

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>31 AUGUST 2022</b>
<b>TITLE OF REPORT:</b>	<p><b>213836 - PROPOSED CHANGE OF USE OF EXISTING FORESTRY SHED, LEAN-TO AND OPEN HARDSTANDING AREA FROM FORESTRY TO A MIXED USE OF FORESTRY AND FORESTRY-RELATED LIGHT INDUSTRY AND TIMBER-BASED CRAFT WORKSHOPS AT LAND AT WARMHILL AND HENGROVE WOODLAND, DEEPDEAN, ROSS-ON-WYE, HR9 5SQ</b></p> <p><b>For: Mr Newton per Mr Gavin John Hamilton, Prospect Cottage, Deepdean, Ross-On-Wye, Herefordshire HR9 5SQ</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=213836&amp;search-term=213836">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=213836&amp;search-term=213836</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 14 October 2021**

**Ward: Kerne Bridge**

**Grid Ref: 361805,220790**

**Expiry Date: 31 December 2021**

Local Member: Cllr Yolande Watson

## **1. Site Description and Proposal**

- 1.1 This application relates to the proposed change of use of an existing forestry shed, lean-to and open hardstanding area from forestry to a mixed use of forestry and forestry-related light industry and timber-based craft workshops. It should be noted that the description was changed during the application process. The application relates to a small part of Warmhill and Hengrove Woodlands, which are located to the south-east of the county, near to the Gloucestershire border.
- 1.2 The change of use was previously sought under a prior approval process in 2021 (212796/PA6 refers) but the application was withdrawn as it was deemed that a forestry shed was not an agricultural use. Until recently the shed was in use by a sub-contractor who employed up to four people and carried out timber operations at the woodland. Currently, the shed and hardstanding is accommodating some machinery.
- 1.3 If permitted, the additional uses sought would be related to forestry and utilise timber that has been grown in the woodland. Over the last two and half years, about 1,500 tonnes of timber has been extracted from the wood in line with the agreed felling licence, most of it being transported off-site to nearby sawmills. The proposed change of use would lead to a reduction in the amount of timber extracted as the emphasis will be more on processing timber on-site and delivering related courses.

- 1.4 Warmhill and Hengrove is a Plantation on Ancient Woodland Site (PAWS), and Local Wildlife Site (SO62/004), with much of it being planted between 1957 and 1974 with non-native species as a productive timber crop. That crop is now reaching maturity and the current felling licence allows for up to 3,000 tonnes of timber to be extracted in the period up to July 2028.

## **2. Policies**

### **2.1 Herefordshire Local Plan – Core Strategy**

- SS1 – Presumption in favour of sustainable development
- SS6 – Environmental quality and local distinctiveness
- SS7 – Addressing climate change
- LD1 – Landscape and townscape
- LD2 – Biodiversity and geodiversity
- LD3 – Green Infrastructure
- SD1 – Sustainable design and energy efficiency
- RA5 – Re-use of rural buildings
- RA6 – Rural economy
- SD3 – Sustainable water management and water resources
- SD4 – Wastewater treatment and river water quality
- MT1 – Traffic management, highway safety and promoting active travel

The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/local-plan-1/local-plan-core-strategy>

### **2.2 National Planning Policy Framework (NPPF)**

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 6 – Building a strong, competitive economy
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

### **2.3 Walford Neighbourhood Development Plan (Reg 16 Submission Draft)**

- WALF1 – Promoting Sustainable Development
- WALF2 – Development Strategy
- WALF4 – Conserving the Landscape and Scenic Beauty of the Parish
- WALF6 – Enhancement of the Natural Environment
- WALF8 – Wastewater Drainage
- WALF9 – Protection from Flood Risk
- WALF10 – Sustainable Design
- WALF12 – Highway Design Requirements
- WALF17 – Design and Appearance
- WALF22 – Use of Rural Buildings for Business

The site falls within the Walford Neighbourhood Area, where a submission draft Neighbourhood Development Plan (NDP) under Regulation 16 was published in June 2022. At this time the policies in the emerging NDP can be afforded limited to moderate weight, in line with paragraph 48 of the NPPF, which itself is a significant material consideration.

- 2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 33 of the NPPF require a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan - Core Strategy was adopted on 15<sup>th</sup> October 2015 and a review was required to be completed before 15<sup>th</sup> October 2020. The decision to review the Core Strategy was made on 9<sup>th</sup> November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the relevant policies have been reviewed, are consistent with the NPPF and therefore attributed significant weight.

### **3. Planning History**

- 3.1 212796/PA6 – Application to determine if prior approval is required for a proposed change of use of agricultural building to business and light industrial use Schedule 2, Part 3, Class R – Withdrawn on 10/09/21
- 3.2 181383/PA7 – Prior notification for open front shed for storage of machinery – Deemed consent

### **4. Consultation Summary**

#### Statutory Consultations

#### **4.1 The Coal Authority**

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted. In accordance with the agreed approach to assessing coal mining risks, if this proposal is granted planning permission, it will be necessary to include Standing Advice as an informative note to the applicant in the interests of public health and safety.

#### **4.2 Forestry Commission**

Ancient Woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to ASNW and PAWS sites. We refer you to Standing Advice on Ancient Woodland, plus the supporting assessment guide and case decisions.

