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| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | | | |
| **Signed:** | **Officer:** | **LW** | | | | **Date:** | | **16/01/24** | | **Manager:** | | **LH** | **Date:** | **16/1/24** |
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| **Application Ref:** | | | | 3/2023/1044 | | | | | | |  | | | |
| **Date Inspected:** | | | | N/A | | | **Site Notice:** | | N/A | |
| **Officer:** | | | | LW | | | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | | | **PERMISSION NOT REQUIRED** | | | |
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| **Development Description:** | | | | | Prior approval for the creation of a track to allow access by forestry machinery for felling and removing timber to roadside and to assist with an afforestation project and replanting of the felled area, including any future maintenance and forestry works required. | | | | | | | | | |
| **Site Address/Location:** | | | | | Forestry road from existing surfaced track at Higher Fence Wood Farm, Little Bowland Road, Chipping, BB7 3BN | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Parish/Town Council** | | | | | | | | | |
| N/A | | | | | | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Highways/Water Authority/Other Bodies** | | | | | | | | | |
| **LCC Highways:** | | | | | N/A | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Additional Representations.** | | | | | | | | | |
| N/A | | | | | | | | | | | | | | |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** | | | | | | | | | | | | | | |
| Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). | | | | | | | | | | | | | | |
| **Relevant Planning History:**  3/2023/0324: Prior approval for the creation of a track to allow access by forestry machinery for felling and removing timber to roadside and for planting and future maintenance of proposed woodland creation (Withdrawn).  3/2020/0274: Creation of track to allow access by forestry machinery for felling and removing timber to roadside and for planting and future maintenance of proposed woodland creation (Permission not required). | | | | | | | | | | | | | | |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | | | |
| **Site Description and Surrounding Area:**  The application site is located within the Duchy of Lancaster’s Whitewell Estate, approximately 4km north-west of Whitewell. The site sits within the Forest of Bowland Area of Outstanding Natural Beauty (National Landscape) and immediately adjacent to FP20, which runs through the farm buildings at Higher Fence Wood Farm, the Bowland Fells SSSI and a Biological Heritage Site (Higher Fence Wood Meadows). The area is predominantly agricultural in nature with the occasional farmstead and rural dwelling. | | | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  The applicant has applied for prior notification under Schedule 2, Part 6 Class E of the GDPO (2015) with regard to the provision of a new private way measuring approximately 1.1km in length and 4m in width. The track will be constructed of 350mm depth of 150mm to dust, locally sourced dark grey aggregate over a geotextile membrane.  The proposed track is needed for the felling and restocking of existing woodlands, as well as an extensive area of new woodland creation on adjoining land which is being assessed and designed with the Forestry Commission Woodland Planning Grant to account for input from Natural England and other key stakeholders. The forestry road is initially necessary to allow forestry vehicles to access the woodlands to fell the timber and move it to roadside where it can be collected by lorries for delivery to local markets. The track will then subsequently provide future access to the area of woodland creation for the afforestation works and on-going maintenance of the site. The applicant states that the timber cannot be extracted without the use of forestry machinery and the vehicles cannot access the woodlands without a new access track being created due to the ground being too wet and uneven to allow vehicles to travel. | | | | | | | | | | | | | | |
| **Other Matters:**  Whether or not permitted development  In order to be permitted development, the proposed scheme must satisfy a number of criteria as set out under Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).  Development is permitted for the carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of – the formation, alteration or maintenance of private ways. With reference to this, it is considered that the proposed works would be reasonably necessary for the purposes of forestry.  Having regard to criteria a) – d), development is not permitted by Class E if –  a) it would consist of, or include the provision or alteration of a dwelling;  **The proposal would not consist of or include the provision or alteration of a dwelling.**  b) the height of any building works within 3km of the perimeter of an aerodrome would exceed 3m in height;  **The proposed works would not be within 3km of an aerodrome and in any case would not exceed 3m in height.**  c) any part of the development would be within 25m of the metalled portion of a trunk road or a classified road;  **No part of the development would be within 25m of either a trunk road or classified road. The nearest classified road is Little Bowland Road (C567) which sits approximately 800m south-east.**  d) any building for storing fuel for, or waste from, a biomass boiler or an anaerobic digestion system would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land which is occupied together with that building for the purposes of forestry;  **This criterion is not relevant to this application for the formation of a private way.**  **The proposal satisfies criteria a) – d) and is therefore defined as permitted development.**  Whether or not prior approval is required  In accordance with condition E.2 (1) (a) the Local Authority must determine whether prior approval is required as to the siting and means of construction of the private way.  **Siting**  Whilst the application site does sit in close proximity to a variety of constraints, and within the Forest of Bowland AONB (National Landscape), the private way is sited solely to enable forestry operations and cannot be sited elsewhere. In addition, whilst it is acknowledged that the proposal would cross into the Higher Fence Wood Meadows Biological Heritage Site, the proposed private way would extend from the existing surfaced track at Higher Fence Wood Farm which is already situated within the defined Biological Heritage Site and would extend just 150m of its 1.1km length. A supporting assessment of the BHS accompanies the application which found no particularly notable species on the route of the proposed track, parts of which are compacted grass caused by farm machinery use. It is therefore not considered that the proposal would result in any significantly detrimental harm upon the Biological Heritage Site that would warrant refusal.  Furthermore, the majority of the proposed track would not be situated within a visually prominent location and therefore would not be highly visible from the adjacent public realm, including FP20 which runs through the farm buildings at Higher Fence Wood Farm. Given the unobtrusive flat nature of the track and the dark grey surfacing, it is not considered that its siting would have any significant adverse impact upon the surrounding landscape.  **As such, prior approval is not required in terms of siting.**  **Means of construction**  The private way is to be constructed using dark grey 350mm depth of 150mm to dust, locally sourced aggregate over a geotextile membrane which is commonly seen with private agricultural ways and would appear in keeping with the surrounding area.  **As such, prior approval is not required in terms of means of construction.** | | | | | | | | | | | | | | |
| **Observations/Consideration of Matters Raised/Conclusion:**  The proposal meets all of the criteria set out within Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended); therefore, prior approval is not required. The siting and means of construction of the private way would be acceptable for the reasons stated above. | | | | | | | | | | | | | | |
| **RECOMMENDATION**: | | | Prior approval not required. | | | | | | | | | | | |