

RIBBLE VALLEY BOROUGH COUNCIL

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Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** is at **6.30pm** on **THURSDAY, 1 AUGUST 2019** at the **TOWN HALL, CHURCH STREET, CLITHEROE.**

I do hope you can be there.

Yours sincerely

CHIEF EXECUTIVE

To: Committee Members (copy for information to all other Members of the Council)
Directors
Press
Parish Councils (copy for information)

AGENDA

Part I – items of business to be discussed in public

1. Apologies for absence.
- ✓ 2. To approve the minutes of the meetings held on 27 June 2019 – copy enclosed.
3. Declarations of Pecuniary and Non-Pecuniary Interests (if any).
4. Public Participation (if any).

DECISION ITEMS

- ✓ 5. Planning Applications – report of Director of Economic Development and Planning – copy enclosed.
- ✓ 6. Tree Preservation Order 7/19/3/212 – Rann Woodland – report of Director of Economic Development and Planning – copy enclosed.

- ✓ 7. Forest of Bowland AONB Management Plan 2019-2024 – report of Director of Economic Development and Planning – copy enclosed.

INFORMATION ITEMS

- ✓ 8. Appeals:
 - a) 3/2018/0688 – Erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SUDS) and vehicular access point from Henthorn Road at Henthorn Road, Clitheroe – appeal allowed.
 - b) Costs application in relation to Henthorn Road – partially allowed.
 - c) 3/2018/0768 – Construction of 4 dwellings with access from Osbaldeston Lane at Land at Osbaldeston Lane, Osbaldeston – appeal dismissed.
 - d) 3/2018/1025 – Conversion of existing stone built agricultural barn to single dwelling at Low Laithe Barn, Settle Road, Gisburn – appeal dismissed.
- 9. Report from Representatives on Outside Bodies (if any).

Part II - items of business **not** to be discussed in public

DECISION ITEMS

- ✓ 10. Housing Evidence: Strategic Housing and Economic Needs Assessment – report of Director of Economic Development and Planning – copy enclosed.

INFORMATION ITEMS

None.

<u>INDEX OF APPLICATIONS BEING CONSIDERED</u>						
<u>MEETING DATE: 1 AUGUST 2019</u>						
	<u>Application No:</u>	<u>Page:</u>		<u>Officer:</u>	<u>Recommendation:</u>	<u>Site:</u>
A	APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS:					
					NONE	
B	APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR APPROVAL:					
	3/2019/0398	1		RM	AC	Myerscough Smithy Road Mellor
	3/2019/0463	19		RM	AC	Land at Sawley Road Chatburn
	3/2019/0477	30		AB	AC	Moorgate Farm Langho
C	APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR REFUSAL:					
					NONE	
D	APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING BEING SATISFACTORILY COMPLETED					
					NONE	
E	APPLICATIONS IN 'OTHER' CATEGORIES:					
					NONE	

LEGEND

AC Approved Conditionally

R Refused

M/A Minded to Approve

AB Adam Birkett

AD Adrian Dowd

HM Harriet McCartney

JM John Macholc

RB Rebecca Bowers

RM Robert Major

SK Stephen Kilmartin

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 1 AUGUST 2019
title: PLANNING APPLICATIONS
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

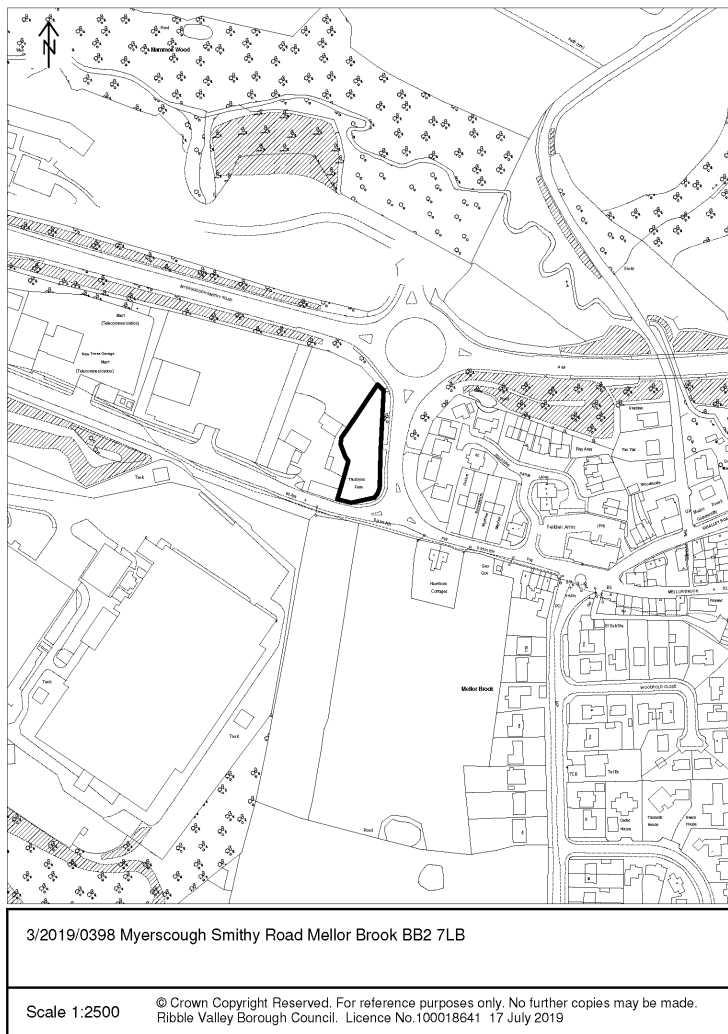
PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION REF: 3/2019/0398

GRID REF: SD 363878 431275

DEVELOPMENT DESCRIPTION:

ERECTION OF ONE RETAIL UNIT (USE CLASS A1/A3/A5 – RETAIL/RESTAURANT/HOT FOOD TAKEAWAY) WITH ASSOCIATED CAR PARKING AREA. RESUBMISSION OF PLANNING APPLICATION 3/2018/0451) AT MYERSCOUGH SMITH ROAD, MELLOR



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Object to this application raising the following concerns:

- Does the area need this business?
- Has speed of vehicles passing access been monitored?
- Concern over off-site parking of HGVs on pavement;
- Poor pedestrian access to village – request a formal crossing be provided;
- The distance to the site access from the 50mph limit is less than recommended stopping distance for a vehicle traveling at 50mph;
- Possibility of vehicles backing/reversing up onto the A59 roundabout;
- Access road is heavily used by HGV traffic;
- 7.5t weight restriction on Branch Road;
- Out of keeping with the buildings and nature of surrounding area;
- Increase in noise and light pollution;
- Littering and site cleanliness;
- Hours of operation and impact upon neighbouring residents;

SOUTH RIBBLE BC:

No comments received

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

No objection subject to the imposition of conditions.

LEAD LOCAL FLOOD AUTHORITY:

No comments to make on this proposal

UNITED UTILITIES:

No objection subject to conditions

CADENT GAS:

An Intermediate Pressure Pipeline (IP) is located within the vicinity of the site and the Building Proximity Distance for this pipeline is 3m.

From the information provided it does not appear that the proposed works will directly affect the pipeline however it is the responsibility of the applicant to contact Cadent Gas prior to works commencing on site.

ADDITIONAL REPRESENTATIONS:

In addition to the comments made by the Parish Council, 88 objections have been received and the points raised in these objections are summarised below:

- No planning policy support for this development;
- Highway issues, including increase in traffic, safety concerns on local network and lack of parking;
- Previously approved retail development (2014) required a Traffic Regulation Order,
- Light pollution;
- This application conflicts with conditions imposed on 2014 approval;
- A number of conditions attached to the 2014 application have not been recommended by the Highway Officer or the Environmental Health Officer;
- Concern over the comments from the Environmental Health Officer and the conditions recommended;
- Have enough food units in area – no need for this development;
- Amenity issues such as smells, odours, noise vermin and litter;
- No public benefits arising from this proposal;
- Could result in anti-social behaviour;
- Do not require food units but no objection to small retail units;
- Impact on existing businesses;
- Loss of privacy from overlooking;
- Loss of light to neighbouring property;
- Drainage from site impacting upon neighbouring property;
- Site boundary dispute;
- Air pollution from traffic;
- No footways to village;
- Roots of proposed new trees to be planted may affect foundations of neighbouring property;
- Totem sign not acceptable;
- Poor design of proposed unit;
- Loss of trees;
- Devaluation of properties;
- Health issues associated with fast food units.

1. **Site Description and Surrounding Area**

- 1.1 The application relates to a vacant plot of land measuring approximately 0.15 hectares at the corner of Myerscough Smithy Road and the link road to the A59 roundabout from Mellor Brook. The site is located outside of the settlement boundary of Mellor Brook, but is designated as an employment site (Policy DMB1) on the Core Strategy Proposals Map.
- 1.2 The site is currently undeveloped and covered in overgrown grass/vegetation, although there is a section of hardsurfacing adjacent to the field gate which provides access off the highway. There are a number of trees and hedges along the boundaries of the site, which is enclosed by a 1.3m high (approx.) stone wall along the southern and eastern boundaries.
- 1.3 The site is situated to the east of a site known as Thurstons Farm which stores and repairs vehicles and farming machinery. Beyond Thurstons Farm is the Monks

Contractors site which provides a number of services, including, haulage, drain services civil contracting, mobile welding, mobile commercial tyre fitting and plant hire & repair.

- 1.4 To the west is the highway and on the opposite side of this are the residential properties on Feildens Farm Lane. It is the rear elevations and rear gardens of these properties which face towards the application site, although there are some mature hedges/trees which provide some screening at the rear of these properties. To the north is the A59 and to the south are open fields.
- 1.5 In 2012 planning permission (3/2012/0269) was granted on the application site for an office development with an open storage/servicing area, and in 2014 permission (3/2014/0546) was granted for a single storey A1 retail unit. Neither of these permissions were implemented and thus have both now lapsed.
- 1.6 An application to erect three retail units (within two buildings) at this site was submitted in 2018 (3/2018/0451) however this application was withdrawn.

2. **Proposed Development for which consent is sought**

- 2.1 The application seeks full planning permission for the erection of one retail unit on the land. The application proposes a flexible use for the unit (A1/A3/A5 – retail/restaurant/hot food takeaway) to allow the development to respond to the demands of the market when it is occupied. In the interest of clarity, the proposed “flexible use” would allow for the single unit to be occupied as either an A1, A3 or A5 unit, or as a combination of all three.
- 2.2 The unit would be located at the southern end of the site, which is the widest part of the site, close to Myerscough Smithy Road and the adjacent property known as Thurstons Farm. The proposed single storey unit would measure 18.4m long by 13.9m wide (255sqm) and have a hipped roof design at the western end and a pitched roof (gable fronted) design at the eastern end, measuring 4.9m high to the ridge. The unit would contain three customer entrance points, one in the east elevation facing the highway and two in the north facing elevation facing into the car park. These entrances would consist of the main double door with glazing either side, and full length windows would be provided in the south facing elevation of the building. A pedestrian service door would also be provided in the north facing elevation along with an emergency door in the west facing elevation. As the use of the building is not yet known an internal layout of the unit has not been provided.
- 2.3 In terms of materials, the building would be finished using a mixture of random reconstituted stone, vertical cedar cladding and horizontal Kingspan cladding to the walls, with dark grey metal roof panels.
- 2.4 Access to the site would be provided by improving and widening the existing access point directly off the link road, located almost equidistant between Myerscough Smithy Road and the A59 roundabout. A car park would be provided, containing a total of 26 spaces and a cycle stand for five bikes. A detached bin store would also be provided.
- 2.5 The application would involve the removal of the overgrown grassland and vegetation from the site, as well as six self-seeded trees. The two largest trees on the site would be retained, as would the majority shrubs and planting on the grass verge to the front of the site (except for a section to be cleared to allow for the widening of the access) and the

stone boundary wall. An attenuation pond would be installed at the northern end of the site (close to the A59) as part of the surface water drainage scheme.

- 2.6 The submitted application form states that the proposal seeks opening hours of 8am to 11pm, seven days a week.

3. **Relevant Planning History**

3/2018/0451 - Erection of two A1 retail units and one A3/A5 unit, within two buildings - withdrawn

3/2017/0973 – Application for the variation of condition 3, 4, 5, 6, 7, 8, 9, 10, 11 and 13 (to allow amendment of the trigger points) from planning permission 3/2014/0546 - refused as permission had lapsed

3/2014/0546 – Erection of single retail unit including parking and improvement to existing access – granted subject to conditions

3/2012/0269 – Erection of office development on open storage site, including parking and servicing area and improvement of existing access – granted subject to conditions

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement EC1 – Business and Employment Development

Key Statement EC2 – Development of Retail, Shops and Community Facilities and Services

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME1 – Protecting Trees and Woodlands

Policy DME2 – Landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME6 – Water Management

Policy DMB1 - Supporting Business Growth and the Local Economy

Policy DMR3 – Retail Outside the Main Settlements

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

Employment

- 5.1.1 The application site lies immediately to the west of the Mellor Brook settlement boundary and is therefore defined as open countryside. However the site is allocated on the Core Strategy proposals map for employment/industrial use (Policy DMB1). At the time the Core Strategy was adopted the site had an extant planning permission for the erection of a two storey office (B1 use) building measuring 716 sqm. This permission however was never implemented.
- 5.1.2 Whilst the proposed development does not propose a traditional employment use, (Use Classes B1, B2 or B8) which was envisaged when the site was allocated for employment use within the Core Strategy, the following considerations are material to this development:
- In 2014 consent was granted for a retail unit (A1) (with a floorspace of 340 sqm) which established the principle of retail development on this site;
 - The site is relatively small (0.15 hectares) which reduces the potential to secure a traditional employment use - as is evidenced by the lack of development on the site since the site was allocated;
 - The site is part of a larger employment site allocation, with the remainder of the allocation already in employment use. As such the loss of this site from employment use would not set a precedent for the loss of other land within the allocation;
 - With regard to employment levels, it is considered that the proposed retail use will generate similar (if not greater) employment levels than would be expected of similar sized B1 – B8 uses/units on a site of this size;
 - A small convenience/ food facility on this site would serve the existing adjacent employment land and the nearby enterprise zone.
- 5.1.3 Policy DMB1 (Supporting Business Growth and the Local Economy) of the Adopted Core Strategy states that *“Proposals that are intended to support business growth and the local economy will be supported in principle”* and this is consistent with national policy contained within the National Planning Policy Framework (Framework).
- 5.1.4 The Framework confirms that planning policies and decisions need to reflect changes in the demand for land. The adopted Core Strategy is under review this year and part of this review will involve assessing existing land allocations to establish the likelihood of an application coming forward for the use allocated. This site will be assessed as part of the requirement at a national policy level given that no employment use has been forthcoming on this site since its allocation.

