

## **Planning Statement**

**Proposal:** Improvement of access to the highway access track and turnaround area in order to extract felled timber.

**Site Location:** Land adjacent to the A666, near Egerton, Blackburn BL7 8BL  
Grid ref SD702 165.

**Applicant/Client:** United Utilities

**UU Agent:** Steven Highley, Woodland Officer – West Area

### **Proposal Development**

1. The proposed development is works to improve an access to the highway and internal access track and turnaround area in order to extract felled timber. The development is proposed on land owned by United Utilities adjacent to the A666, near Egerton at Grid ref SD 702 165.
2. The site is located on the eastern side of the A666 south of Darwen in the rural area; an existing access point and short run of hardstanding area has previously been created on the site as part of the original plantation operation. The attached photos show the existing arrangement.
3. There is a small section of additional development on the northern side of the existing access which will increase its width along the highway edge; this is required to provide access for the intended vehicles.
4. The access and turning area will need to be appropriately surfaced, the first 5 metres will be tarmacked with the remainder in crushed stone; the existing material is crushed stone although this has become grassed over. There are no boundary treatments to be erected or changes to land levels; as such no elevations are submitted.
5. The plantation is privately owned by United Utilities and the operation will produce timber to remunerate the land owner. The trees on the land are not native trees and were planted some years ago as part of a timber production scheme; therefor the stand of evergreen trees is a manmade feature in the environment. The natural landscape is moorland.
6. Designs have been informed by Highways Access and T shaped turnaround diagrams taken from Forestry Commission guidance Operation Note 25 'Forest roads and Tracks'. The proposed development will incorporate both of the highways access and turnaround designs into a single solution to facilitate access and operations associated with the timber felling.
7. The trees and shrubs adjacent to the highway will need to be cut down to provide adequate visibility splays of 160 metres each side of the entrance. The development will be left in situ once the felling operation is complete.

### **The felling operation**

8. The area of woodland to be felled covers 7.02 hectares. It is estimated approx. 2000 tonnes of timber, equivalent to 80 timber wagon loads, will be removed from site. It is anticipated a maximum of 5 wagon loads (10 vehicle manoeuvres) would be removed in any one day and

the timber extraction work would be carried out over a 2 - 3 month period. Only 1 wagon will be on site at any time, so no passing points are required.

9. With regards to timber stacking / loading, the felled timber will be transported to the loading area by a timber forwarder. This machine will access the area via a brash mat track from within the woodland. Timber will be stacked adjacent to the newly created turning area; this will be stacked on the existing ground on bearers of large logs. Additional hard surfacing for the stacking area is not anticipated, there is also no need for the erection of any fences or gates at the location.

10. A copy of the felling license granted by the forestry commission is included in the submission to evidence the nature of the proposal.

### **Pre - Planning advice**

11. The applicant wrote to the planning department at Blackburn with Darwen Council explaining his proposal in brief. The advice returned to them contained a response from the Council's Highways Officer setting out the requirements for technical information which would be needed. The response is pasted below.

*The existing clearing is quite wide and screened from the road by vegetation. The access would connect to the A666, where 50mph speed is often exceeded. The proposed access would need to ensure clear visibility to assist vehicles exiting the site and also vehicles already on the highway.*

*The scheme drawing indicates a turning area. To satisfy the authority, the applicant would be required to demonstrate vehicles turning through submission of a tracking model and a servicing plan, i.e. frequency of movement, type of vehicles etc. Likewise visibility splays need to be provided.*

