities or obstacles to development.

By adopting a council motion (see [2.8.5 Council Motion: Guidance](#) and [2.8.6 Council Motion: Template](#)) a council publicly affirms that trees and woodland ecosystems possess intrinsic value and specific rights to exist, flourish, remain free from harm and be represented within decision-making processes.

Starting Small

It can seem daunting creating a whole council motion or even introducing the concept RoN to your council. Therefore, the best way to do this is to start small.

For example, Cllr Trollope, *Horsham DC*, [created a motion to improve tree protection, requiring any felling of trees to be discussed by the whole chamber, not just a single member](#). This Motion may not use strict RoN wording or even confer tree rights, but its effect is RoN adjacent and gets the council talking about tree protection, potentially making future RoN motions easier to digest.

To strengthen such approaches, the rights of trees could be recognised in **local plans and policies**. Embedding such declarations in planning frameworks would give trees a voice in

decision-making, ensuring they are treated as rights-bearing entities not just commodities or obstacles to development.

When embedded in policy the tree rights could form a material consideration in decisions influencing how planning decisions, local plans, climate strategies and enforcement practices are approached.

Local communities and Grass Roots Action

- Local communities can be influential in councils adopting motions for the rights of trees, woodlands and forests.
- Local communities can form guardianship bodies for active advocacy and stewardship bodies for their care. These create institutional pathways for nature's interests to be voiced in decision making.
- See more details on how to make this happen in [2.8 Practical Tools and Templates](#) (Council Motions: Guidance ([2.8.5](#)) and Template ([2.8.6](#)), Tree and Woodland Guardianship: Guidance ([2.8.7](#)) and Template ([2.8.8](#)).

RECOGNITION OF ANCIENT, VETERAN AND NOTABLE TREES

Effective protection of trees through planning protections depends on **early and accurate identification**. Where veteran trees are identified, they are more likely to receive the enhanced protection under the National Planning Policy Framework (“NPPF”). This is vital to the survival of Veteran trees as misclassification at the planning stage can result in inappropriate permissions and irreversible loss.

As reforms to the NPPF remain under review, consistent use of robust identification tools such as [Recognition of Ancient, Veteran and Notable Trees \(“RAVEN”\)](#) is essential to reinforce an approach that treats veteran trees as irreplaceable living entities, aligned with ecocentric principles. Misclassification at the planning stage can result in inappropriate permissions and irreversible loss.

RAVEN provides a structured, evidence-based framework for identifying veteran and ancient trees. It combines age assessment, size thresholds specific to species, and condition-based ecological indicators, including primary features such as extensive decay or hollowing, and secondary features such as deadwood, fungal associations, habitat cavities and epiphytic growth. The RAVEN methodology shifts the focus from visual amenity or ‘tree health’ towards ecological function and longevity. RAVEN does this by examining a trees age, size and condition. **Veteran trees** often exhibit conditions such as decay, hollowing, deadwood and retrenchment characteristics that may appear as defects in conventional arboriculture assessments, but which are critical for biodiversity.

A revised approach – RAVEN 3 – is being developed in the scope of the new [Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#) and the NPPF reforms. This new approach would mean instead of a tree having to meet all three requirements (age, size and

condition), a tree may qualify for meeting just one. This change is expected to increase the number of trees identified as potential veterans when compared to RAVEN 2.

The overarching requirement for a tree to be of exceptional value remains central, with age, size and condition assessed through that lens, however with these changes hint that the overarching exceptional value requirement may be shift into a requirement of high value instead. The new changes would further confirm that veteran trees retain their status after death, reinforcing the focus on the long-term habitat value these trees can bring.

COUNCIL MOTIONS, CHARTERS AND DECLARATIONS FOR RIVERS

The Rights of Rivers Movement has gained momentum particularly since 2023 when [Lewes District Council adopted a motion to explore the development of a river charter recognising the rights of the river](#) (the river charter now been agreed and is championed by the Council). The budding movement for the rights of trees, woodlands and forests can take inspiration from the appetite for Rights of Rivers and learn lessons moving forward. The following map (Figure 4), created by the [Rivers Rights Network](#), shows how Rights of Nature initiatives are spreading across the UK, with pins marking locations where rivers, trees, councils and community groups.



Figure 4. 'Rights of Nature in the UK' Map

Kind thanks to Dr Neil Williams from the Rights of Rivers Network for his permission to use this map.

This includes local declarations such as the [River Ouse Charter](#), which recognises the river as a living entity with rights to flow and regenerate, and the [Rother Yew Tree Charter](#), which affirms the intrinsic value of an ancient yew tree threatened by development. These projects demonstrate that communities are already moving towards recognising nature's intrinsic value and rights, rather than a resource to be traded, offset or managed purely for human benefit.

Public Awareness Boost

The spread of local Rights of Nature movements have gained [national media attention](#) demonstrates how recognising trees, woodlands, and forests as rights-bearing entities can reinforce UK law. As community-led models grow, they highlight how a rights-based approach can strengthen biodiversity protections under the [Environment Act 2021](#), encouraging public bodies to prioritise ecological integrity in decision-making.

NEW BUILDS, AND SECTION 106 AGREEMENTS

At present, trees, woodlands and forests are treated within the planning system primarily as environmental assets, rather than as entities with intrinsic value or rights. **Section 106 agreements** and the **Community Infrastructure Levy (“CIL”)** both operate within a framework where harm to trees is addressed through mitigation, compensation or net gain, rather than avoidance or protection.

What is a Section 106 agreement?

As set out in [Section 106 of the Town and Country Planning Act 1990](#), these are legally binding agreements between local authorities and developers to mitigate the impacts a new development may have on an area and secure positive obligations on the future owner such as affordable housing or green space schemes.

What is a CIL?

The Community Infrastructure Levy (“CIL”) is a non-negotiable charge on new development, introduced [under Part 11 of the Planning Act 2008](#) and governed by the [Community Infrastructure Levy Regulations 2010](#).

It is designed to raise funds to support community organisation and infrastructure needed as a result of development and distribute costs more transparently than negotiated obligations.

EXPANDING PLANNING OBLIGATIONS

Under Section 106(1), **obligations could be interpreted more expansively by local authorities**. Section 106(1)(a) expressly permits obligations ‘restricting the development or use of the land’, which councils could interpret to include binding prohibitions on the felling or damaging of retained trees and woodland areas, extending beyond the construction phase.

Section 106(1)(b) allows obligations ‘requiring specified operations or activities to be carried out in, on, under or over the land’, which could support mandatory arboricultural management plans, and replacement planting where loss occurs.

Section 106(1)(d) permits financial contributions, this could be used to enable councils to secure finance for long-term tree monitoring and independent arboricultural oversight.

[Regulation 122 of the Community Infrastructure Levy Regulations 2010](#) allows for this expanded financial scope of tree/ecological obligations, provided they are necessary, directly related and proportionate.

These interpretations could allow Section 106 obligations to operate as positive obligations for **long-term tree stewardship**. This is because Section 106 obligations run with the land (pass to future owners), **councils could require successive owners to actively maintain and protect trees** (similar to that seen in a conservation covenant – see [2.8.7 Tree and Woodland Guardianship: Guidance](#)), or even just requiring successive owners to communicate with the council if they feel their tree(s) are in danger or require increased protection.

CONSERVATION COVENANTS

Conservation covenants, established under [Part 7 of the Environment Act 2021](#), are **voluntary but legally binding agreements** that promote **long-term environmental stewardship between landowners and responsible bodies**.

These covenants embed ecological responsibilities in land law, redefining ownership by recognising trees, forests, and woodlands as having inherent ecological value and could be used to recognise trees, woodlands and forests rights. Landowners commit to act as stewards with obligations to restore and maintain ecosystems and restrict damaging activities. The covenants bind future owners, ensuring lasting protection for woodland environments and supporting governance focused on ecological integrity and resilience.

For more information, see the UK Government Guidance: [Getting and using a conservation covenant agreement](#). See [2.8.9 Deed of Covenant: Guidance](#).

NATURE AND LANDSCAPE RECOVERY

[Local Nature Recovery Strategies \(“LNRS”\)](#) are a statutory requirement under the Environment Act 2021 designed to **help restore nature at a local level** across England. Each strategy maps the condition of existing habitats and identifies key opportunities for nature recovery, such as habitat creation, woodland expansion, improved connectivity, and protection of biodiversity-rich areas. LNRS are developed collaboratively with local authorities, environmental organisations, landowners, and communities so that priorities reflect local ecological needs as well as social and cultural relationships with nature.

Although LNRS are not legally binding, they **influence planning policy, investment decisions, and land management incentives**, including Biodiversity Net Gain, Environmental Land Management (“ELM”) schemes, and woodland creation grants. In practice, this means that future development and **land-use decisions should align with LNR priorities**, strengthening ecological networks and supporting long-term nature recovery. LNRS therefore provide an important framework for coordinating restoration at scale and embedding ecological needs into local planning, land management, and community engagement and therefore can support rights of nature approaches.

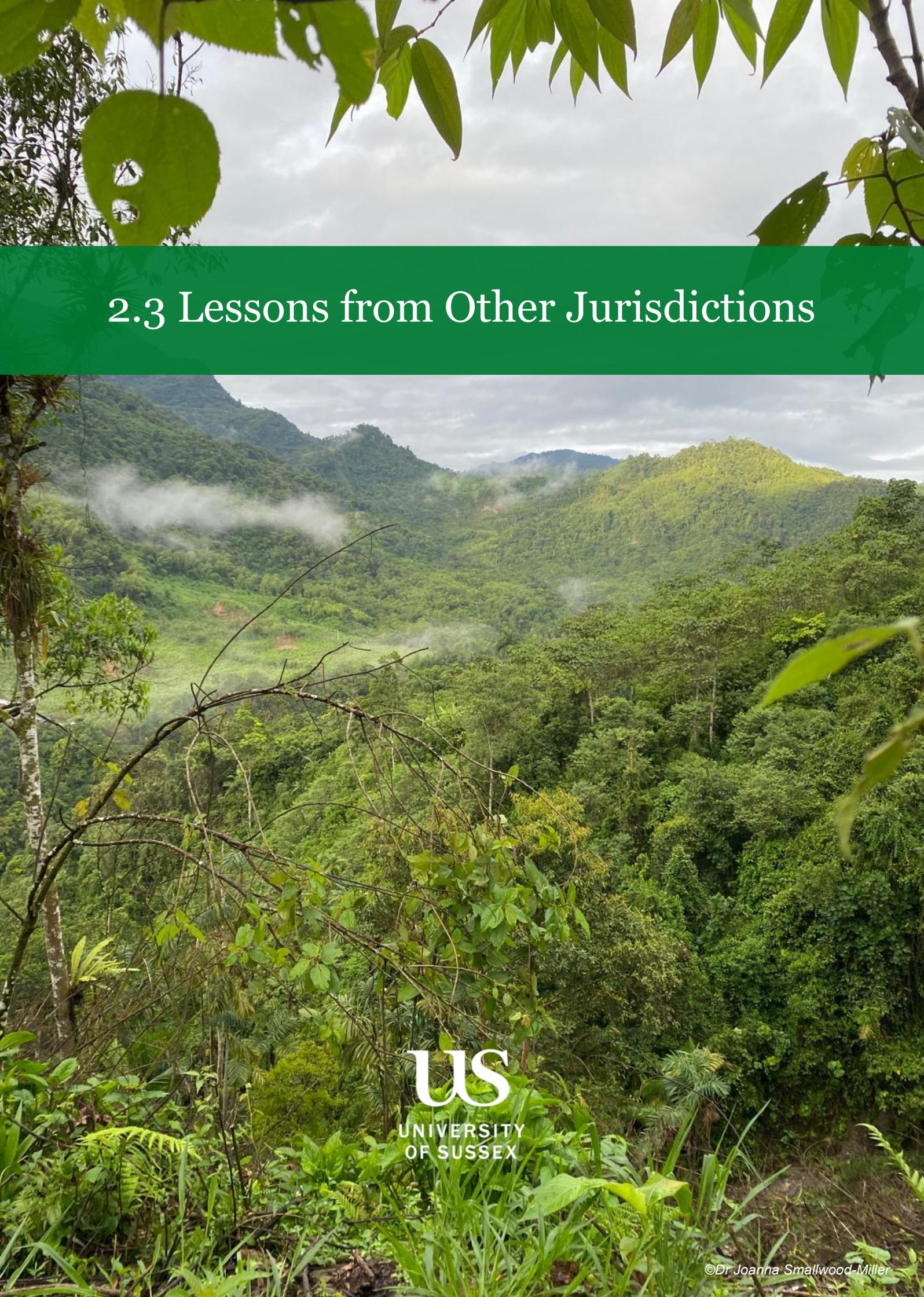
FREEDOM OF INFORMATION AND ENVIRONMENTAL INFORMATION REQUESTS

[The Freedom of Information Act](#) gives citizens the right to [ask and receive](#) recorded information held by public authorities. Environmental Information Requests are the equivalent for environmental data. Public authorities like the Office for Environmental Protection, can get requests in writing, in person or by phone.

In the [Information Commissioner's Office](#) guidance on what environmental information is, anthropocentric language is mostly used. Most of the examples are carbon emissions, the state of the water, living organisms, quantity of energy, noise, waste and radiation quantities are examples given. There is more of a focus on climate change and how it affects human quality of life. The repercussions of this could be that citizens do not know they have the right to ask for information about the state of the tree, or damage by the private and public bodies. The examples given need to include more eco-centric language, where trees and forests can be viewed as entities with their own inherent value, are affected by various phenomena and are harmed by organisations and this information can be collected.

Reform is also needed in terms of the rules that determine if an EIR will be denied. Local authorities can deny an EIR if it was a vexatious request, meaning it would cause distress or irritation without good reason. [Flintshire Council](#) refused an EIR due to it being manifestly unreasonable to burden the council's resources to gather this data. Thankfully the decision was reversed by the Commission. The case does highlight two issues, however, the potential attitude of councils towards EIRs and how easy they can refuse a request. David Cameron commented that they are '[furring up the arteries of government](#)'. Secondly, if the citizen or group cannot afford or facilitate the appeal process, the case ends there.

EIRs are great opportunities to get very valuable information from a public body, organisation or business although reforms to the process are still needed. See [2.8.1 EIR Request: Guidance](#) and [2.8.2 EIR Request: Template](#).



2.3 Lessons from Other Jurisdictions

INTRODUCTION

Imagine a courtroom where [the plaintiff is not a corporation or an individual](#), but a river choked with pollution, a rainforest about to be destroyed for mining, or a jaguar losing their habitat to deforestation. Imagine a world in which nature herself is recognised as a holder of legal rights, with her intrinsic value formally acknowledged, and consider the profound implications this could have for transforming our currently unsustainable ways of living.

This vision is coming to life with a [rapidly growing global movement](#) seeking to redefine the legal relationship of humans within nature by recognising ecosystems, natural systems and wild animals, including mountains, rivers, forests, wetlands, oceans, wildlife, soils, atmospheric systems, and wild animals as 'beings' with intrinsic rights.

In relation to trees, woodlands and forests, history was made when Ecuador enshrined the Rights of Nature in its constitution in 2008, protecting Los Cedros Forest from mining in 2021. In New Zealand legal personhood for the Te Urewera Forest has been legally recognised. In Poland, certain trees are protected as national monuments and in France, 40 local authorities have signed a declaration of tree rights. Closer to home, [the first tree in the UK has had its rights recognised](#) at the local political level. These pioneering Rights of Nature cases could help shape future environmental protections for trees and woodlands by recognising their intrinsic value. This section explores legal frameworks and approaches in other countries, their successes and challenges and lessons to be learned for the UK.

2.3.1 ECUADOR

In 2008, Ecuador became the first country to [enshrine the Rights of Nature in its constitution](#) and the people of Ecuador in a [recent referendum](#) voted to safeguard these protections. In Ecuador, **Nature is recognised as a subject with intrinsic rights in law** rather than an object/resource for human use. [The constitution](#) broadly defines nature as '[Pachamama \[Mother Earth\]](#)' and grants ecosystems:

- (i) The right to exist,
- (ii) Regenerate, and
- (iii) Be restored if harmed.

This constitution stemmed from the powerful voice of Indigenous communities; social justice movements and an appetite for political reform. Indigenous cosmologies such as *Buen Vivir* (a good life for all) underpinned the inclusion of Rights of Nature in the constitution and are deep rooted in Andean Indigenous values which recognise the intrinsic value of nature, including humans, as an integral part of nature.

A strength of Ecuador's approach lies in its broad provisions for **legal standing**. The constitution states that 'all persons, communities, peoples and nations can call upon public authorities to enforce the rights of Nature'. This **empowers citizens**, both Ecuadorian and non-Ecuadorian, to take legal action on behalf of nature, often through a process called *acción*

de tutela (a mechanism for the protection of fundamental rights). Furthermore, Ecuadorian courts have established that **Rights of Nature are transversal and hold higher legal standing than even property rights**. However, implementation of Rights of Nature brings with it challenges. Balancing the Rights of Nature with the economic realities of a nation reliant on extractive industries, such as mining copper, presents ongoing tensions. There are also concerns about how nature's rights interact with human and collective rights. The courts have developed a solid body of jurisprudence to begin to unravel some of the complexities of **balancing interests and values** represented by multiple rights holders.

2.3.2 THE LOS CEDROS FOREST CASE

The Los Cedros Forest is nestled between the Chocó bioregion and the Tropical Andes, it is unique in both its beauty high biodiversity. It is a protected forest (*bosque protector*) and has protection through the Rights of Nature in Ecuador's constitution.

Los Cedros is one of the most biologically diverse habitats in the world, with more than 6,800 hectares (nearly 17,000 acres) of primary cloud forest. It protects over 200 species with high extinction risk, five of which are regarded as critically endangered by the Ecuadorian government.