Retail

- 5.1.5 In respect of retail policies, Key Statement DS1 of the Ribble Valley Core Strategy sets out that new retail and leisure development will be directed towards the centres of Clitheroe, Longridge and Whalley. Key Statement EC2 takes a similar approach by promoting the national policy principle of town centre first for retail. The application site is located a significant distance from the centres of Clitheroe, Longridge and Whalley (approx. 6.5km to nearest settlement of Longridge as the crow flies) and as such the development falls to be considered at out of centre retail development. Annex 2 of the Framework confirms that both

(food) retail development and restaurants are main town centre uses and Paragraph 86 states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

- 5.1.6 With regard to the above, the submitted planning statement does include a section titled ‘*Sequential Assessment*’ which concludes that this proposal represents a small scale development in the open countryside. As the Framework excludes small scale rural development from development which requires a sequential test, the assessment concludes that a sequential assessment is not required in this case.
- 5.1.7 With regard to the above, the LPA agree that the proposal represents a small scale development which is in a rural/open countryside location. Whether this is the type of development which was envisaged as small scale rural development at a national level is questioned however in this case the site is located a significant distance from any centres within both Ribble Valley and neighbouring authorities, and consequently the development of this site would not “threaten” the vitality and viability of existing town centres which is the purpose of undertaking a sequential assessment, provided that any A1 use of the unit is limited to the sale of food/convenience goods only. This ensures that the unit will truly provide a facility for workers at the nearby employment sites, passers-by on the A59 and local residents within the adjacent settlement of Mellor Brook which is within a short walking distance of the site.
- 5.1.8 A number of objectors have raised the question of whether there is a “need” for the development in this location. In response to this, the applicant is not required to demonstrate a need for this development and any need would be influenced by the demand of the consumers/market. Furthermore the issue of competition that would be created with existing businesses in the area is not a justifiable reason for refusal of this application.

Conclusion

- 5.19 Whilst the development would not create a ‘traditional employment use’ it would result in the development of a vacant piece of allocated land and would provide employment on the site which is material to the consideration of the application. The development would support the economy of the area in accordance with the thrust of the Core Strategy policies and would serve as an ancillary use to the nearby employment businesses, as well as serving passers-by and local residents. It is not considered that the development of this site for food related uses would impact upon any main town centres, given the distance, and it is therefore considered that the principle of the development is acceptable in this location.
- 5.20 As suggested earlier a condition has been attached to the recommendation which restricts any A1 element of the unit for the sale of food/convenience goods only, in order to prevent the unit from being used for other uses within use class

A1 which could have a greater impact upon the vitality and viability of any town centres.

5.2 Visual Impact and external appearance:

- 5.2.1 Key Statement EN2 of the Core Strategy states “As a principle the Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, features and building materials” and Policy DMG1 requires development to be of a high standard of design and be sympathetic to existing and proposed land uses in terms of size, intensity and nature.
- 5.2.2 The application site lies within the open countryside, but just outside of Mellor Brook and is allocated for employment use. As such there are a variety of uses and building designs within the vicinity. To the west of the site is the stone built farmhouse at Thurstons Farm, which has a residential use and is in active commercial use as a vehicle repair and storage yard, consisting of a number of small industrial style buildings. Beyond Thurstons is the Monks Contractors Ltd site which contains a large industrial style building, and has consent for the erection of two further industrial style units on this site. Beyond this are more large industrial units and the BAE enterprise zone.
- 5.2.3 Directly to the south is an open field, however to the south west is a section of the BAE site and to the south east is a pair of semi-detached dwellings (Hawthorn Cottages). To the north is the A59 and to the east, on the opposite side of A59 link road is the settlement of Mellor Brook, with the residential properties at Feildens Farm Lane closest to the application site. In view of the above the surrounding character is mixed in terms of uses and design/appearance of buildings.
- 5.2.4 The application proposes to erect one modest sized single storey building, measuring 4.9m tall to the ridge and with the surrounding buildings generally being two storey in height the proposed unit would not be out of keeping or dominate the surrounding landscape by virtue of its size and scale.
- 5.2.5 With regard to design, the building would have a hipped roof at one end and a pitched roof at the other, with the pitched roof section being the most visually prominent fronting the link road. The surrounding properties generally have a pitched roof design, although some of the nearby industrial units have a hipped roof, and therefore the proposal has sought to reflect this character of the area by having the pitched roof on the most visually prominent elevation and the hipped roof closest to the neighbouring residential property at Thurstons (potentially also to reduce any impact upon residential amenity which is discussed later in this report).
- 5.2.6 In respect of appearance and finish the units would again have both traditional and more contemporary elements, being constructed using a mixture of random reconstituted stone, vertical cedar cladding and horizontal kingspan cladding to the walls, with dark grey metal roof panels.
- 5.2.7 Externally the application would include the provision of a car parking area with a landscaping buffer provided along the north, south and western boundaries (the removal of vegetation is discussed later in this report). Upon the request of the

Council's Environmental Health Officer a 2m high acoustic fence is to be installed along a section of the western boundary shared with Thurstons. The existing stone wall along the southern and eastern boundaries would be retained, as would existing shrubs and planting on the grass verge between the application site and the highway, although some of this vegetation will need to be removed to provide for the wider access as well as sufficient visibility at the access point.

5.3 Impact upon Residential Amenity:

Visual Amenity

- 5.3.1 As mentioned above, the proposed unit is modest in size measuring 4.9m to the highest point and would be considerably lower than a standard two storey dwelling. The nearest residential dwelling to the application site is the adjacent property at Thurstons Farm and this property has windows in the side and rear elevation, close to the application site.
- 5.3.2 The unit would be sited approximately 3m from the gable elevation of the dwelling at Thurstons Farm and this neighbouring property has a single ground floor window in the gable elevation facing the towards the proposed unit. This window serves a kitchen, which also appears to be served by a door and a separate window in the rear elevation, thus the window in the gable elevation is not considered to be a habitable/principal opening. At first floor level Thurstons has two windows in the gable elevation, the closest of which to the proposed unit is obscurely glazed and the other is not directly in line with the unit. Furthermore with its hipped roof design measuring 4.9m to the ridge it is not considered that the unit would impact upon these first floor windows.
- 5.3.3 With regard to the openings in the rear, these would also potentially be impacted by the proposal, however these openings will benefit from some daylight received from the rear garden/yard area at Thurstons Farm, and being north facing will not presently receive high levels of daylight. Furthermore, as mentioned above the unit will have a hipped roof design measuring 3.1m high to the eaves (4.9m to ridge) and thus it is considered that this building would not have an undue impact upon the residential amenity of the occupiers of Thurstons Farm, both within the property and external areas. Additionally, both the previous approvals at this site for the office block and retail unit proposed buildings a similar distance from the dwelling at Thurstons Farm, with the office building being two storey in height.
- 5.3.4 In respect of the dwellings at Feildens Farm Lane, on the opposite side of the link road, the rear elevations of these properties face towards the application site with a separation distance of approximately 30m (at the nearest point) between the proposed buildings and the rear elevation of the nearest property on Feildens Farm Lane. Such a separation distance is considered to be acceptable to ensure there is no undue impact by way of overshadowing, loss of daylight or outlook.
- 5.3.5 The application is accompanied by a Lighting Design and Assessment which shows the locations of 5 x 7m high lighting masts to be erected on the site, in order to illuminate the external areas/car park. This report details how the lighting scheme has been designed to illuminate the site only and not result in any significant levels of light spillage that would affect the amenity of neighbouring lands uses. This report has been considered by the Environmental Health Officer and no objection has been raised. Nevertheless a condition has been attached

which limits the levels of lighting from the site in relation to nearby residential properties.

- 5.3.6 A concern has been raised with regard to lights from cars that are leaving the car park, or parked in bays 19-24, shining into the rears of the dwellings on Feildens Farm Lane. With regard to this the rears of the properties on Feildens Farm Lane are reasonable well screened from the development site by existing trees/hedging which would reduce this impact. In addition, there are numerous street lights on this link road, and the site is adjacent to the A59, and therefore the area is already well lit into the night and the hours of operation conditions will ensure that all customers have left the site by 11pm. It is therefore considered that lighting associated with this development, either from the site itself or cars, would not negatively impact upon neighbouring amenity.

Noise and Disturbance

- 5.3.7 The submitted application requests 08:00 – 23:00 hours of opening (seven days a week) and a number of objectors have raised concerns in respect this. The application is accompanied by a noise assessment, however this generally focuses on noise from deliveries and states that “...*between deliveries there is unlikely to be any significant noise emanating from the proposed store*”. The noise assessment states that if deliveries took place between 07:00 – 23:00 there would be a ‘low’ impact upon neighbouring residential amenity, however if deliveries took place outside these hours the impact would be adverse.
- 5.3.8 Notwithstanding the submitted noise report and the impact of deliveries, the LPA must also consider nuisance and disturbance associated with the comings and goings of vehicles, as well as noise associated with customers in the car park, especially in the evening when surrounding commercial uses have generally ceased and background noise from the A59 is lower as the number of vehicles using it has reduced. Potential incidents/behaviours that would create a noise nuisance for nearby residents include the revving of car engines, loud music playing from car radios and customers shouting in the car park. It is accepted however that such incidents are difficult to predict and accommodate for within a noise assessment as they very much depend on the individual(s) that will causing the disturbance.
- 5.3.9 The submitted noise report, and the application as a whole (including the issues mentioned above) has been carefully considered by the Council’s Environmental Health Officer, who raises no objection to this application, subject to the imposition of conditions and the erection of a 2m high acoustic fence along a section of the western boundary. The acoustic fence will reduce the noise impact from the car parking area in relation to the nearest neighbouring residential property at Thurstons, and will also reduce potential overlooking from the car parking area into the rear of this neighbouring property.
- 5.3.10 With regard to hours of operation and opening the Environmental Health Officer has raised concerns in respect of the proposed unit opening until 23:00 as there will inevitably be a “lag-time” up to as much as an hour for customers and staff leaving the site after the unit has closed. As such the Environmental Health Officer recommends that a condition be attached which allows the unit to be open to the public between the hours of 08:00 – 22:00, and an additional condition which allows the unit to operate (with staff) between the hours of 07:00

– 23:00. This condition will allow staff to clean, tidy up, carry out preparation works, stack shelves etc... for an hour before and after the unit is open to the public and allows time for people to exit the site before 23:00 in an evening. In addition to this, to prevent unauthorised vehicular access onto the car park, and to ensure that all people are off site by 23:00 a condition has been attached which requires the car park to be locked by a barrier at the entrance point outside the hours of 07:00 – 23:00. Deliveries and collections would be limited to 07:00 – 20:00 Monday to Saturday and 09:00 – 17:00 on Sunday.

5.3.11 Other conditions attached include a limitation of illumination levels from the site in relation to the windows of the nearest sensitive premises during and outside of the opening hours, the provision of the 2m high barrier before the unit is brought into use, limitations and details of any extraction/plant equipment to be submitted to the LPA prior to installation and limits to noise levels site.

5.3.12 With regard to odours and smells, whilst an odour assessment has been submitted by the applicant and reviewed by the Environmental Health Officer, the end use(r) is not yet known and therefore the impact will depend on the future tenant and their “fit out”. Nevertheless the odour assessment has made an assessment on what they consider to be the “worst case” commercial kitchen and recommends that a condition be attached requiring an odour assessment to be undertaken and submitted for the written approval of the LPA prior to the unit first becoming operative and also when there are any subsequent changes of use or tenant. The Environmental Health Officer is satisfied with this approach.

5.4 Highway Safety and Accessibility

5.4.1 The Highway Officer has raised no objection to the application, subject to conditions in respect of a construction management plan being submitted and approved by the LPA, the provision of wheel washing facilities on site during the construction process and that the car park be laid out as approved prior to unit being first brought into use.

5.4.2 Objections have been raised on various highway grounds including increase in traffic, car parking provision, lack of pedestrian access, speed limits and the vehicle weight restriction on Branch Road. In respect of traffic generation, the site is located adjacent to, and will be accessed via a link road directly off, a roundabout on the A59 and the highway network is considered to be capable of accommodating the level and type of vehicles that would result from a single retail unit. Similarly the provision of 26 car parking spaces for one unit is considered to be sufficient and the highway officer has confirmed that a Traffic Regulation Order (TRO) is not required.

5.4.3 In terms of pedestrian access, the Parish Council and a number of objectors have requested that a pedestrian crossing be provided. The Highway Officer is of the opinion that such a crossing is not required as there is already traffic island in the centre of Myerscough Smith Road which provides safe pedestrian access to the village. Furthermore the Highway Officer has not requested that any Traffic Regulation Orders (weighting restrictions) be imposed. The Parish Council have commented that the distance from the 50mph speed limit to the site access is less than the recommended stopping distance for a vehicle traveling at 50mph. In response to this, the speed limit of the link road is 30mph and therefore the stopping distance for vehicles traveling at 50 mph is not particularly relevant as

vehicles should have already reduced their speed to 30mph before they reach the link road.

- 5.4.4 Concerns have also been raised that service vehicles will use Branch Road, which has a 7.5 tonne weight restriction, however service vehicles for this site will have to adhere to the same highway rules as all the other businesses and deliveries vehicles in the area. It cannot be assumed that service vehicles for this particular site will breach highway rules and the site can still be serviced by vehicles weighing more than 7.5 tonnes, provided they do not use Branch Road, in the same way various other businesses in the area are accessed.

5.5 Landscape/Ecology:

- 5.5.1 The application site is covered in a mixture of hard surfacing and self-seeded vegetation which is generally overgrown. The application is accompanied by an arboricultural survey which details all existing trees on site (nine in total). As detailed earlier the application would involve the removal of the overgrown grassland and vegetation from the site, as well as six self-seeded trees. These trees to be removed are C category trees, with the exception of a young tree which has a B category rating, and there is no objection to the removal of these trees which are not considered to be quality specimens or of any particular visual merit. The two largest trees (T1 and T4) would be retained along the western boundary and one new tree would be planted along the southern boundary and the application specifies that a "Lancashire Mix" hedgerow would be planted along the western boundary shared with the neighbouring property at Thurstons. The original submission did seek to plant two trees along the southern boundary but due to an objection from the adjacent property on the grounds of damage to roots the LPA requested that only one tree would be planted.

- 5.5.2 In its present unused and overgrown state the application site offers little visual/landscape benefit to the location and consequently there is no objection to the proposed works, subject to a condition which requires the proposed new landscaped area to be implemented within the first planting season after the unit is brought into use.

5.6 Other issues:

- 5.6.1 An objector has raised a concern in respect of drainage, however both United Utilities (UU) and the Local Lead Flood Agency (LLFA) have been consulted on the application. The LLFA have not provided any comments on this proposal, and generally only comment on major developments, and UU have raised no objection subject to the imposition of a drainage condition in relation to the submitted drainage scheme which includes the provision of a pond at the northern end of the site.
- 5.6.2 Objections have been raised on the grounds of public health in relation to the potential fast food element unit, that there are already enough food units in the area and such a use could result in potential grooming. These are not valid reasons to refuse the application.
- 5.6.3 In respect of litter, whilst this is generally a societal problem with the individuals that choose to drop litter, rather the fault of the tenant, a condition has been

attached requiring details of the size, number and type of litter bins to be submitted for the written approval of the LPA.

