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| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | LW | **Date:** | 03/10/24 | **Manager:** | **LH** | **Date:** | **4/10/24** |
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| **Application Ref:** | 3/2024/0676 |  |
| **Date Inspected:** | N/A | **Site Notice:** | N/A |
| **Officer:** | LW |
| **DELEGATED ITEM FILE REPORT:**  | **Decision** | **PERMISSION NOT REQUIRED** |
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| **Development Description:** | Prior approval for forestry track 2171m long x 4m wide to be created from existing surfaced track to Lickhurst Farm across the fields.  |
| **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** |
| N/A |
| **CONSULTATIONS:**  | **Additional Representations.** |
| One letter of representation has been received raising concerns with respect to vehicular movement and highway repairs and maintenance. |
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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 and (Amendment) Order 2018  |
| **Relevant Planning History:**3/2023/1044: 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 (Permission not required). 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for felling and removing timber to roadside and for planting and future maintenance of proposed woodland creation (Withdrawn). 3/2020/0274: Creation of track to allow access by forestry machinery for felling and removing timber to roadside and for planting and future maintenance of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 3km south-east of the defined settlement area of Chipping. The site sits within the Forest of Bowland National Landscape and the surrounding 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 GPDO (2015) with regard to the provision of a new private way measuring approximately 2.2km in length and 4m in width. The track will be constructed of 350m depth of 150mm to dust, locally sourced aggregate over a geotextile membrane. The submitted supporting information states that the proposed track is needed for the proposed felling and restocking of existing woodlands, as well as 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 specialist forestry machinery and these 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. This application follows on from a recent prior approval application (3/2023/1044) which has not been enacted, however a revised route is proposed which seeks to avoid the Higher Fence Wood Meadows Biological Heritage Site.  |
| **Whether or not permitted development**The scheme must satisfy a number of criteria as set out under Class E of Part 6 of Schedule 2 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 or classified road.** (d) any building for storing fuel, 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 needed**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 for the private way. **Siting**The majority of the proposed track would pass through existing agricultural access fields and field gateways and given the unobtrusive flat nature of the proposal; it is not considered that its proposed siting would have any significant adverse impact upon the visual amenities of the surrounding area. However, the proposed route of the track would pass close to a number of non-designated heritage assets recorded on the Lancashire Historic Environment Record and as such, prior approval is required in terms of siting as it is unknown whether the proposal would affect these known sites of archaeological interest. Following the submission of an amended plan detailing the route of the proposed track in relation to the non-designated heritage assets, Lancashire County Council’s Historic Environment Team has confirmed that the track is unlikely to result in a negative impact. On this basis, the siting of the development is considered to be acceptable in this particular instance. **As such prior approval required and approved 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 utilised for 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 complies with all the criteria set out within Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) Order 2015 and is therefore defined as permitted development. The siting and means of construction are also considered to be acceptable for the reasons stated above. |
| **RECOMMENDATION**: | Prior Approval Granted.  |