

4.2 <u>21/00462/FUL</u>	Revised expiry date 7 October 2021
Proposal:	Construction of a new loading/turning bay
Location:	Hollows Wood, Chelsfield Lane, Shoreham KENT BR6 7QT
Ward(s):	Crockenhill & Well Hill / Halstead, Kockholt & Badgers Mount

### Item for decision

The application has been referred to Committee by Councillor Grint on highway grounds.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:

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

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Block Plan, Barrier Details and Tree Removal Plan, Drwg No. J4/02071, Design and Access Statement, Rationale for Construction.

For the avoidance of doubt and in the interests of proper planning.

3) No trees, hedgerows or shrubs within the curtilage of the site, except those shown on the approved plan(s) or otherwise clearly indicated in the approved details as being removed shall be felled, lopped or pruned, nor shall any roots be removed or pruned without the prior consent of the local planning authority during development and for a period of five years after completion of the development hereby approved. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing), in the end of the first available planting season following their loss or removal.

In the interests of protecting the ancient woodland and protected species as supported by policy SP11 of the Sevenoaks District Core Strategy and EN4 of the Sevenoaks Allocations and Development Management Plan.

4) No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and no

equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

In the interests of protecting the ancient woodland and protected species as supported by policy SP11 of the Sevenoaks District Core Strategy and EN4 of the Sevenoaks Allocations and Development Management Plan.

5) No equipment, machinery or materials shall be brought onto the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees as shown on the submitted plans, beyond the outer edge of the overhang of their branches in accordance with British Standard 5837:2012: Trees in Relation to Construction (or later revision), has been submitted to and approved in writing by the local planning authority, and the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

In the interests of protecting the adjacent ancient woodland and protected species as supported by policy SP11 of the Sevenoaks District Core Strategy and EN4 of the Sevenoaks Allocations and Development Management Plan.

6) Prior to the commencement of development, a Construction and Operational Traffic Management Plan should be submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout operational periods and shall include: (a) traffic planning and coordination, (b) on site traffic management policy, (c) impact and management on adjoining road network, public footpath SR569 and public bridleway SR649, (d) hazard and risk identification and mitigation measures, (e) implementation of traffic management such as traffic control diagrams and signs/line marking, (f) any parking for vehicles of site personnel, operatives and visitors, (g) loading and unloading of plant and materials.

To ensure that the development and operation does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

### **Informatives**

1) The developer is advised that Public Footpath SR569 and Public Bridleway SR649 crosses the application site. The grant of planning permission does not entitle developers to obstruct a public right of way. The diversion or stopping up of footpaths, bridleways and restricted byways is a separate process which must be carried out before the paths are affected by the development. It cannot be

assumed that because planning permission has been granted that an Order under section 257 will invariably be made or confirmed. Development, in so far as it affects a right of way, must not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect. It is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.

2) It is the responsibility of the applicant to ensure before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

#### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

#### **Description of Site**

- 1 Hollows Wood is an area of predominately sweet chestnut woodland extending to some 58.5ha, which is split into three separate compartments divided by the M25/A24 link road. The site is designated as a Local Wildlife Site and lies within the North Kent Downs Area of Outstanding Natural Beauty (AONB) and North Downs Landscape Character Area (NCA 119). Most of the woodland has been historically coppiced over many decades to provide the woodland structure seen today, however the majority of the coppice has not been managed for over 30 years.

#### **Description of Proposal**

- 2 The existing loading/turn round bay is to be reconfigured at the entrances from Chelsfield Lane at OS Map reference TQ 4972 6271 - to improve the access for the extraction of felled timber.
- 3 Timber extraction would occur over a 4 - 8 week period, once per year. There would be no more than 10 -12 HGV movements during this period.
- 4 The entrances have been redesigned for loading stacked timber onto lorries for removal from site so the surface will need to be suitable for 44 tonne articulated trucks to enter the wood. This surface will extend either side of Chelsfield Lane to allow for timber to be stacked either side of the road and be extracted by 8 wheelers or articulated lorries.
- 5 Hard standing areas are indicated on the submitted plans, and marked trees will need to be felled with timber stacked neatly in designated areas and brash chipped or crippled outside of the loading area. Stumps of marked trees will need to be removed and stacked to provide deadwood habitat at least 3m back from a path/work area edge. The hard standing area will then need to be levelled. The majority of the existing soil should be used in levelling the area and reconsolidated.