This pivotal case developed **legal guidelines and principles** for balancing rights in a situation where mining threatened the forests existence. The judges developed legal principles such as '*pro natura preference*' and '*in dubio pro natura*' that placed nature's rights above economic development in this case, setting future precedent that laws should be interpreted in favour of nature and nature's rights. The ruling halted the development of the copper mine, to protect the forest's inherent right to exist.

The court's ruling was based on constitutional rights:

- 1) The right of local communities to **timely, free, prior and informed environment consultation** ("FPIEC"), that applies to all impacted areas and must be carried out prior to the Environmental Registration phase of mining activity.
- 2) The **precautionary principle applied to the Rights of Nature**. The courts used the precautionary principle where there was a potential **risk of species extinctions**, destruction of ecosystems, permanent alteration of natural cycles (Rights of Nature, Constitution Article 73), threats to maintenance and regeneration of life cycles, structure, function and evolutionary processes (Rights of Nature, Constitution Article 71).
- 3) Finally, the courts recognized the rights for all aspects of nature within its legal jurisdiction and **acknowledged the unique rights of ecosystems**, allowing anyone to represent nature and ensure the protection of the Rights of Nature when violations are reported and upheld.

This case sets an important precedent for Ecuador in strengthening the protection of its forests. It also demonstrates to the wider international community how nature’s rights can be recognised and applied in practice, and how courts can balance these rights alongside socio-economic rights when making decisions. In doing so, it highlights the importance of considering the long-term consequences of losing irreplaceable habitats.

Despite this success, challenges still face many other ecosystems in Ecuador. [Mika Peck’s article](#) outlines that **80% of Ecuador’s protected forests are at risk from large-scale mining**. There is an issue of a lack of biological data to use as evidence in courts, a lack of legal capacity to enforce legal action, and the power of mining companies in Ecuador. Consequently, courts must still acknowledge the battle between environmental and economic interests.

2.3.3 LESSONS FROM ECUADOR

Mechanism	Key Lessons from Ecuador	Relevance or Application to the UK Context
Legal Framework	Constitutional Rights of Nature have proven effective in protecting threatened ecosystems and addressing harms caused by extractivism, biodiversity loss, climate breakdown, and pollution	While the UK does not have constitutional provisions, Rights of Nature principles could inform statutory reform, local policy, planning decisions, and judicial interpretation.
Balancing Rights	Courts in Ecuador have developed frameworks to balance nature’s rights alongside human rights, environmental law and other constitutional rights — with Rights of Nature given priority.	The UK could explore a similar rights-balancing model, where ecological integrity and irreplaceable ecosystems (e.g. ancient woodlands) are given higher legal weight than short-term economic interests.
Legal Standing	Any person or community may act on behalf of nature in legal cases.	The UK could introduce mechanisms such as public interest standing, ecological guardianship roles, or community-based representation for trees, forests and woodlands.
Movement Strength	Ecuador’s legal change was driven by strong Indigenous and environmental movements.	Building cross-sector alliances in the UK: community groups, NGOs, lawyers, councils, faith organisations, youth and climate

Indigenous Knowledge and Worldviews

Indigenous cosmologies shape Ecuador's approach, recognising nature as a living being with agency and relationships. Traditional ecological knowledge informs decision-making.

groups, is essential for legitimacy and implementation.

The UK could include cultural and spiritual perspectives (including from local communities with cultural woodland ties) to strengthen relational values in policy and practice.

2.3.4 NEW ZEALAND TE UREWERA FOREST

In 2014, Te Urewera moved from being a publicly owned National Park and was re-established as a legal person, with rights. It was declared that the forest cannot be subject to private or Crown ownership as conventional property instead the Forest became a legal person under the Te Urewera Act 2014 with recognised rights. This recognition extends to the entire ecosystem, including the trees, rivers, wildlife, and surrounding landscapes, which are understood as part of an interconnected living whole. This arrangement reflected a compromise between Indigenous and state perspectives.

Governance of the Te Urewera forest is led by the Te Urewera Board, a co-governance body representing both the Tūhoe Māori and the Crown (3 Crown + 6 Tūhoe representatives), operating according to Tūhoe customs and values. The Board's duties include preserving Te Urewera's ecological integrity, biodiversity, cultural heritage, natural beauty, and historical significance, preparing and approving the **management plan**, setting priorities under the 2014 Te Urewera Act, and governing public access and recreation in line with culturally informed stewardship.

However, decision-making is not exercised as authority over the forest; instead, it is grounded in **kaitiakitanga** (guardianship), with decisions made by consensus alongside bush crews, elders, and experts. Within this framework, **kaitiaki** (guardians) act as conduits who listen and relay the needs of Te Urewera, who is understood as a living being with agency. Te Uru Taumatua is the **Tūhoe Māori operational body tasked with** responsibility for care, infrastructure maintenance (e.g. trails, visitor facilities), visitor guidance, and stewardship, reflecting a governance model described as 'managing people for the benefit of the land', rather than managing the land itself.

Granting legal personality to Te Urewera strengthens protection for trees and ecosystems by shifting away from treating nature as property and towards viewing nature as a community with rights. This approach embeds the Tūhoe Māori worldview into legislation, understanding land as an ancestor, rather than a possession. It explicitly rejects rights as tools of Western conquest and instead emphasises human responsibilities and obligations towards the land. This results in stronger long-term ecological and cultural stewardship. It also allows legal

action to be taken on behalf of the forest itself, supporting intrinsic, ecosystem-wide protection, rather than fragmented protection initiatives. This model has become a powerful global example of how law can evolve to reflect ecological relationships and Indigenous guardianship.

LESSONS FROM NEW ZEALAND

Theme	Key Features of the Te Urewera Model	Relevance or Application to the UK Context
Legal Status	In 2014, Te Urewera transitioned from a state-owned National Park to a legal person with rights under the Te Urewera Act. The forest cannot be owned by the state or private interests. Instead, the forest is recognised as a living community with legal standing	Demonstrates that forests can be recognised in law as rights-bearing entities rather than as resources or property. UK law could adapt this concept through statutory recognition, local charters, or legal personhood for ancient woodlands and veteran trees.
Scope of Rights	Rights apply to the forest as an interconnected living whole: trees, water systems, wildlife, soil, ecosystems and cultural heritage, rather than to fragmented elements.	Supports a shift from species-specific regulation toward whole-ecosystem protection. Supports landscape approaches. Could inform reforms to UK environmental law, planning, conservation covenants and woodland policy to reflect ecological interconnectedness.
Governance Structure	A co-governance body, the Te Urewera Board, acts on behalf of the forest. Its composition currently includes 6 Tūhoe Māori and 3 Crown-appointed members, with a Tūhoe chair.	Shows a workable governance model combining state structures with community and Indigenous representation. In the UK, similar structures could include community woodland guardianship councils, parish-based stewardship roles or independent ecological trustees.
Operational Stewardship	Practical care, maintenance, ecological management, visitor guidance and infrastructure decisions are carried out by Te Uru Taumatua (the Tūhoe operational entity).	Illustrates that rights-based governance requires operational resourcing and stewardship not limited to symbolic legal recognition. UK community forests, local authorities and

Cultural and Relational Foundations	<p>The legal framework explicitly recognises the Tūhoe worldview: the forest is an ancestor and relational being rather than an object or economic resource. This worldview is embedded in governance language, decision making and law.</p> <p>Any harm to Te Urewera can be addressed legally on her behalf. Actions can be taken not because trees or land are owned, but because the forest herself has rights requiring protection.</p>	<p>NGOs could take on similar roles as stewards and guardians, resourced through funding mechanisms and statutory duties.</p> <p>Offers a framework for integrating cultural, relational and spiritual values into UK tree governance, including historic woodland traditions, local place-based knowledge, migrant cultural perspectives and emerging environmental ethics.</p> <p>A model for empowering litigation or policy enforcement on behalf of ancient woodlands, street trees or community forests in the UK. Could inspire reforms enabling public-interest standing or legal representation for ecosystems.</p>
Transformative Impact	<p>The model represents a shift from property-based conservation to rights-based stewardship grounded in relational ethics and Indigenous governance. It has become a global reference case for Rights of Nature law.</p>	<p>Demonstrates a viable pathway for transitioning UK governance systems from management and mitigation toward guardianship, care and long-term ecological responsibility in environmental policy and planning.</p>

New Zealand’s experience highlights several transferable lessons: the importance of co-governance with indigenous peoples, the value of recognising natural entities as legal persons to protect woodland ecosystems holistically, and the effectiveness of grounding environmental protection in cultural and community values. The Te Urewera model also shows that Rights of Nature frameworks work best when they combine legal innovation, community leadership, and cultural recognition. UK frameworks can draw from this example by partnering with local communities, embedding ecological values into law, and creating governance systems that treat forests and trees as living entities rather than resources.

2.3.5. POLAND'S TREES AS 'NATURAL MONUMENTS'

Poland protects many of its oldest and most remarkable trees through a '[Natural Monument scheme](#)'. Under the [Nature Conservation Act 2004](#), a tree can receive this status because of its scientific, historical, cultural, or ecological value. Trees may also qualify if they have unique natural features, have been shaped by local culture, or stand in places of special cultural importance. This approach supports a Rights of Nature perspective by recognising these exceptional trees as living landmarks, with intrinsic value, that carry the ecological and cultural memory of place.

[Key features](#) of the scheme include **placing signs on designated trees** to highlight their significance and committing to protect each tree for its entire natural lifetime unless it becomes a serious safety risk. Each natural monument also receives a **small, protected zone**, creating a miniature sanctuary around the tree. Together, these measures help raise public awareness of the importance of old trees **and encourage communities to take an active role** in caring for their local environment.

LESSONS FROM POLAND

Theme	Key Features of the Polish Model	Relevance to the UK
Legal Status	Individual trees can be designated as <i>Natural Monuments</i> under the Nature Conservation Act (2004), granting strong legal protection.	Shows that legal protection can apply at the scale of single trees, not only habitats. The UK could adopt a similar designation for ancient, veteran or culturally significant trees rather than TPOs based solely on public amenity.
Criteria for Protection	Trees qualify based on ecological, cultural, historic, symbolic and aesthetic value.	Supports expanding UK frameworks beyond trees as 'ecosystem services' to include cultural and relational values aligned with Rights of Nature
Long-term protection	Once designated, a tree is protected for its <i>entire natural lifespan</i> , unless it becomes a serious safety risk.	Suggests a shift from reactive protections toward proactive, life-long legal safeguarding of important trees.
Visibility and Public Recognition	Trees are marked with signs and surrounded by a small, protected buffer area, increasing respect and awareness.	Trees can be labelled by communities and individuals irrespective of legal status.

Poland's approach highlights the effectiveness of protecting individual trees, not just forests. It shows that Rights of Nature principles can apply to single trees, recognising their intrinsic value and encouraging long-term conservation before they are threatened. This model also engages communities by treating trees as living beings and vital parts of the community.

Poland demonstrates that changing attitudes and adopting greener policies is achievable. Despite its history of extensive deforestation and being [labelled the EU's 'least green country' in 2022](#), recent environmental activism and government reforms have improved Poland's approach to nature. This suggests the UK can also move past regressive frameworks and strengthen its commitment to protecting nature.

2.3.6 FRANCE'S DECLARATION OF TREE RIGHTS

DÉCLARATION DES DROITS DE L'ARBRE (DDA)

French NGOs, aware of the need for stronger protection, drafted the [Declaration of the Trees Rights \("DDA"\)](#) to define a new status for trees. The Declaration's five articles recognise trees as **'fixed living beings'** that cannot be reduced to single objects; they must be respected and are entitled to both the airspace and underground space needed to achieve full growth and development. Proclaimed and unanimously adopted at a National Assembly symposium in April 2019, the DDA now awaits legislative uptake and relies on communities, organisations, and citizens to embrace it as a shared vision. By 2022 [over forty local authorities in France had signed the declaration](#) illustrating a positive shift in society's views of trees and the growing support for such initiatives.

The DDA still remains unincorporated into national law, and French legal framework still treats trees as property-related 'objects'. However, this proposal is a step forward in **shifting public and political attitudes** affirming that **trees are living beings** and not mere objects. The DDA is clearly making progress as there are currently [81 signatories](#) and in [April 2025 the National Assembly held a conference on rights of nature](#) for the first time and legislative proposals giving natural entities legal status were considered.

THE CHAILLUZ FOREST

In Eastern France, the association [Chailluz Forêt Vivante](#) is exploring how the Forêt de Chailluz could be recognised as a **living being with rights**. Their aim is to give the forest legal personality, so harming the forest or its trees would be treated as a violation of its rights. To support this shift, the project brings together scientists, lawyers, artists, and local residents. This **interdisciplinary model** invites the perspectives of a wide range of actors to see the forest as a **living community** rather than a resource, even if coordinating such diverse perspectives can be challenging.

A key part of the initiative is the **Parliament of the Forest**, where people act as spokespersons for trees, animals, soil, and other natural elements. This participatory model encourages

shared responsibility and gives the forest a **symbolic voice** in decisions that affect it. The project is also highly experimental and citizen-led, using workshops and creative outdoor activities to involve the public and test new ways of caring for the forest.

LESSONS FROM FRANCE

Theme	Key Features of the French Approach	Relevance to the UK Context
Legal Innovation and Advocacy	The <i>Déclaration des Droits de l'Arbre</i> (2019) recognises trees as living beings with needs, dignity, and inherent value. Although not legally binding, it has growing symbolic and political influence.	Illustrates how declarations and charters can shape cultural and policy change even before legal reform. A similar UK declaration could build public support and momentum for rights-based frameworks for trees.
Local Government Uptake	More than 80 local authorities have formally adopted the declaration, creating a decentralised, bottom-up pathway toward national law reform.	Demonstrates that municipalities can lead change where national legislation is slow. UK councils could scale the adoption of Rights-of-Trees and Woodlands motions to influence planning and local governance
Paradigm Shift in Status of Trees	Although trees remain legally treated as property, the DDA helps shift societal understanding from trees as objects to trees as beings with needs, autonomy, and ecological function.	Can inform education, policy language, and planning culture in the UK, moving beyond ecosystem services toward intrinsic and relational values.
Participatory Governance Models	The Chailluz Forest project tests new forms of democratic representation such as a ‘Parliament of the Forest’, where citizens speak on behalf of trees, animals, soil, and ecosystems.	Offers a model for community-based guardianship and public participation in woodland governance in the UK (e.g. interspecies community forest councils or guardianship boards).
Interdisciplinary and Cultural Engagement	France is employing creative methods, involving artists, scientists, lawyers, and citizens in reshaping how people relate to and protect forests.	Demonstrates the value of storytelling, arts, and experiential learning as tools to re-build human-nature relationships, relevant to UK outreach, education, and public engagement.

Incremental Pathway Toward Rights of Nature

Progress is happening through civic adoption, public discourse, and experimental governance.

Suggests that the UK could use phased implementation: local declarations → pilot guardianship schemes → policy integration → eventual legal recognition.

France’s approach to the rights of trees shows how progress relies on **legal innovation and strong public involvement**. The Declaration of Tree Rights (“DDA”) reflects growing recognition that trees are living beings, and its adoption by many local authorities demonstrates how community and organisational support can drive national change even before laws are updated.

The Chailluz Forêt Vivante project reinforces this by bringing together a wide range of local actors to view the forest as a living community. Through participatory tools like the ‘Parliament of the Forest’, it illustrates how diverse voices and active citizen involvement can shape a shared vision for protecting the natural world.

2.3.7 OVERALL LESSONS LEARNED FROM ECUADOR, NEW ZEALAND, POLAND AND FRANCE

Exploring how different countries protect nature offers valuable lessons for shaping stronger environmental laws and developing an effective Rights of Nature framework. Ecuador, New Zealand, Poland and France each demonstrate distinct ways of implementing Rights of Nature, highlighting both the opportunities and challenges involved. Learning from these models can help the UK develop its own strategies for recognising and protecting the rights of trees, forests, and woodlands.

Overall Lessons from the Four Jurisdictions

Legal Recognition of Nature’s Rights

Ecuador demonstrates that legally recognising nature’s rights is not only possible but can serve as a powerful framework for environmental protection. The UK could explore how such a framework could be adapted within its own legal and cultural context, such as through phased implementation: local declarations → pilot guardianship schemes → policy integration → eventual legal recognition.

Empowering Citizen Action

Ecuador’s success was deeply tied to strong environmental and Indigenous movements. Similar to France’s approach, the UK could encourage local communities to act as guardians of trees, forests, and woodlands by fostering grassroots action, citizen science, and legal standing for individuals to protect nature.