- 5.6.4 An objector has referred to the previously approved 2014, commenting that some of the conditions attached to part of this previous approval have not been recommended by the EH Officer and Highways. In response to this, the current application has been considered and assessed on the basis of the information provided and just because conditions were attached to the 2014 application does not mean they should be attached to the current application.

6. **Conclusion**

- 6.1 For the reasons outlined above the principle of the proposed development is considered to be acceptable in this location and provided that the recommended conditions are adhered to the proposal would share an acceptable relationship with surrounding land uses. It is therefore recommended that this application is approved accordingly.

RECOMMENDATION: That the application be APPROVED subject to the following conditions:

Time limit

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

Plans

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

1775-GTA-Z0-00DR-A-0104 – Location Plan
1775-GTA-Z0-00-DR-A-0101 Rev H (amended plan received 11/07/19) – Proposed Site Plan
1775-GTA-Z0-00-DR-A-0102 Rev D – Floor Plans and Elevations
18020 – D01 Rev B – Drainage Strategy Proposals (for drainage purposes only)

REASON: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.

Materials

3. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, prior to their use within the development hereby approved, samples or full details of all materials to be used on the external surfaces of the building, including all new windows, doors and the shop fronts, shall have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

REASON: In order to ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and area in the interests of visual amenity.

Use

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Order revoking or re-enacting that Order, any Class A1 (retail) use of the development hereby approved shall only be used for the sale of food and convenience goods, and for no other purpose within use Class A1.

REASON: To ensure that any A1 use of the building is used solely for food and convenience goods, as any other retail use may not be considered acceptable and have a negative impact upon the vitality and viability of town centres.

5. Notwithstanding the submitted details, details of all proposed boundary walling, gates and fencing shall have been submitted to and approved by the Local Planning Authority prior their installation on site. The boundary treatments shall be installed on site prior to the unit hereby approved being brought into use in strict accordance with the approved details and retained as such thereafter.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality.

Amenity

6. The development hereby approved shall adhere to the following hours restrictions;
 - i) For trade and business (open to the public) between the hours of 08:00 – 22:00; and
 - ii) Open to staff employed on the premises between the hours of 07:00 – 23:00.

REASON: In order to protect the amenity of nearby residential properties and to prevent nuisance arising.

7. Access to the car park area of the development hereby permitted shall be prevented by means of a locked barrier outside the hours of 07:00 – 23:00.

REASON: In order to protect the amenity of nearby residential properties and to prevent nuisance arising.

8. There shall be no deliveries or collections of goods (including waste and recycling) to or from the development hereby permitted outside the hours of 07:00 – 20:00 Monday to Saturday and outside the hours of 09:00 – 17:00 on Sundays and Bank Holidays

REASON: In order to protect the amenity of nearby residential properties and to prevent nuisance arising.

9. Prior to the commencement of the construction of the building hereby permitted full details of the measures incorporated into the construction of the building to ensure that the noise emitted from the site does not adversely impact on the nearest noise-sensitive premises shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be constructed in accordance with the approved design measures.

REASON: In order to protect the amenity of nearby residential properties and to prevent nuisance arising.

10. Prior to the first use or occupation of the unit hereby permitted, full details/specifications of any plant machinery, including the extraction system, refrigeration units, air conditioning units (including details of their position, appearance, noise levels and model numbers used) shall have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in complete accordance with the approved details prior to the units being brought into use and used whenever odours are being produced, and all filters/equipment should be retained as agreed thereafter and maintained to ensure optimum operation.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance.

11. Prior to the commencement of the construction of the building hereby permitted full details of the measures incorporated into the construction of the building/ plant to ensure that Rating Levels for cumulative noise from all plant and machinery associated with the development shall not exceed the existing background noise level (LA90) at the external façade of the nearest noise sensitive premises shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be constructed in accordance with the approved design measures.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance.

12. Prior to the unit hereby approved being first brought into use, the 2m high acoustic fence shall be erected as shown on approved drawing 1775-GTA-Z0-00-DR-A-0101 Rev H (amended plan received 11/07/19) and retained as such in perpetuity.

REASON: In order to protect the amenity of nearby residential properties and to prevent nuisance arising.

13. Prior to the erection of any external lighting full details of the measures incorporated into the design of the lighting to ensure that light intrusion into the windows of the nearest sensitive premises will not exceed 5 Lux between the hours of 07:00 - 23:00, and 1 lux between the hours of 23:00 – 07:00 (as assessed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 or any subsequent replacement guidance) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be constructed in accordance with the approved design measures.

REASON: In order to protect the amenity of nearby residential properties and to prevent nuisance arising.

14. Prior to first use of the unit hereby permitted, or any subsequent change of use or tenant thereafter, a written scheme for the control of cooking odours (Odour Management Plan) shall be submitted to and approved in writing by the Local Planning Authority. The Odour Management Plan shall include full details of the cleaning, maintenance and filter replacement policies and incorporate a written recording system when such work is carried out. The scheme shall thereafter be maintained and retained in accordance with the approved details.

REASON: In order to protect the amenity of nearby residential properties and to prevent nuisance arising.

15. Within three months of commencement of development, details of the design, siting and number of litter bins to be erected on the site shall have been submitted to and approved in writing by the Local Planning Authority. The litter bins shall be installed in complete accordance with the approved details prior to the unit hereby approved being brought into use, retained as approved thereafter and emptied as frequently as necessary.

REASON: To ensure the provision of satisfactory facilities for the collection of litter are provided and in the interest of visual amenity.

16. For the duration of the construction works, no building or engineering operations within the site or deliveries to and from the site shall take place other than between 07:30 hours and 18:00 hours Monday to Friday and between 08:30 hours and 14:00 hours on Saturdays, and not at all on Sundays or Bank Holidays.

REASON: In order to protect the amenities of existing residents.

17. The pedestrian access door situated in the west facing elevation of the unit hereby approved shall only function as an emergency exit door.

REASON: In order to protect the amenities of adjacent residents.

Landscape and ecology

18. Any removal of vegetation, including trees and hedges, should be undertaken outside the nesting bird season (March to August) unless an up-dated pre-clearance check has been carried out by a licensed ecologist within the 24 hours prior to any removal and no nesting birds are found to be present. The up-dated pre-clearance check shall be submitted to the Local Planning Authority prior to the removal of any trees and/or hedges.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds and to protect the bird population from damaging activities.

19. During the construction period, including delivery of building materials and excavations for foundations or services, all the existing/retained trees and hedging shown on drawing 1775-GTA-Z0-00-DR-A-0101 Rev H (amended plan received 11/07/19) shall have been enclosed with temporary protective fencing in accordance with BS5837:2012 [Trees in Relation to Demolition, Design & Construction]. The fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period.

REASON: To ensure that existing/retained trees are adequately protected during construction in the interests of the visual amenity of the area.

20. All new landscaped areas, trees and hedges, as shown on approved drawing 1775-GTA-Z0-00-DR-A-0101 Rev H (amended plan received 11/07/19) shall be planted within the first planting season after the unit hereby approved is brought into use and retained as landscaping areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be

replaced by trees or shrubs of similar size and species to those originally required to be planted.

REASON: To ensure the proposed landscaped areas are provided in the interest of visual amenity.

Highways

21. The areas for access and the car park, along with all other hardstanding areas, shown on the approved plans (1775-GTA-Z0-00-DR-A-0101 Rev H (amended plan received 11/07/19) shall be constructed and marked out in full accordance with the details shown concurrently with the construction of the unit hereby permitted and shall be made available for use before the unit is first brought into use and retained as such thereafter.

REASON: In the interests of highway safety.

22. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

23. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:-

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the construction of the development;
- Storage of such plant and materials;
- The erection and maintenance of security hoarding;
- Measures to control the emission of dust and dirt from construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works
- Routing of delivery vehicles to/from site.

REASON: To protect existing road users and neighbouring residential amenity.

Drainage

24. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 18020-D01, Rev B - Dated 10.04.19 which was prepared by Rutter Johnson. Surface water must drain at the restricted rate of 5 l/s. No surface water will be permitted to drain directly or indirectly into the public sewer. The development shall be completed in accordance with the approved details.

REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

INFORMATIVES:

- An Intermediate Pressure Pipeline (IP) is located within the vicinity of the site and the Building Proximity Distance for this pipeline is 3m. The applicant is therefore advised to contact Cadent Gas prior to works commencing on site.
- The buildings should have an intruder alarm fitted that is linked to an Alarm Receiving Centre. This facility is necessary for a police deployment on two confirmed alarm activations.
- This development should incorporate the principles of Secured by Design, with particular regard to the physical security measures. External doors should be certified to PAS 24:2012 (minimum) security standard to reduce the risk of intruder access and glazing in windows and doors should be 6.8mm laminated with any opening lights being fitted with restrictors.
- Internal doors leading to staff only areas should have access control measures installed to reduce the risk of sneak in burglaries and also to delay movement around the building should intruder access be gained.
- Fast food restaurants often attract groups of youths and frequent incidents of problematic behaviour are reported to the police. Comprehensive CCTV coverage of internal and external areas including the car park, will help to deter these problems and also provide evidence of behaviour and identity should an incident arise. This data should be stored for a 30 day period before being destroyed if not required. Further advice is available if required.
- The noise omitted from the site shall as assessed in accordance with British Standard 8233 (2014) and WHO guidelines (or any subsequent replacement national standards / guidance) and the following limits apply to the nearest noise sensitive premises:
 - LAeq 50 dB 16 hours – gardens and outside living areas, daytime (07.00-23.00)
 - LAeq 35 dB 16 hours – indoors, daytime (07.00-23.00)
 - LAeq 30 dB 8 hours – indoors, night-time (23.00-07.00)
 - LAFmax 45 dB 8 hours – indoors night-time (23.00-07.00)
 - LAFmax 45 dB 4 hours – indoors evening (19.00-23.00)*
 - LAFmax 60 dB 8 hours - façade level night time (23.00-07.00)
 - LAFmax 60 dB 4 hours - façade level evening (19.00-23.00)

(*The evening standard LAFmax will only apply were the evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.)

BACKGROUND PAPERS

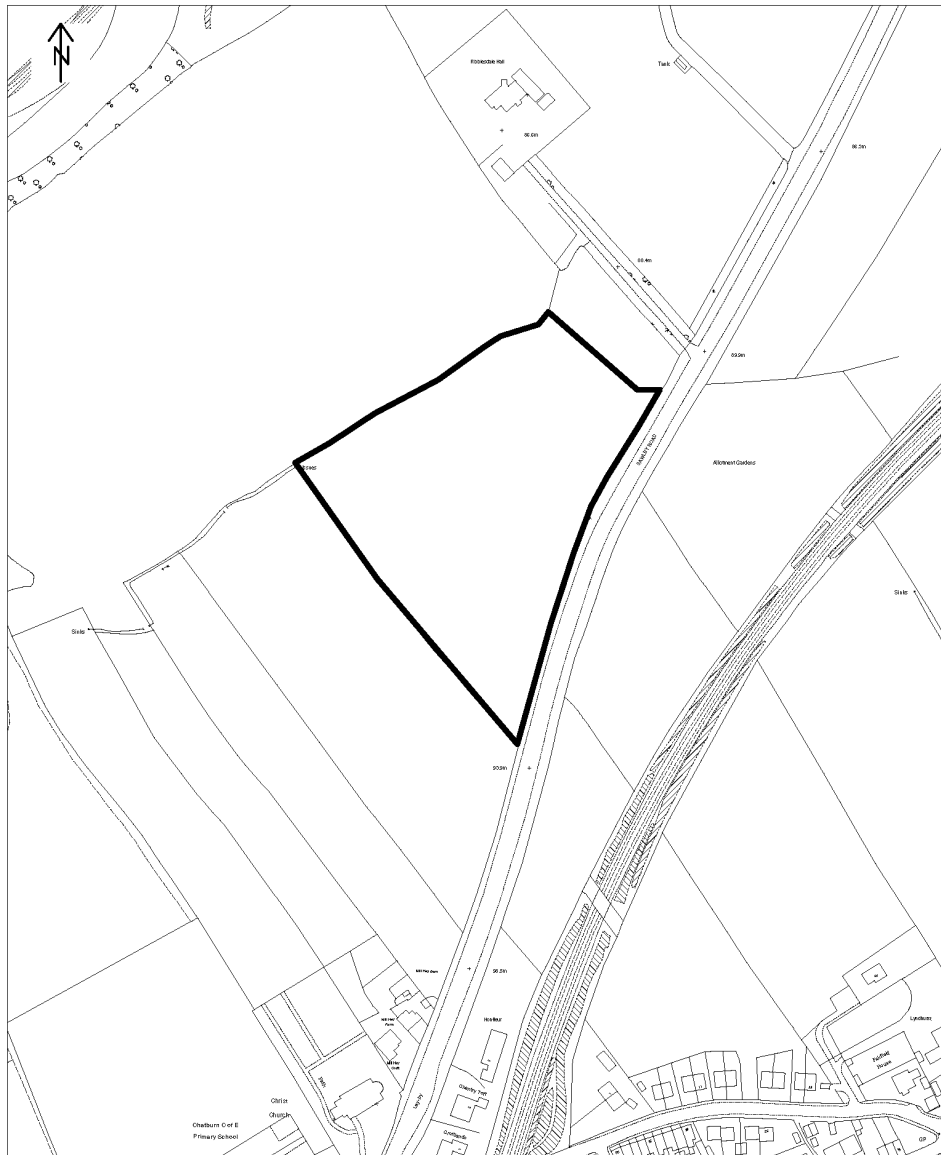
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0398

APPLICATION REF: 3/2019/0463

GRID REF: SD 377057 444597

DEVELOPMENT DESCRIPTION:

ERECTION OF SIX POLY TUNNELS AND FORMATION OF CAR PARKING AREA IN ASSOCIATION WITH FORMATION OF A MARKET GARDEN ON LAND AT SAWLEY ROAD, CHATBURN, BB7 4LD



3/2019/0463 Land at Sawley Road Chatburn BB7 4LD

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Chatburn Parish Council have provided the following comments:

- Concerned that this is a ribbon development that will extend the village to an unacceptable level;
- Chatburn already has a similar business and approval of this application will set a precedent for future development of the site;
- The site is outside of the 30mph speed limit restriction and speeding vehicles is a problem on this stretch of road;
- School buses and allotment holders park on this section of road;
- No water or electricity facilities on site;
- No provision for storing equipment necessary to run the business;
- Detrimental impact on visual aspect of the village;
- If approved there must be a condition that the site will be returned to open countryside.