### **Relevant Planning History**

- 6 None of relevance

### **Policies**

- 7 National Planning Policy Framework (NPPF)
- 8 Core Strategy (CS)
  - SP1 Design of New Development and Conservation
  - SP11 Biodiversity
  - L08 The Countryside and the Rural Economy
- 9 Allocations and Development Management Plan (ADMP)
  - EN1 Design Principles
  - EN4 Heritage Assets
  - EN5 Landscape
  - SC1 Presumption in Favour of Sustainable Development
  - T1 Mitigating Travel Impact

### **Constraints**

- 10 The following constraints apply;
  - Archaeological Notification Area
  - Kent Downs Area of Outstanding Natural Beauty
  - Ancient Woodland - Ancient Semi-natural Woodland
  - Local Wildlife Site
  - Metropolitan Green Belt
  - Public Rights of Way

- TPO/49/01/KSR and TPO/50/02/KSR
- Public Footpath SR569 and Public Bridleway SR649

## Consultations

- 11 Badgers Mount Parish Council:
- 12 ‘We accept that woodland needs regular management by coppicing and that Hollows Wood has not been very well managed for many years as evidenced by the number of fallen trees throughout the woods.
- 13 We object to the proposed loading / turning bay as it requires the felling of mature oak and beech trees. While the proposed working area is at an existing gateway into the woods, it could have been located to a different position so that these hardwood trees do not need to be removed.
- 14 Similarly, having a public footpath through the middle of the work area on the north side of Chelsfield Lane presents an unnecessary hazard which could be avoided.
- 15 The Design and Access Statement states that 44 tonne articulated lorries will be used to transport the wood away from the site. This seems to be extremely inappropriate for such a narrow road as Chelsfield Lane which has a number of tight corners and only a few passing places so smaller lorries should be used’.
- 16 Shoreham Parish Council:
- 17 ‘Shoreham Parish Council objects to this development on the basis that the proposed scale of the development and the size of the hard standing will change the nature of the area and have a detrimental effect on the AONB. The size of the development is clearly designed to accommodate large vehicles, which are totally inappropriate for the rural country lane in which the bay is situated.
- 18 The proposed development appears to be much larger than the original but no plans of the existing structure have been provided with which to make a comparison. Finally, the development will involve the felling of a mature oak and the Parish Council therefore requests that the SDC Tree Officer visit the site with a view to assigning a Tree Protection Order’.
- 19 KCC Highways and Transportation:
- 20 In summary - No objection
- 21 ‘I note that the proposed operation will involve 10 - 12 HGV lorry movements per year to the site which I do not consider significant. Whilst I accept that Chelsfield Lane is narrow and single track, I feel that such a low number of movements can be managed by appropriate traffic management measures.
- 22 As I understand it the access points already exist and the application is to improve the turning and loading facilities either side of Chelsfield Lane.

Without these improvements the same operations, with a similar number of HGV movements could still take place but with greater difficulties accessing the loading areas.