<p>Integrating Rights of Nature at a High Legal Level</p>	<p>New Zealand’s legal personhood model offers an approach where certain ecosystems (forests and rivers) are granted certain rights, ensuring long-term protection. A similar structure could be applied in the UK, where ancient woodland and veteran trees receive legal recognition and representation.</p>
<p>Broad Legal Standing for Guardianship</p>	<p>Allowing individuals and communities to represent nature in legal disputes, as seen in Ecuador, can enhance environmental accountability. The UK could establish legal mechanisms where designated representatives advocate for the protection of ancient woodlands and forests.</p>
<p>Judicial Enforcement and Language</p>	<p>Encouraging courts to adopt a Rights of Nature approach through their reasoning and language can strengthen the legal status of nature. Recognizing nature’s intrinsic value can reshape environmental jurisprudence in the UK.</p>
<p>Policy Alignment with Natures Rights</p>	<p>Government policies to recognise the irreplaceable nature of and intrinsic value of ancient woodlands and trees, prioritising environmental protections over development and certain property rights. This shift can inspire a re-evaluation of the balance between development and conservation.</p>
<p>Strengthening Environmental Institutions</p>	<p>Robust environmental agencies and enforcement mechanisms are essential to monitoring activities and ensuring compliance with environmental protections.</p>
<p>Balance Environmental Realities with Environmental Protections</p>	<p>Rights of Nature frameworks must navigate economic pressures and industry interests. Frameworks should be just and inclusive and integrate environmental protections within sustainable economic models.</p>
<p>Incorporating Indigenous Knowledge and Governance</p>	<p>Indigenous cosmologies, such as Ecuador’s Sumak Kawsay (living in harmony with nature), provide valuable insights in other ways of living. Respecting and integrating traditional ecological knowledge into UK environmental policy could enhance conservation efforts.</p>
<p>Interdisciplinary Representation and Collaborative Decision-Making</p>	<p>Adopting an interdisciplinary governance model, as seen in France’s ‘Parliament of the Forest’ approach, could provide a structured platform for ensuring nature’s rights are upheld. A dual-representative structure, similar to New Zealand co-governance board model, could involve both community members/ecologists and government officials advocating for trees and forests.</p>
<p>Community and Indigenous-Led</p>	<p>The Te Urewera model shows the importance of Indigenous and local community involvement in managing ecological sites. While the UK does not have Indigenous groups akin to those in New Zealand,</p>

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Governance**

similarities can be drawn with local conservation groups, rewilding projects, and land stewards and guardianship bodies.

CONCLUSION

These international examples provide inspiration and show that there are many ways to strengthen legal protections for trees, woodlands and forests in the UK. By adapting approaches such as recognising nature's rights at multiple scales of governance, supporting community involvement, and refining legal and institutional tools, the UK can build a more resilient and forward-looking system for environmental protection. Incorporating these lessons, can re-enforce the already growing UK Rights of Nature movement and play a vital role in in safeguarding forests, woodlands, and ancient trees for generations to come.



2.4 International Law and the Rights of Nature



INTRODUCTION

The Rights of Nature is a rapidly growing global movement developing at different levels of governance from local to international laws. International environmental laws and agreements are an increasingly important part of this movement. It is key to have global standards for environmental protection because national laws set differing standards across the globe and are dictated by political rather than ecological boundaries: this can lead to contradicting or overlapping obligations which do not adequately protect nature.

It is important that international standards of protection are developed, so that countries can set targets and commit to obligations to work together to prevent environmental degradation at global and regional scales. International law can play a key part in developing holistic approaches that countries can draw upon and implement in their countries, taking inspiration from indigenous and other communities that value nature intrinsically.

2.4.1 THE UNIVERSAL DECLARATION OF THE RIGHTS OF MOTHER EARTH

Key agreements which recognise nature's rights include the [2010 Universal Declaration of the Rights of Mother Earth](#). This inspired the United Nations to implement an International Mother Earth Day encouraging countries to consider how they can adopt more ecocentric approaches to address environmental issues. The declaration was drafted and agreed at the People's Congress on Climate Change and Rights of Mother Earth in Bolivia in 2010. 30,000 people from 100 different countries came together to draft the declaration, which states that 'Mother Earth is an indivisible, living community of interrelated and interdependent beings with a common destiny conscious of the urgency of taking decisive, collective action to transform structures and systems that cause biodiversity loss, climate change and other threats to Mother Earth'. This emphasises the need for a collective and unitary approach to Rights of Nature on a global scale.

2.4.2 THE 1992 UN CONVENTION ON BIOLOGICAL DIVERSITY

As well as international agreements, there are different international laws that will be discussed in this section considering their effectiveness, as well as how they could be drawn upon to implement more ecocentric national laws and policies.

The [Convention on Biological Diversity \("CBD"\)](#) is one of three Conventions adopted at the 1992 Conference on Environment and Development, also known as the "Earth Summit". The CBD was the first global treaty to provide a comprehensive legal framework for biodiversity conservation, with its main goals being to conserve biological diversity, to sustainably use resources and to share their benefits equitably. The CBD was the first

international agreement to recognise that **conservation is a common concern of all humankind**, and it covers all ecosystems and species.

The CBD has 196 Parties, only four UN member states are not Parties including the US. Every Party is required to create and implement, at a minimum, policy instruments called **National Biodiversity Strategy and Action Plans (“NBSAPs”)** to further the objectives of the CBD to take actions to meet its goals and targets to conserve, protect and enhance biological diversity and ‘to live in harmony with nature’. Parties are also required to submit **National Reports** every four years to report on progress with implementation.

Parties are also required to undertake actions to implement the thematic work programmes that provide structured frameworks for conserving and sustainably managing key ecosystems (forests, inland waters, marine and coastal areas, drylands, mountains and agricultural biodiversity). Under the CBD’s [Programme of Work on Forest Biodiversity](#), key targets and objectives focus on halting forest loss, restoring degraded ecosystems, and ensuring forests are managed in sustainable ways.

There are no sanctions for non-compliance as the CBD takes a facilitative approach **encouraging actions**, but the CBD’s Goals and Targets have near universal agreement as **soft international law** and Parties are under an obligation to make progress towards them. Implementation may pose as a challenge for lower- and middle-income countries as they try to meet the CBD’s objectives, goals and targets, so international financial and technical support is essential for them to be achieved. The Global Environment Facility (“GEF”), supported by the UN Environment Programme, the UN Development Programme and the World Bank, aims to support countries by financing actions that address biodiversity loss, climate change, depletion of the ozone layer and degradation of international waters. Yet lack of resources for countries to implement actions is a huge concern, the CBD agreed in 2022 to raise \$200 billion a year but only \$383 billion has been pledged by only 11 Global North countries, indicating the [need for transformative financing measures](#).

2.4.3 COP 15 AND THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK

Meetings held by Parties to the CBD are called [Conferences of the Parties \(“COP”\)](#). The first meeting (COP 1) was held in the Bahamas in 1994, and the most recent meeting (COP 16) was held in Colombia in 2024. These meetings allow for governments, non-government organisations, academics, the public, and anyone else interested to come together to share ideas and strategies for biodiversity. Parties make the agreements and decisions on how to achieve the objectives of the CBD, including biodiversity conservation for example, during development planning, transboundary cooperation, and through the inclusion of indigenous and local communities, women and youth and diverse valuations of nature. Progress under the CBD is also reviewed in these meetings, and new priorities and targets for members are set.

At COP 15 there was an **ecocentric turn** in the approach of the CBD. In the [post-2020 CBD GBF](#) there are six references to nature that makes use of ecocentric language and recognises the importance of integrating Indigenous knowledge into existing policies.

For example:

Target 14 calls for the full integration of biodiversity and its multiple values into decision-making at all levels and across all sectors, in particular, thus promoting a voice for nature in all decision-making that impacts biodiversity.

Target 19(f) states that 'Enhancing the role of collective actions, including by indigenous peoples and local communities, Mother Earth centric actions and non-market- based approaches including community based natural resource management and civil society cooperation and solidarity aimed at the conservation of biodiversity'.

Mother Earth-centric actions are defined in a footnote as: Ecocentric and rights-based approach enabling the implementation of actions towards harmonic and complementary relationships between peoples and nature, promoting the continuity of all living beings and their communities and ensuring the non-commodification of environmental functions of Mother Earth.

2.4.4 RIGHTS OF NATURE IN THE UK – TOP DOWN AND BOTTOM UP

The UK is Party to the CBD and other related international biodiversity laws, which means that the UK is obliged to implement the CBD Post-2020 GBF in national policies and to report on progress. On the basis of its international legal obligations, the UK has scope to adopt a more ecocentric approach within its domestic legal framework even in the absence of specific [national legislation](#). For example, the rising [Rights of Rivers movement](#) in the UK and the emerging rights of trees, are actions supporting implementation of the CBD Post-2020 GBF at local levels that can be reported on and fed into the CBD process.

In her book, [Dr Joanna Smallwood-Miller outlines recommendations](#) to 'facilitate interactive and effective systems around international environmental law and policy from global to local'. These recommendations are aimed to be useful for national and local governments, those in the conservation sectors, production sectors, and NGO groups and community, including youth, Indigenous peoples, and those advocating for nature's voice.

Dr Smallwood-Miller's recommendations show the importance of:

- 1) Facilitating '**just, fair and inclusive**' **decision-making** around international environmental law and policy at multiple governance levels. This allows all relevant actors to influence international environmental law, and to consider more than just the 'dominant views and understandings of certain privileged actors and their priorities'.

- 2) **Empowering actors who represent diverse environmental values** during the implementation of international environmental law and policy. This includes youth, Indigenous communities, local communities, women, nature and animal representatives, NGOs, etc.
- 3) Creating **targets** that feature less ambiguous and complex wording, in order to prevent the subjectivity of targets and promote measurable policies at the national level.
- 4) **Strengthen compliance and accountability** mechanisms. For international law to be effective, it must be implemented by each state, and there must be compliance and accountability mechanisms in place to facilitate this implementation.
- 5) **Support norm champions** during the operationalisation of international environmental law and policy. To align with international environmental obligations, norms champions, such as NGOs, can educate the public to advocate on both a shift in understandings, and how to achieve goals, and vocalise lessons learned on international stages.

In the UK, International law can support the development of Rights of Nature through a top-down approach. This complements rapidly growing local movements and local councils who are adopting [rights of nature motions for rivers](#) and a tree through a bottom-up approach.

The UK Law can be influenced by both [top-down and bottom-up approaches](#). The ecocentric developments of the CBD are a significant step forward, however accountability of national governments for implementation of international environmental law is limited. A bottom-up approach is also normative and engages and empowers local actors, educates society and also implements international environmental law at local scales. Furthermore, there is a greater opportunity to integrate less powerful voices into discussions and decision making, through local grassroots movements, NGOs and others representing nature's voice.

2.4.5 UK NBSAPS

Rights of Nature, and ecocentric values can be implemented into national policy is through [National Biodiversity Strategies and Action Plans \("NBSAPs"\)](#). NBSAPs are the main instrument for planning the implementation of the CBD at the national level. These plans aim to give countries the tools needed to develop and adopt strategies into their existing legislation that will protect biodiversity and ecosystems. NBSAPs are designed to be in line with globally set goals, such as in the Post 2020-GBF. The UK has a **national** Biodiversity Strategy and Action Plan ("NBSAP"), alongside **devolved national strategies** for England, Wales, Scotland and Northern Ireland, and a network of **Local Biodiversity Action Plans** that aim to translate international biodiversity commitments into action at national, regional and local levels.

Article 6 of the CBD states that each party must:

‘Develop or adapt national strategies, plans or programmes for the conservation and sustainable use of biological diversity and integrate the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.’

Recent, CBD COPs have strongly encouraged parties to update their NBSAPs to align with the current global objectives, goals and target. Revised NBSAPs were set to be submitted and reviewed by October 2024, ahead of COP16. The UK missed this deadline but submitted its [revised NBSAP](#) in February 2025, called **the Blueprint for Halting and Reversing Biodiversity Loss: the UK’s National Biodiversity Strategy and Action Plan for 2030**. Further, each country within the UK also has its own NBSAP (England, Wales, Scotland and Northern Ireland) as well as a NBSAP for the 14 current UK Overseas Territories. The UK has committed to fully aligning their targets with the 23 GBF targets. To view these commitments and how the UK plans to meet them, please refer to the CBD [Online Reporting Tool](#).

The UK NBSAP references not only instrumental valuations of nature but also **cultural valuations of nature**:

‘Biodiversity also holds deep cultural significance. It not only provides a sense of place but also offers endless opportunities for recreation and inspiration amid our diverse landscapes. It plays a pivotal role in fostering spiritual and religious connections, shaping our identity, and influencing how we perceive the world and one another.’

The NBSAP also briefly refers to **intrinsic values**, which it has not done before:

‘Nature can also have intrinsic value, which refers to its inherent value, independent of any human experience or evaluation.’

These ecocentric references could be developed much further into concrete plans for policies.

The UK could adopt a more ecocentric approach to the protection of trees, woodlands, and forests within its NBSAPs. Individuals and non-public bodies can play a meaningful role in shaping these strategies, as governments are required under the UN Convention on Biological Diversity (“CBD”) to **engage the public in the drafting and revision of NBSAPs**. In practice, environmental organisations often coordinate policy submissions, and consultation processes are led by Defra (for England), Natural Resources Wales, NatureScot, and Daera (Northern Ireland).

Opportunities exist to influence the content and direction of NBSAPs. **Individuals can influence NBSAP development** by participating in public consultations, submitting written representations, contributing local knowledge, and advocating ecocentric approaches through

both independent and collective channels, as public participation is a requirement under international biodiversity law.

Examples of how to NBSAPs could be more ecocentric:

- a) Using **language** in NBSAPs, referring to nature and forests intrinsic value and as living communities with agency.
- b) Developing **ecocentric national indicators** which measure the well-being of nature including trees, forests and woodlands. For example, in [indicator D3](#): Area of woodland in England reference woodland health and intrinsic and cultural values. For [indicator D7](#) on species abundance, referencing the intrinsic value and sentience of wild animals rather than their 'functional roles'.
- c) Supporting **bio-cultural initiatives** such as community-led woodland stewardship and guardianship and nature recovery with local communities as co-managers, not just stakeholders.
- d) Adopting policy approaches that move away from purely carbon offsetting, natural capital, and ecosystem services towards **protecting and restoring native woodlands** and recognising their diverse valuations including cultural and intrinsic value.
- e) Supporting **rewilding** and natural regeneration projects for woodlands.
- f) Ensuring [Environmental Impact Assessments](#) outline, the intrinsic values of trees, woodlands and forests which will be impacted by the development/operation (using language that does not minimise this loss e.g. Habitat Loss/Land use Change/Development → To: Habitat destruction/Killing/ Destruction of living communities).
- g) Using NBSAPs to **promote education on ecocentric approaches** for conservation, forest ethics, and reciprocal relationships with the land in forest schools, school curriculums and public campaigns.
- h) Encourage **place-based forest experience**, not just recreation, but empathy, listening and [re-building nature connections](#).
- i) Highlighting the use of a **precautionary approach** as an underlying legal principle to implement decisions regarding trees and woodlands, (in particular ancient woodlands and heritage trees).
- j) Include **case studies** in NBSAPs on the rights of trees, such as the adoption of local council motions supporting the rights of trees and the reintroduction of species such as beavers and pine martens who are a keystone species, who means they play a vital role in maintaining woodland ecosystems.

2.4.6 THE BERN CONVENTION

The UK is also a Party to the [Bern Convention on the Conservation of European Wildlife and Natural Habitats](#) that focuses on the conservation of wild flora and fauna and their natural habitats across Europe and, in some cases, parts of Africa, while promoting international cooperation in biodiversity protection. Adopted under the umbrella of the Council of Europe, the Convention reflects the organisation's core values (human rights, democracy, and the rule of law). The Bern Convention combines anthropocentric and **ecocentric approaches**. It

recognises that healthy ecosystems are essential for human well-being and prosperity, while also affirming the **intrinsic value of wild species and natural habitats**, independent of their utility to humans.

In its Preamble, the Convention states:

‘Recognising that wild flora and fauna constitute a natural heritage of aesthetic, scientific, cultural, recreational, economic and intrinsic value that needs to be preserved and handed on to future generations’

The Convention is legally binding on its Parties, although it does not create directly enforceable individual rights. It has been ratified by 49 States and the European Union, requiring Parties to commit to the development of national conservation policies, the promotion of education and public awareness, and the integration of biodiversity protection into wider policy areas. In particular, Parties must consider the impacts of planning, development, and pollution on wildlife and habitats, and reflect these obligations in land-use planning and environmental regulation.

The Bern Convention imposes duties to maintain species and habitats at **Favourable Conservation Status (“FCS”)**. This can be interpreted as an obligation owed to nature (not humans), even if not yet expressed in rights of nature language.

This statement by UK Statutory Nature Conservation Bodies emphasises that FCS should be interpreted as:

‘a positively oriented objective for the natural environment, which requires more than avoiding extinctions of species or loss of habitats. It relates to the long-term distribution and abundance of the populations of species in their natural range, and for habitats to the long-term natural distribution, structure and functions as well as the long-term survival of its typical species in their natural range. It describes a situation in which individual habitats and species are maintaining themselves at all relevant geographical scales and with good prospects to continue to do so in the future.’

In the UK, the Bern Convention is implemented through domestic and retained EU legislation, including the **Wildlife and Countryside Act 1981**, the former EU Habitats Directive, and the **Conservation of Habitats and Species Regulations 2017**. Together, these instruments give effect to the Convention’s obligations to protect species, habitats, and ecological networks.