#### **4.3 Natural England**

Awaiting a reply to consultation (deadline for comments Tuesday 16<sup>th</sup> August).

#### Internal Council Consultations

#### **4.4 Environmental Health Officer**

My comments are from a noise and nuisance perspective. In the earlier withdrawn application (212796) our department stated 'no objection'. I have given further thought to this proposal and the representations made by local residents on noise grounds. All the local residences are at some distance away and I take the view that whilst there may be occasions when there is audible noise arising from the proposal, this is not likely to be intrusive. In this sense it falls within the Planning Practice Guidance for Noise - noise exposure hierarchy that any noise will be either No Observed Adverse Effect Level or Lowest Observed Effect Level – the former requiring no specific measures, and the latter, mitigate and reduce to a minimum. I therefore recommend a condition regarding operating hours for noise generating plant and equipment.

#### 4.5 **Transportation**

There are no highways objections to the proposed change of use. The scale of the building is not large enough to generate significant trips and the proposed courses are of limited attendees, which results in a sufficiently low cumulative impact. There is sufficient parking available to ensure that the operation of the highway is not compromised by vehicle parking. No conditions are recommended.

#### 4.6 **Economic Development Manager – No response**

#### 4.7 **Ecologist**

##### ***Original comments***

The site is within the hydrological catchment which comprises part of the River Wye SAC; habitats recognised under the Habitats Regulations as being of international importance for its aquatic flora and fauna. The site is also within 4km of the Forest of Dean and Wye Valley Woodlands Bat SAC and within 7km of the Wye Valley Woodlands SAC. The LPA must complete a relevant Habitat Regulations Assessment process and have legal and scientific certainty that there are no adverse effects on the integrity of all three SAC designated sites PRIOR to any grant of a permission. The LPA must complete the HRA process adopting a precautionary approach.

##### Notes in respect of HRA appropriate assessment

Approved Forestry Commission schemes (e.g. Felling Licences or Woodland Management Plans) are not scientifically or legally relevant in respect of the HRA process required to be undertaken by the LPA.

- The application includes a proposal for formal use of the site for light forest related industry and formal forest management options and the use as a base for training courses in woodland management and woodland crafts.
- This intensified use will create additional foul water flows.
- The application form indicates that a new septic tank will be installed to manage foul water flows but no supporting foul water strategy, location plans and relevant BS 6297 testing has been supplied.
- The LPA has no certainty that the proposed foul water management scheme can be achieved at this location and that the resulting (required for a septic tank) soakaway drainage field can be accommodated without impacting the surrounding designated Ancient Woodland and associated biodiversity.

A detailed foul water management scheme with supporting plans and relevant BS 6297 testing, supported by relevant ecological and arboricultural assessments and as relevant specific working methods is requested to provide required scientific certainty a foul water scheme can be achieved and will have no effects on local habitats and species both during construction and operation (effects of additional local nitrification).

The intensified usage has the potential to affect the foraging and commuting of bat species (and other protected species). The LPA in mitigation notes that:-

- As identified in the noise management strategy, no traffic will serve the site or machinery operated after 6pm or before 8am at any time of the year.
- No overnight occupation or use of the site is proposed.
- All visitors and employees will need to leave site by 6pm to comply with noise management proposals.

- This limitation of use will also provide the relevant mitigation in respect of disturbance to protected species and local wildlife. This limitation of use can be secured through a relevant condition on any permission granted.
- A restriction to ensure no external lighting is operated outside of 'operational hours' can ensure the local dark landscape that benefits local amenity and nature conservation can be secured by a condition on any permission granted.

Once the required detailed information on foul water management has been supplied and considered the LPA can look to progress the required HRA appropriate assessment process, recommend conditions and seek a final, required, consultation response from Natural England – prior to any permission being granted.

At this time due to legal and scientific uncertainty over effects on the SAC designations and nutrient neutrality not secured there is an identified Adverse Effect on the Integrity of the River Wye SAC; Forest of Dean and Wye Valley Bat SAC and the Wye Valley Woodlands SAC. There is also no certainty that the proposed development will not affect or harm local protected species populations. An Ecology OBJECTION is raised as the application does not demonstrate compliance with local and national policy.

#### Other ecology comments

The applicant is reminded that holding a management agreement and/or felling licence from the Forestry Commission does not permit works that would otherwise be a breach of the Wildlife & Countryside Act 1981 in respect of protected species and other flora and fauna that could be impacted by ANY works being undertaken. The LPA recognises that woodlands require appropriate management that when undertaken sympathetically should over time provide an ecological benefit. This planning application process does not specifically control, manage or enforce this appropriate management; that is monitored and as required enforced by other competent authorities and primary legislation. Subject to the final HRA being completed and a no objection response received from Natural England and relevant conditions being imposed there are no other ecology comments or objection.

#### **Comments dated 26<sup>th</sup> July 2022**

#### Notes in respect of HRA

*River Wye SAC:* The drainage report by H+H Drainage dated 25<sup>th</sup> June 2022 and the foul and surface water strategies therein are noted and refer.