LCC HIGHWAYS:

No objection subject to a condition that the access is appropriately surfaced prior to it being brought into use

UNITED UTILITIES:

No comments received

ADDITIONAL REPRESENTATIONS:

Three letters, representing two households, have been received. The points raised in these representations are listed below:

- Already traffic and car parking problems in this area;
- Inadequate car parking provision will result in on street car parking;
- Future development/expansion on site – resulting in another garden centre;
- Impact upon neighbouring residential amenity;
- Development of this site could lead to ribbon development outside of the village settlement boundary, which in turn could lead to infill of adjacent sites;
- Need for another similar use to the existing “garden centre”;
- Proposal offers little benefit to the village;
- This is a speculative application and further clarification is required in respect of the applicant’s intentions;
- Set an undesirable precedent for open field throughout the borough to be developed for “market gardens”;
- What proportion of sales will be for retail or for wholesale – impact on town centre;
- Contrary to national guidance of town-centre-first approach to retail;
- A retail sequential test should have been undertaken to identify why this site has been chosen over others;
- The applicant has planted 1,000 Christmas trees and the sale of these will generate 100 vehicles a day visiting the site over a two week period;
- How will sale of goods be controlled by the Council?;

- If business fails would the site be considered brownfield and then suitable for residential development or other retail?;
- Visual impact on open countryside and nearby AONB;
- Significant engineering works required to level the land;
- Unsustainable location that will be reliant on visitors using motor vehicle;
- Suitability of the access – width and visibility;
- Surface water drainage issues in the area;
- Where will staff facilities be provided?;
- Where will equipment be stored?;
- No details in respect of opening hours.

1. **Site Description and Surrounding Area**

- 1.1 The application relates to a field measuring approximately 5 acres on Sawley Road, Chatburn. The site is situated approximately 140m north of the settlement boundary of Chatburn and is therefore within the open countryside.
- 1.2 The land slopes downwards away from Sawley Road and is reasonably well screened by a mature hedgerow along its frontage. The remaining boundaries are defined by a mixture of vegetation, although the application states that the boundary fencing has recently been replaced and new native hedgerows planted. An existing field gate and dropped kerb provides access into this field.
- 1.3 The application site is adjoined by agricultural fields, however some 100m to the north is the residential property known as Ribblesdale Hall which is accessed via a lengthy track off Sawley Road. On the opposite side of the A59 are open fields and an allotment site.
- 1.4 The submission details how the applicants purchased the site 2016 and have recently planted 1000 Christmas trees in the south eastern corner of the site.

2. **Proposed Development for which consent is sought**

- 2.1 The application seeks consent to erect six polytunnels on this site and operate as a market garden. The polytunnels would be situated on the lower ground at the northern end of the land, each measuring 24m x 8m with a maximum height of 4.3m. As a result in the change in the sloping nature of the site an element of cut and fill will need to be undertaken to provide level land for the siting of the polytunnels. In terms of appearance each polytunnel would have a curved roof and be of a diffused polythene construction with the sides coloured green. Rainwater from the roofs of the polytunnels will be harvested and used for the watering of plants.
- 2.2 In addition to the polytunnels the application also includes the provision of a vehicle parking and manoeuvring area. This would be created in the north east corner of the site, close to Sawley Road. The car parking area would be finished in a loose surface with no markings and accommodate up to 30 cars.
- 2.3 In respect of the use the application states that this will be an agricultural/horticultural business and that only fruit, vegetables and plants grown on the site (either within the polytunnels or on the land itself) will be sold. As such the proposed retail element of the site is considered to be ancillary and incidental to the main use of the site for growing plants, fruit and vegetables (agricultural/horticultural). The site will be open to both the public and for trade.

3. **Relevant Planning History**

3.1 N/A

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement DMI2 – Transport Considerations
Key Statement EN2 – Landscape
Key Statement EC1 – Business and Employment Development
Key Statement EC3 – Visitor Economy

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DME3 – Site and Species Protection and Conservation
Policy DME6 – Water Management
Policy DMG3 – Transport & Mobility
Policy DME2 – Landscape & Townscape Protection
Policy DMB1 – Supporting Business Growth and Local Economy
Policy DMB3 – Recreation and Tourism

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of development**

5.1.1 The Ribble Valley Core strategy seeks to support business growth and the local economy. Key Statement EC1 states that “*Employment development will be directed towards the main settlements of Clitheroe, Whalley and Longridge as the preferred locations to accommodate employment growth together with land at Barrow Enterprise Site, the Lancashire Enterprise Site at Samlesbury and locations well related to the A59 corridor*”. The application site is located approximately 450m to the south of the A59, and will be accessed off Sawley Road which connects directly to the A59. Given the short distance from the application site to the A59 it is considered that the application site is “well-related” to the A59 corridor in accordance with Key Statement EC1.

5.1.2 In addition, Key Statement EC1 also offers support for proposals that result in farm diversification and the strengthening of the wider rural economy, and this is considered to be applicable to this application as the proposal seeks to grow and produce all goods that would be sold on site. As such the main use of the site would be agricultural and horticultural with an element of retail which is considered to be ancillary and incidental to the main use of the site.

5.1.3 Policy DMB1 also supports proposals that are intended to support business growth and the local economy. This includes “*The expansion of established firms on land outside settlements will be allowed provided it is essential to maintain the existing source of employment and can be assimilated within the local*”

landscape". It is accepted that this proposal relates to a new site, however the submission details how the proposal relates to an expansion and diversification of the applicants existing landscaping and maintenance business and will generate an additional six jobs (2 x full time, 2 x part time and 2 x seasonal). The visual impacts of the proposal are discussed later in this report.

- 5.1.4 Policy DMB3 relates to recreation and tourism development, and given that the proposed development would likely result in people visiting the site, particularly as a result of its location in relation to the A59, this policy is also considered to be of some relevance. Policy DMB3 seeks to support proposals that would attract visitors to the Ribble Valley, provided that the site is physically well related to an existing main settlement, village or existing group of buildings. In this case the application site is located 140m from the settlement boundary of Chatburn (Tier one village) and therefore is considered to be well related to a main settlement.
- 5.1.5 With regard to Policy DMG2, this policy states that developments outside of the defined settlement boundaries must meet one of six considerations.
1. *The development should be essential to the local economy or social wellbeing of the area.*
 2. *The development should be needed for purposes of forestry or agriculture.*
 3. *The development should be for local needs housing meeting an identified need and would be secured as such.*
 4. *The development is for small-scale tourism or recreation purposes that are appropriate to a rural area.*
 5. *The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.*
 6. *The development is compatible with the enterprise zone designation.*
- 5.1.6 In respect of the above, as mentioned earlier the proposal would create new job opportunities, as well as providing a facility for local products to be grown and bought. The proposal therefore represents some economic and social benefits to the area.
- 5.1.7 With regard to use, the proposed market garden would sell fruit, vegetables and plants that are produced from the site and therefore the retail element is considered to be ancillary to the main horticultural and agricultural use of the site. It is therefore considered that the development represents a small scale use that is appropriate to a rural area in accordance with Policy DMG2.
- 5.1.8 Concerns have been raised in respect of this being the correct location for this type of use, however a market garden which grows its own produce would be expected to be located within the open countryside (not within a settlement) purely on the basis of the amount/area of land that would be required to grow the produce. Furthermore, as detailed elsewhere in this report the site is situated very close to the settlement boundary of Chatburn (140m) and the A59 (450m), and therefore benefits from good transport links in comparison to other sites in the open countryside. As such it is considered that this is an acceptable location for the proposed use.
- 5.1.9 An objector has referred to the need to carry out a sequential test for the retail element of the proposal. In response to this para 88 of the NPPF states the

“...sequential approach should not be applied to applications for small scale rural offices or other small scale rural development”. As detailed above the LPA consider this to be a “small scale rural development” and therefore a sequential test is not required. Furthermore and as detailed earlier, the retail element is considered to be ancillary and incidental to the main use of the site as agricultural and horticultural, and consequently the main use of the site would not be suited to a town-centre or edge-of-centre location.

- 5.1.10 To clarify the above a condition has been attached to the recommendation which ensures that the retail element of the use remains incidental and ancillary to the horticultural and agricultural use of the site, and that 90% of the goods sold are produced on site. The other 10% of goods that can be sold from site include related items such as trays, pots, fertiliser etc... A concern has been raised that the approval of this development would result in brownfield site that could be developed in the future, however the aforementioned condition ensures that the main use of the site is agricultural/horticultural and that the retail use is ancillary only, thus retaining its greenfield definition.
- 5.1.11 In view of the above, the principle of the development on this site, close to the settlement boundary of Chatburn and the A59, is considered to be acceptable, subject to other considerations and compliance with Council Policies detailed below.

5.2 Impact Upon Residential Amenity

- 5.2.1 The nearest residential property is Ribblesdale Hall, situated approximately 100m north of the application site with intervening land in-between. At such a distance it is considered that the proposed polytunnels, measuring 4.3m tall to the highest point, would not have any undue impact residential amenity by way of overshadowing, loss of daylight and outlook. Furthermore the existing boundary treatment on the application site, and on land associated with the dwelling at Ribblesdale Hall, would provide sufficient screening.
- 5.2.2 To the south the nearest residential property is the property at Mill Hey Barn which is located at the edge of the settlement boundary. This property is located approx. 140 from the southern boundary of the site and approximately 250m from the proposed polytunnels and car parking area. At such a distance, and for similar reasons to those detailed above, it is not considered that the development would have a negative visual impact upon the residential amenity of the properties to the south.
- 5.2.3 In respect of use of the land, it is accepted that the proposal would result in an intensification of activities in comparison to its existing use as an agricultural field. Nevertheless the planting of fruit, vegetables and plants on the site does not require consent, and therefore the main consideration in respect of neighbouring amenity is the impact the proposed ancillary retail element would have.
- 5.2.4 The submission details how the site would only sell fruit, vegetables and plants that are produced on site, and the application does not include any specific retail building on site. The proposal does not include any proposed hours of operation however a condition has been attached restricted the hours of opening to 08:00 - 18:00 Monday to Saturday and 09:00 – 17:00 on Sunday, and the applicant has

confirmed their agreement to these hours. In addition the application as submitted includes no external lighting, ensuring that the use will be restricted to “daytime” hours, and a condition has been attached which requires details of any lighting to be installed on the site must first be submitted for the writing approval of the LPA.

- 5.2.5 In view of the above it is considered that the proposed development will share an acceptable relationship with neighbouring uses in accordance with the amenity requirements of Policy DMG1.

5.3 Visual Impact and design

- 5.3.1 The application includes two elements - the proposed polytunnels and the car parking area - which have the potential to have a visual impact on the open countryside and the character of the area.

- 5.3.2 With regard to the polytunnels, these would be sited at the northern end of the site, on the lower section of the land and away from the highway of Sawley Road. Due to the sloping nature of the land an element of cut and fill will need to take place to provide a level section for the polytunnels however the proposed level changes are considered to be acceptable (approx. 1m at maximum point).

- 5.3.3 It is acknowledged that the polytunnels would cover a large footprint, however being 4.3m tall to the highest point would not particularly prominent, and whilst they would be visible from sections of Sawley Road, and longer distances, they would be reasonably well screened by boundary vegetation, vegetation within neighbouring fields and in the future by additional vegetation to be planted within the development site in conjunction with the horticultural/agricultural use. In addition, the side elevations of the polytunnels would be coloured green to reduce the visual impact and seek to blend in with the surroundings.

- 5.3.4 In view of the above, due to the siting, finish and height of the proposed polytunnels, as well as surrounding vegetation, it is not considered that the polytunnels would be a visually prominent or detrimental to the character of the area, and polytunnels are not an uncommon structure/feature within the open countryside. Furthermore there is an allotment garden on the opposite side of the road which has a similar visual impact to the proposal.

- 5.3.5 With respect of the car parking area, this would be positioned towards the front of the site and would be finished in a loose porous material so as to ensure that drainage is not impacted but also to retain a more rural appearance as opposed to a tarmac/concrete surface with markings. Given the surrounding boundary hedgerows it is considered that the car parking area, and vehicles parked within this area, would be well screened.

- 5.3.6 It is acknowledged that the AONB is situated approximately 500m to the east, and that the Christ Church some 200m to the south of the site is a Grade II Listed Building. In terms of the AONB, whilst sections of the site may be visible from some elevated positions at a long distance within the AONB, these would be limited due to the surrounding vegetation and it is not considered that the proposed development would have a harmful impact upon the AONB. With regard to the Listed Church, this is located a significant distance from the application site, with intervening buildings/dwellings at Mill Hey Farm situated in-

between and thus the proposal would not impact upon the setting of this Listed Building.

5.3.7 In summary of the above, it is considered that the visual impact of the proposal is limited and would not be detrimental to the visual amenity of the area.

5.4 Landscape and Ecology

5.4.1 The proposal would result in the loss of some of an existing agricultural field for the siting of the polytunnels and the creation of the car park, however as detailed earlier the applicant has planted new boundary hedging and the proposed horticultural use of the site would result in a net gain in biodiversity in comparison to an agricultural field.

5.5 Highways

5.5.1 The Highway Officer has raised no objection to the application, subject to a condition requiring that the first 5m of the access, from the highway boundary, is appropriately surfaced so as to prevent loose surface material entering the highway from the site. Further conditions have also been attached requiring the car parking area to be provided before any trade/retail sales take place from this site and that the access gates are set back 5m from the back of the highway, so as to allow a vehicle to park free of the highway and open the gates at the beginning and end of the day.

5.5.2 Objections have been raised in respect of the number of vehicle movements that would be created by the proposal, the quality of the access and potential for vehicles to park on the highway. In terms of additional traffic, Sawley Road is a classified road which connects to the A59 some 450m to the north and as such the surrounding highway network is considered to be adequate to cater for the additional vehicle movements associated with this development. The Highway Officer has raised no objection to the suitability of the access and similarly the level of parking provision, up to 30 spaces, is considered to be adequate for the proposed use.

5.6 Drainage

5.6.1 As mentioned earlier the car park would be finished in a porous material so as to allow for water to drain and rainwater will be harvested from the polytunnels and re-used on site.

6. Other issues

6.1 A concern has been raised in respect of the development of this site acting as a ribbon development, allowing for future development of land between this site and the settlement boundary. Similarly concerns have been raised in respect of future applications at the development site for expansion of the business. In respect of these issues, each application is judged on its individual merits and this application has been considered on the basis of the information provided. There is no justifiable reason to refuse this application on the grounds of what may happen in the future at this site, or adjacent sites.

6.2 The Parish Council have commented that there is no mains electricity or water to the site. In response to this the applicant has confirmed that rainwater will be harvested from the site for watering of plants, nevertheless additional water may be needed and therefore the applicant is seeking to connect to the mains water. With regard to electricity the applicant's agent has confirmed that electricity will likely be needed for irrigation purposes and this will be provided by a generator. The application does not include any details of this and subsequently a condition has been added requiring details of any plant/generators to be submitted to the LPA prior to installation on site.

6.3 It is noted that the proposal does not include any storage or staff facilities, however the applicant's agent has confirmed that the business will operate on a "basic set up" with plants potted by hand and as such there is no need for any machinery or staff/storage buildings.

7. **Conclusion**

7.1 The principal of the development is considered to be acceptable in this location and would share an acceptable relationship with surrounding land uses. The proposal would have a limited impact on the visual character of the area, and would bring economic benefits to the local economy by way employment and visitors.