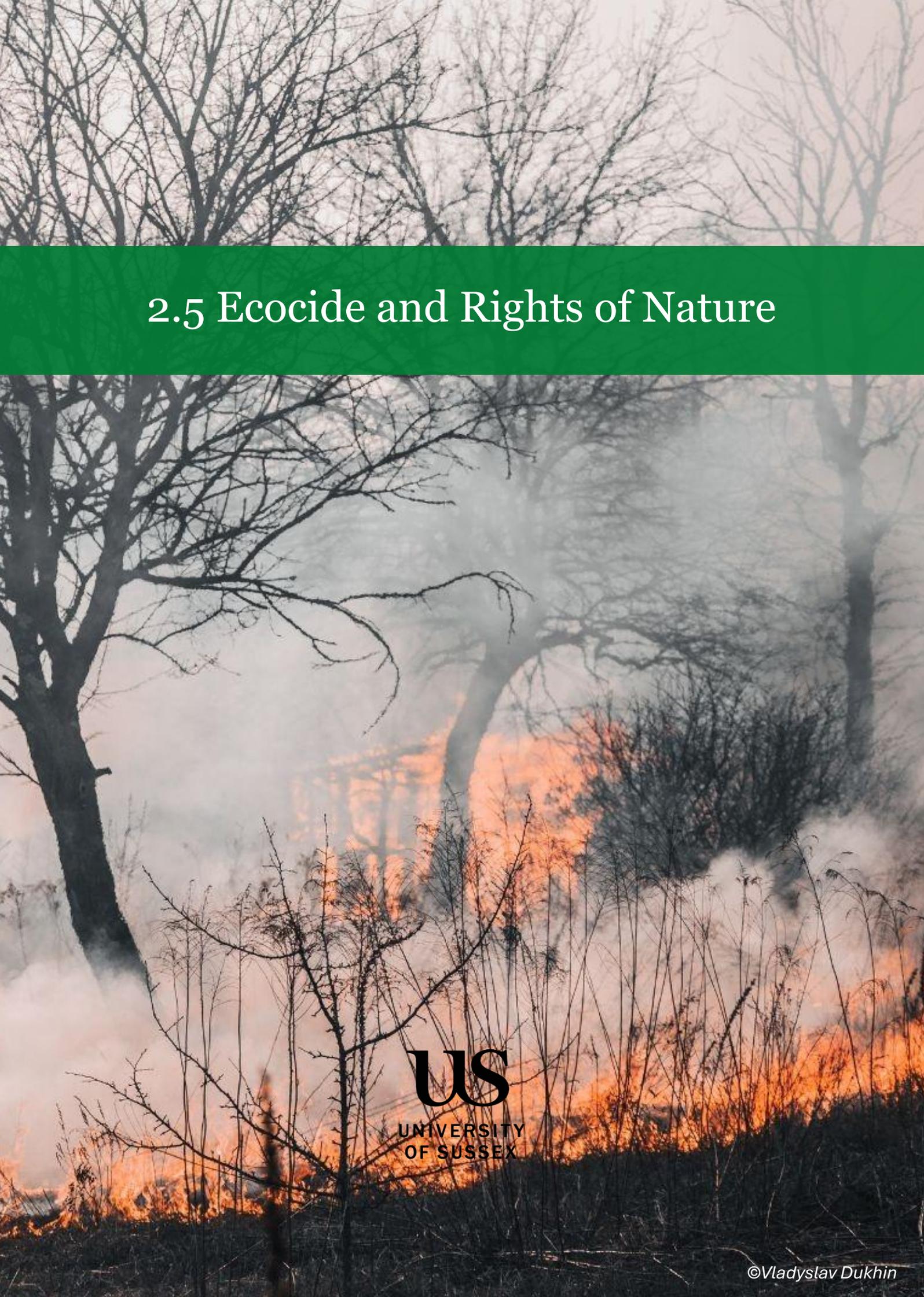
The Convention is overseen by a **Standing Committee**, composed of representatives of each Party, which monitors implementation, adopts recommendations, and updates the lists of protected species and habitats. The Standing Committee provides a strong accountability mechanism because NGOs and civil society can submit complaints or “case-files” that include a complaint against the UK decision to continue badger culling. The Committee can issue recommendations and findings of non-compliance. These findings carry strong political and reputational weight.

One of the Convention's most significant mechanisms is the **Emerald Network**, an international network of **Special Areas of Conservation ("SACs")** designed to ensure the long-term survival of Europe's most threatened species and habitats.

The Bern Convention can support Rights of Nature by:

- Focusing on what nature needs to thrive,
- Normalising reasoning that accounts for nature's intrinsic value,
- Legitimising duties grounded in ecological integrity and;
- Providing a defensible legal basis for experimentation with RoN approaches (e.g. Guardianship models, ecosystem representation).

Used together, the CBD and the Bern Convention combine **global recognition of nature's intrinsic value with binding obligations**, creating a strong legal and ethical foundation for advancing Rights of Nature in the UK without requiring immediate constitutional reform.



2.5 Ecocide and Rights of Nature

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INTRODUCTION

A growing area for legal reform is the adoption of ‘ecocide’ as an offence in the United Kingdom. Ecocide is generally defined as ‘the unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe, widespread, or long-term damage to the environment’. Ecocide is increasingly being recognised at national and international levels, including through developments across parts of Europe and proposals to amend the Rome Statute of the International Criminal Court to include ecocide as a fifth international crime.

The concept of **ecocide aligns with Rights of Nature** approaches by recognising the environment, including trees, woodlands and forests, as irreplaceable living systems. It is particularly concerned with situations where environmental harm is severe, widespread, or long-term, and where damage cannot be meaningfully reversed. If adopted, ecocide could operate as a **powerful deterrent** by framing serious environmental destruction as a criminal offence, with significant legal consequences.

‘Ecocide would help to create a cultural shift in how the world perceives acts of harm towards nature. If something’s a crime, we place it below a moral red line. At the moment, you can still go to the government and get a permit to frack of mine or drill for oil, whereas you can’t just get a permit to kill people, because it’s criminal. Once you set that parameter in place, you shift the cultural mindset as well as the legal reality.’

- Jojo Mehta, Co-founder of the Stop Ecocide campaign

2.5.1 UNDERSTANDING ECOCIDE

INTERNATIONAL DEFINITION

Ecocide is a proposed crime under international law, intended to sit alongside genocide, crimes against humanity, war crimes, and the crime of aggression at the International Criminal Court (“ICC”). See the key elements of ecocide in Figure 5 (below). Currently, the ICC does not prosecute environmental destruction as a standalone offence.

The [Independent Expert Panel for the Legal Definition of Ecocide \(2021\)](#) defines ‘ecocide’ as:

‘unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.’

Adoption would enable the ICC to prosecute individuals, including corporate executives or state officials, when national courts are unwilling or unable to act. Many campaigners also advocate for domestic legislation to enable national enforcement without reliance on the ICC.

Key elements:

1. Prohibited conduct – acts or omissions that are unlawful or wanton.
2. Objective harm threshold – damage must be severe and either widespread or long-term.
3. Mental element – the perpetrator knew or recklessly disregarded the substantial likelihood that their acts would cause such harm.

2.5.2 EMERGING LEGAL AND POLITICAL DEVELOPMENTS

Although ecocide remains unrecognised in UK criminal law, several recent developments in Europe and comparative jurisdictions, devolved governments, and local authorities, highlight an increasingly credible and legally grounded political momentum.

In France, the [Environmental Code \(Art. L. 231-3\)](#), re-classified existing pollution offences that are 'serious and durable' as an aggravated criminal offence of ecocide. The [2024 EU Environmental Crimes Directive](#) introduces offences for large-scale environmental destruction causing 'substantial, widespread and irreversible or long-lasting damage'. While legal frameworks for prosecuting ecocide are being established, practical application and enforcement are still in the early stages.

2.5.3 ECOCIDE IN THE UK CONTEXT

At the **UK level**, Parliament considered [Environment Bill Amendment 287 \(2021\)](#), which would have committed the Government to supporting amendments to the Rome Statute to include ecocide as an international crime. However, the amendment was ultimately withdrawn. The Private Members' [Ecocide Bill \[HL\] \(2023\)](#) represented the first attempt to introduce a fully drafted domestic offence of ecocide into UK law, but it did not progress before the parliamentary session ended.

At the **devolved level**, the proposed [Ecocide \(Scotland\) Bill](#), introduced in 2025, seeks to criminalise severe environmental harm using language closely aligned with internationally recognised definitions of ecocide. In Wales, while the [Well-being of Future Generations \(Wales\) Act 2015](#) does not create a criminal offence of ecocide, it embeds key principles consistent with an ecocide framework, including intergenerational justice, ecological resilience, and the legal duty to prioritise long-term environmental protection.

Some **local authorities** have also taken steps to support the recognition of ecocide principles. [Camden Council passed a motion](#) endorsing the recognition of ecocide and calling on the UK Government to support its inclusion as an international crime. The Council has since incorporated ecocide-relevant language into elements of its climate and environmental policy framework.

Similarly, Lewes District Council has adopted Rights of River principles through the draft Charter for the Rights of the River Ouse. While not creating a criminal offence, this approach helps embed stronger environmental protection expectations in local governance and can inform decision-making around developments likely to cause severe, widespread, or long-term environmental harm.

Local councils cannot create criminal law, but the adoption of motions that invoke ecocide frameworks signals public demand, drives normative change, and lays a foundation for national ecocide legislation from the **bottom up**.

Recent **environmental crimes** have been successfully enforced such as the conviction for felling the Sycamore Gap tree (see [1.1 Individual Trees](#) for a more detailed discussion of the Sycamore Gap Tree case). This successful prosecution for criminal damage demonstrates domestic law capable of supporting ecocide.

2.5.4 WHY ECOCIDE MATTERS

Current UK environmental law operates through planning controls, permitting, species and habitat protections, as well as civil/administrative enforcement mechanisms.

However, resource constraints, fragmented regulatory responsibilities, and evidential challenges in establishing criminal liability can create enforcement gaps, allowing serious ecological harm to occur with limited deterrent effect.

STRUCTURAL GAPS IN THE CURRENT FRAMEWORK

- **Planning, EIA and permitting systems assess projects individually rather than cumulatively.** Only 332 of 395,624 planning applications in England (2022–23) required a full Environmental Statement (<0.1%). The [OEP identifies systemic weaknesses across EIA/SEA/Habitats regimes](#), including **inconsistent monitoring and poor long-term oversight**.
- **Enforcement mechanisms** rely heavily on fines or remediation. Environment Agency data shows a 25% fall in enforcement cases (2021-23) despite continued pollution incidents. Proposed schemes allowing payment into “nature restoration” funds risk further weakening deterrence.
- **Fragmented responsibility and weak ecological data impede accountability.** Local planning authorities often lack ecological expertise, Sustainability Appraisal/SEA indicators are not reliably measured, and legally required post-implementation reviews are frequently missing (OEP). These conditions make it difficult to prove long-term, widespread, or irreversible harm.

- **Political and economic pressures undermine effective oversight.** Corporations routinely contest enforcement through legal and financial means, and fiduciary drivers (profit, dividends, shareholder value) encourage cost-cutting at the expense of environmental compliance.

An ecocide approach would differ fundamentally because it would operate as a serious criminal offence, closer in structure to crimes like **corporate manslaughter**. The focus would shift from regulatory breach to criminal responsibility for severe environmental destruction. Ecocide, is a high-threshold criminal offence, would establish superior responsibility as a necessary safeguard for ecosystem integrity in the face of climate change, biodiversity collapse, and large infrastructure developments.

How Ecocide Addresses Current Limitations in Environmental Law

- Targets senior decision-makers (executives, ministers, corporations) responsible for large projects;
- Applies to widespread, long-term, or irreversible environmental harm not adequately addressed by current law; and
- Deters offences by ensuring environmental obligations cannot be ignored or sanctions absorbed as operational costs.

2.5.5 ECOCIDE APPLIED TO TREES AND WOODLANDS

The following section applies the thresholds set in the *Ecocide (Scotland) Bill* to theoretically determine when tree loss may constitute actionable ecocide in the cases of: felling an individual tree, the Sycamore Gap tree (see [case study](#) in [1.1 Individual Trees](#)) and destruction of Ancient woodland by the HS2 railway (See [case study](#) in [1.3 Ancient Woodlands](#)).

Tree loss may escalate to **potential ecocide** where it:

- 1) It forms part of system-level, irreversible, or cumulative damage;
- 2) Affects keystone species, ancient woodland, or other irreplaceable habitats;
- 3) Damages culturally significant or heritage trees; or
- 4) Disrupts critical ecological functions such as hydrology, soil stability, or protected species habitats.

These criteria are applied to case testing the Sycamore Gap incident and ancient woodland loss.

SYCAMORE GAP: ECOCIDE?

In the case of the felling of a single tree, this would rarely meet the ecocide thresholds due to:

- **Locality** – impact is usually site-specific, not affecting large geographic areas.

- **Reversibility** – ecosystems may recover without permanent functional collapse.
- **Proportionality** – ecocide targets catastrophic or systemic losses, not routine or isolated harm.

That said, the Sycamore Gap Tree was an iconic, solitary veteran tree situated beside Hadrian's Wall. Its abrupt felling eliminated a mature ecological node within an otherwise sparse upland landscape. This combination of **ecological function, landscape influence, and cultural prominence** gives the tree a stronger system-level significance than other trees.

Although the direct post-incident impacts have not yet been formally monitored, established ecological research on solitary and veteran trees suggests the types of harm likely to have occurred:

- **Loss of veteran tree biodiversity**

Veteran trees often host specialist saproxylic fungi, invertebrates, cavity-nesting birds, and microhabitats that do not reappear for decades. Removing such a tree eliminates nesting and foraging sites associated with late-stage ecological succession.

- **Soil and hydrological disruption**

Large root systems stabilise slopes, reduce erosion, and mediate water flow. Experimental soil-erosion studies show that root removal increases sediment mobilisation and surface runoff, indicating a plausible risk of slope and soil degradation around Hadrian's Wall following the felling.

- **Carbon storage loss and decay emissions**

National tree-carbon datasets confirm that mature broadleaf trees store multiple tonnes of carbon. Felling halts sequestration and may release stored carbon during decomposition, reducing long-term local carbon balance.

- **Damage to mycorrhizal and resource-sharing networks**

Veteran trees frequently function as "hub" individuals in below-ground mycorrhizal systems, supporting nearby seedlings and younger trees. Their sudden removal can fragment local nutrient-exchange networks and diminish regenerative capacity.

A defence argument would likely emphasise that the impact is geographically limited and theoretically reversible through replanting or natural regeneration. However, ecological literature confirms that **veteran-tree functions are not replaceable in the short or medium term**; a newly planted tree cannot replicate the structural, biological, or mycorrhizal roles of a mature specimen for many decades.

With appropriate biodiversity surveys, soil and sediment studies, carbon analysis, and fungal/mycorrhizal assessments, investigators could determine whether Sycamore Gap functioned as an irreplaceable ecological node and whether its removal resulted in measurable long-term losses such as connectivity decline, soil deterioration, or species displacement. If

such evidence is established, **the felling could constitute *potential ecocide* under a high-threshold statutory model.**

ANCIENT WOODLAND (HS2): ECOCIDE?

The High Speed 2 (“HS2”) railway project in England directly affected multiple areas of ancient woodland; woodland continuously wooded since at least 1600 AD. Under HS2’s reporting, the number of ancient woodlands potentially impacted has been adjusted from 32 to 25. As of the most recent summary, approximately **20.4 hectares of ancient woodland are reported as lost or due to be lost** on Phase One of the route.

Although HS2 Ltd proposes mitigation through woodland creation, compensation planting, and habitat restoration, conservation organisations argue these measures cannot replace the **unique ecological value, complexity, and irreplaceability of ancient woodlands:**

- **Irreplaceable soil and below-ground networks**

Ancient woodland soils host centuries of mycorrhizae, saproxylic communities and microbiomes; disturbance and “soil-moving” destroy functions that cannot be replicated within practical timescales.

- **Loss of specialist species and local populations**

Clearance removes habitat for species reliant on ancient-woodland structure, producing local extirpations where populations are small or isolated.

- **Fragmentation and connectivity collapse**

Multiple removals along the route sever dispersal corridors, isolate populations and increase extinction risk across the landscape beyond individual parcels.

- **Hydrological and peat system collapse**

Earthworks and felling in riparian or peaty contexts can trigger drainage, erosion or peat oxidation, causing sustained habitat loss and carbon emissions.

- **Compensation mismatch and cumulative system-level harm**

New planting or translocation cannot recreate ancient-woodland complexity; aggregated impacts on woods, veteran trees and waterways produce a persistent, landscape-scale decline.

The combination of irrevocable habitat destruction, widespread impacts across multiple woodlands and ecosystems, long-term ecological harm, and systemic threats to biodiversity and ecosystem function **align with criteria envisioned under a high-threshold ecocide offence.**

If properly documented, with robust ecological baselines and post-impact monitoring, this case could provide both a powerful argument for legislative adoption of ecocide law and a test case for prosecuting environmental destruction at a systemic scale.

2.5.6 ECOCIDE AND RIGHTS OF NATURE

COMPLEMENTARY LEGAL APPROACHES

The movement for ecocide law intersects strongly with the Rights of Nature (“RoN”), recognising ecosystems, species, or natural entities (such as rivers and woodlands) as individual rights holders. This is a shift from property and resource dynamics.

- Rights of Nature (“RoN”) emphasise legal standing and guardianship, allowing communities or appointed “guardians” to defend ecosystems in civil, administrative, or constitutional proceedings.
- Ecocide law adds criminal accountability for individuals or institutions whose decisions or actions inflict severe, systemic harm on these same ecosystems.

This is a mutual reinforcement of legal tools. Ecocide could enforce the “worst-offence” safeguard for jurisdictions with legal frameworks for RoN; and for ecocide advocates, RoN strengthens the normative foundation by defining harm thresholds culturally/socially.

2.5.7 DOMESTIC PATHWAYS FOR INTEGRATION (ENGLAND)

Local authorities and civil society actors can advance Rights of Nature-informed ecocide protection through a bottom-up approach:

1) Legal Awareness and Capacity Building

- Educate council members, planners, and community groups on ecocide, RoN principles, and relevant statutes. For example, the scientific thresholds for Rights of Nature thresholds and ecocide identified in [2.5.5](#) (above).
- Hold workshops and consultations to build local legal and ecological expertise.

2) Council Recognition and Policy Integration

- Adopt motions or charters recognising natural entities (rivers, woodlands) as legal subjects.
- Embed RoN and ecocide principles into council strategies, climate plans, and planning policies.
- Link policies to monitoring, prevention, and remedial responsibilities.

3) Procedural Embedding in Planning and Regulation

- Integrate RoN obligations into Sustainability Appraisals, EIAs, SEAs, and development approvals.
- Require projects to avoid severe, widespread, or long-term ecological harm.
- Establish post-development monitoring to ensure compliance.

4) Guardianship and Legal Representation

- Appoint statutory or community guardians to represent ecosystems in legal proceedings.
- Empower guardians to challenge harmful activities and liaise with authorities.