- The application includes a proposal for formal use of the site for light forest related industry and formal forest management options and the use as a base for training courses in woodland management and woodland crafts.
- This intensified use will create additional foul water flows.
- The foul water from the development is to be managed utilising the existing septic tank with outfall to a new soakaway drainage field under the control of the applicant.
- The septic tank has sufficient capacity to manage any additional flows discharging to it and is compliant with the General Binding Rules.
- The new 50m<sup>2</sup> drainage field will be constructed in an area where percolation tests indicate adequate drainage and with an invert depth of no deeper than 1m below ground level as specified in the drainage report.
- As there is no proposal for loss of buildings, additional buildings or modification to the existing building in terms of structure, no significant change or increase in surface water will be created by the proposed development.

*Wye Valley Woodlands SAC/Wye Valley & Forest of Dean Bat SAC*: The intensified usage has the potential to affect the foraging and commuting of bat species (and other protected species – in particular nocturnal species). The LPA in mitigation notes that:-

- There are no significant changes in local environment identified from the proposed change of use in respect of bat populations including those associated with the WVV and WVFoD SACs. This application is considered as ‘screened out’ from requiring any further appropriate assessment process.

Subject to a formal ‘no objection’ to the required HRA appropriate assessment by Natural England, the following conditions are suggested on any permission granted.

#### Other Ecology comments

The Phase 1 / Preliminary Ecological Assessment and Mitigation Report by Europeaus Land Management Services dated November 2021 is noted. From information supplied and images available there are no immediate ecology related concerns with this proposal. There are no ecological records of important or Protected Species immediately on or adjacent to the site. There are relevant species records within the wider locality. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK legislation that applies throughout any demolition and construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance, this LPA has no reasonable cause to require further information as part of the planning application or include a specific ecology protection condition. However, a relevant information note is requested.

In support of NPPF, Core Strategy and declared Climate and Ecological Emergency and as supported by wider national strategy and regulations, all developments should provide clear and sustainable biodiversity net gain for the lifetime of the development. A condition to require proportionate Biodiversity Net Gain enhancement measures to be installed is requested as part of any permission granted.

## **5. Representations**

### **5.1 Walford Parish Council**

#### ***Original comments***

Walford Parish Council voted to object to this application on the basis that both the location and access to this site are not appropriate for this development and may cause damage to a designated ancient woodland.

#### ***Comments following additional information***

Walford Parish Council voted to support this application but wished to add that a) any new activities permitted are limited to a working day of 8am to 6pm; and b) that noise (particularly chainsaw) and additional lighting are kept to a minimum.

### **5.2 Herefordshire Campaign to Protect Rural England (CPRE) –**

This proposed change of use is set within a PAWS designated on Natural England’s Ancient Woodland Inventory and should be protected from any invasive development. Both Warmhill and Hengrove Woodlands are on the list of designated Ancient and Semi Natural Woodlands with protected status. The forestry shed and ancillary buildings subject to this proposed change of use are set within the woodland. Our concern is the possible damage to this sensitive site through the intensification of the use of the forestry shed, with the resultant increased traffic and the inevitable noise, light and general disturbance. This is a peaceful, rural area and although

it is conceded that some occasional commercial logging activities are necessary for a viable forestry enterprise, the proposed regular industrial and educational activities will be more frequent. The proposal contradicts paragraph 180 of the updated NPPF, which states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional reasons. We do not believe that this proposal provides such justification.

### 5.3 Woodland Trust

#### ***Original comments***

Just to let you know we did assess these proposals, but have no comment to make with regard to ancient woodland and trees.

#### ***Comments dated 11<sup>th</sup> April 2022***

We are concerned by a recent statement submitted by the applicant's agent and other information that has come to light. Firstly, we would like to address the agent's email which states that "Warmhill and Hengrove is almost exclusively Planting on an Ancient Woodland Site [sic], not Ancient Woodland." This statement demonstrates a fundamental misunderstanding of ancient woodland and its importance and as such we do not have confidence in the applicant and their agent to ably manage the change of use of the area in question and respecting its conservation importance. PAWS are very much a form of ancient woodland, which is recognised across the forestry sector and is outlined within Natural England and Forestry Commission's standing advice for ancient woodland. It is concerning that the applicant does not understand this.

The sustainable use of ancient woodland for conservation and educational purposes is to be welcomed, however, it must be done in an appropriate and sensitive manner that will not result in increased disturbance and consequent harm to the ancient woodland. We encourage the sustainable use of privately-owned woodland and where PAWS is being used for commercial timber would encourage management in line with ancient woodland restoration principles. We note from the application form that the number of car parking spaces is proposed to increase and that various other elements will be installed on site. It is unclear from other plans where these elements would be sited or whether they would be in areas of existing use. It is also concerning that the applicant has stated that there are no trees or hedges on or adjacent to the site.

We are also aware of further plans for the site to establish additional infrastructure elements. We have been alerted to the attached flyer and would appreciate confirmation as to whether this is a representation for the site in question as such use could have repercussions for the ancient woodland's character and conditions.

At present, there is not sufficient information available to determine how the proposals would impact the ancient woodland and what mitigation measures will be in place to protect the woodland from any adverse impact. In cases where works are proposed within ancient woodland, we would expect to see an Arboricultural Impact Assessment with a Tree Survey, as well as an Ecological Appraisal. None of this appears to have been supplied to date. As such, the Trust maintains a holding objection.