RECOMMENDATION: That the application be APPROVED subject to the imposition of the following condition(s):

Time Limit

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004

Plans

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Bri/910/2635/01
Bri/910/2635/02
Bri/910/2635/03
Bri/910/2635/04

REASON: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.

Materials

3. The development hereby approved shall be carried out in complete accordance with the materials detailed within the approved drawings and section 7 of the application forms.

REASON: In order to ensure that the materials to be used are appropriate to the locality.

Use

4. Any retail sales from the site edged red on the submitted plans shall be incidental and ancillary to the horticultural/agricultural use of the site (i.e. used for the sale of plants, shrubs, trees, fruit, vegetables and items grown/grown on the site), other than for the sale of up to 10% (of the total volume of stock over any year) of other related items that may be imported from outside the site (e.g. seeds, compost, fertiliser, pots, trays, stakes) and for the sale of no other goods whatsoever.

REASON: To ensure that the retail use of the site remains ancillary and incidental to the main agricultural and horticultural use of the site, and as detailed within the submitted application.

Amenity

6. The site shall only be open for ancillary retail sales between the hours of 08:00-18:00 Monday to Saturday and 09:00 – 17:00 on Sunday.

REASON: In order to protect the amenity of nearby residential properties and to prevent nuisance arising.

7. No external lighting shall be installed on the polytunnels hereby approved, or elsewhere within the site including the car parking area.

REASON: In the interests of visual amenity of this rural location.

8. Full details/specifications of any plant machinery or equipment, including electricity generators, air conditioning units (including details of their position, appearance, noise levels and model numbers used) to be installed on site shall have first been submitted to and approved in writing by the Local Planning Authority prior to its installation on site. The equipment shall be installed in complete accordance with the approved details and all filters/equipment should be retained as agreed thereafter and maintained to ensure optimum operation.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance.

Highways

9. The car parking area as shown on approved drawing Bri/910/2635/02 shall be provided and made available for use before any ancillary retail element of the site becomes operative and retained as such thereafter.

REASON: In the interests of highway safety.

10. Prior to the access being used for vehicular purposes, the part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete or block pavements, and retained as such thereafter.

REASON: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

11. Any access gates located at the access point shall be positioned 5m behind the nearside edge of the carriageway, and shall only open into the site.

REASON: To permit vehicles to pull clear of the carriageway when entering the site.

Drainage

12. The car parking area as shown on approved drawing Bri/910/2635/02 shall be constructed in a porous material which allows water to drain. Thereafter porous materials shall be retained for the car park area.

REASON: To prevent an undue increase in surface water run-off and to reduce the risk of flooding.

BACKGROUND PAPERS

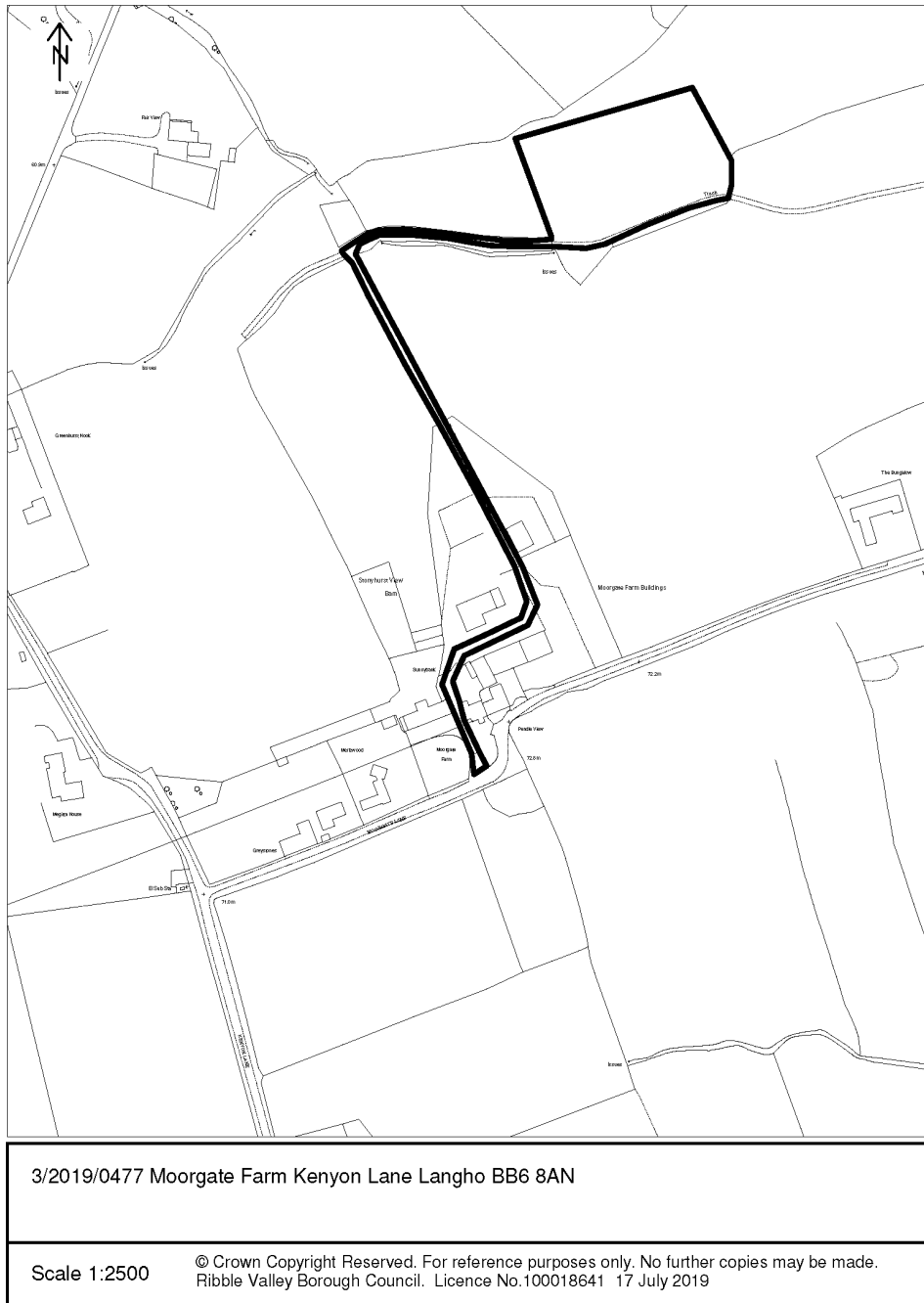
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0463

APPLICATION REF: 3/2019/0477

GRID REF: SD 368909 436238

DEVELOPMENT DESCRIPTION:

CHANGE OF USE OF AGRICULTURAL LAND FOR THE SITING OF SIX CAMPING PODS AS AN EXTENSION TO THE EXISTING CAMPING DEVELOPMENT AT MOORGATE FARM KENYON LANE LANGHO BB6 8AN



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Dinckley Parish Meeting objects and raises the following concerns:

- The direction of the external seating for the 8 existing pods has changed direction and the pods have not been sited correctly in accordance with the approved plans. The car parking location for the 8 pods has also changed location and is located halfway down the track from the applicant's residence. This is setting a precedent for future developments to be changed and the developments should be inspected after installation in such a sensitive area.
- The existing design, noise and light pollution is having a detrimental effect on residents wellbeing and on wildlife and the surrounding landscape
- Challenge the use of Key Statement EC1 (Developments that contribute to farm diversification) as the applicant has not run Moorgate Farm as a farm for many years.
- Some residents directly affected by the development did not receive any notification by RVBC.
- The pods are at low capacity during the week and are not at full capacity at the weekend. There is no greater need for an additional 6 pods.
- Highways issues will increase at the weekends. Kenyon Lane is already in a bad state of repair.
- The access to this new development has planning permission for agricultural use only.
- Observed by residents that deer population has decreased since the pods were erected and nocturnal animals are likely to be disturbed by night time noise and light. More litter has also been found since the pods have been erected.
- It has been reported that the landowner has already put infrastructure in place for the further development.
- Ownership boundaries shown with the new application are misleading.
- Majority objection agreed for the erection of the zip wire and football pitch. Their addition will increase sound levels and would not be in keeping with the tranquil environment.
- The original public footpath has been diverted around the pods without legal authority and needs appropriate action by the Council.
- Human waste has been reported around the new diverted public footpath close to the pods and should be investigated by environmental health.
- Challenge the Site Management Plan which is not strictly adhered to.
- Residents have expressed concerns about being subject to intimidation and prevented from providing personal objections.
- This represents part of a larger plan.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

No objections.

ADDITIONAL REPRESENTATIONS:

Fourteen (14) representations have been received including twelve objections that raise the following concerns:

- When the pods are occupied the cars are being parked adjacent to the pods instead of the designated area.
- The consent for 8 pods was granted on the basis it was small scale development.

- The 6 additional units would certainly not have been approved at the outset and this incremental approach to development is not acceptable.
- Unwarranted intrusion into the open countryside.
- Zip wire and football posts will inevitably lead to excessive additional noise.
- Landowners have carried out extensive works, moving footpaths and taking out hedges and trees. The damage caused to the ecology of the area is significant.
- The furthest of the proposed camping pods is some 500 metres from the adopted highway and there is no provision shown on the plans for vehicles to turn.
- Due to lack of co-operation and inadequate management ability of the applicant it would be irresponsible of RVBC to consider approving the development.
- More suitable sites for such development – the site has an open aspect, criss-crossed with footpaths and visible from higher ground.
- The existing pods are not operating at full capacity.
- The applicant has misled the Council by claiming he has access over third party land.
- The applicant has failed to observe the last planning permission for this site including:
 - Pods face the opposite direction
 - Pods are located incorrectly
 - Numerous additions to the site without planning permission including removal of hedging, extension of hard landscaping, construction of fencing, relocation of footpaths
 - Failure to enforce management plan or control guests
 - Website advertises facilities such as hot tubs that have not been authorised.
- Dinckley has no amenities i.e. no shop, pub or café.
- No provisions for recycling.
- Pods are clearly visible from the footpath to the river and the footpath that leads to Craven Fold Farm.
- The application is without merit and benefits no-one but the applicant and his family.
- Added light pollution detracts from dark skies.

Two representations have been received in support of the proposals and state that the development would bring more visitors to the area and that the site is well managed.

1. **Site Description and Surrounding Area**

- 1.1 This application seeks consent for the change of use of land for the siting of six camping pods as an extension to the existing development at Moorgate Farm, Dinckley. The application site is situated in an open field location north of the complex of buildings at Moorgate Farm.
- 1.2 Planning consent was granted for eight camping pods on land at Moorgate Farm in June 2017. The development has since been completed and is fully operational. The existing site is accessed by a field track that travels north from Moorgate Farm. The site is within the open countryside and around 1.5km south of the Forest of Bowland AONB.
- 1.3 The six additional pods proposed by this application would be sited on a parcel of land adjacent to the existing camping pods. The field is open and rural in character, comprising largely grazing land. Some 150m to the west of the site is Kenyon Lane which also serves as a public footpath and the River Ribble is 400m northwards. The wider area is characterised by its openness with individual farmsteads and dwellings and small clusters of built development.

2. **Proposed Development for which consent is sought**

- 2.1 Consent is sought for the change of use of an approximately 0.8 hectare parcel of agricultural pastureland adjacent to the existing tourism accommodation at Moorgate Farm and the siting of six camping pods, zip-wire and football goals. Taking into account the existing pods the proposed development would result in a total of 14 camping pods at the site.
- 2.2 The camping pods proposed would be of a similar size, scale and design to the existing pods. Two of the six additional pods proposed would be accessible units for use by disabled persons. The pods would be north-facing and would look onto the remainder of the application site on which is proposed zip-wire play equipment and football goals for the enjoyment of visitors to the site. The application proposes to provide vehicular parking for visitors next to each of the six pods.
- 2.3 The pods would be of timber construction built on a base of compacted gravel and paving slabs.

3. **Relevant Planning History**

3/2018/0208 - Proposed childrens' playground with two items of fixed equipment at existing camping pod development. Approved with Conditions.

3/2017/0103 - Change of use of agricultural land to camping facility for eight camping pods and associated car park and landscaping (resubmission of application 3/2016/0833). Approved with Conditions.

3/2016/0833 - Change of use of agricultural land to camping facility for eight camping pods and associated car park and landscaping – Refused. Appeal withdrawn.

3/2015/0004 - Part retrospective application for the construction of a farm track. Approved.

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 –Sustainable Development

Key Statement EN2 – Landscape

Key Statement EC1 – Business and Employment Development

Key Statement EC3 – Visitor Economy

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection

Policy DME3 -- Site and Species Protection and Conservation

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMB3 – Recreation and Tourism Development

Other Material Considerations:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

5. Assessment of Proposed Development

5.1 The main considerations in determining this application are the principle of the development, the impact of the development on the character and visual appearance of the surrounding area, its effect on the residential amenities of neighbouring occupiers and its effect on highway safety.

5.2 Principle of Development

5.2.1 Tourism plays an important role in the economy of the Ribble Valley. Core Strategy Key Statement EC3 relates specifically to the visitor economy stating that proposals that contribute to and strengthen the visitor economy of Ribble Valley will be encouraged.

5.2.2 The application site is located in the Open Countryside. Core Strategy Policy DMG2 requires development outside of defined settlement areas to meet at least one of six considerations one of which is that the development is for “*small scale tourism or recreational developments appropriate to a rural area*”. The proposals would increase the scale of the existing tourism enterprise from eight to fourteen units. Whilst ‘small scale’ is not defined in the Core Strategy it is considered, by virtue of the scale of built form, the potential number of occupants that the proposals could accommodate and the land area required for the development, the proposals are small scale for the purposes of Policy DMG2 and this view is supported by the Council’s Planning Policy Officers. Therefore the proposal is for a small scale tourism development of a type that is appropriate to a rural area and therefore meets the requirements of Policy DMG2.

5.2.3 Policy DMB3 relates specifically to recreation and tourism development. Tourism and visitor attractions are generally supported subject to meeting a number of criteria which require that consideration be given to the visual and landscape impacts of development, impact on the highway network and nature conservation. These issues are considered in detail below.

5.3 Effects Upon the Landscape/Visual Amenity

5.3.1 Core Strategy Policy DMG2 is clear that in considering development proposals the most important consideration will be the protection, conservation and enhancement of the landscape and character of the area avoiding where possible habitat fragmentation. Policy DMG2 states that “within the open countryside development will be required to be in-keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, the landscaping and siting”. This objective is repeated in Key Statement EN2 and the supporting text acknowledges that the Borough comprises extensive areas of open countryside much of which has an intrinsic value that contributes to the quality of the landscape in the Borough. It is therefore important to ensure development proposals do not serve to undermine the inherent quality of the landscape whether it is afforded AONB status or not.

5.3.2 Concerns relating to the visual impact of the development were raised during consideration of the planning application for the erection of the eight camping pods that are now present and operational at the site. Whilst there is a degree of separation between the existing tourism site and the complex of buildings at Moorgate Farm, it was noted that the local area is not devoid of other built form

and there are a number of residential properties and farmstead groups in the vicinity. According to the Landscape Visual Impact Assessment (LVIA) submitted with the previous planning application, once the landscape mitigation proposals have fully established after a period of 15 years the visual effects would be reduced to 'moderate/substantial neutral' and would help the development assimilate into the landscape to produce a neutral visual effect.