5) Community and Legislative Advocacy

- Mobilise public support through campaigns, petitions, and media outreach.
- Collaborate with MPs, legal experts, and NGOs to advocate for national ecocide legislation.
- Use council initiatives and RoN recognition as leverage for political momentum.

This streamlined approach links civil recognition of ecosystem rights with criminal accountability for ecocide, creating a legally defensible framework for ecosystem protection even before national legislation.

CONCLUSION

In conclusion, recognising ecocide would mark a significant shift in environmental law by strengthening deterrence and potentially holding senior decision-makers, including corporate executives and state officials, **directly accountable** for severe environmental harm. Developments such as the proposed ecocide amendment to the UK Environment Act demonstrate growing political and legal momentum behind this approach.

Ecocide law would establish a **clear criminal baseline for severe environmental destruction**, while Rights of Nature approaches proactively protect ecosystems by recognising their intrinsic rights. Although they operate differently, both aim to prevent environmental harm and address gaps in current UK environmental law. Even without granting legal personhood to nature, ecocide could help strengthen a culture environmental protection by **reinforcing ecological limits** that cannot be overridden by short-term economic or political pressures.



2.6 Re-Building Connections with Nature



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‘After a whole day in the woods, we are already immortal.’

- John Muir, naturalist 1873

INTRODUCTION

Without thinking, what comes into your mind if you say out loud the word ‘Apple’. Please do it now! Was it a fruit or a phone? And what about the word Sky, or Mouse, or Cloud and the biggest of them all, what comes into your head when you say ‘Amazon’.

You might like to try the same idea on your friends, children or a nephew or niece or grandchildren and reflect on their answers. Look at how some of big tech has captured a word describing nature and turned it into a global business phenomenon – changing our focus from the Earth’s lungs to a small screen and in the process selling us more things we don’t necessarily need.

These are just a few of many examples of how humanity’s connection to nature, particularly trees and woodlands, has been gradually weakened over centuries of urbanisation, industrialisation, and consumerism. For too long, nature has been treated as a resource to be exploited rather than a living system to be respected and protected. In this section, we explore the importance of **re-building a meaningful relationship with people as part of the natural world** highlighting the vital roles trees, woodlands, and forests play in [sustaining life on Earth](#). This connection is crucial not only for ecological health, but also for deepening our understanding of our responsibilities toward the natural world and supporting the recognition of the rights of trees.

We may also **rethink the way that other beings are recognised in legal systems**. As [Phoebe Tickell](#) (founder of [Moral Imaginations](#)) commented, nature has the ‘right to exist to be protected, respected and dignified’, and this shift in perspective is fundamental in gaining widespread support for enhanced environmental protection and the recognition of nature’s rights.

This reconnection is important as it could **help to shift perceptions** of nature from being a resource or commodity to being an integral, living part of the world we share. By **actively engaging with** and experiencing the richness of trees, woodlands and forests, people can develop a deeper appreciation for their intrinsic value and move away from the view of nature as something for us and separate from us. A [re-enchantment with nature](#), can help to better understand the natural world and appreciate its beauty and wonder. This section suggests five ways in which this can be achieved:

- 1) Education,
- 2) Community involvement,
- 3) Sensory experiences, and
- 4) Artistic expression.

These will be explored in more depth in the following sections.

2.6.1 LET'S CHANGE THE FOCUS: EDUCATION AND LEARNING INITIATIVES

Forest Schools offer children the opportunity to learn within natural environments, where the lessons of the forest unfold through hands-on experiences. In these spaces, children are not only taught practical skills but also develop a profound, lasting connection to nature.

'Forest School is a child-centred inspirational learning process, that offers opportunities for holistic growth through regular sessions. It is a long-term program that supports play, exploration and supported risk-taking. It develops confidence and self-esteem through learner-inspired, hands-on experiences in a natural setting.'

- Forest School Association

Through self-directed learning, they come to understand that trees, soil, and wildlife are not abstract concepts but living beings with intrinsic value.

As the Forest School Association highlights,

'Forest School inspires a deep and meaningful connection to the world' and 'develops confidence and self-esteem through learner inspired, hands-on experiences in a natural setting.'

Experiential learning initiatives foster a deeper connection, where students don't just read about trees, they experience them, seeing firsthand the interwoven relationships that sustain life. These educational experiences can be integrated into many stages of learning from pre-school to university and help transform nature from something distant or theoretical into a tangible, integral part of their world, helping students realise the importance of preserving and protecting it.

Nature-based curricula, such as the Natural History GCSE, take this further by bridging the gap between classroom theory and the world outside, allowing students to engage directly with ecosystems.

University level, modules such as the: Exploring a forest food garden module at the University of Sussex focus on the practice of harvesting food, medicine, and other resources from a woodland ecosystem. The module connects **global issues** such as climate change and biodiversity loss to **practical, hands-on experiences**, such as planting, harvesting, and preserving foods. It also explores the role of forest food gardens within broader food systems, considering economic, environmental, health, and social factors. Emphasising **interdisciplinary learning**, students apply their diverse knowledge to understand the interdependence between human communities and the natural world. The module also links the University to a local Secondary school, who began a similar project at the same time, this link further ties the community into the efforts of environmental education.

Other **learning initiatives** such as '[Re-Enchantment for Adults](#)' by [Partner With Nature](#), are designed for adults to be able to re-build a connection and understanding with nature, to re-develop an appreciation for both its beauty and its mysteries and helps to develop an appreciation for nature.

2.6.2 COMMUNITY INVOLVEMENT

TREE IDENTIFICATION

[Tree identification](#) is a skill that allows people to recognize and understand the trees around them. This knowledge, once passed down through generations, is increasingly at risk of being lost in today's digital age. By **learning to identify trees**, people not only gain practical skills but also gain a deeper appreciation for nature. Through **hands-on experiences**, people can explore the characteristics of different species, from their leaves to bark, and develop a sense of place in the natural world, preserving a tradition that enriches their understanding of the environment.

[Tree Measuring](#), is a vital part of forest management and ecological studies and can take many forms, though usually done formally, by measuring the diameter, height of trees, crown spread and shape, base area, carbon sequestration, disease and water regulation (see [1.1](#) on methodologies for tree measuring and valuation such as CAVAT ([1.1.3](#)) and RAVEN ([2.2.3](#)): however these methods only focus on quantifiable ecosystem services and underrepresent cultural, emotional, relational or spiritual values.

Science is developing to better understand trees, including the role of **mycelium**: the vegetative structure of fungi that stretches out beneath the soil. Mycelium form a '**wood wide web**' and use chemical and electrical signals, as warning systems to nearby trees when attacked by pesticides or pathogens, and for nutrient sharing - trees and plants can send and receive carbon, nitrogen, and phosphorus through this system. This demonstrates the highly intellectual communication found within nature that is often overlooked. There is a scientific need for a more standardised and repeatable method of measurements including emerging understandings of mycorrhizal networks, but the boundary of measurement should not be limited to what can only be tangibly understood.

Non-scientific knowledges and lived experiences are also important tree measurements and there are approaches for gathering information about trees that acknowledge the tree's history, interests and concerns. For example, the tree's cultural significance, historical or community importance can be recorded through means such as place-attachment and identity indicators; and story-based or oral history mapping. The tree's relationships could be mapped, along with other factors that may affect its health and long-term wellbeing. These 'ways of knowing' are common in other countries where **indigenous knowledge systems** recognise multiple values of trees.

Dialogue between these differing perspectives should be embraced rather than overlooked. Such exchange can improve how trees are understood and assessed through **transdisciplinary knowledge**, while also helping to strengthen connections between communities.

TREE STEWARDSHIP

[Active participation in conservation efforts](#), can foster deeper connections with nature. One means of achieving this is through **Tree/Woodland stewardship**, which creates a sense of personal responsibility for caring for trees and woodlands. The [Community Tree Stewardship Guide](#) by Nature Towns & Cities is a practical resource designed to help local residents and groups plan, plant, and care for urban trees, fostering community engagement and enhancing neighbourhood green spaces.

Community involvement in **tree planting conservation initiatives**, help people to restore trees and woodlands, and to witness the positive impact of their efforts. Communities, parish councils, local charities or volunteer groups can access **funding** for tree planting or woodland creation – even for small projects:

- [Communities for Nature](#) who support communities to buy and manage land for nature recovery.
- [England Woodland Creation Offer \(“EWCO”\)](#) supports the creation of new woodland (from 1 hectare).
- [The Tree Council](#) offers a variety of grants tailored for community groups, local charities, schools, tree-warden networks and other non-commercial applicants.
- [The Woodland Trust](#) recommend checking a variety of funding sources including local trusts, charities, and corporate environmental funds.

ADVOCACY AND THE ROLE OF WOODLAND GUARDIANSHIP BODIES

Woodland guardianship bodies can play an important advocacy role in promoting policies that improve access to woodlands and green spaces, such as supporting **better public transport links** to natural areas or encouraging the **creation and protection of new woodland**. Guardianship bodies can also represent the interests of trees and woodlands in **democratic processes** by engaging with MPs, local councillors, and metropolitan mayors to communicate community priorities for conservation, restoration, and long-term ecological protection.

In addition to policy advocacy, woodland guardianship bodies can help promote community-led environmental stewardship and strengthen relationships of people within nature. The growth of community and local government initiatives recognising the rights of rivers in the UK demonstrates how **grassroots advocacy** can influence governance approaches, providing a useful model that can be adapted to support the protection and recognition of the rights of trees and woodlands. [2.8 Practical Tools and Templates](#) provides guidance and templates for establishing woodland guardianship bodies to support this work.

Campaigning for policies that **increase access to woodlands and parks**, such as improving public transport options or developing new green spaces ensures that more individuals can benefit from connections to nature. Also writing to MPs, local councillors and metropolitan mayors stating their concerns and priorities for conserving and restoring trees and woodlands and to reflect their views in democratic decision making.

Community environmental practices are an important pathway to establishing a more harmonious relationship with nature. The UK has seen a rapid rise in the developments for the [rights of rivers](#) from community and local government initiatives that can be drawn upon for trees and woodlands. See [2.8.7](#) and [2.8.8](#) for guidance and templates for forming **woodland guardianship bodies**.

2.6.3 SENSORY EXPERIENCES

[Direct sensory engagement](#) with nature is one of the strongest predictors of long-term emotional connection, care, and pro-environmental behaviour. Sensory experiences are a key means to develop a **personal and meaningful connection** with trees and woodlands. Yet research shows that connection to nature in the UK is among the lowest globally, and access is unevenly distributed. The [People and Nature Survey \(Natural England\) and recent international assessments](#) indicate that socioeconomic barriers, including lack of accessible green space, time, transport, safety, income, disability inclusion, and increasing urbanisation, reduce opportunities for meaningful interaction with trees, woodlands and wider ecosystems. These factors prevent many individuals from direct sensory involvement. Engaging through **sight, touch, sound, and even smell** can transform the way individuals perceive and relate to trees through sight, touch, sound, and even smell that can transform the way they perceive and relate to nature. Section [2.7.7 Listening to Nature's Language](#), highlights how learning to listen to and understand sounds and languages from the natural world can act as a powerful catalyst for changing how we value, protect, and make decisions about nature.

Improving opportunities for direct engagement requires structural and cultural change. This includes **expanding access to woodlands and green spaces** through equitable land-use planning, improving transport links, and embedding nature-rich spaces into urban design (such as urban forests, community orchards, allotments and micro-woodlands).

Engagement can also be strengthened through [community stewardship frameworks](#), participatory tree-planting, and guardianship models that cultivate belonging and responsibility. Ultimately, fostering connection is not merely about providing access, but about enabling experiences that cultivate respect, curiosity, and reciprocal relationships with the more-than-human world.

[Sensory walks](#) and [forest bathing/shinrin yoku](#) can encourage people to notice the texture of bark, the sound of leaves moving in the wind, or the scent of soil after rain. These experiences offer an immersive way of being with trees rather than simply observing them at a distance, helping people form emotional relationships with woodlands.

‘A child who regularly returns to the same woodland for forest school is likely to form a meaningful connection with that place – whereas without those repeated experiences, that relationship may never develop.’

- Lucy Grabe Watson of the Woodland Trust

2.6.4 CULTURE, CREATIVITY AND NATURE

Art, poetry, music, and storytelling serve as powerful tools for deepening emotional connections with trees and woodlands. Through these creative expressions, individuals are given the opportunity to reflect on their personal experiences with nature, allowing them to explore and convey their feelings in meaningful ways.

Emma Montlake highlights the profound connection **books** can create such as Iris Murdoch’s short story *The Black Prince*. In this story, the protagonist, a woman caught up in her domestic worries, looks out the window and sees a kestrel hovering. In that moment, her thoughts are momentarily interrupted, and ‘the only thing that exists... is the kestrel’. This scene reflects the power of nature to shift one’s focus away from personal or selfish thoughts, fostering a direct and immersive connection to the world. Such literary moments, like Murdoch’s depiction, **illustrate how art can deepen our relationship with the natural world.**

Musical experiences within woodlands can offer a profound way of communicating with, and connecting to, other living beings. From 1924 to 1942 [cellist Beatrice Harrison's accompanied nightingales](#) in outdoor concerts that were broadcast on radio; as a result, she received around 50,000 letters from listeners responding to these performances. Such concerts are being revived by artists including folk musician Sam Lee, alongside calls for a new publicly broadcast nightingale concert. With **only around 3,500 breeding pairs of nightingales** remaining in England, connecting with them through music highlights their personalities, emotions and intelligence, helping people build deeper emotional connections with other living beings.

Phoebe Tickell discusses the use of [‘imagination-based practices’](#) as part of her work, including the **Interspecies Council**, where creativity plays a pivotal role in fostering connections with nature. **Imagination** is a key component of artistic creation. At the [2025 Green United Conference](#) held at The University of Sussex, Dr Joanna Smallwood-Miller and Emma Montlake facilitated a **council of all beings** to make a decision regarding a local conservation project, with around 80 children from local schools representing different stakeholders both human (local councillors, future generations, dog walkers and farmers) and non-human (kingfishers, eels, toads, etc). This led to a decision being made based on all species needs rather than just humans.

This **‘inter species’ decision-making exercise** can be used for trees, woodlands and forests when decisions impacting them need to be made, thus contemplating and accounting for a variety of needs from all species. Even if on the outskirts of formal decision making, [inter species councils are increasingly used in the UK](#) and serve as an example of how decision-

making changes and the subsequent impact it may have when considering the needs of all species.

Artistic projects such as [writing love letters to trees in Melbourne, Australia](#) involved mapping each of the city's 70,000 trees who were given an identification number and associated email or QR code. This enabled people to send messages to "their" tree – including love-letters, thank yous or reports of damage. Over time, thousands of "**Dear Tree**" letters were sent. This example shows an example that can be used in the UK as a tool for fostering a deeper connection with nature, encouraging individuals to view trees not just as subjects that people can relate to. [Forestry England](#) supports artists, architects and designers to develop innovative ideas in their forests.

Practical applications of art such as [architectural design](#), and [design for more-than-humans](#) help to realise remains to incorporate ecological principles into human buildings and designs, considering the needs of other species.

Festivals to celebrate Trees that often hold [spiritual](#) or [cultural significance](#) for many communities are organised that honour the cultural importance of trees in local traditions, emphasising the need to preserve these trees for future generations. **Wassailing** is an ancient tradition rooted in paganism roots practised in Britain for centuries. The purpose is to encourage the spirits into ensuring a good harvest the following season. Pilgrimages such as [Martin Hugi's pilgrimage to visit the UK's oldest trees](#), highlight the cultural importance and reflect a desire to celebrate and care for trees, emphasising their value beyond just ecological or practical considerations.

Art provides a platform for shared stories and imagery, helping to connect people with similar passions and respect for the natural world. [Community projects that encourage participants to create art](#), write poetry, or perform music inspired by their connection to trees and nature foster not only a deeper bond with the land but also cultivate communal respect for the environment. By engaging in these creative pursuits, individuals contribute to a collective appreciation of trees, strengthening the emotional ties that bind them to the natural world.

Building a harmonious relationship with nature means reconnecting both past and present generations to the natural world and fostering understanding across cultures. Education, community engagement, and the arts can reinforce this bond. Rather than viewing nature as just a resource, we should recognize it as a collection of living beings with their own intelligence and value, an outlook that can enrich both ecological efforts and human life.

CONCLUSION

Re-building our relationship with trees, woodlands and forests is both an environmental and cultural shift. As this section has shown, education, community involvement, sensory experience and creative expression can help people reconnect with nature, moving from

2.6 Re-Building Connections with Nature

something distant or abstract to something lived, relational and meaningful that humans are part of.

Strengthening these connections is vital at a time of ecological crisis and growing disconnection from the natural world. By creating opportunities for engagement, stewardship and shared experiences, we can foster greater care, responsibility and respect for nature, while supporting recognition of the intrinsic value and rights of trees and ecosystems.

Ultimately, reconnecting with nature reminds us that **humans are one part of the living world**. In doing so, we help protect trees and forests while shaping more respectful ways of living for the future.

2.7 Language as a Tool for Change



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INTRODUCTION

In the UK, the language we use in law, policy, and society continues to reflect a deeply ingrained human-centric worldview, one that sees nature including trees, woodlands and forests primarily as a resource for human use ‘assets, property, amenity, yield’. This perspective has led to environmental degradation, climate crisis, and social inequalities. To shift this paradigm, our toolkit proposes the need to fundamentally **change the way we think, speak, advocate and legislate for nature including trees, woodlands and forests and the wildlife that lives within them**. Our interviews and research highlight the need for a **new linguistic framework** that acknowledges nature’s intrinsic value and rights to exist, thrive, and be protected beyond their utility to humans.