#### ***Comments dated 4<sup>th</sup> May 2022***

To address the applicant's point around the Trust having visited the site, we consider this a moot point as it is not a requirement for those commenting on an application. Instead, it is important that the full breadth of information is included to allow the public to comment appropriately on the proposals. In this vein, we acknowledge our misstep in not identifying the presence of an

Ecological Appraisal, though we maintain that such applications should ideally also provide a Tree Survey and Arboricultural Impact Assessment as a means of ensuring that any change in use of an ancient woodland site will not affect the trees and their rooting environment. This remains relevant to this application as the proposals suggest increased activity and vehicle movements.

We have now seen the photographs of the site included in the Ecological Appraisal and can appreciate that some level of compaction has occurred around the building already. It is important that use of the site is limited to the areas presently used and the footprint of the building and existing parking areas is not extended in any way. Regarding concerns around increased use of the site, the increase in use does not appear to be significant; however, if the Council is minded to approve this application we would suggest a condition that requires the applicant to establish a monitoring programme to understand whether the change of use is impacting on the woodland.

Regarding the designation of the woodland, it is important the applicant understands that ancient semi-natural woodland (ASNW) and plantation ancient woodland sites (PAWS) are both distinct forms of ancient woodland, and while each type will require different methods of management, both ASNW and PAWS must be treated equally in terms of their protection. Invasive and intensive management should be avoided as far as is possible, with less intensive management employed to avoid damage to ancient woodland soils, ground flora, the shrub layer and fungal networks.

In relation to our request for confirmation of the authenticity of the flyer we attached to our previous email, we are thankful to the applicant for confirming that the flyer in question has no relation to them or the application.

#### **5.4 Herefordshire Wildlife Trust**

Herefordshire Wildlife Trust would like to express its concern regarding the application. The site proposed is both a designated ancient woodland site and a local wildlife site. We are concerned that without additional mitigations the application may be contrary to local planning policies SS6 and LD2. It was unclear to us, from the application, how the change in use was going to be implemented. For example, the application states that sewage will be stored in a septic tank but an existing septic tank was not noted on the plans. The work required to install a septic tank would need to be managed to limit the impacts on the surrounding woodland. We note that an ecological impact assessment has been completed, however, as is noted in the report the surveys were not carried out at the ideal season for many species and therefore it may have underestimated the impact on protected species, in particular bats, who may use the access track and open areas for feeding. The design statement says that activities will be run between 8am and 6pm, which during the winter I would assume require lighting. Too much artificial lighting can affect the behaviour of both nocturnal and day light hunting animals. It is possible to minimise the impact of artificial lighting and we would like to see such mitigations considered in the application.

#### **5.5 Third Party comments in objection (as summarised by the case officer)**

- Loss or damage to ancient woodland
- Intensification of activity on site will lead to harm to irreplaceable habitats
- Increased trampling effects and potential for litter and fire damage
- Increased noise and artificial lighting within the woodland
- The site receives a Countryside Stewardship grant for enhancing biodiversity
- This area is designated as a Local Wildlife Site
- Potential for increased pollution through human effluent
- Increased hardstandings can lead to issues with contaminated run-off
- Cumulative impacts on the woodland in combination with other activities

- Industrial activity would be inappropriate to this natural setting
- There are already other woodcraft skills workshops
- The hours of operation should be carefully controlled in the interests of amenity
- The shared access track (unmetalled) is not suitable for increased traffic and HGVs and damage has already been caused to the surface
- The site is only 150m away from homes and private gardens
- The proposal amounts to overdevelopment in a peaceful valley
- The proposal may well add to the flood risk of neighbouring properties
- There was no due diligence in approval of application 181383/PA7
- During 2018-2021, a woodcraft business operated from the site and this caused great disturbance to neighbouring houses
- The proposals would give rise to more continuous activity on-site
- There is little mitigation offered within the Noise Management Plan
- This is a 'Dark Skies' area that would be adversely affected
- There could be an increase in the risk of crime due to publicity
- There is no detail about 'Open Days' and what this might entail
- There is little clarity about the number of available parking spaces
- Further information is needed in respect of waste management
- There are bats and other protected species within Deepdean
- There is no clarity on where existing forestry activities would be displaced to
- There is potential for storage of hazardous substances
- The proposal would harm the existing sense of peace and tranquillity. Rather, it would likely result in a statutory noise nuisance
- There are not enough passing places to accommodate the increased traffic
- The public highway serving the site is narrow and already subject to damage
- Use of green, unseasoned wood is not practicable and so this will lead to wood being imported and undermines the rationale for locating the work here
- The application provides for a 50sqm drainage field to be installed

#### 5.6 **Third Party comments in support** (as summarised by the case officer)

- As a qualified carpenter, I have already worked on the site numerous times over the years, without issues arising
- I am not aware of noise complaints that have been submitted by neighbours, despite a wood crafting workshop being operated
- Rather than install a noisy petrol version, an electric sawmill has been installed
- This is already an active and managed forest where logging takes place almost every winter and forestry management all year round
- The proposed activities would be likely to attract smaller vehicles than forestry
- The existing workshop is insulated, thereby limiting noise externally
- The proposal is sustainable as it would allow for some of the timber harvested to be processed and used on site; thus reducing the number of logging trucks
- This scheme would allow traditional skills and knowledge to be passed on
- I run a local furniture making business and considering relocating my business to the workshop at Warmhill Woods
- We feel that the two businesses would complement each other
- I generally use hand tools and when power tools are needed they are of a light industrial nature and tend not to be particularly loud
- The vast majority of my work is local, thereby adding to sustainability

- 5.7 The consultation responses and representations can be viewed in full on the Council's website by using the following link:-

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=213836&search-term=213836](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=213836&search-term=213836)

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

## 6. Officer's Appraisal

### *Principle of development*

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

- 6.2 In this instance, the adopted development plan is the Herefordshire Local Plan – Core Strategy. The emerging Walford NDP (Reg 16 stage) and the National Planning Policy Framework (NPPF) are also material considerations to which varied weight is attached.