- 23 You will be aware that I have to take into account the recommendations of NPPF Clause 111, which states that planning applications should not be refused on highway grounds unless there would be an unacceptable impact on highway safety or the cumulative impact on the road network would be severe. I do not consider that this would be the case with this application and therefore I still consider that it would be inappropriate to recommend refusal on highway grounds as it would be difficult to defend should an appeal be forthcoming’.
- 24 Forestry Commission:
- 25 In Summary - No objection raised. They note that the site has in place a Forestry Commission approved Woodland Management Plan, which includes a 10-year felling licence. The Plan highlights a need for access and storage areas and meets with FC approval.
- 26 ‘Although the construction of these loading areas will lead to a small amount of ancient woodland loss, the wider ancient woodland will benefit from improved management, which the loading areas will help achieve’.
- 27 Natural England:  
Refer to Standing Advice
- 28 KCC Heritage:  
No Comments
- 29 KCC Ecology (Comments in regard to additional information in summary):
- 30 “The proposed development is within a Local Wildlife Site and an area of Ancient woodland and the proposal will result in the direct loss of an area of woodland (including the soil bank and associated ground flora).
- 31 The proposals is for the creation of a management compound to enable the implementation of the woodland management plan, which has been agreed by the Forestry Commission. The implementation of the woodland management plan will benefit the woodland and species within it.”
- 32 They have considered the above policies (paragraph 180 c) and d) of the NPPF) and in their opinion, this application, from an ecology perspective, meets the requirements as follows:
- “c) It’s our understanding that without the management plan compound the existing management plan cannot be implemented, and the management plan can be considered as the compensation strategy.
- d) This application will benefit the whole of the woodland through the implementation of the woodland (*plan*).”

- 33 KCC Public Rights of Way and Access Service (In summary):
- 34 Concerns raised over impact on Public Footpath SR569 and Public Bridleway SR649. Suggests mitigation and advises the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority.
- 35 SDC Tree Officer:  
No objections to the proposal
- 36 Kent Wildlife Trust:  
No response received

### **Representations**

- 37 One representation received objecting to the application due to highway impact, and removal of trees.

### **Chief Planning Officer's appraisal**

- 38 The main planning considerations are:
- Principle of Development and Impact on the Green Belt
  - Impact on the Landscape and AONB
  - Impact on Ancient Woodland and Trees
  - Ecological and Biodiversity Issues
  - Impact on Highways
  - PROW Issues

### **Principle of Development and impact upon the Green Belt**

- 39 Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.
- 40 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- Application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 41 Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

- 42 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principal to the Green Belt from inappropriate development.
- 43 Paragraph 150 states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Para 150 (b) includes engineering operations, of which is relevant in this application. It is considered that the works required to improve the access and loading bay would be appropriate in this location. The barriers proposed would retain the openness of the Green Belt due to their design; typical of forestry gates. The benefit to the long term management of the woodland would significantly outweigh any perceived harm to the Green Belt and its openness.

### **Impact on the Landscape and AONB**

- 44 Core Strategy L08 states that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible.
- 45 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty (AONB). Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human development.
- 46 There are therefore two considerations directly related to a site's AONB status when determining a planning application. Firstly does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.
- 47 The NPPF para 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB, which have the highest status of protection in relation to these issues (alongside National Parks and the Broads).
- 48 Policy EN5 of the ADMP states that proposals that affect the landscape throughout the District will be permitted where they would:
- a) Conserve the character of the landscape, including areas of tranquillity; and
  - b) Where feasible help secure enhancements in accordance with landscape actions in accordance with the Sevenoaks Countryside Assessment SPD.
- 49 The purpose of the AONB is not to prohibit development, but to preserve, enhance and reinforce its distinctiveness.
- 50 It is not considered that there would there be wider visual impact beyond the immediate environment of the site, nor would the proposal erode the

character of the wider landscape. The development is retained within a small site area, and would positively preserve this part of the AONB and enhance the woodland character of the landscape in the long term.

- 51 Taking into consideration the above, the proposed development would conform to policy LO8 of the Core Strategy and EN5 of the ADMP.

### **Impact on Ancient Woodland and Trees**

- 52 Paragraph 180 of the NPPF requires the protection of Ancient Woodland. It states that:

“c) 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”.

d) development whose primary objective is to conserve or enhance biodiversity should be supported...”

- 53 Wholly exceptional reasons may include where the public benefits would clearly outweigh the loss or deterioration of the habitat.