2.7.1 LANGUAGE AS A TOOL FOR CHANGE

The words we use, shape our understanding of the world. Even the term ‘nature’ itself can reinforce a false separation between humans and the ecosystems we are part of (Phoebe Tickell founder of Moral Imaginations). By redefining how we speak about forests, we can **challenge this dualistic thinking**.

In other cultures, there is language to speak about forests as living worlds inhabited by humans and non-humans. In the Amazon Kichwa people refer to the forest as **Sachamama (Forest Mother)** and see the forest as a sentient being with agency. Forests are understood as living relatives, ancestors, or communities of beings. The Anishinaabe people in North America and Canada speak of forests as relations or relatives and trees are addressed with the same respect as people. Robin Wall Kimmerer describes them as ‘**our elder brothers and sisters**.’ In the UK Folk lore frames forests as members of a moral community and governed how people related to land, trees, animals, and one another. Oaks (**King of the Forest**), Yews (Trees of Life), Ash (Tree of rebirth and healing) and Hawthorn (Fairy trees) were believed to house spirits or act as thresholds between worlds.

Whilst this way of speaking of nature, as kin and part of a moral community encompassing all of nature, has been largely forgotten in the UK it is a change that can be easily reinstated. Instead of speaking of trees, woodlands and forests as ‘it’, ‘natural resources’, ‘timber’, ‘ecosystem services’, ‘natural capital’ and ‘carbon sinks’ we can refer to them as living beings and communities. Trees can female and male (Yew, Ash, Holly) or both (Oak, Birch, Beech and Willow) and can easily be referred to as ‘she’, ‘he’ or ‘they’ where trees are both male and female. Instead of ‘tree cover (a metric used for monitoring forest change) we could use the term ‘Living canopy communities’, acknowledging their role as essential habitats rather than metrics.

Robert McFarlane in his beautifully written book, *Is a River Alive*, also advocates for:

‘Who’, not ‘which’. *These lands who are alive*. Words make worlds. In English, we ‘it’ rivers, trees, mountains, oceans birds and animals: a mode of address that reduced them to the status of stuff, and distinguishes them from human persons.

Legal frameworks also need to evolve. Rights of Nature in the UK could be a legal reality, as seen in countries like [Ecuador](#) and [New Zealand](#), where forests have been granted legal personhood. In the UK, such legal recognition could mean an end to the destruction of ancient woodlands, better protection of existing trees, woodlands and forests and public obligations to restore trees, woodlands and forests as entities with inherent rights, rather than mere commodities to be managed (see [2.2 Legal and Political Reform](#)).

Legal practitioners, scientific experts and indeed any individual can choose to **change the way they talk about nature** including trees, woodlands and forests to recognise their intrinsic, cultural and other values. The following sections introduce principles for ecocentric language, offer examples, and case studies demonstrating their use.

2.7.2 A FUTURE BEYOND ANTHROPOCENTRISM

The urgency of our ecological crisis demands that we move beyond laws that treat nature as a resource for human exploitation. **Embedding a language**, one of respect, dignity, and interconnectedness, into our legal, social, and political structures can help to change actions and behaviours towards nature.

PRINCIPLES FOR ECOCENTRIC LANGUAGE

Principle	Description	Example Language
1) Centre the Living Being	Use language that recognises trees, woodlands, and ecosystems as living entities rather than human assets.	From: Tree/It → He, She, They, Who, Elders, Kin. Forest/woodland/natural resources To: Forest/woodland communities.
2) Acknowledge Agency in Nature	Recognise that trees and ecosystems act, respond, communicate, and shape their environment.	From: We planted trees to make a woodland/forest To: We honour the woodland/forest who is growing.
3) Use Relational Language	Emphasise interdependence and kinship rather than ownership or control.	From: Our woodland To: The woodland we live with.
4) Be Clear About Harm	Use precise and honest terms for environmental damage	From: Habitat Loss/Land use Change/Development

	rather than neutral or sanitised wording.	To: Habitat destruction/Killing/ Destruction of living communities.
5) Acknowledge Continuity, History and Time	Highlight the lifecycles and slow processes of woodlands to counter language that implies offsetting and replaceability.	From: New planting will compensate for loss/Mitigation To: The loss of a centuries-old woodland cannot be replaced within human lifetimes. Talk in Tree Time highlighting the history trees have lived through.
6) Avoid Extractive Framing	Replace commodity-focused terms with language that reflects ecological roles, identity, and integrity.	From: Timber/ Tree Cover/Woodland management To: Forest /woodland contributions/gifts, ancient woodland/tree community.
7) Situate Humans Within Nature	Frame humans as members of ecosystems, not owners standing outside them.	From: Ecosystem services/Natural Capital To: We live within the forest and depend on their natural cycles, the Woodland's life supporting functions, Mother Forest.
8) Keep Rights of Nature in View	Use wording that reflects inherent value and legal or moral standing of trees and ecosystems.	From: Permission to fell/tree works approved To: A decision impacting the tree's continued life/ Consent for irreversible loss of a living tree.

Choosing to speak of the inherent value of trees, woodlands and forests **pushes forward different understandings of their value** that can influence others. This is already happening in the rising Rights of Nature community, and we include examples below demonstrating how such approaches can be implemented, that can be adapted for different contexts, and inspire toolkit users to take such an approach themselves.

2.7.3. CASE STUDIES OF ECOCENTRIC APPROACHES

In legal cases judges typically refer to nature in anthropocentric terms, legislation, policy science and other forums also speak of trees purely from this anthropocentric perspective. The following sections share examples of how nature's intrinsic value has been expressed, whilst these are not specifically about trees, woodlands and forests they can be used as general frameworks to draw inspiration from:

JUDGMENTS

[Walton v The Scottish Ministers \[2012\] UKSC 44](#) involved the legality of a new road network near Aberdeen, specifically the ‘western peripheral route’ designed to reduce traffic congestion. The schemes were initiated by Scottish Ministers, local authorities, and private groups under the Roads (Scotland) Act 1984.

The judgment highlighted concerns about environmental impacts, particularly regarding the **osprey's flight path**, the judge considers the flight path of the Osprey from the eyes of the bird and notes that wildlife cannot challenge developments affecting their habitats. Paragraph 152 raises whether an individual may contest a proposal due to risks to wildlife, even if personal property rights are unaffected:

‘Take, for example, the risk that a route used by an osprey as it moves to and from a favourite fishing loch will be impeded by the proposed erection across it of a cluster of wind turbines.... The osprey has no means of taking that step on its own behalf, any more than any other wild creature. If its interests are to be protected someone has to be allowed to speak up on its behalf.’

- [Walton v The Scottish Ministers \[2012\] UKSC 44 \[152\]](#)

This approach illustrates how judges can imagine and consider the perspectives and needs of wildlife in environmental decisions and supports bringing nature’s voice into advocacy for nature and legal proceedings.

A JUROR’S OATH

Paul Powlesland, barrister and co-founder of [Lawyers for Nature](#), demonstrates his commitment to **environmental advocacy** by swearing his juror's oath on a vial of river water from the Roding, rather than a Bible. He argues that rivers lack legal representation and existing laws often fail to protect them. Paul believes such **symbolic gestures** may inspire others to treat nature with respect. Judge Charles Falk commended the jury for faithfully fulfilling their duty, regardless of the manner in which their oath was taken.

EARTH LAW JUDGMENTS

Dr Helen Dancer co-editor of [UK Earth Law Judgments](#), revisits the 2020 Court of Appeal decision on HS2 railway (discussed in [1.3 Ancient Woodlands](#)) and highlights the overlooked intrinsic and future value of ancient woodland lost to the railway project. She argues that justice should consider future generations and ecological well-being, beyond the interests of current societies. Her **apology to future generations** underscores the limitations of UK environmental law and suggests more inclusive approaches accounting for both non-humans and long-term impacts.

INTERSPECIES COUNCILS

Interspecies councils use **nature-centric language and governance to** integrate diverse perspectives into policy discussions impacting nature. Interspecies councils aim to represent nature's interests in decision-making, with advocates voicing through representations through the lens of different non-humans. Developing representation models for nature are key (including when granting nature legal standing), to ensure nature's rights can be represented in court to give nature formal recognition and protection. Lessons can be learned from other countries such as New Zealand and Colombia (see [2.3 Lessons from Other Jurisdictions](#)).

2.7.4. ENVIRONMENTAL POLICY DOCUMENTS

Using ecocentric language in policies is already developing and helps to frame environmental issues in a different way.

A Green Future: Our 25 Year Plan to Improve the Environment
(January 2018) talks of:

'Respecting nature's intrinsic value, and the value of all life, is critical to our mission. For this reason, we safeguard cherished landscapes from economic exploitation, protect the welfare of sentient animals and strive to preserve endangered woodland and plant life, not to mention the greening of our urban environments.'

In Defra's, Keepers of time: ancient and native woodland and trees policy in England (2022), the Foreword discusses the oldest tree in England, living through much of recorded history and provided environmental benefits. It also discusses the underappreciated and vast value of ancient trees and woodland, making sure they are recognised for their natural capital and cultural value. It talks of them as:

'Irreplaceable habitats which must be protected. Their long-standing presence, species and form serve as a rich cultural record of past management practices.'

- Keepers of time: ancient and native woodland and trees policy in England (2022), Defra

No specific reference is made here to intrinsic value, yet it outlines their **cultural value** which could be extended to also recognise their intrinsic value.

2.7.5. COMMUNICATION WITH PLANNERS AND DEVELOPERS: RIVER RIGHTS

A developer was asked by Dr Joanna Smallwood-Miller how their planned housing project near the river Ouse would respect the river's rights (the River Ouse is the first river in the UK to have a charter of rights championed by the local council). The developer replied thoughtfully, highlighting their commitment to ecology and collaboration with local experts.

The right to flow

- Flood Defence Strategy ensures no structures block the river corridor, protecting natural flow and sediment movement.
- The new flood wall is set back, increasing flood plain storage and river width; bridge design allows water to pass freely even during high floods.

The right to essential ecosystem functions

- River corridor widened for native species colonization.
- Ecological niches created for fish spawning; suitable substrates added.
- Sustainable Urban Drainage ("SuDs") implemented across the site to filter pollutants and improve surface water management.

The right to be free from pollution

- SuDs features filter urban pollutants before they reach the river and support riparian habitat.
- Low car strategy minimizes water pollution.

The right to interact with aquifers

- SuDs prevent contamination of surrounding chalk aquifers that feed the river.
- Pollution controls are detailed in chapters 13 & 14 of the Environmental Statement and will be included in future construction plans.

The right to native biodiversity

- SuDs and ecological improvements throughout the site enhance wetland habitats and increase areas for riverine species.

2.7.6. COMMUNICATION WITH DEVELOPERS: WILD ANIMAL RIGHTS

Dr Joanna Smallwood-Miller was asked to be present at a meeting concerning shrubland earmarked by developers for 'alterations' or in other words 'destruction of living communities of shrubland', despite being habitat to a returning population of nightingales. In the meeting

with concerned residents, the developers, site managers, and local councillors; Joanna framed the conversation from the perspective of a nightingale. She began representing the nightingale at the start of the meeting.

*'I am a solicitor, and **I am here to represent the nightingale** in this conversation. I would like to explain to you what this shrubland habitat that you are going to remove means to me. After a long and arduous flight from North Africa, where I have survived storms, I have been shot at and I am fortunate to have survived, I have finally arrived at my UK home. I am tired and hungry and look to my shrubland home which has been my home for generations. Without a home I will struggle to find a suitable place to rest, feed and breed and my already shrinking family and community will not survive and despite the gruelling journey **I may not survive.**'*

- Dr Joanna Smallwood-Miller

This type of conversation, clearly recognising the intrinsic value of nightingales was well received and it encouraged all present to consider the stark reality that removing the shrubland would have on the nightingales and helped to have a more empathetic conversation about how to move forward. The conversation did not change the fact a development would happen, as this had already been agreed, and sadly nightingale habitat would be impacted, but it did make those involved **consider the morality of their actions in this decision** and inspired the site manager to promise to ensure the impact on this shrubland was minimised.

2.7.7. LISTENING TO NATURE'S LANGUAGE

So far, this section has focused on human language. **Nature has her own voice** and languages more varied and complex than human words. Stand in a woodland and you can hear the multiple languages of other species. Direct sensory engagement with these voices might allow you to identify particular species, but beyond and before that, we immediately *feel* the sounds of excitement, love, distress and joy. As soon as we tune in to these, we recognise these soniferous beings as centres of experience, subjects with their own lives, concerns and therefore rights.

Means of recording nature's languages have rapidly developed from the acoustic monitoring of whale song in the 1970's when Roger Payne and his then wife Katy discovered that whales not only had voices but could **sing**, the songs were varied, structured, precise, and repeated - similar to human music. This finding changed people's perceptions of whales from alien deep sea creatures, often killed for their blubber, to emotional, cultural? individuals with intrinsic value that humans could relate to.

Professor Alice Eldridge is a proponent of what she calls ‘ecolisting’ – a transdisciplinary approach to studying nature’s soundscape in ways that help us to better understand, connect with and protect them. As she comments:

‘Remote sensing technologies and AI are helping us to listen to ecosystem health at scale, but the simple act of listening with our own ears can transform our relationship with nature. Through direct sensory engagement our bodies know what our minds sometimes forget. We recognise our place in the wider community of life.’

- Professor Alice Eldridge

Working with the [Ancestral Kichwa People of Kawsak Sacha \(“PAKKS”\)](#) communities in Ecuador, Alice and [collaborators](#) have helped them to register the sounds of the forest – Sacha Taki – as national [intangible](#) cultural heritage. For the PAKKS the forest is not a collection of resources but a living, communicative being. The voices of the forest are expressions of the vitality of the forest beings and help sustain the cultural, ecological and spiritual practices and relationships through which the human and more-than-human forest society thrives.

Alice’s UK projects such as [‘Wilding Radio’](#) invite us to listen in to live audio streams from rewilding sites such as Knepp, and exhibitions such as Bird Bath (Brighton Festival, May 2024) invite people to stop, rest and soak in the magic of their local bird song. These accessible activities aim to nurture a direct felt experience of the vibrant life close to the cities where we live and rekindle the biocultural webs that connect us to nature and are all but lost in the UK. Artificial Intelligence (like it or not) is attempting to explicitly decipher non-human languages and [studies suggest that bats have names for each other](#), and mothers babble to their young in motherese just like humans and other mammals with pet names for their different children.

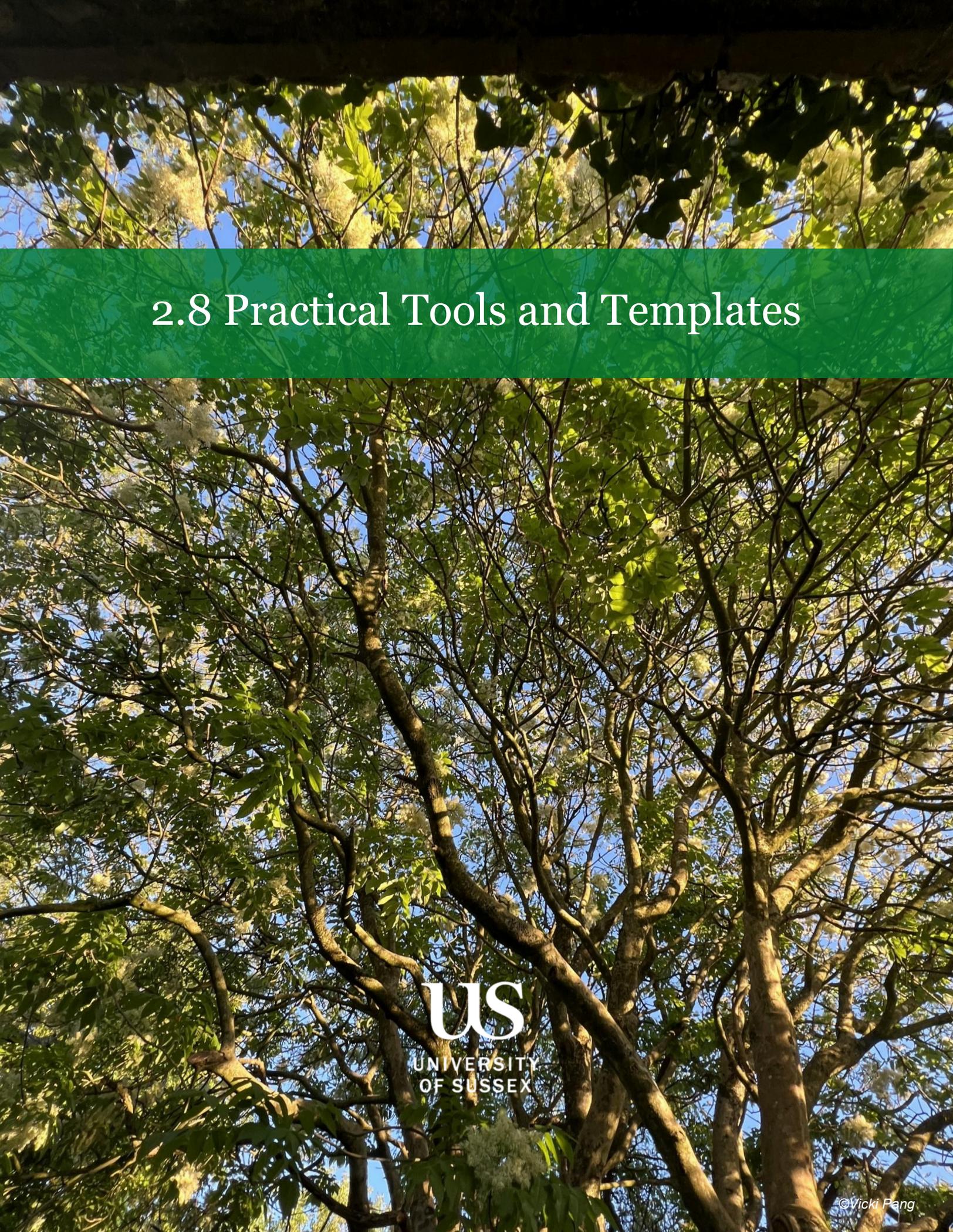
A [project at Trinity College in Dublin](#) gave a 200-year-old London Plane tree an imagined voice. Through AI and environmental senses, they collected raw data to turn it into something that helps people understand the natural world. For example, the tree talked to passers-by and said ‘I am a living being. I have stood here for generations. I clean your air, shelter your birds, and cool your streets. I have a right to live. Please let me stay.’ Framing the tree as a living participant in the city with its own interests, history, and value invited the public to imagine what decisions about felling or ‘removal’ mean when heard from the perspective of the tree itself.