- 6.3 Policies RA5 and RA6 of the Core Strategy are both relevant to this application. The former, in respect of the intention to re-use an existing rural building; and the latter, in respect of supporting a prosperous rural economy, in line with Section 6 of the NPPF. RA5 states that the sustainable re-use of redundant or disused buildings, which will make a positive contribution to rural enterprise and support the local economy, will be permitted subject to meeting defined criteria. Moreover, RA6 states that employment generating proposals which help diversify the rural economy will be supported, including proposals which support the retention and/or diversification of existing agricultural businesses. This is regarded as relevant notwithstanding the reference to agriculture as opposed to forestry.

- 6.4 Whilst noting its relatively recent construction, the forestry shed subject to this application is currently underutilised and the proposal would not have any adverse impacts associated with its appearance, or its influence on landscape character. The visual impact, for instance of parked cars, is ameliorated by the site's location within a woodland. Both policies are subject to more general development criteria, such as impacts on highway safety, protected species and neighbouring amenity, which are to be assessed in detail as part of the ensuing sections of this report.

- 6.5 In short, the principle of development is considered to be acceptable under adopted local policy subject to the matters below; and support is also accrued from Section 6 of the NPPF insofar as it seeks to promote rural prosperity through the diversification of agricultural and other land-based businesses. Proportionate weight is to be attached, as a benefit of the development within the overall balance, to the fact that the proposal would lead to small-scale employment and upskilling of local people. In the event that permission is granted, conditions could be imposed to restrict the nature of the new uses in the interests of amenity and conservation of the woodland habitat.

- 6.6 Reference in certain representations to a "Village of Dean" promotional flyer relating to the woodland as a whole has been queried with the Agent. In response, Officers were advised that *"this was not sought by or sanctioned by anyone connected with Warmhill and Hengrove, and that at no time would it have been entertained as a proposal, or anything that we would ever be*

*inclined to adopt*". Officers stress that the decision to be made should relate solely to the merits of this specific application proposal.

#### *Impact on the woodland*

- 6.7 Natural England and the Forestry Commission define ancient woodland as an irreplaceable habitat, which is important for its wildlife, soils, recreational value and cultural, historical and landscape value; and has been wooded continuously since at least 1600AD. It includes PAWS (Plantations on Ancient Woodland Sites) replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi.
- 6.8 PAWS are given equal protection in the NPPF regardless of the woodland's condition, size or features. Paragraph 180 is of particular relevance, as supported by relevant Planning Practice Guidance (PPG). This states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 6.9 It should be noted that Ancient Woodland is not defined as a 'sensitive area' for the purposes of the EIA Regulations 2017 (as amended). Notwithstanding this, the environmental effects of the proposal still fall to be assessed. The proposal is limited to the existing forestry shed and surrounding hardstanding area that have been in use for many years; and it does not involve building or engineering works (other than a new drainage field) or changes to the wider woodland. This PAWS woodland was planted as a timber crop during the 1960s and 1970s; and significant on-site work involving heavy machinery has occurred for a number of years, in order to harvest the crop.
- 6.10 As part of a management plan agreed with the Forestry Commission in 2018, the owners have put in place a number of processes to enhance biodiversity within the woodland, which are not affected by this proposal. Moreover, within relatively recent times, the woodland has entered into a Higher Tier Countryside Stewardship agreement with Natural England to enhance biodiversity. The Agent has cited examples of biodiversity initiatives within the woodland, in conjunction with local ecologists. Moreover, as it is a private woodland, its wider proposed use might increase interaction; enabling access for people who do not currently benefit.
- 6.11 A copy of the woodland management plan has been submitted, which sets out details on how the existing woodland is managed and alludes to associated felling and thinning licences. This updated version has yet to be agreed by the Forestry Commission but embraces a wide range of relevant matters, including ecology; and sets out objectives that are to be achieved by a prescribed date. A copy of the approved felling licence, running until 19<sup>th</sup> July 2028, has also been submitted.
- 6.12 The intention of the proposal is to carry out craft-based processing of the timber grown in the woodland. Although it will still need to be cropped to maintain its health and structure, it is envisaged that smaller quantities will be removed over a longer period rather than being sold 'en-masse' on the open market. As such, processes associated with commercial forestry operations would reduce. There has been criticism of the suggested use of timber from the woodland on the basis of unseasoned wood being unsuitable. The Agent has responded by advising that green woodworking is a well-known practice, with green wood being much softer than seasoned timber and easier to shape with hand tools. This does not preclude laying down some timber to season for future use in other forms of woodcraft.
- 6.13 Turning to other relevant comments, the Forestry Commission's response to the application is not a bespoke appraisal of the proposals. Instead, it directs the LPA to relevant policy and guidance. The Woodland Trust however raised some initial concerns about a lack of sufficient information and mitigation to avoid adverse impacts on the ancient woodland. Its most recent

comments reflect a suggestion for a condition requiring monitoring of effects; a matter on which Officers have been guided by the Council's Ecology comments.