- 5.3.3 Having visited the site the applicant has undertaken a scheme of landscape planting in accordance with the details approved by the Local Planning Authority in relation to the earlier planning consent. The proposed expansion of the existing tourism site to fourteen camping pods includes an area of additional planting comprising five native trees along the eastern boundary of the application site. Taking into account the visual appearance of the existing development it is considered that the expansion of the tourism site to accommodate six additional timber camping pods would not result in any undue visual or landscape harm to warrant refusal of the application.
- 5.3.4 The proposals include the installation of a zip line and football goals. Whilst there is no objection to the provision of the proposed play equipment, it is important to ensure that any equipment installed at the site is in keeping with the rural nature of the area. The applicant has stated that the zip line would be of timber construction but there remains a requirement for further details and specifications of the zip line to be submitted to and agreed by the Local Planning Authority. Similarly, notwithstanding the details submitted, precise specifications of the football goals should be submitted to and agreed by the Local Planning Authority prior to installation to ensure they are of a suitable scale and appearance for the area.
- 5.3.5 During the consideration of the previous planning application it was agreed that rather than the occupants of the camping pods parking their vehicles in an open field location it would be favourable to provide a drop-off space and locate the main parking area adjacent to the group of buildings at Moorgate Farm. The applicant has considered this arrangement beneficial from a health and safety viewpoint and it also removes the negative visual impact that would arise from parked motor vehicles within the open field and associated journeys across the field.
- 5.3.6 It is noted that the parking area approved under planning application 3/2017/0103P has not been completed in full accordance with the consent granted. The parking area has been provided in a different location however it can accommodate the required number of motor vehicles and does not result in any undue visual harm. This application proposes to locate a single parking space adjacent to each of the six new pods. It is estimated that the application site would be around 400 metres from the existing parking area. On visiting the site it was noted that the applicant has undertaken a comprehensive scheme of planting along the access track to the existing pods and once established this would provide adequate screening of the track from the majority of public viewpoints in the immediate area. Taking into account the existing situation, it is not considered that the provision of a single parking space adjacent to each of the six pods for which consent is sought, would have such adverse visual or landscape harm to justify refusal of the planning application.

5.3.7 Concerns have been raised in relation to external lighting at the site. It is understood that this arises from light fittings installed on the underside of the projecting roof arch for each existing pod which is designed to provide some light to the associated external seating areas. Whilst low level lighting is unlikely to raise any significant issues it is considered reasonable, should consent be granted, to require the submission of the details of any external lighting. This would allow the LPA to consider whether the proposed intensity and direction of any illumination are appropriate for the area and whether additional measures such as motion sensor or timer controlled lighting would be preferable.

5.4 Impact on Residential Amenity

5.4.1 In terms of its impact on the amenity of nearby residents, the nearest residential property is Fair View. The proposed site extension would be located further from this dwellinghouse than the existing camping pods. The proposed development would result in the tourism use being closer to Cravens Farm to the east although there would remain a separation distance of circa 200 metres and the application proposes tree planting along the eastern site boundary.

5.4.2 A number of objections refer to unacceptable levels of noise and disturbance emanating from the site as existing. However no complaints have been received by the Council's Environmental Health section in relation to this tourism site. The existing and proposed pods will be operated in accordance with the Management Plan submitted with the application which includes a code of conduct for guests. This states that guests will be required to adhere to a noise curfew between the hours of 10.30pm and 7am. A low noise policy is also published on the Wigwam Holidays website and states that all music should be turned off, children are not allowed on the play area and conversation level noise after 9pm. Taking account of the above, it is thought that the proposals would not result in any unacceptable increase in noise and/or disturbance subject to the sites continued operation in accordance with the Management Plan.

5.5 Effects Upon Wildlife/Ecology

5.5.1 In terms of its impact on local wildlife and ecology, the site comprises part of an agricultural field. An ecology appraisal by Envirotech submitted in support of the previous application at the site identified the application site as semi-improved grassland with a very low ecological value. Any landscape features of biodiversity value, which in this case comprise boundary hedges at the site perimeter, would be unaffected by the development. In addition, the proposals include an element of tree planting which would increase the foraging habitat for bats and increase the ecological value of the site in accordance with Core Strategy Policy DME3.

5.6 Highways Safety

5.6.1 Policy DMB3 requires recreation and leisure developments to be well related to the existing highway network. The application site is within a reasonable distance of the A59, the primary strategic route, and would be predominantly served by classified roads. The scale and type of development would not generate additional traffic so as to result in any undue problems or disturbance. The County Highways Surveyor has raised no objections on highway safety grounds.

5.7 Other Considerations

- 5.7.1 Neighbour objection letters make reference to the fact that the siting of the existing pods is not in strict accordance with the plans approved under permission 3/2017/0103P and letters contain details of other alleged breaches of planning control at Moorgate Farm. The Council can use their discretionary powers of enforcement against breaches of planning control where it is considered expedient to do so. However any breaches of planning control at Moorgate Farm beyond the application site boundary are not material to the consideration of this application and, should the application be approved, the Council's power to enforce would not be unduly compromised.
- 5.7.2 Public consultation with neighbouring residents has been undertaken in accordance with the Council's Statement of Community Involvement. The owner of Fairview has stated that the location plan originally submitted with the planning application included an area of land in his ownership within the blue edge. This plan has subsequently been amended to exclude the area of land in question.
- 5.7.3 There are claims by residents that the existing pods are not operating at full capacity. There is no requirement within the relevant Core Strategy policies for applicants to provide evidence of need for tourism accommodation in the borough. Whilst information relating to the existing pods occupancy rates could have provided additional justification for the proposed expansion of the site, it is unlikely that the applicant would seek consent for additional pods if the existing business was not proving successful. Refusal of the application on grounds that there is no demand for the additional pods would not be supported by the Council's development plan policies.

6. Conclusion

- 6.1 In terms of its economic benefits to the rural area, the proposals would generate some additional revenue for local businesses and in justifying the proposals the applicant has stated that the existing facility has been popular with holidaymakers as recognised by the receipt of the Ribble Valley Tourism Association Award for New Business 2019.
- 6.2 The proposals would expand the range of visitor accommodation in the Borough, supporting the intentions of Core Strategy Key Statement EC1 and EC3. It is considered that the proposed development would not result in an unacceptable level of harm to the appearance and character of the surrounding landscape and that the economic and social benefits of the proposal would outweigh any minor harm to the surrounding landscape. The proposal therefore accords with Core Strategy Policies DMG1, DMG2, and DMB3 and Key Statement EN2 and it is recommended that the application be approved subject to conditions.

RECOMMENDATION: That the application be APPROVED subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawing ref.

Location Plan (Bre/096/2673/02 Rev.B) received 18/07/2019
Proposed Detail Site Plan (Bre/096/2673/01 A)
Floor Plan (drawing no.201)
Foundation Plan (drawing no.205)
Elevations 01, 02, 03 & 04 (drawing no.401)
Plan & Elevations (Standard Accessible Wigwam), Rev A dated 17/07/2019

REASON: To clarify which plans are relevant to the consent.

3. The proposed camping pods shall be restricted to short-term holiday purposes only and shall not be let to or occupied by any one person or group of persons for a combined total period exceeding 90 days in any one calendar year.

REASON: To define the scope of the permission hereby approved.

4. The camping pods hereby approved shall be faced with timber as detailed on the approved plans and shall be retained as such in perpetuity.

REASON: To ensure that the materials to be used are appropriate to the locality.

5. Within the first planting season (October to March inclusive) following commencement of development, five trees shall be planted in accordance with the details indicated on the plans hereby approved and shall be maintained for a period of five years during which time any plants that are found to be dead or dying shall be replaced.

REASON: In the interests of the amenity of the area.

6. Precise details of all ground surfacing materials (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed development. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.

REASON: To ensure a satisfactory form of development in the interest of the visual amenity of the area.

7. No external lighting (including external building or ground mounted lighting) shall be installed on site unless details of such lighting have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

REASON: In the interests of the visual amenities of the area.

8. The site shall be operated in strict accordance with sections 3-7 of the Site Management Plan (ref Bre/096/2239/CS) dated June 2017 that was submitted with the application.

REASON: To ensure the satisfactory management of the site in the interests of general amenity of the area.

9. No play equipment shall be installed at the site as shown on drawing no. Bre/096/2673/01A, or elsewhere on the site, unless precise details of its type, height, design, colour and precise location have first been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details and maintained as such thereafter.

REASON: To ensure a satisfactory form of development in the interest of the visual amenity of the area.

Note: Under the Environmental Permitting (England & Wales) Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold an environmental permit issued by the Environment Agency. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0477

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2017/0167	Request for an increase in quantity of E1 environmental hazardous substances from 77ST to 82ST in the raw material warehouse. This means an overall increase to the site inventory for E1 substances from 246ST to 252DT	Pimlico Industrial Area West Bradford Road Clitheroe
3/2019/0036	Fell and remove T1 Oak	Orchard House Lower Lane, Longridge
3/2019/0215	Replacement rooflights	The Orangery Woodfold Park, Mellor
3/2019/0268	Single storey extension to the rear of the property with a pitched roof. The party wall shared with 2 Greenfield Avenue will be extended.	4 Greenfield Avenue Clitheroe
3/2019/0288	Change of use from private dwelling (C3) to mixed use of function venue (D2) with ancillary accommodation (C1) including single storey rear extension, a change of use of detached garage to nursery school (C2)	Thorneyholme Hall Newton Road Dunsop Bridge
3/2019/0308	Construction of a temporary access trail for use by walkers and cyclists to create an alternative bypass route during legal felling and dispatch of circa 9,000 tonnes of timber from Gisburn Bottoms. Tree harvesting operations will take around 6 months after which the temporary trails will be removed.	Forestry plantation to the east of the metalled forest road and linking the following features: Geldard Laithe (barn) and Hindley Head Clough (watercourse)
3/2019/0322	Single storey extension to front of restaurant to create new dining area	244 Preston Road Longridge
3/2019/0386	Proposed erection of one detached 2 storey, 2 bedroom dwelling on land adjacent to 17 Hesketh Road	17 Hesketh Road Longridge
3/2019/0399	Application for a proposed extension of residential curtilage to 20 Abbeyfields and erection of detached garage within the extended curtilage	20 Abbeyfields Whalley
3/2019/0422	Retention of unauthorised residential caravan and use of land as residential curtilage	Land off Longridge Road (adjacent to Grindlestone House Farm) Dutton
3/2019/0468	Extension to dwelling to form workshop and office	New Elmridge Farm Gib Hey Lane, Chipping
3/2019/0592	Application for the discharge of condition 5 (Engine Maintenance Strategy) from permission 3/2017/0268	Holmes Mill Greenacre Street, Clitheroe

APPEALS UPDATE

<u>Application No and reason for appeal</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Costs app received</u>	<u>Date of Inquiry or Hearing if applicable</u>	<u>Progress</u>
3/2018/0474 R of pp	09/07/2019	Great Mitton Hall Mitton Road Mitton	WR			Statement due 13/08/2019
3/2018/0468 R of LBC	09/07/2019	Great Mitton Hall Mitton Road Mitton	WR			Statement due 13/08/2019
3/2018/1020 R of pp	Awaiting start date from PINS	Calding Bank Cottage Whalley Old Rd Billington	WR (to be confirmed)			
3/2018/0688 R of outline pp	04/02/2019	Land off Henthorn Road Clitheroe	Inquiry		08/05/2019 09/05/2019 10/05/2019	Appeal Allowed 19/06/2019 Partial award of costs to Appellant Appeal Dismissed 02/07/2019 Awaiting Decision
3/2018/1025 R of prior notification	05/02/2019	Low Laithe Barn Gisburn Road Newsholme	WR			Appeal Dismissed 02/07/2019
3/2018/0582 R of permission in principle	21/05/2019	Land to the south of Chatburn Old Road Chatburn	WR			Awaiting Decision
3/2018/0768 R of pp	27/03/2019	Land at Osbaldeston Lane Osbaldeston	WR			Appeal Dismissed 27/06/2019
3/2018/0479 R of pp	03/06/2019	74 Church Street Ribchester	HH			Awaiting Decision
3/2018/1076 R of pp	16/07/2019	Sabden House Wesley Street Sabden	WR			Statement due 20/08/2019
3/2018/1006 R of LBC	16/07/2019	Sabden House Wesley Street Sabden	WR			Statement due 20/08/2019
3/2018/1148 R of pp	10/06/2019	Wolfen Lodge Fish House Lane Chipping	HH			Awaiting Decision
3/2019/0057 R of pp	21/05/2019	Seven Acre Bungalow Forty Acre Lane Longridge	WR			Awaiting Decision
3/2019/0117 R to discharge condition	Awaiting start date from PINS	Susie Cottage Rimington Lane Rimington	WR (to be confirmed by PINS)			

<u>Application No and reason for appeal</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Costs app received</u>	<u>Date of Inquiry or Hearing if applicable</u>	<u>Progress</u>
3/2019/0241 R of pp	16/07/2019	23 Church Street Clitheroe	WR			Statement due 20/08/2019
3/2019/0242 R of LBC	16/07/2019	23 Church Street Clitheroe	WR			Statement due 20/08/2019

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 6

meeting date: THURSDAY, 1 AUGUST 2019
title: TREE PRESERVATION ORDER 7/19/3/212 RANN WOODLAND
submitted by: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING
principal author: ALEX SHUTT – COUNTRYSIDE OFFICER

1. PURPOSE

- 1.1 For Committee to consider objections to the Rann Woodland, Off Saccary Lane, Mellor Tree Preservation Order 2019 and to decide whether the order should be confirmed.
- 1.2 Relevance to the Council's ambitions and priorities:
 - Community Objectives – To protect and enhance the existing environmental quality of our area.
 - Corporate Priorities – To comply with the adopted Core Strategy – Environment – Policy DME1: Protecting Trees and Woodlands,
 - Other Considerations – None.

2 BACKGROUND

- 2.1 On 13 March 2019 an email was received from Andrew Bennet, Woodland Officer for the Forestry Commission (FC) requesting a woodland Tree Preservation Order (TPO) be placed on the Rann Woodland, Off Saccary Lane, Mellor due to the present owner allowing grant aided trees to be felled (see Appendix A).
- 2.2 From initial assessments the whole woodland is considered to be of visual amenity value both now and more importantly for future generations. The original landowners of the entire parcel of land, applied for an England Woodland Grant Scheme provided by the East Lancashire Woodland (ELW) and qualified and received a grant to plant and maintain a Community Woodland, including a high quality footpath which would allow permissive public access through the site in 2003/4.
- 2.3 According to the FC, the grant was funded through ELW who no longer exist, which only required public access through the woodland for 10 years, where as if it was granted through the FC the path would have to be open to the public for 15 years. The woodland is sandwiched between two Public Rights of Way. The woodland was put up for sale in 2017 (see Appendix B).
- 2.4 A Tree Evaluation Method for a Tree Preservation Order [TEMPO] has been undertaken (see Appendix C) and on the basis of the results and the threat of further clear felling of the woodland, a TPO was issued. (see Appendix D).
- 2.5 On 29 March 2019 a Tree Preservation Order was served and 2 objections to the Preservation Order have been made by both the land owners (see Appendix E and F). An informal meeting was held with the Council, FC and one of the landowners, (the owner of the area marked W3) where the landowner suggested they would want to build holiday lets on the site and if there could be a variation on the TPO.