Understanding what nature has to say is a powerful catalyst for change. It becomes far harder to justify destroying a home or taking a life when we are able to hear the voices and perspectives of those affected. Giving nature a voice reframes harm: what once appeared as neutral ‘development’ is revealed as the displacement of living communities and the severing of relationships. In this way, listening reshapes both moral imagination and legal possibility.

CONCLUSION

Changing human language and learning to listen for nature's own languages is one of the most accessible and powerful ways to shift cultural norms and legal priorities. As judges, planners, lawyers, policymakers, community stewards, and citizens, the words we use to describe trees, woodlands, and forests shape how they are perceived and, ultimately, how they are treated.

By adopting ecocentric language, we begin to normalise a worldview in which trees, woodlands, and forests are not commodities or obstacles to be managed, but living communities with dignity, agency, and value independent of human use. Language becomes a quiet form of lawmaking: it frames what is thinkable, what is defensible, and what is worth protecting.



2.8 Practical Tools and Templates

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2.8.1 Environmental Information Request (EIR): Guidance

Environmental Information Requests (“EIRs”) are a form of legal request that enable members of the public to access information held by public authorities about activities, plans, or decisions that affect the environment. In the UK they are governed by the [Environmental Information Regulations 2004](#) and the [Information Commissioners Office](#), which implement the UK’s obligations under the Aarhus Convention to ensure public access to justice, information and facilitate meaningful public participation in environmental decision-making.

SCOPE

Unlike Freedom of Information (“FOI”) requests, **EIRs apply specifically to environmental matters** and are interpreted broadly. Environmental information includes data, reports, correspondence, assessments, maps, etc., as well as opinions relating to land use, biodiversity, trees, woodlands, ecosystems, and the measures or activities that may affect them.

WHEN TO USE AN EIR

EIRs are especially valuable in **understanding what decisions may affect the Rights of Nature** in a given situation. For example, EIRs can allow us to understand:

- Planning applications involving development near trees or woodland
- Proposed tree felling, pruning, or woodland clearance
- Infrastructure or construction works affecting root protection areas
- Changes to land management or access routes
- Mitigation, compensation, or biodiversity net gain proposals

In these contexts, EIRs can reveal whether ecological and arboricultural considerations have been properly assessed, whether impacts have been understated or whether alternatives and safeguards have been explored.

WHY DO THEY MATTER?

Using an EIR enables communities to understand how decisions affecting trees and woodlands are made, identify gaps, inconsistencies, or outdated evidence and engage meaningfully in decision-making, helping save the many abilities we have just discussed. Trees, woodlands and forests are not merely individual landscape features or ecosystems; they function as interconnected living systems that have their own value as well as supporting biodiversity, regulating climate, protecting soils, waters and contributing to public health.

By facilitating transparency and scrutiny, EIRs help ensure that trees, woodlands, and the ecological communities they support are respected as living systems rather than treated as expendable assets, thereby upholding environmental democracy and promoting their proper consideration, protection and valuation within decision-making processes.

2.8.2 Environmental Information Request (EIR): Template

Subject: Request for Environmental Information RE: [SITE NAME/REFERENCE].

Dear [Council/Planning Department],

I am writing to request information under the Environmental Information Regulations 2004 (“EIR”) in relation to the [planning application/proposed tree felling/proposed works] at [SITE NAME/ REFERENCE].

Please provide:

(Below are some ideas of what may be relevant/what you may request)

- 1) All ecological surveys, habitat assessments, species surveys, biodiversity reports, Phase 1/Phase 2 surveys, and any specialist studies relating to ancient woodland, veteran trees, or protected species on or near the site.
- 2) All arboricultural reports, tree surveys, arboricultural Impact Assessments (“AIA”), Arboricultural Method Statements (“AMS”), and Tree Constraints plans prepared for the application.
- 3) All correspondence (emails, letters, meeting notes, internal communications) between the council, ecological or arboricultural consultants, Natural England, and the applicant concerning tree removal, root protection areas, construction impacts, or veteran tree and protected species considerations.
- 4) All documents relating to proposed mitigation measures, compensation, biodiversity net gain assessments, landscape strategies, canopy cover assessments, ecological evaluations, ancient woodland buffer assessments, or any arboricultural or ecological survey relevant to the protection or loss of woodland and species.
- 5) Any mapping or diagrams showing tree categories, root protection areas, woodland boundaries, veteran tree locations, and proposed construction buffers, access routes, or other development features that could affect retained trees.

This information concerns tree and woodland communities, who we share the planet with and

who have a right to be respected and thrive.

Trees and woodlands are more than inanimate objects or individual assets; they are living beings who form an integral part of the local environment, providing ecological networks that we are part of. They support play a vital role in climate and biodiversity systems and have important community and cultural value [INSERT DETAIL OF THE VALUE OF THE TREE/WOODLAND TO YOUR COMMUNITY]. The national planning policy framework recognises the intrinsic value of the countryside of which woodlands and trees are a key part. Such approaches, acknowledge that these living systems possess inherent worth beyond their utility to humans and should be safeguarded accordingly.

Further, as required under Regulation 12(2) EIR, there is a presumption in favour of disclosure. Disclosure supports transparency, enables meaningful participation in the planning process, and ensures that decisions reflect our shared responsibility to protect the living ecosystems we exist within.

Information relating to works that impact trees and woodlands is strongly in the public interest because trees and woodlands provide essential ecological, cultural, and public health functions and decisions affecting them have long-term consequences for biodiversity, community wellbeing, and climate adaptation.

Access to this information enables public participation and scrutiny in environmental decision-making, consistent with the Aarhus Convention and UK planning and nature recovery policies. Given that there is a presumption in favour of disclosure (Regulation 12(2), EIR) and there is a strong public interest in disclosing information relating to the proposed [planning application/tree felling/works] at [SITE NAME/REFERENCE]. Decisions to release information should consider not only ecological functions and the long-term significance of trees and woodlands but also their intrinsic value.

If any information is exempt, please release redacted versions wherever possible and explain the how any exception to the public interest test has been applied. If my request needs further clarification, please do let me know. Otherwise, I look forward to your response within 20 working days.

Kind regards,

[YOUR NAME]

[YOUR CONTACT DETAILS]



2.8.3 Tree Preservation Order (TPO) Request: Template

To: [NAME OF LOCAL PLANNING AUTHORITY]
From: [NAME OF INDIVIDUAL/COMMUNITY GROUP/ORGANISATION]
Address: [ADDRESS]
Email: [EMAIL]
Date: [DATE]

1) Identification of Tree(s)

I write to request that the local planning authority make a **Tree Preservation Order** under the **Town and Country Planning Act 1990** in respect of the following:

- **Tree/group/woodland:** [DESCRIPTION, INCLUDE SPECIES IF KNOWN]
- **Location:** [ADDRESS/OS GRID REFERENCE]
- **Ownership:** [OWNERSHIP (If known), or "unknown"]

A map clearly identifying the tree(s) proposed for protection is enclosed with this request.

2) Statement of Reasons for Protection

This request is made on the basis that the tree(s) in question possess **significant amenity value**, consistent with the criteria set out in *Tree Preservation Orders: A Guide to the Law and Good Practice* (2012).

a) Visibility and Public Presence

The tree(s) are clearly visible from public vantage points, including [roads, footpaths, public spaces], and make a prominent contribution to the character and experience of the local area. Their presence shapes how the landscape is encountered and understood by the community.

b) Individual and Collective Impact

Individually and/or as a group, the tree(s) demonstrate substantial amenity value through their **size, form, maturity, species character, and contribution to local distinctiveness**. They also contribute to environmental quality by supporting biodiversity, moderating temperature, improving air quality, and contributing to ecological resilience.

c) Wider Environmental and Landscape Significance

Beyond conventional amenity considerations, the tree(s) form part of a **living ecological system**, connected to soils, water, wildlife, and neighbouring habitats. Their loss or degradation would not only diminish visual amenity, but would also disrupt ecological functions and relationships within the wider landscape.

From a **Rights of Nature–informed perspective**, these trees should be understood not merely as landscape features, but as **living components of nature with intrinsic value**, whose continued existence supports both human and non-human life. Protecting them aligns with contemporary environmental governance principles that recognise the need to safeguard nature for its own sake, as well as for the public benefit it provides.

3) Risk and Need for Protection

There is a **real and foreseeable risk** that the tree(s) may be subject to felling, lopping, or other harmful works due to [development pressure/land-use change/lack of existing protection]. The making of a TPO is therefore **necessary and proportionate** to prevent irreversible loss while allowing the local authority to assess any future proposals through the established consent process.

4) Legal and Policy Context

Tree Preservation Orders are a well-established and appropriate mechanism for balancing competing land uses while ensuring that trees of amenity value are retained. This request is consistent with:

- The **Town and Country Planning Act 1990**
- The **Town and Country Planning (Tree Preservation) (England) Regulations 2012**
- National and local commitments to biodiversity protection, climate resilience, and sustainable development.

By making this TPO, the authority would be acting not only to preserve amenity, but to uphold a broader responsibility to protect nature as an integral part of the local environment.

5) Conclusion

For the reasons set out above, I respectfully request that the local planning authority **make a Tree Preservation Order** in respect of the identified tree(s). This would ensure that their amenity, ecological, and intrinsic value is properly recognised and safeguarded within the planning system.

I would welcome the opportunity to provide any further information required.

Signed,

[YOUR NAME]

2.8.4 Tree Preservation Order (TPO) Request: Checklist

A TPO request can be made by anyone, even if the tree is on private land.

Use this checklist before submitting a TPO request to your local council.

1) Identify the Tree(s)

- Is the tree, group of trees, or woodland clearly identified?
- Have you included the **address and/or OS grid reference**?
- Do you know the **species** (if not, describe appearance and size)?
- Have you checked whether the tree is already protected (TPO or Conservation Area)?

2) Provide a Clear Map

- Have you included a **map or annotated plan** clearly showing the tree(s)?
- Are individual trees numbered or labelled if more than one is involved?
- Is the map clear enough for someone unfamiliar with the site to locate the tree(s)?

3) Demonstrate Amenity Value (Required by Law)

a) Visibility and Public Presence

- Is the tree visible from public places (roads, footpaths, parks)?
- Does it contribute to the local landscape or sense of place?

b) Individual and Collective Impact

- Does the tree have notable **size, form, age, rarity, or character**?

- Does it contribute to local identity or landscape character?
- If part of a group or woodland, does it contribute to a **collective visual or ecological effect**?

c) Wider Environmental Impact and Landscape Significance

- Does the tree support wildlife (birds, insects, bats, fungi)?
- Does it contribute to air quality, cooling, soil stability, or water regulation?
- Is it part of a wider habitat network or ecological corridor?

4) Rights of Nature–Informed Considerations (Strengthening the Case)

- Have you described the tree as a **living part of a wider ecosystem**, not just a landscape feature?
- Have you explained how loss of the tree would **harm ecological relationships**, not just visual amenity?
- Have you framed protection as safeguarding the **integrity and continuity of nature**, not only human enjoyment?

(Note: Rights of Nature language supports amenity arguments – it does not replace legal criteria.)

5) Risk and Urgency

- Is there a clear **risk of felling, pruning, or damage** (e.g. development, land-use change)?
- Have you explained why protection is needed **now**?
- Have you avoided speculation and focused on credible threats?

6) Supporting Evidence (Strongly Recommended)

- Recent **photographs** of the tree(s)
- Local wildlife or ecological records (if available)

- Community statements or letters of support
- References to local or national environmental objectives (optional)

7) Submission Checks

- Have you checked your council's **TPO request procedure**?
- Is the request **in writing** and clearly structured?
- Have you included your contact details?
- Have you kept a copy of everything submitted?

8) After Submission

- Note the **six-month provisional period** after a TPO is made
- Be prepared to respond to council queries
- Encourage others to support the TPO if consultation occurs
- Monitor any proposed works during this period

2.8.5 Council Motion: Guidance

This note sets out a practical checks and steps to be aware of, in order to maximise the likelihood that a Rights of Trees, Woodlands and Forests motion is supported and adopted effectively.

STEP 1: BUILD POLITICAL AND COMMUNITY SUPPORT IN ADVANCE

Effective motions are rarely introduced in isolation, **early engagement with other councillors across political groups** is essential to secure support and avoid surprise or resistance at the meeting stage. Identify a friendly councillor who will support the motion and ask them to identify credible seconders early on as this signals cross-member confidence and reduces the risk of delay to adopting the motion.

To encourage councillor to adopt a rights of tree/woodland/forest motion share informal briefings with them, share a draft in advance, explaining how the motion can benefit their goals (such as achievement of local climate emergency declarations or environmental policies), educate councillors on what rights of nature are and be open to amendments that do not dilute the motion's core purpose. This in turn can help you with the final drafting of a motion, ensuring you include the needs of the specific members you have talked to and whose support you will need to pass a successful motion.

Community backing significantly strengthens a motion's legitimacy. Demonstrating support from local residents, environmental groups, parish councils, universities or the constituents as a whole can reassure councillors that the proposal reflects a wider public concern. Written statements, community petitions or speaking at meetings/deputations can be particularly persuasive (Most councils provide for deputations or some form of public speaking).

STEP 2: ALIGN THE MOTION WITH EXISTING LEGAL DUTIES AND POLICIES

Before formally tabling a motion, it is important to identify how it connects with existing strategies such as the Local Plan, the Council's Climate Strategy, and its biodiversity duty. Aligning the motion with these statutory and policy frameworks increases its credibility and helps demonstrate that it advances the Council's existing legal and environmental obligations.

The motion itself should include express links to these instruments – for example: 'The Council will consider how to reflect this motion in its revised Local Plan', or 'The Council will update its Climate Strategy Action Plan to give effect to this motion'. Embedding the principles of the motion within formal policy is crucial. Once reflected in adopted strategies or plans, the motion may become a material consideration in future planning decisions, providing a concrete mechanism for protecting trees, woodlands, and forests in local development control.

Motions are often deferred or rejected where they are perceived as unclear, vague, overly symbolic, or operationally unrealistic. It is therefore worth spending time adapting any template to fit your specific council – its priorities, existing policies, and statutory duties. A motion that speaks directly to the council's context and constraints is far more likely to be taken seriously and progressed.

STEP 3: ACT NOW IN THE CONTEXT OF CHANGING COUNCIL STRUCTURES

Local government in England is undergoing significant structural change, with reorganisation, devolution, and boundary reform reshaping how councils operate. Acting now is therefore strategically important. Securing a motion at this stage places political intent on the public record, helping to ensure that commitments endure beyond electoral cycles and organisational restructuring. A motion adopted today can provide continuity and direction as new authorities, governance arrangements, or leadership structures emerge.

2.8.6 Council Motion: Template

[COUNCIL NAME]

Title: Motion on the Rights of [Trees/Forest/Woodland/A NAMED TREE]

Motion submitted by: [COUNCILLOR FULL NAME]

Seconded by: [COUNCILLOR FULL NAME]

Proposed Motion

[MODIFY ACCORDINGLY]

1) Statement of Purpose

This Council recognises that the nature and climate emergency presents not only an environmental crisis but an escalating threat to human wellbeing, economic stability, and national security, as reflected in recent government and independent reports.

In this context, the Council expresses its support for the evolving global and domestic movement that recognises nature—particularly trees, woodlands, and forests—as rights-bearing entities. This movement offers a powerful framework for re-examining the relationship between people and the living systems upon which we depend, shifting from extraction and short-term use toward stewardship, reciprocity, and long-term resilience.

2) Recognition of Tree Rights

This Council supports and champions the following rights of trees, woodlands and forests:

- a) The right to exist: the right to exist and be respected for their inherent values.
- b) The right to flourish: the right to flourish and maintain and generate life cycles, structure, functions and evolutionary processes.
- c) The right to respire: the right to unpolluted air of suitable temperature.
- d) The right to healthy soil: the right to abundant and undisturbed mycelium, nutrients, mycelium networks, that promote natural connectivity between trees.

- e) The right to water. The right to unpolluted water, essential for life.
- f) The right to be restored. Public authorities will support, and non-public bodies will be supported, in scaling initiatives to replant trees in line with healthy ecological function.
- g) The right to be represented. Any person, or community can represent the rights of trees, woodlands and forests, and have the right to participate in decision making forums, and to call upon public authorities to enforce and interpret these rights.
- h) The right to informed decisions. ALL citizens of the United Kingdom have the right to access timely information in relation activities impacting trees, woodlands and forests.
- i) The right to a precautionary and preventative approach. Any decision made concerning trees, woodlands and forests will adopt the precautionary and preventative approach in line with these general principles of international law.
- j) The right to live out their natural life cycles and, where decline or death is inevitable, to die in situ with dignity, with decay understood as a regenerative process that sustains soils, biodiversity, and future growth.