- 6.14 In summary, the host woodland is a well-established and productive countryside feature that has been in the same family ownership for 55 years. There are no ostensible direct impacts, such as loss of woodland, associated with the proposals that are under consideration. Rather, given the nature of the development, the effects are more indirect, due to operational issues such as lighting, vehicle movements, noise disturbance and pollution, which have the potential to harm species living within the habitats surrounding the existing shed. These matters will be assessed as part of the ensuing sections of this report.

#### *Highway safety*

- 6.15 The access to the shed is along an existing unmade, privately-owned track. Whilst this is shared with residential properties, it is stressed that the woodland is accessed along the same track, and is used every 12/24 months by HGVs in order to remove the felled timber. It is understood that this process can last several months and typically involves 30 or more lorries. Outside of that time, there are several vehicles involved in maintenance of the woodland.
- 6.16 The proposal has been subject to scrutiny by the Council's Area Engineer and no objections have been raised, notwithstanding the various local concerns. As a change of use, it was considered that the scale of the building is not large enough to generate significant trips, and as the proposed courses are for limited attendees, this will result in a sufficiently low cumulative impact. There is sufficient parking space available to ensure that the operation of the highway is not compromised by parking. It is understood that 10 vehicles represents the likely maximum number of visitors at any one time, albeit it would not be reasonable or enforceable to impose any conditional restrictions. Any traffic generated will likely be cars or light commercial vehicles suitable to light industrial use.
- 6.17 No conditions are necessary to control the highway safety aspects of the development.

#### *Noise nuisance*

- 6.18 Paragraph 185 of the Framework, inter alia, seeks to ensure that the planning system mitigates and reduces to a minimum potential adverse impacts resulting from noise from development; and avoids noise giving rise to significant adverse impacts on health and the quality of life.
- 6.19 Historically, the use of the shed was for forestry purposes, providing storage of forestry materials and products; a maintenance area and storage for machinery (tractors, loaders, forwarders and chainsaws); and a dry work area and for welfare. For several years, woodland thinnings have been brought to the area adjacent to the shed to be exported by lorry to nearby sawmills. Some of this timber has also been processed on site as round poles and also as sawn timber by use of a mobile sawmill regularly located to the front of the shed; thereby necessitating use of the mill and chainsaws in this area.
- 6.20 The proposed change of use will be limited to handcrafts and workshop activity relating largely to woodland products, using either hand tools or low-powered tools and machinery; and to teaching and courses related to woodland crafts and activities. Apart from exceptional circumstances such as open days, it is stated that the use of the building would be limited to up to 12 people.
- 6.21 The Agent has therefore argued that, whilst thinning and extraction will continue from the woodland in line with the felling licences, activity and noise involving heavy machinery and chainsaws in the vicinity of the shed would be reduced. It is also the intention of the owners and management of Warmhill and Hengrove Woodland to put in place reasonable measures to

reduce the impact of activities associated with the use of the shed and to help eliminate avoidable noise through a Noise Management Plan.

- 6.22 It is clear that all year round activity on site would be increased. Notwithstanding the fact that light industry is limited to industrial processes which can be “*carried out in residential areas without causing detriment to the amenity of the area*”, the comments of the Council’s EHO are relevant. It has been observed that the local residences who have objected all lie some distance away. Whilst there may be occasions when there is audible noise arising from the proposal, this is not likely to be intrusive. In this sense, it falls within the PPG noise exposure hierarchy that any noise will be either No Observed Adverse Effect Level (NOAEL) or Lowest Observed Effect Level (LOEL).
- 6.23 It is proposed that use of noise generating plant and equipment be limited to 0800 to 1800 hours (Monday to Saturday) and such activity be confined to the shed. A condition to this effect, and a further condition limiting the permitted uses, therefore add control over and above that which may be exercised under Environmental Health legislation. Your Officer is conscious of practical difficulties in identifying forestry activity and what is a related light industrial or craft workshop use, however, given the specific relation of the condition to the existing building, it is considered enforceable. It would be unreasonable to seek to restrict wider commercial forestry activity given the established use rights and the nature of forestry work.
- 6.24 Overall, the potential for noise effects can be satisfactorily mitigated and managed.

*Ecology and the biodiversity value of the woodland*

- 6.25 Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing sites of biodiversity or geological value and soils in a manner commensurate with their statutory status or identified quality in the local plan. Decisions should also recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the benefits of trees and woodland. Paragraph 185 states that decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment, as well as the potential sensitivity of the site or wider area to impacts that could arise. Notably, decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Policy LD2 is wholly consistent with the above NPPF requirements.
- 6.26 The site is within the hydrological catchment which comprises part of the River Wye Special Area of Conservation (SAC); habitats recognised under the Habitats Regulations as being of international importance for its aquatic flora and fauna. The site is also within 4km of the Forest of Dean and Wye Valley Woodlands Bat SAC and within 7km of the Wye Valley Woodlands SAC. The LPA must complete a relevant Habitat Regulations Assessment process and have legal and scientific certainty that there are no adverse effects on the integrity of all three SACs prior to any grant of permission.
- 6.27 To support the application, an ecological appraisal and ensuing report was commissioned in November 2021, as carried out by Europaeus Land Management Services. This concludes that there is negligible or no impact associated with the change of use on the surrounding habitat. Several recommendations for enhancement are suggested in the report and these could be secured by condition requiring demonstration of compliance. A condition can also be used to restrict external lighting outside of ‘operational hours’; to ensure the local dark landscape continues to benefit local amenity and nature conservation.