- 54 Natural England and the Forestry Commission have provided guidance on development proposals affecting ancient woodlands that represents a material planning consideration. This states amongst other factors that Ancient Woodlands are important for their wildlife, soils, recreational value and cultural, historic and landscape values. Ancient Woodlands are any area that’s been wooded continuously since at least 1600AD however ‘wooded continuously does not mean that there’s been a continuous tree cover across the whole site and that open space, both temporary and permanent, is an important component of ancient woodlands. The guidance notes that when making planning decisions, consideration should include conserving and enhancing biodiversity and reducing the level of impact of the proposed development on ancient woodland and ancient and veteran trees.

- 55 A plan submitted with the application indicates the removal of a number of trees on both sides of the road would be required to provide the required loading areas, including a mature Oak tree.

- 56 The applicant has submitted a detailed justification and rationale for the proposed development as part of the application. It states that Hollows Wood currently has poor management access and the woodland management plan recognises the need for the existing timber loading bay to be improved in order to facilitate woodland management from now and into the future. The lack of a suitable loading bay for timber extraction presents a significant constraint to the woodland’s management.

- 57 The Woodland Trust are a charitable organisation whose purpose is the management and enhancement of the woodland. The proposals form part of 5-year Woodland Management Plan and 10 year felling licence, agreed with the Forestry Commission. Prior to the Management Plan being reviewed, the Trust carried out a Woodland Condition Assessment to assess the condition

and structure of the woodland habitats. The Assessment highlighted the importance and need for active coppice management in order to conserve and enhance the whole of the woodlands biodiversity. The key constraint to achieving this was the lack of a suitable loading bay.

- 58 Of a number of locations reviewed, the bays chosen are deemed to be the most suitable, as the site is only partly within an area of Ancient Semi Natural Woodland and has been designed to create the least loss and minimal impacts to the woodland and its ecological value. Furthermore, the bays already exist, although they cover a smaller area. The Trust have confirmed that the area proposed would provide the minimum practical area to offer hard surfacing to allow safe timber uplift from the management activity.
- 59 It was noted that the Forestry Commission would prefer the sizeable oak and beech tree to not be removed, or the design/location altered to avoid them (but otherwise made no objections for the plan in its entirety). Whilst there may be other design options, similar issues are likely to apply and trees required to be removed. In any event, sufficient information has been supplied with the application and therefore a decision can be made, and will need to be so on the application as now submitted.
- 60 The majority of the forest managed by the Trust in this location is Ancient Woodland. Thus, there will inevitably be some conflict between the effective management of the woodland and the provision of the necessary facilities to achieve this.
- 61 Whilst it is considered that the removal of any trees is regrettable, in this particular instance, the removal of a relatively small number to allow the development will enable effective conservation management of the 58.5ha ancient coppice woodland site.
- 62 In the circumstances, it's considered the proposed long-term public benefits to the preservation and enhancement of the wider ancient woodland would clearly outweigh the harm from the direct loss of deterioration of habitat that the proposals would result in and that exceptional circumstances exist to justify the proposals.
- 63 The proposals would allow the Woodland Trust to fulfil its aims and objective in the 5-year Woodland Management Plan. This will allow the sustainable and sensitive restoration and management of the ancient woodland coppice regime in order to enhance its ecological and conservation value, and to ensure it continues to deliver benefits for wildlife and for peoples safely.
- 64 The proposal is therefore considered to meet the relevant national and local policies in this regard.

### **Ecological and Biodiversity Issues**

- 65 There is legislation which requires the Local Planning Authority to have regard to conserving biodiversity and to consider the potential ecological

impacts of a proposed development and provide enhancement where possible.