3) Recognition of Heritage and Culturally Significant Trees

The Council recognises that locally important ancient, veteran, and culturally significant [trees/woodlands/forests] have intrinsic value and rights, as well as being part of the area's heritage and community identity. These trees and woodlands require enhanced protection that respects both their ecological role and their rights to exist, flourish, regenerate, and, where inevitable, to decline with dignity. This may include the creation of appropriate guardianship arrangements to give practical effect to those rights.

(If desired, this section may include examples of specific trees, woodlands, or forests that are locally important ancient, veteran, or culturally symbolic.)

4) Commitments of the Council

The Council will:

- a) Support and champion the rights of [trees, woodlands and forests], as set out in this motion and the Rights of Trees Charter, and will seek to reflect these principles across its policies, strategies, and decision-making.

- b) Explore appropriate guardianship arrangements for significant trees/woodlands/forests (to be defined locally), to support and give effect to their rights, including through the establishment or recognition of woodland or tree guardianship bodies. (See practical template on woodland guardianship bodies in this toolkit.)
- c) Integrate the Rights of Trees Charter and consider how to reflect the principles of this motion within its revised [NAMED LOCAL PLAN], ensuring that the protection and flourishing of trees, woodlands, and forests are embedded in future planning policy.
- d) Update the Council's Climate Strategy Action Plan and Emergency Nature and Climate Declarations and any other relevant local policies to reflect the principles of this motion.
- e) Work in partnership with local environmental organisations to use this motion as a tool to support and strengthen their work.
- f) Support community-led proposals to recognise and protect locally important ancient, veteran, or culturally significant [trees/woodlands/forests].
- g) Apply precautionary and preventative approaches in future decision-making, treating this motion and any resulting changes to the [Named Local Plan] as material considerations where relevant.
- h) Publicly communicate this decision, including informing local residents and engaging local press and media to raise awareness of the Council's commitment.

5) Implementation and Reporting

The Council will:

- Form a working group [*in any way it shall see fit/with its members/with the help of the community*];
- Provide annual progress reports;
- Be transparent with community groups and organisations, so far as possible to do so; and
- Seek external expert advice where required.

6) Background

(INSERT DESCRIPTION: a) how this motion will fit into the local plan and act as a supportive and practical measure to help advance local nature protections; b) (optional) other councils taking RoN approaches, i.e. Rother District Council, Wealden District Council and Lewes District Council etc.)

Appendix: Criteria for Importance Heritage [Trees/ Forest/Woodland/A NAMED TREE]

(Locally Important ancient, veteran, or culturally symbolic)

Government guidance on '[Ancient Woodland, Ancient Trees and Veteran Trees: Advice for Making Planning Decisions](#)' gives an indication of important factors in determining heritage trees. The following criteria is a non-exhaustive list of factors that can be considered in determining Important Heritage:

- a) **Age and Longevity:** Trees exhibiting exceptional age (ancient or veteran status), demonstrating long-term ecological continuity.
- b) **Ecological Distinctiveness:** Presence of specialised habitats (e.g. deadwood niches, sap runs, rot holes, epiphytes) supporting rare or notable species.
- c) **Cultural or Historic Associations:** Links to historic events, local traditions, land-use practices, or historic estates; references in maps, literature, or oral history.
- d) **Landscape Contribution:** Strong visual prominence, landmark qualities, or contributions to historic landscape character (e.g. parkland, hedgerow patterns).
- e) **Rarity of Form, Species or Biodiversity:** Unusual morphology (pollards, stags, coppice stools) or forming ecological corridors or species of particular historical or local significance.
- f) **Ancient Woodland Indicators:** Presence of long-established woodland flora, soils, boundary banks, ditches, and other features signalling ancient woodland origin.

2.8.7 Tree and Woodland Guardianship: Guidance

Caring for trees and woodlands, and upholding their rights, can be strengthened by recognising and establishing human roles dedicated to acting in their interests – people who are empowered to care for them, speak on their behalf, and work actively for their flourishing.

There are different ways to operationalise Rights of Nature such as the right to exist, right to flourish and right to be represented:

- 1) **Community Tree Stewards:** Act as local stewards who tend, maintain, and look after trees and woodlands and monitor their health. Tree stewards are primarily involved in the care and management of trees and an essential part of tree protection. They can be [Tree Wardens](#) or other volunteers such as individuals or groups engaged in championing, caring for and protecting trees, planting trees, and generally raising awareness of trees in the local community.
- 2) **Tree Guardians:** Advocate for trees in legal and governance processes e.g. within councils and other organisational or governance processes. Tree guardians can press for the recognition of ecological responsibilities within planning, policymaking, and business or corporate decision-making. Tree guardians can also support the rights of trees, forests and woodlands by communicating tree rights, representing the interests of trees and upholding their rights and can speak up where their rights are at risk, such as in cases of felling, neglect, or ecological harm.
- 3) **Guardianship Bodies:** A larger body of humans who advocate for trees. They can include a diverse group of representatives, including community tree stewards and guardians, ecological experts, young people, holders of traditional and cultural knowledge, and legal or governance specialists. Together, they act on behalf of woodland ecosystems, providing collective and informed representation of their rights and interests.
- 4) **Interspecies Councils:** A method that can be used by Guardianship Bodies and others, that is creative and uses deliberative methods, including roleplay, to bring nature's voice into human decision-making. Drawing on ecological science, traditional knowledge, and

local experience, interspecies councils consider the specific needs of tree and woodland communities and seek to influence official policy and governance processes accordingly.

These roles collectively ensure that trees and woodlands are cared for, represented, and protected over the long term.

Responsibilities may include:

- Surveying local trees and woodlands to assess and record their health, ecological condition, and risks, creating an ongoing picture of their wellbeing.
- Acting as attentive observers, identifying early signs of stress, disease, neglect, or threat, and ensuring these concerns are raised promptly.
- Speaking on behalf of trees and woodlands in planning, policy, and organisational processes, ensuring their interests are considered in decisions that affect them.
- Working collaboratively with ecologists, local authorities, landowners, and community groups to align management practices with ecological needs.
- Developing and upholding guardianship principles that centre the long-term flourishing of woodland ecosystems rather than short-term human convenience or profit.
- Liaising with local communities to promote protection, build awareness of the intrinsic value and rights of trees, and foster a culture of care and respect.
- Organising and supporting practical activities, such as planting, habitat restoration, and the ongoing care of new and existing trees.

By undertaking and committing to protect and care for trees and woodlands can make a real difference to them and provide yourself with a sense of purpose and community (with humans and non-humans) and you can inspire and educate others to join you.

Interested in becoming a community tree steward? See the [Tree Council website](#) for more information on becoming a tree warden although individuals can take on such roles completely informally.

Interested in establishing a tree guardianship body? See our questionnaire below to consider who will be involved and what aims and responsibilities you will have and how your Guardianship body will function.

Interested in hosting an Interspecies council for a tree or woodland? See information and guidance from [Moral Imaginations](#).

2.8.8 Tree and Woodland Guardianship: Questionnaire

1) Understanding the Tree/Woodland

What makes this tree/woodland special? _____

2) Tree/Woodland Identity

Proposed name for the tree/woodland:

Why this name? _____

3) Rights of the Tree/Woodland

[TICK AND/OR ADD YOUR OWN]

- The right to exist: the right to exist and be respected for their inherent values.
- The right to flourish: the right to flourish and maintain and generate life cycles, structure, functions and evolutionary processes.
- The right to respire: the right to unpolluted air of suitable temperature.
- The right to healthy soil: the right to abundant and undisturbed mycelium, nutrients, mycelium networks, that promote natural connectivity between trees.
- The right to water. The right to unpolluted water, essential for life.
- The right to be restored. Public authorities will support, and non-public bodies will be supported, in scaling initiatives to replant trees in line with healthy ecological function.
- The right to be represented. Any person, or community can represent the rights of trees, woodlands and forests, and have the right to participate in decision making forums, and to call upon public authorities to enforce and interpret these rights.
- The right to informed decisions. ALL citizens of the United Kingdom have the right to access timely information in relation activities impacting trees, woodlands and forests.

Additional rights: _____

4) Responsibilities of Humans

Who holds responsibilities?

[CIRCLE AND/OR ADD ROLES]

a) Community/Council/Landowner/Indigenous community/Youth/School/Visitors/Other:

b) List responsibilities: _____

5) Identifying Guardians

Proposed guardians:

[INSERT ROLES AND NAMES BELOW]

- Ecological expert: _____
- Community representative: _____
- Cultural knowledge holder: _____
- Youth representative: _____
- Legal/governance representative: _____
- Other guardian(s): _____

6) Decision-Making Model

Preferred approach:

[CIRCLE]

a) Consensus/Majority vote/Shared governance/Mixed approach

b) How will disagreements be resolved?

2.8.9 Deed of Covenant: Guidance

A conservation covenant is a voluntary, legally binding agreement between a landowner and a designated responsible body, created under [Part 7 of the Environment Act 2021](#). Its purpose is to secure long-term environmental conservation outcomes by attaching enforceable obligations to land and a guardian of it, rather than to an individual.

Once entered into, the covenant is registered as a local land charge and binds successors in title (future owners of that land). This ensures that conservation objectives endure beyond changes in ownership.

The obligations of the guardian (landowner) are divided into positive and restrictive obligations. This means the guardian must do certain (positive) things, such as, restoring degraded land or supporting natural regeneration and to refrain from harmful (negative) activities, such as, unjustified felling, pollution, or damaging development. These duties can be framed similarly to that of a trustee.

While English law does not currently recognise legal personhood for nature, a deed of covenant can give practical effect to Rights of Nature (“RoN”) principles within private law. By appointing a guardian and embedding obligations that prioritise the intrinsic value and flourishing of nature (such as trees, woodlands and forests), the covenant enables those interests to be articulated and enforced, even though nature itself is not a legal person.

RELATIONSHIP BETWEEN CONSERVATION COVENANTS AND BIODIVERSITY NET GAIN

[Biodiversity Net Gain \(“BNG”\)](#) is a legal requirement introduced by the Environment Act 2021, requiring most developments in England to deliver a minimum 10% increase in biodiversity value for at least 30 years. This means that a gain can be shown through a covenant, as covenants run with the land (last forever/until extinguished), meeting the 30-year threshold.

Under [section 100 \(2\) \(a\) of the Act](#): ‘A biodiversity gain site is land where... a person is required under a conservation covenant or planning obligation to carry out works for the purpose of habitat

enhancement.’ Taken together with [Part 7](#) outlining how a conservation covenant can be created.

Whilst ‘selling nature to save it’ is far from ideal, in practice developers are subject to these legal requirements of BNG and will purchase biodiversity units from third-party land. The land being sold for biodiversity credits can be subject to RoN conservation covenants recognising the intrinsic value of trees, woodlands and forests. Securing money allows landowners to form sustainable plans for protection and nature recovery. This is a clear incentive for landowners, particularly woodland and rural estate owners, to enter into RoN conservation covenants, as the enhanced ecological protections offered by the covenant increases the land’s eligibility for the sale of biodiversity units, thereby generating a sustainable income stream without the need for direct development.

Therefore, a deed/conservation covenant would benefit not only the natural environment through the long-term stewardship actions of the guardians, but also the landowner by enabling the land to function as an off-site BNG provider.

There is detailed information on how to [sell biodiversity units as a land manager](#) on the gov.uk website. In summary, the key practical action points for landowners who wish to sell biodiversity units under are:

Decide if selling biodiversity units is appropriate for your land and circumstances. You can sell units from land you own or where you have the landowner’s permission to sell.

Engage a qualified ecologist to survey your land and use the **statutory biodiversity metric** to calculate your current biodiversity value and the number of units your habitat creation or enhancement could generate.

Consider what habitats could be created or enhanced on your site to maximise units. Include Local Nature Recovery Strategy actions where available, and seek professional advice on what is feasible.

Assess the costs of habitat creation, long-term management, monitoring, and any professional or legal fees. Set prices that reflect these commitments.

Before selling, you must enter a written legal agreement (such as a RoN style conservation covenant or a section 106 planning obligation) with a responsible body or local planning authority.

2.8.9 Practical Tools and Templates
Deed of Covenant: Guidance

This agreement must secure habitat creation, enhancement, and monitoring, and specify a minimum 30-year management period. Engage with developers, habitat bank operators, brokers, or your local authority to find someone who needs biodiversity units to meet their biodiversity net gain obligations.

Complete the sale and make sure the biodiversity units are properly registered on the national biodiversity gain sites register and allocated to a specific development, so they can be used to satisfy that developer's BNG requirement.

Begin habitat creation and enhancement work if it has not already started. Continue to manage the site in accordance with the legal agreement (i.e. RoN conservation covenant) and a habitat management and monitoring plan (HMMP) to ensure the biodiversity gains are realised and maintained over time.

2.8.10 Deed of Covenant: Template

The Deed of Covenant (the “Deed”) is made on [DATE] between [YOUR FULL NAME] (“the Guardian”), being the [freehold/leasehold (if more than 7-year lease)] owner of the Land described below; and [NAME OF RESPONSIBLE BODY], a designated responsible body for the purposes of Part 7 of the Environment Act 2021 (“the Responsible Body”).

1) Recitals

The Parties recognise [INSERT SPECIFIC TREES, WOODLANDS AND FORESTS] as living entities possessing intrinsic value.

The Guardian acknowledges their role as steward and caretaker.

The purpose of this Covenant is to protect the woodland ecosystem.

2) Definitions

“Guardian” (or “Steward”, or “Caretaker”) is the individual or entity holding legal title to the land (or a nominated individual acting under their authority). In entering this conservation covenant, the Guardian accepts responsibilities extending beyond conventional ownership, including to act in the best interests of the ecological community of trees, woodlands and forests recognised in Clause I (Recitals) in this deed.

The Guardian recognises the named [Trees/Woodlands/Forests] as living entities with intrinsic value and rights according to the [2.1 Charter for the Rights of Trees, Woodlands and Forests](#). The Guardian is responsible for protecting, maintaining, restoring and enhancing the ecological integrity, health and resilience of the [Trees/Woodlands/Forest] and for ensuring that any decisions or actions taken are guided by:

- Respect for the intrinsic worth of trees, woodlands and forests as recognised in the Charter Rights;
- Duties akin to those of a trustee acting for the benefit of the woodland ecosystem itself;

- The application of precautionary and preventative principles in all matters affecting the Land; and
- A commitment to act in a manner that supports the long-term flourishing and regeneration of the woodland community, including the soils, mycelial networks and water systems upon which it depends.

“Charter Rights” refer to Schedule 3 - The Rights of Trees, Woodlands and Forests.

“Land”: the land described in Schedule 1.

3) Conservation Purpose

To preserve, restore, protect and enhance the Land’s woodland ecosystems according to the Charter Rights.

4) Obligations of the Guardian

[MODIFY ACCORDINGLY]

4.1 A non-exhaustive list of Positive obligations

- Protect [INSERT SPECIFICALLY MENTIONED TREE, WOODLAND OR FOREST]
- Restore degraded areas (improve soil quality/replanting of native species).
- Maintain healthy soils and undisturbed mycelial networks.
- Support natural regeneration.
- Permit access to the Responsible Body for monitoring.
- Support educational and community engagement activities.

4.2 A non-exhaustive list of Restrictive obligations

- No felling unless ecologically justified or approved.
- No soil degradation or contamination.
- No introduction of invasive species.
- No development harmful to the woodland.
- No pollution or harmful water abstraction.

- No chemicals except where essential.

5) Obligations of the Responsible Body

[MODIFY ACCORDINGLY]

- Monitor compliance.
- Provide assessments and ecological advice when requested.
- Support restoration.
- Enforce obligations where necessary.

6) Representation of the Rights of Trees

The [INSERT SPECIFICALLY MENTIONED TREE, WOODLAND OR FOREST] are recognised as rights-holders.

The Guardian represents the Rights of Trees in the first instance.

Individuals and Communities may also raise concerns with the Responsible Body.

7) Miscellaneous

All decisions must prioritise ecological resilience.

This Deed shall be governed by and construed in accordance with the laws of [England and Wales/JURISDICTION]. Any disputes arising out of or in connection with this Deed shall be subject to the exclusive jurisdiction of the courts of [England and Wales/JURISDICTION].

8) Term and Binding Effect

The Covenant binds successors in title as a local land charge.

Variation only by written agreement.

Termination subject to statutory provisions.

9) Remedies

Any party to this agreement may seek injunctions, damages for restoration, or other remedies.

Schedule 1 – Description of the Land

[INSERT DESCRIPTION]

Schedule 2 – Ecological Baseline and Management Plan

[INSERT BASELINE DATA/DESCRIPTION OF ANY AGREED MANAGEMENT PLAN]

Schedule 3 – Rights of Trees, Woodlands and Forests

- a) The right to exist: the right to exist and be respected for their inherent values.
- b) The right to flourish: the right to flourish and maintain and generate life cycles, structure, functions and evolutionary processes.
- c) The right to respire: the right to unpolluted air of suitable temperature.
- d) The right to healthy soil: the right to abundant and undisturbed mycelium, nutrients, mycelium networks, that promote natural connectivity between trees.
- e) The right to water: the right to unpolluted water, essential for life.
- f) The right to be restored: public authorities will support, and non-public bodies will be supported, in scaling initiatives to replant trees in line with healthy ecological function.
- g) The right to be represented: any person, or community can represent the rights of trees, woodlands and forests, and have the right to participate in decision making forums, and to call upon public authorities to enforce and interpret these rights.
- h) The right to informed decisions: People have the right to full access to timely information in relation to activities impacting trees, woodlands and forests.
- i) The right to a precautionary and preventative approach: any decision made concerning trees, woodlands and forests will adopt the precautionary and preventative approach in line with these general principles of international law.

10) Signatures

[YOUR SIGNATURE]

[YOUR NAME]

[DATE SIGNED]

[YOUR SIGNATURE]

[YOUR NAME] for and on behalf of [NAME OF RESPONSIBLE BODY]

[DATE SIGNED]

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