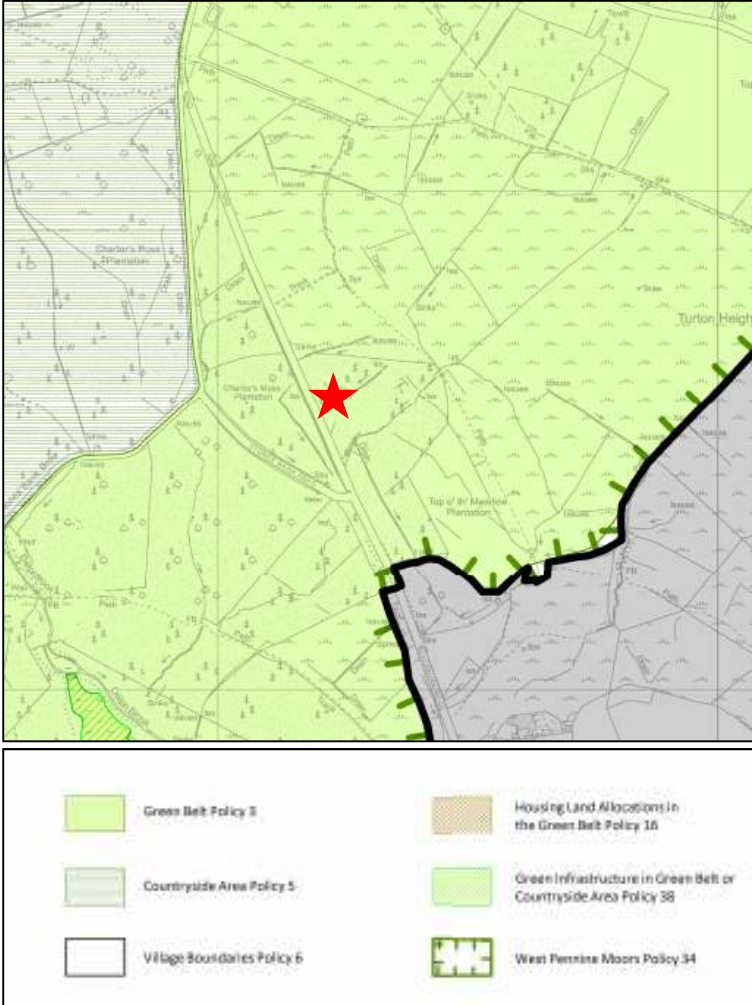
10 A report is provided which details the required visibility splays on the site and how these will be achieved. The report also includes a servicing strategy and tracking models as per the advice from the LPA. These plans are also supplied separately. It is considered that this information meets the requirements of the Highways officer and as such shows that the development complies with Policy 10 Accessibility and Transport of the Blackburn with Darwen Local Plan Part 2.

### **Relevant Policy Context**

12. The Core Strategy seems to have been superseded by the Blackburn with Darwen Local Plan Part 2 Site Allocations and Development Management Policies. The National Planning Policy Framework is also a material consideration. The prescriptive policies of the local plan forming the Development Plan have primacy over the more advisory approach of the national framework.

<b>Core Strategy saved policies</b>	<b>Superseded by Local Plan Part 2 policy</b>
T9: New developments – general transport considerations	Policy 10: Accessibility and Transport And Policy 11 Design
HD2: Protection of important public views:	Policy 11 Design and Policy 41 Landscape
HD8: Existing trees and landscaping	Policy 9 Development and the environment.
HD9: New trees and Landscaping	Policy 9 Development and the environment.
RA1: Green Belt	Policy 3 Green Belt

13. The relevant policies are set out below.

Local Plan Part 2 adopted policies.	Considered relevant	Material Consideration
<p><b>South (area) Map</b></p> 	<p>Policy 3 Green Belt, Policy 5 Countryside Areas,</p> <p>Policy 7 Sustainable Development,</p> <p>Policy 9 Environment,</p> <p>Policy 10 Accessibility and Transport,</p> <p>Policy 11 Design</p> <p>Policy 41 Landscape</p>	<p>Appropriateness of development.</p> <p>Economic, social and environmental dimensions. Improvements working together.</p> <p>Protecting environmental assets and interests and mitigating impacts of development.</p> <p>Development and highways and access.</p> <p>Is the proposal of an acceptable design.</p> <p>Is the proposal acceptable in the landscape.</p>