- 66 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 67 The application is supported by a detailed rationale. This states that restoring and maintaining an active coppice cycle at Hollow's Wood will benefit a suite of ancient woodland species including ground flora, invertebrates, birds, small mammals and reptiles, as well as leading to a more varied and resilient woodland composition of some stands in the future. The continuous cycle of felling and extraction followed by rapid regrowth creates a varied understory in the woodland, allowing a mosaic of different habitats to form. The warmth and light that can reach the woodland floor through this process helps to encourage new plant growth, species diversification and insect activity thus increasing the biodiversity and wildlife value of the site.
- 68 It has been noted that KCC Ecology requested the size of the loading and turning bays be kept as small as possible. The applicant has stated that after careful consideration, the proposed location was selected as the most suitable, not least because it has low environmental impact and utilises existing access points. They have confirmed that the size sought is the minimum to be safe and effective.
- 69 It is considered that the applicant proposes a central location in relation to the rest of the woodland, which would offer good access with the least disturbance to woodland tracks, footpaths and ground flora within the woodland. The proposed plans would appear to offer hard surfacing of the minimum practical area required for sustainable woodland management, in a location determined to result in the least loss. The infrastructure will be used for the sole purpose of forestry operations and management, to enhance the woodland and have a beneficial effect on the ecological and biodiversity value of the area.
- 70 In light of the above, subject to suitable conditions, the proposals would comply with policy SP11 of the Core Strategy.

### **Impact on Highways**

- 71 Paragraph 111 of the NPPF explains that "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 72 As noted previously, the proposed operation will involve 10 - 12 HGV lorry movements per year to the site, over a period of 4 - 8 weeks. This is not considered significant. Whilst it is accepted that Chelsfield Lane is narrow and single track, it is considered that such a low number of movements can be managed by appropriate traffic management measures that can be secured by condition.

- 73 Furthermore, the access points already exist and the application is to improve the turning and loading facilities either side of Chelsfield Lane. Without these improvements the same operations, with a similar number of HGV movements could still take place but with greater difficulties accessing the loading areas.
- 74 Taking the above into account, plus the recommendations of NPPF paragraph 111 above, it is not considered appropriate to recommend refusal on highway grounds and that any perceived impact on the highway network can be mitigated and measures secured by condition despite the concerns raised by the Parish Councils.

### **Public Rights of Way Issues**

- 75 Concerns were raised by KCC Public Rights of Way Officer over the impact on Public Footpath SR569 and Public Bridleway SR649.
- 76 Within the rationale provided by the applicant, a number of mitigation measures have been suggested to overcome the concerns raised by KCC. For example;
1. Where loading occurs on a public right of way marshals will be required and all appropriate health and safety signage will be installed both regarding machinery and timber stacks during forest operations with timber stacks being left in a safe and stable condition.
  2. All operators will comply with Health and Safety standards and be instructed to be mindful of public access at all times whilst on site, especially regarding equestrian users who may be utilising the adjacent public bridleway (SR649).
  3. All forest operations will be in accordance with UKFS (UK Forestry Standards and UKWAS (UK Woodland Assurance Standards) and FISA (Forest Industry Safety Accord) guides 503 & 706.
- 77 It is considered that the implementation of precautionary mitigation measures (including, but not limited to the above) can be secured by condition. Furthermore, the applicant will be advised that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority.
- 78 In conclusion, the issues raised about the footpath/bridleway can be addressed by planning condition and there is separate legislation that relates to footpaths/bridleways, outside of the planning process, that would also apply.

### **Planning Balance and Conclusion**

- 79 The proposal would represent appropriate development within the Green Belt.
- 80 Whilst it is considered that the removal of any trees is regrettable, in this particular instance, the removal of a relatively small number to allow the development will enable effective conservation management of a

significantly larger area of 58.5ha ancient coppice woodland site. The long-term benefit and gain will significantly outweigh the loss of these specific small number of trees.

81 Overall, there are no other material considerations to indicate otherwise and as such the proposed development would comply with local and national planning policies.