3 ISSUES

- 3.1 The woodland is considered to have a visual amenity value to the locality and to the wider tree-scape. As mentioned above the woodland was planted through a grant system to become a Community Woodland and has had permissive public access for 15 years. It has also created a haven for wildlife and has improved the bio-diversity of the site immensely, therefore in the interests of amenity it was considered expedient to protect the woodland. Although the areas of woodland marked as W1 and W2 are not immediately at risk they form part of the woodland as a whole.
- 3.2 The woodland contains primarily native Oak, Ash, Hazel, Silver Birch and Hawthorn. The majority of the tree stock is of a high quality, showing good natural form and with long life expectancies. The part of area W3 which has been felled, had some trees of very good form and potential and if managed correctly the trees will regenerate and help form part of the woodland again. The clear felling of the woodland has had a negative impact both for amenity and bio-diversity.
- 3.3 If a planning application was submitted prior to the felling of part of the woodland a Tree Survey and Report BS:5837 2012 and Phase 1 Habitat Survey, would be required due to the presence of trees and potential European Protected Species on the site which are highly likely due to the wildlife pond within W3.
- 3.4 A Tree Preservation Order protects trees from lopping, topping and felling but does not preclude tree work being carried out. In such cases a tree work application would be required, except for emergencies for which there are exemptions, required for tree management work.
- 3.5 Tree work to protected trees that are considered to be dead and/or dangerous can, under exemptions, be carried out to reduce or remove immediate risk; however a five day notice is normally required. If a tree has to be felled or pruned in an emergency, the onus is on the landowner to prove that on the balance of probabilities the tree was dangerous, however dead wood pruning does not require formal consent
- 3.6 Any tree management decisions about any of the trees included in the Preservation Order should be based on a detailed arboricultural/quantified tree risk assessment, carried out by a qualified and public indemnity insured arborist. This ensures that any tree management decisions are based on objective and accurate arboricultural information.
- 3.7 The landowner claims they have done nothing wrong as there were no protections or restrictions on the woodland. Tree felling works were carried out within an area of the woodland where the land owner has advised Council Officers that he has future plans for the use of the land. It would have been preferable for such works to have been fully considered as part of a planning application at the site.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
- Resources – Dealing with tree related issues form part of the Countryside Officers' duties.
 - Technical, Environmental and Legal – Decisions made about trees have to balance protection of the environment against quantifiable risks posed by trees.

- Political – None.
- Reputation – The Council’s environmental protection measures are being maintained.
- Equality & Diversity – None.

5 CONCLUSION

- 5.1 The Rann Woodland has been a community woodland for over 15 years and has developed into a juvenile but diverse woodland, with many native trees of specimen form and the potential to mature into a high quality woodland with the correct management. The landowners are legally allowed to prevent permissive access through the woodland, but due to the public footpaths around the site and the landscape value of the woodland the amenity value will not be affected. Removing permissive access could in fact increase the bio-diversity value of the site.
- 5.2 The landowner of area W3 has expressed informally, an interest to apply for planning permission within W3 and the impact of any development on the trees would be a material planning consideration. This TPO does not preclude a planning application being submitted or determined. In instances where a planning permission includes the removal of protected trees the loss can be mitigated as part of the planning approval.

6. **RECOMMENDED THAT COMMITTEE**

- 6.1 Confirm the Rann Woodland, Off Saccary Lane, Mellor Tree Preservation Order 2019.

ALEX SHUTT
COUNTRYSIDE OFFICER

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND
PLANNING SERVICES

BACKGROUND PAPERS

Tree Preservation Orders and trees in conservation areas

For further information please ask for Alex Shutt, extension 4505.

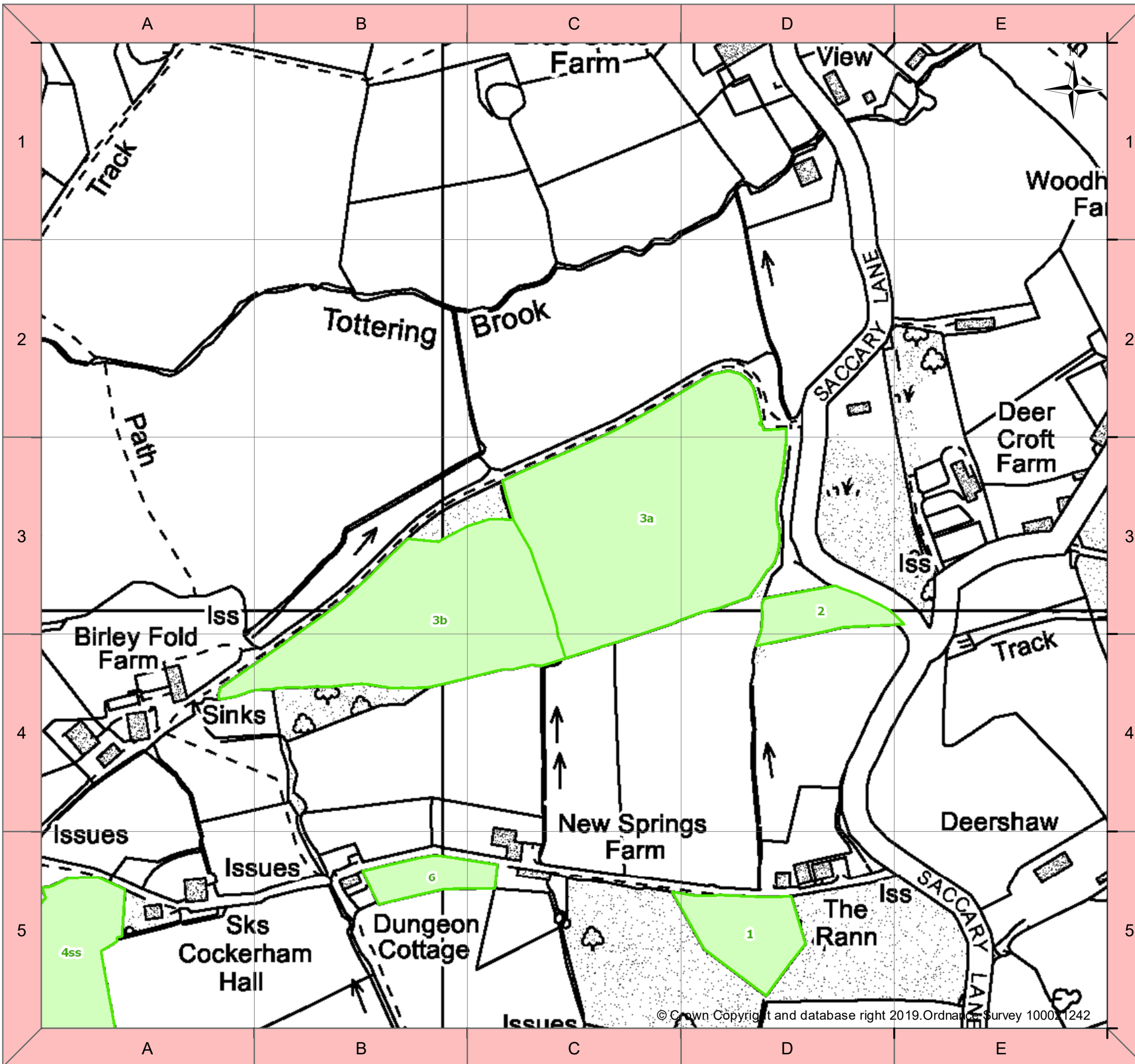


Title: Untitled
 Date: 13 March 2019
 Author: Andy Bennett
 Scale @ A3: 1:2,500

Legend

FWPS Work Area

 FWPS Work Area



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Forestry Commission woodlands have been certified in accordance with the rules of the Forest Stewardship Council.

The mark of responsible forestry



PEFC
 PEFC/16-40-1001

Promoting Sustainable Forest Management
 www.pefc.org

For sale by auction
The Ribblesdale Centre, Lincoln Way,
Clitheroe
BB7 1QD

a&s
AuctionS



The Rann Wood, Off Saccary Lane, Mellor, BB1 9DL For Sale Offers Over £40,000



Approximately 4.45 acres (1.8ha) of mixed woodland set on a glorious hillside overlooking the Ribble Valley. This is a beautiful piece of the countryside with easy access via a private tarmac track, approx ¼ mile off Saccary Lane. There is vehicular access and parking at the property and a hardcore track running through it from east to west.

The woodland was mostly planted in 2003/2004, and is now flourishing with a mix of young trees including hazel, oak, ash, silver birch and alder. There are some mature trees scattered throughout the wood and some older stands of trees in between the open glades. There is also a pond teeming with wildlife with a bench on which you can sit and contemplate. The woods were largely created with the help of a Woodland Grant Scheme, provided by The Forestry Commission.

A concessionary right of access along the central hardcore track was given and has two years remaining until the agreement terminates. The wood is well fenced in its entirety.

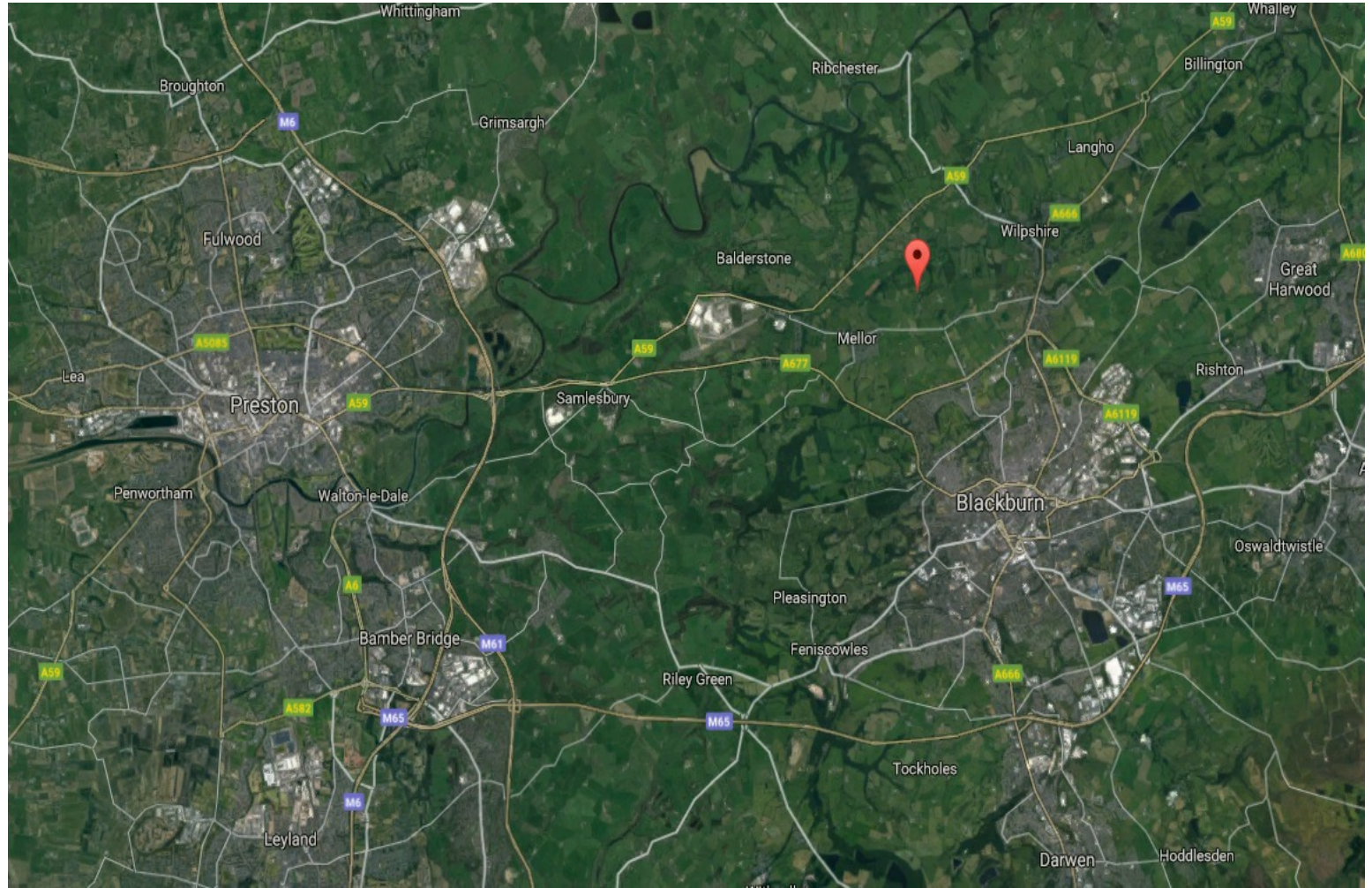
The freehold of the land and woods are offered for sale with all sporting rights, mineral rights and subject to and with the benefit of any existing rights of way, drainage, easements and wayleaves that may exist.

The property is subject to the Woodland Grant Scheme which was available at the time of planting and helped towards the costs of planting and looking after the woodland. Basically there are no real ongoing implications of the grant that we are aware of.

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tel. 01254 828810

www.athertons-uk.com





tenure

We understand from the owners to be sold with vacant possession

viewings

Strictly by appointment tel. 01254 828810

General Remarks and Stipulations

Local and Service Authorities

Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe BB7 2RA
Tel: 01200 425111
Lancashire County Council, PO Box 78, County Hall, Fishergate, Preston PR1 8XJ
Tel: 0800 0530000
United Utilities (water supply) Tel: 0845 7462200
United Utilities (electricity supply) Tel: 08001951452

Viewing

By appointment through the Auctioneers

Particulars of Sale

The descriptive particulars (but not the Stipulations and Special Conditions of Sale) do not constitute, or constitute any part of any offer of contract and all Statements made herein are made without responsibility on the part of the Auctioneers or the Vendor. Any intending Purchaser should satisfy themselves as to their correctness. The Vendor does not make nor give and neither Athertons Ltd nor any person in their employment has any authority to make or give to the Land and Property.

Sale Particulars and Plans

The Plan and Quantities are based upon the latest available edition of the Ordnance Survey as revised by the Auctioneers. Such Plans and Quantities and these Particulars are believed to be correct but any error or omission or mis-statements shall not annul the sale nor entitle either part to compensation or in any circumstances give ground for any action at Law.

Woodland Grant Scheme

Full details available from the auctioneers.

Tenure and Possession

The land is Freehold and Vacant Possession will be given on completion

Town Planning and Local Land Charges

So far as the Vendor is aware the present use of the land is in accordance with the Town and Country Planning Acts. No requisition shall be raised in regard to the user or otherwise in relation to the said Acts and the Vendor shall not be required to give any further information in regard to the Town and Country Planning.