### Policy wording and analysis

#### **Policy 3 the Green Belt – NPPF Section 9**

*The Adopted Policies Map defines the Green Belt in Blackburn with Darwen. Within the Green Belt, planning permission will not be granted for inappropriate development, except in very special circumstances or where another policy in the Local Plan specifically supports a proposal. The construction of new buildings is inappropriate development except:*

- *Buildings for agriculture and forestry;*
- *Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*

- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

*Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:*

- *mineral extraction;*
- *engineering operations;*
- *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- *the re-use of buildings provided that the buildings are of permanent and substantial construction; and*
- *development brought forward under a Community Right to Build Order.*

*Development in the Green Belt will only be granted planning permission where it is demonstrated that it will preserve the openness of the Green Belt and will not give rise to a conflict with the purposes of including land within it.*

## **Analysis**

1. The proposed development in this application is considered to be appropriate to the Green belt. The purposes of Policy 3 largely reflect the aims and objectives of the NPPF Section 9 on the Green Belt; to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns merging into one another, to assist in safeguarding the countryside from encroachment, to preserve the setting and special character of historic towns and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
2. At paragraph 89 the framework lists types of development which are exceptions to the otherwise restrictive controls; the application however is not for a specific building. Paragraph 90 lists other forms of development considered acceptable; at indent 2 the paragraph sets out engineering operations as one of the exceptions to the rule. However it also advises that the development is only allowed providing it preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.
3. The proposed development will have a limited impact as it triggers only one of the five purposes; *assisting the countryside from encroachment*. The site is in the countryside area by virtue of it being a plantation on moorland fringe; a plantation could not really take place in an urban setting.
4. The operational development involved in improving and widening the access and creating the turnaround area within the site is going to introduce new hard-surfacing into the site; however this is under a timber felling remit within the foreground of the plantation; it is not an excursion into undeveloped land, for this reason, the limited degree of additional development on this site between the plantation and the highway, would not in our view conflict with safeguarding the countryside from encroachment, nor would it demonstrably reduce openness or prevent land being included in Green Belt.
5. The development is engineering operations forming a new access to the highway and hard-surfaced turn around area to allow vehicles to enter and leave the site, transporting timber. The felling operations have been granted a license by the forestry commission and concern trees planted for the very purpose. As such it is legitimate to assert that the development is for forestry purposes. Both the material nature of the development and its use are considered to be appropriate to Green Belt. The development is appropriate and as such Very Special Circumstances are not required.

6. The impact of the development on openness is limited to the creation of the hard-standing and widening of access. There is no material change in the land other than the operational development to improve access and egress. The removal of some of the trees and shrubs on the boundary of the site is needed to achieve the required visibility splays; this therefore reduces the natural screening of the development and increases visual impact of the development, but does not reduce openness. Overall there is limited harm to the Green Belt from the development. Any other harm to the Green Belt must also be explored.
7. There will be an increase in vehicle activity associated with the site brought about by the development. Any other harm to the Green Belt may therefore arise from the operations associated with the development. It will introduce new vehicle movements to the site surroundings, which is considered to be material and is linked to the development.
8. The nature of the road and surrounding area is largely un-developed moorland fringe landscape. The A666 highway is a double carriageway distributor road, it can accommodate the timber transportation vehicles; it is not the same situation as narrow winding roads through small villages which are characteristically quiet.
9. In this situation it is not anticipated that any other harm would arise from the operations as although there will be a limited material change to the area from the introduction of vehicle movements, these will be limited to the duration of the felling operations, the nature of the area (distributor road, sparsely developed, existing plantations, moorland fringe) can accommodate the activities without having its own characteristics undermined; the operation would not detract from any of these identified qualities or the 5 purposes of Green belt.