- 6.28 As regards impacts on the River Wye SAC, the drainage report by H+H Drainage dated 25<sup>th</sup> June 2022 and the foul and surface water strategies therein have been carefully noted. The HRA appropriate assessment prepared by the Council's Ecologist makes the following observations:-
- The application includes a proposal for formal use of the site for light forest related industry and formal forest management options and the use as a base for training courses in woodland management and woodland crafts.
  - This intensified use will create additional foul water flows.
  - The foul water from the development is to be managed utilising the existing septic tank with outfall to a new soakaway drainage field under the control of the applicant.
  - The septic tank has sufficient capacity to manage any additional flows discharging to it and is compliant with the General Binding Rules.
  - The new 50m<sup>2</sup> drainage field will be constructed in an area where percolation tests indicate adequate drainage and with an invert depth of no deeper than 1m below ground level as specified in the drainage report.
  - As there is no proposal for loss of buildings, additional buildings or modification to the existing building in terms of structure, no significant change or increase in surface water will be created by the proposed development.
- 6.29 Moreover, in respect of the nearby Wye Valley Woodlands SAC and the Wye Valley & Forest of Dean Bat SAC, the intensified usage has the potential to affect the foraging and commuting of bat species (and other protected species). The Council's Ecologist, as part of the HRA appropriate assessment, has remarked that there are no significant changes in the local environment identified from the proposed change of use in respect of bat populations, including those associated with the WVV and WVFoD SACs. The application was 'screened out' from requiring any further appropriate assessment.
- 6.30 The LPA has concluded that there would be no adverse effects on the integrity of the three SACs. Subject to the outcome of consultation with Natural England on the HRA appropriate assessment, a condition requiring compliance with the drainage report recommendations has been suggested on any permission granted. An update on Natural England's response will be provided to the Planning Committee. It can however be concluded that all relevant ecology matters have been addressed; and that no further conditions, including monitoring of effects, are considered to be necessary.

### *Conclusion*

- 6.31 Drawing together the above, the proposal is considered to accord with the development plan when read as a whole, which is not outweighed by any other material considerations. The proposed change of use would amount to a sustainable form of development in a rural area and no significant conflict is found when assessed against the policies in the NPPF taken as a whole. Whilst observing the tension that could arise between light industrial activities in a sensitive woodland setting, the effects could be acceptably mitigated or otherwise managed in this case. Importantly, the foregoing appraisal demonstrates that there would be no loss or deterioration of irreplaceable habitats, such as ancient woodland (PAWS).
- 6.32 The change of use of the existing shed would complement the well-established commercial forestry operations within the wider woodland and is appropriate in scale, bringing woodland crafts and some opportunity for woodland-related courses to the local rural area.

## RECOMMENDATION

That subject to the receipt of a positive response from Natural England in relation to the Habitat Regulations Appropriate Assessment, planning permission be granted subject to the following conditions and any other further conditions/amendments considered necessary by officers named in the scheme of delegation to officers:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out strictly in accordance with the approved plans (Location Plan 1:10000; Site Plan 1:500; and Drainage Plan 1:500), except where otherwise stipulated by conditions attached to this permission.

**Reason.** To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. The mixed use of the existing shed, lean-to and hardstanding hereby permitted (excluding existing forestry operations) shall be limited to forestry-related light industry and/or timber-based craft workshops falling within Class E (g) (iii) and Class F1; and for no other purpose (including any other purpose in Classes E and F1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

**Reason:** The local planning authority wishes to control the use of the site, in the interests of safeguarding residential amenity and the tranquil quality of the surrounding woodland, in line with Policies SS6 and SD1 of the Herefordshire Local Plan – Core Strategy and advice found in Section 15 of the National Planning Policy Framework.

4. The use of noise generating plant and equipment in association with the uses hereby permitted (excluding existing forestry operations) shall be restricted to 0800 to 1800 hours Monday to Saturday; and this noise-generating activity shall only take place within a fully enclosed part of the building(s). There shall be no such working on Sundays, Bank or Public Holidays.

**Reason:** To safeguard the amenities of the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. Prior to initiating the mixed use hereby permitted, an annotated location plan and supporting images or an ecologist's report confirming the installation of appropriately located 'fixed' habitat features, such as habitat boxes supporting a range of bird species and bat roosting features, on land under the applicant's control shall be supplied for the written approval by the local planning authority. The approved scheme shall hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure that all protected species are considered and habitats enhanced having regard to the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies SS1, SS6 LD1, LD2 and LD3.