82 It is therefore recommended that this application is GRANTED.

### **Background papers**

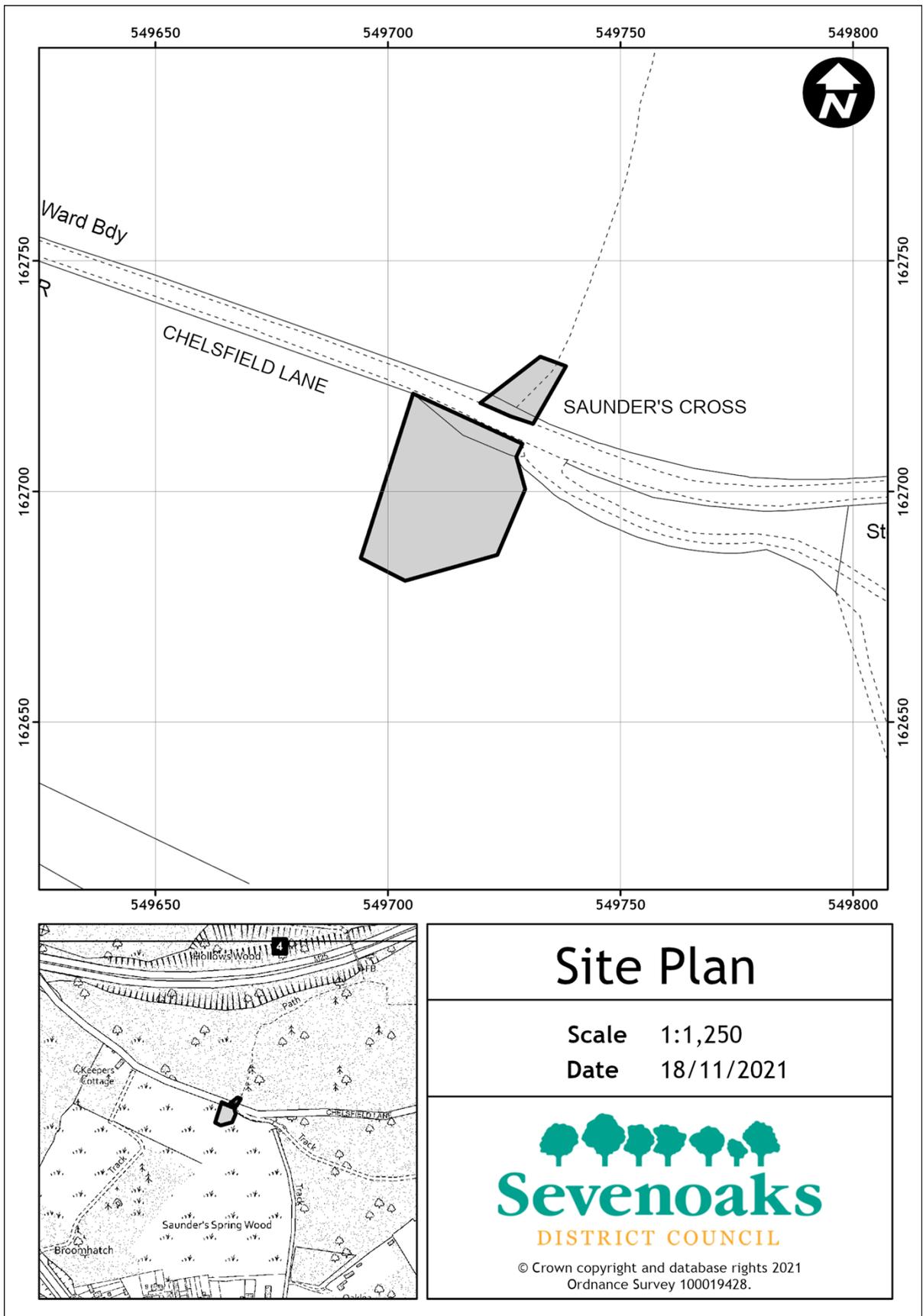
Site and block plan

Link to application details:

Link to associated documents:

Contact Officer(s): Jim Sperryn 01732 227000

**Richard Morris**  
**Chief Planning Officer**



BLOCK PLAN