### **Policy 5 Countryside Areas**

*The Adopted Policies Map defines Countryside Areas.*

*Within the Countryside Areas, planning permission will only be granted for development needed for the purposes of agriculture or forestry, or economic uses appropriate in nature and scale to the rural area (including tourism development that complies with Policy 34).*

### **Analysis**

10. The application falls within the definition of acceptable development in the countryside area as outlined by policy 5. Materials will be stockpiled for extraction and disbursement from the site, though the stockpiling in itself is not considered to represent a material change in the land. As it is planation this type of operation can be understandably anticipated in this context.

### **Policy 7 Sustainable and Viable Development Sustainable Development**

*When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions of the area.*

*Planning applications that are supported by all the information required by national regulations and the Council's validation criteria, and accord with the policies in the Local Plan (and, where relevant, with policies in Neighbourhood Plans), will be approved without delay unless material considerations indicate otherwise.*

11. The land is privately owned by United Utilities, as it forms part of their catchment area for water. The operation will be for economic gains directly for the applicant from the timber taken from the land. There is no demonstrable public benefit from the operations; improvements to conditions will rest with the improvement of the access. **Policy 7**

### **Policy 9. Development and the Environment**

*Development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including but not limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees, and the efficient use of land.*

#### **Habitats and Species, and Ecological Networks (sub heading of policy 9)**

*Development likely to damage or destroy habitats or harm species of international or national importance will not be permitted.*

*Development likely to damage or destroy habitats or species of principal importance, Biological Heritage Sites, or habitats or species listed in the Lancashire Biodiversity Action Plan will not be permitted unless the harm caused is significantly and demonstrably outweighed by other planning considerations and an appropriate mitigation strategy can be secured.*

*Development likely to damage or destroy habitats or species of local importance will not be permitted unless the harm caused is outweighed by other planning considerations and an appropriate mitigation strategy can be secured.*

### **Policy 9 – Sub heading Habitats, Species and Ecological Networks and NPPF Section 11**

#### **Analysis**

1. The policy seeks to safeguard the ecology of the site under Habitats and Species, and Ecological Networks of Policy 9), from harmful development. An Ecological Appraisal accompanies the application. Data searches were carried out in September and the site was visited by two licensed ecologists in October.
2. Paragraph 118 of section 11 of the NPPF sets out a number of principles which should aim to preserve and enhance biodiversity. The guidance set out in paragraph 118 indicates that where development causes significant harm, with no adequate mitigation or compensation proposed and accepted as commensurate to the harm, that the development should be refused.
3. No conclusive evidence of protected species regularly occurring on the site or surroundings which would be negatively affected by the development. The surrounding land does support some use by both nesting birds and reptiles – recommendations have been made for mitigation and avoidance of these species.
4. There are no ponds within 500 metres, the nearest significant area which is protected for wildlife is the West Pennine Moors SSSI, which is 200 metres away.
5. The sites immediate environs consist in the main of coniferous woodland plantation of Stika spruce and Scots pine with no real understorey plant life. The remaining plant life on the site is scrub or trees which are below standard size, which are mainly deciduous.

6. The core of the site is the overgrown former access track which is elevated above the surrounding scrub land. Some nesting and foraging potential for birds exists in this peripheral scrub. Trees on site provide that there is limited to nil provision as these either consist of the plantation stock or the under standard saplings.
7. Badgers were absent from the site. Two records for bats within 2 km of the site are noted, the site is considered to provide some foraging potential, though there are much better foraging sites in the locations of the records.
8. The large amount of spruce and pine do not provide good foraging or roosting opportunities for bats. As above, all other trees on the site are below standard and considered negligible for use by bats. Overall the conclusion is drawn that the site is highly unlikely to be used by bats.
9. There are records for birds on the site and surrounding areas, however many of these species would not utilise the habitats on the site.
10. For the above reasons it is considered that there is no material conflict with Policy 9 concerning habitats, species and ecological networks or section 11 of the NPPF.