6. **At no time shall any external lighting except in relation to safe use of the existing buildings be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority. No external lighting should illuminate any biodiversity enhancement, boundary feature, highway corridors or adjacent habitats. All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species, available from the Institution of Lighting Professionals.**

**Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017 (as amended), National Planning Policy Framework, NERC Act 2006, Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA, 2013).**

7. **Unless otherwise approved in writing by the local planning authority, all foul water shall discharge through connection to the existing septic tank discharging to a new soakaway drainage field as identified in the drainage report prepared by H+H Drainage and dated June 2022.**

**Reason: In order to comply with the Conservation of Habitats and Species Regulations 2017 (as amended), National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.**

8. **Prior to initiating the mixed use hereby permitted, a scheme for the provision of storage, prior to disposal, of refuse and waste materials, and an associated timetable for implementation, shall be submitted to and be approved in writing by the local planning authority. The approved scheme shall thereafter be implemented in accordance with the approved timetable.**

**Reason: In the interests of amenity and avoiding contamination of the woodland setting, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

#### **INFORMATIVES:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **The application site lies within a Development Low Risk Area, as defined by The Coal Authority. The Low Risk Area is where past coal mining activity has taken place at sufficient depth that it is likely to pose a low risk to new development. To minimise the risks to public health and safety, and related liabilities, it is important that wherever your site is located, you make appropriate consideration of the risks posed by coal mining features.**
3. **In respect of condition 5, it is recommended that the biodiversity enhancement measures outlined in the ecological assessment report are adopted.**

4. The Authority would advise the applicant and contractors that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act 1981, with enhanced protection for special “protected species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the county. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. It is noted that a Working Method Statement is included in the submitted ecological assessment and these recommendations should be adopted.

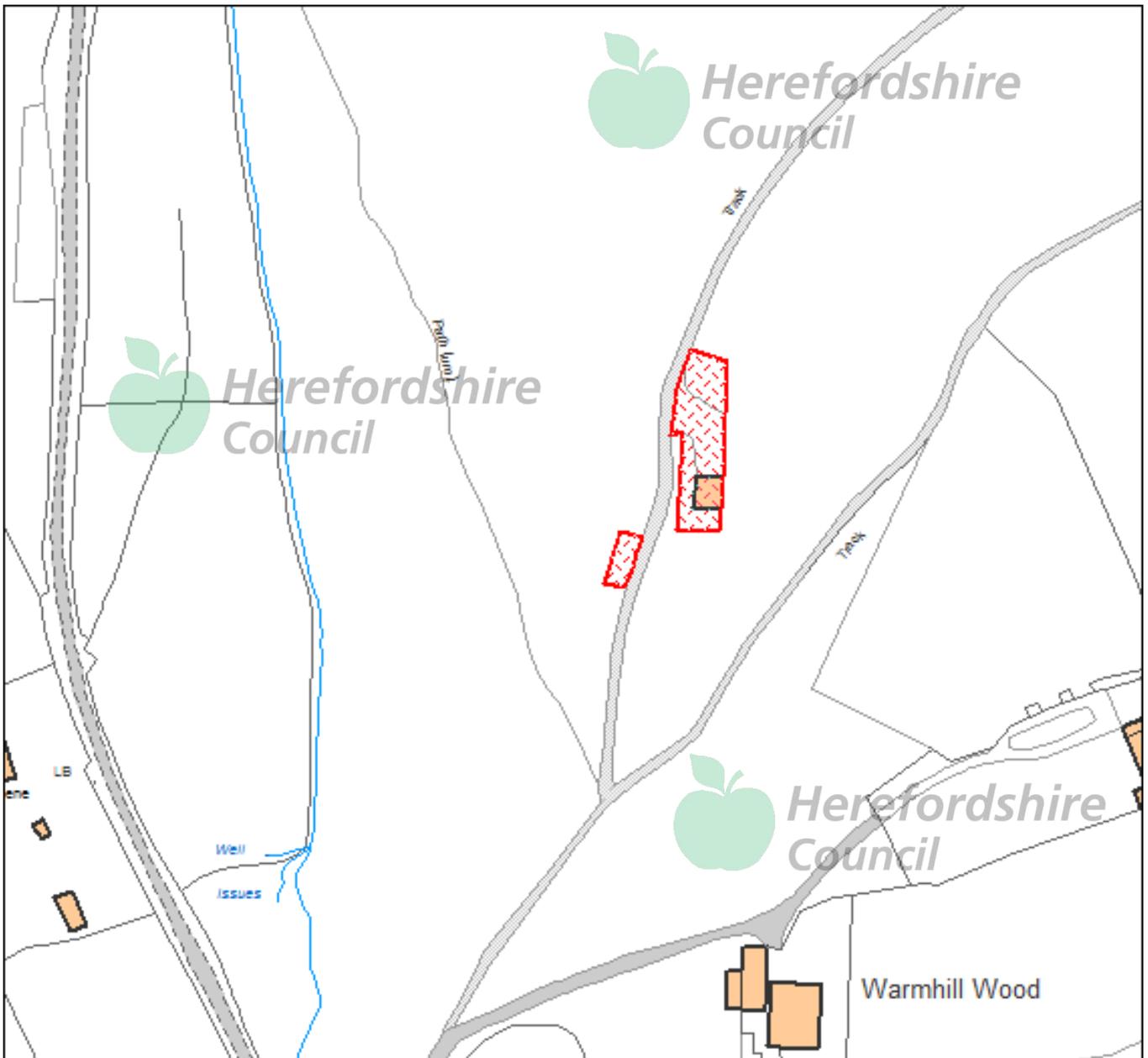
Decision: .....

Notes: .....

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**Background Papers**

None identified.



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**APPLICATION NO:** 213836

**SITE ADDRESS :** LAND AT WARMHILL AND HENGROVE WOODLAND, DEEPDEAN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SQ

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