Each Lot is sold subject to all Local and Land Charges and any requirements enforceable by any Local or other Public Authority, and subject to all encumbrances and other matters, the existence of which can or ought to be discovered by enquiry of any Local or other public Authority, and the Purchaser shall not be entitled to any compensation, indemnity or right of rescission in respect thereof.

Rights and Easements

The land is sold and will be conveyed with the benefit of and subject to the burden of all existing rights of way, all rights, all rights for the continuance of any means of supply of water, gas or electricity, all rights for drainage and sewerage any other pipelines through, over or under any part, together with all necessary rights of access for maintenance, renewal and repair of any apparatus or construction in connection with such rights.

Overhead Electricity and Telephone Lines and Underground Cables

The Purchaser of the each Lot shall take it subject to such wayleaves as effects the same and where applicable wayleave rents shall be apportioned by the Vendor to the various Lots. The Purchaser of the Lots affected by the wayleaves shall be responsible to notify the appropriate of their interest.

Disputes

Should any dispute arise before or after the date fixed for Completion between the Purchasers or between the Vendor and the purchaser as to the interpretation of the Particulars of any matter whatsoever arising therefrom or thereout that matter in dispute should be referred to the arbitration of John Atherton of Athertons Ltd whose decision shall be final and binding on the parties in dispute.

Conditions of Sale

The Conditions of Sale WILL NOT be read out at the Auction Sale but a copy thereof will be available for inspection at the offices of the Vendor's solicitors during normal working hours for fourteen days prior to the date of the Auction Sale.



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property & land

tel. 01254 828810

Athertons for themselves and for the vendors or lessors of this property give notice that :- All descriptions, plans, dimensions, references to condition, or suitability for use, and necessary permissions for use and occupation and other details are given in good faith and are believed to be correct and any intending purchasers or tenants should not rely on them as statements of fact but must satisfy themselves by inspection or otherwise as to be correctness of each of them; No person in the employment of Athertons has any authority to make or give any representations or warranty whatsoever in relation to the property. Photographs are produced for general information and do not imply that any item is included in the sale of the property. These particulars are produced for the sole purpose of enabling prospective purchasers to decide whether they wish to view the property and are set out as a general guide only and do not constitute any part of an offer or contact. Athertons Ltd is a trading name of Athertons Ltd.
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APPENDIX C TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION

Date: 28/03/2019

Surveyor: Alex Shutt

Tree Details

TPO Ref: The Rann Tree/Group No: 2, 3a & 3b Species: Mixed deciduous and evergreen
(if applicable):
Owner (if known): Mr & Mrs Hodge 2 & 3a Location: "Elwood" The Rann Wig, Saccary Lane, Mellor
Ms Lovely 3b

Part 1: Amenity Assessment

a) Condition & Suitability for TPO

5) Good	<input checked="" type="checkbox"/>	Highly suitable	<input type="checkbox"/>
3) Fair	<input type="checkbox"/>	Suitable	<input type="checkbox"/>
1) Poor	<input type="checkbox"/>	Unlikely to be suitable	<input type="checkbox"/>
0) Dead	<input type="checkbox"/>	Unsuitable	<input type="checkbox"/>
0) Dying/dangerous*	<input type="checkbox"/>	Unsuitable	<input type="checkbox"/>

Score & Notes = 5 – A mixture of Young and mature trees, planted as a community woodland

*Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention Span (in years) & Suitability for TPO

5) 100+	<input checked="" type="checkbox"/>	Highly suitable	<input type="checkbox"/>
4) 40-100	<input type="checkbox"/>	Suitable	<input type="checkbox"/>
2) 20-40	<input type="checkbox"/>	Unlikely to be suitable	<input type="checkbox"/>
1) 10-20	<input type="checkbox"/>	Unsuitable	<input type="checkbox"/>
0) <10*	<input type="checkbox"/>	Unsuitable	<input type="checkbox"/>

Score & Notes = 5 - As engraved on the sign "New woodland for your enjoyment and future generations"

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

c) Relative Public Visibility & Suitability for TPO

5) Very large trees with some visibility, or prominent large trees	<input type="checkbox"/>	Highly suitable	<input type="checkbox"/>
4) Large trees, or medium trees clearly visible to the public	<input type="checkbox"/>	Suitable	<input type="checkbox"/>
3) Medium trees, or large trees with limited view only	<input checked="" type="checkbox"/>	Suitable	<input type="checkbox"/>
2) Young, small, or medium/large trees visible only with difficulty	<input type="checkbox"/>	Barely suitable	<input type="checkbox"/>
1) Trees not visible to the public, regardless of size	<input type="checkbox"/>	Probably unsuitable	<input type="checkbox"/>

Score & Notes = 3 – From across the valley and footpaths

d) Other Factors

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion Y
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes = 4 Young Community woodland has been grant aided by the forestry commission.

Part 2: Expediency Assessment

5) Immediate threat to tree	<input checked="" type="checkbox"/>
3) Foreseeable threat to tree	<input type="checkbox"/>
2) Perceived threat to tree	<input type="checkbox"/>
1) Precautionary only	<input type="checkbox"/>

Score & Notes = 5 Felling has already taken place in section 3b

Part 3: Decision

Any 0 Do not apply
TPO
1-6 TPO
indefensible
7-11 Does not merit
TPO
12-15 TPO defensible
16+ Definitely merits
TPO

ADD SCORES FOR
TOTAL
22

Decision
MERITS TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 21/5/19

Surveyor: DAVID HEWITT

Tree details

TPO Ref (if applicable): MELLOR 2019

Tree/Group No: W1/2/3 Species: BROADLEAVED MIX

Owner (if known):

Location:

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--|--|
| <ul style="list-style-type: none"> 5) Good 3) Fair/satisfactory 1) Poor 0) Dead/dying/dangerous* | <ul style="list-style-type: none"> Highly suitable Suitable Unlikely to be suitable Unsuitable |
|--|--|

Score & Notes

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- | | |
|--|---|
| <ul style="list-style-type: none"> 5) 100+ 4) 40-100 2) 20-40 1) 10-20 0) <10* | <ul style="list-style-type: none"> Highly suitable Very suitable Suitable Just suitable Unsuitable |
|--|---|

Score & Notes

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|--|---|
| <ul style="list-style-type: none"> 5) Very large trees with some visibility, or prominent large trees 4) Large trees, or medium trees clearly visible to the public 3) Medium trees, or large trees with limited view only 2) Young, small, or medium/large trees visible only with difficulty 1) Trees not visible to the public, regardless of size | <ul style="list-style-type: none"> Highly suitable Suitable Suitable Barely suitable Probably unsuitable |
|--|---|

Score & Notes

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

Part 3: Decision guide

Any 0 Do not apply TPO
1-6 TPO indefensible
7-11 Does not merit TPO
12-15 TPO defensible
16+ Definitely merits TPO

Add Scores for Total

19

**Decision
MERITS TPO**

Form of Tree Preservation Order

Town and Country Planning Act 1990

The Rann Woodland, Off Saccary Lane, Mellor Tree Preservation Order 2019

The Ribble Valley Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Rann Woodland, Off Saccary Lane, Mellor Tree Preservation Order 2019.

Interpretation

2.— (1) In this Order “the authority” means the Ribble Valley Borough Council
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 29 day of March 2019

Signed on behalf of the Ribble Valley Borough Council



Mrs Nicola Hopkins Director of Economic Development and Planning Services
Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

-NONE-

Trees specified by reference to an area

(within a dotted black line on the map)

-NONE-

Groups of trees

(within a broken black line on the map)

-NONE-

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Trees (of whatever species) within the woodland marked W1 on map	To the West of Saccary Lane
W2	Trees (of whatever species) within the woodland marked W2 on map	To the West of Saccary Lane
W3	Trees (of whatever species) within the woodland marked W3 on map	To the West of Saccary Lane



TREE PRESERVATION ORDER NO./NOS. 7/19/3/212

LOCATION: Off Saccary Lane

PARISH: Mellor

**RIBBLE VALLEY BOROUGH COUNCIL
TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING (TREES) REGULATIONS 2012**

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For reference purposes only. No further copies may be made.

OS SHEET: SD6631NW

Scale 1:2500

Regulation 5 Notice

TO.
THE RANN,
SACCARY LANE,
MELLOR,
BB19DL.

**IMPORTANT – THIS COMMUNICATION MAY
AFFECT YOUR PROPERTY**



**Ribble Valley
Borough Council**

www.ribblevalley.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREE PRESERVATION)
(ENGLAND) REGULATIONS 2012

TREE PRESERVATION ORDER: The Rann Woodland, Off Saccary Lane , Mellor Tree
Preservation Order 2019
Ribble Valley Borough Council

THIS IS A FORMAL NOTICE to let you know that on 29 March 2019 we made the above
tree preservation order.

A copy of the order is enclosed. In simple terms, no one is allowed to cut down, top, lop or
uproot without our permission any of the trees described in the 1st Schedule of the order and
shown on the map.

Some information about tree preservation orders is in the enclosed leaflet, *Protected Trees:
A Guide to Tree Preservation Procedures*, produced by Communities and Local
Government.

The Council have made the order because there has been felling within the grant aided
community woodland. This has affected the amenity value of the woodlands and harmed
the development of the woodlands for the future generations.

The order came into force, on a temporary basis, on 29 March 2019, and will remain in force
for six months. During this time we will decide whether the order should be given permanent
status.

People affected by the order have a right to object or make comments on any of the trees or
woodlands covered before we decide whether the order should be made permanent.

If you would like to make any objections or comments, please make sure we receive them in
writing by 26 April 2019. Your comments must meet regulation 6 of the Town and Country
Planning (TREE PRESERVATION) (ENGLAND) Regulations 2012 (a copy is attached).
Please send your comments to the Countryside Officer, Planning Section, Council Offices,
Church Walk, Clitheroe, Lancashire, BB7 2RA. We will carefully consider all objections and
comments before deciding whether to make the order permanent.

We will write to you again when we have made our decision. In the meantime, if you would
like any more information or have any questions about this notice, please contact the
Countryside Officer, Planning Section, Ribble Valley Borough Council, Council Offices,
Church Walk, Clitheroe, Lancashire, BB7 2RA, tel: 01200 414 505.

COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Objections and representations

6. (1) *Subject to paragraph (2), objections and representations:*

(a) *shall be made in writing; and*

(i) *delivered to the authority not later than the date specified by them under regulation 5(2)(c); or*

(ii) *sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;*

(b) *shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and*

(c) *in the case of an objection, shall state the reasons for the objection.*

(2) *The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.*

FM & RA Hodge
 The Rann
 Saccary Lane
 Mellor
 BB19DL

David Hewitt/Alex Shutt
 RVBC Countryside Officers
 Planning Section
 Clitheroe



7th April 2019

Re: TPO The Rann Woodland

Dear Sir

We are writing to object to the imposition of a TPO on our woodland areas (W1 & W2) shown on the OS sheet: SD6631NW.

Today we had a very useful meeting with the Forestry Commission Officer, Mr Andy Bennett who apologized profusely for an error he has made in the advisory capacity to the council in relation to this TPO. He confirmed that the intention was **not** to impose a TPO on our woodland, but **only** the area marked W3 on the map. He of course will be communicating this to you himself.

He said that our woodland was exemplary in its high quality of management and therefore does not want to impose a TPO on our woodland area and therefore said he would be instructing you accordingly. Despite the fact that the concessionary path has expired (10 yrs), we have allowed the public to continue to enjoy our woodland area, which we and they regard as a precious community asset.

We fully understand and support the need to impose a TPO on the W3 area, which is owned by Mr Miah. Unfortunately he has repeatedly and continually sought to ignore and contravene Forestry Commission regulations. This has resulted in vandalism and devastation of the woodland area he owns as well as causing serious disturbance to wildlife. Additionally he has made no attempt to answer any concerns of neighbours. Furthermore, in attempting to close the concessionary footpath to the public, he has used very aggressive and threatening tactics and accusations, which have been deeply upsetting to us personally and our neighbours in the community who have enjoyed the access, the wildlife and the peace and beauty of a Ribble Valley woodland.

Yours faithfully


 Finlay Hodge



Rachel Hodge

Cc: Andy Bennett Forestry Commission

APPENDIX F



I write in reference to the TPO dated 29th March 2019 concerning Saccary Lane, Mellor Tree Preservation Order 2019. I am an interested party in this matter being the initial purchaser and the party who cleared an area to the entrance to the land of saplings. I write on behalf of my interest (being contractual in nature to the current owners) and on behalf of the current owners.

I note you have sought a TPO for the protection of area W3 (see enclosed map) as it 'is grant aided community woodland' and has 'affected the amenity value of the woodlands and harmed the development of the woodlands for the future generations'.

I understand this is a preliminary notice and seeks to ensure the protection of trees prior to the final order and I do understand the necessity for the provisional measure. However I do object to the final notice and make the following points:

1. The Rann is a community woodland but the land to the west concerning this objection is not. W3 on the plan is private land with no rights of access for the public or any other third parties. Hence the reason why it was sold at market value and not retained by the owners of The Rann. It is simply not true that the public have access to this land. It was completely fenced off and prominent signage was placed. Parts of the fence was vandalised as well as the signage. This will be replaced.
2. The land was purchased a few years ago on the understanding that the usage was a matter for the purchaser. The vendor, at that time, and his agents were made aware that there was a very real possibility that there would be some landscape changes to the land which would involve the removal of trees. This was communicated to the Forestry Commission who had no real objections where the trees cleared were limited in numbers (approximately 30).
3. When the land was purchased there was no TPO or any other form of restrictions on the land. The trees planted were relatively new and mostly young saplings. It was understood some of these could be removed legally and there would be no restrictions on the usage of the land subject to planning considerations. This was an attractive prospect for the purchase and was a key consideration when I purchased the land.
4. An area to the east of W3 was cleared to allow vehicle access and storage of farming machinery as well as activity equipments. This area is marked red on the plan. This was done in full compliance of the law and advice was sought from fully qualified individuals. Once again, there was no restrictions on the entire land marked W3 and in particular, the removal of very young saplings to the east of the land near to the entrance where there currently is no parking facility. The saplings were cleared over a year ago with no objections raised by any authorities.
5. Preparations have since been made to remove the debris and turn the soil in readiness for works, subject to planning considerations. This has been an expensive exercise and was always the intention from the outset. Of course there was no indication this would not be permitted and a TPO was likely. There was no indication the young saplings would attract a TPO. I enquired about the likelihood and researched the topic and concluded that it was extremely unlikely to attract a TPO where the saplings were very young.
6. The Forestry Commission received a complaint and they fully investigated the

removal of the saplings. I made it clear to them that the removal of the saplings was in compliance of their previous advice and compliance of the law because they were very young and below the measurement when they can be classified as trees. They had only been planted within the last 7 years or so. The Commission agreed that the felled trees fell within the legal definition of 'not trees' and were satisfied no law was broken. I have attached the communication as evidence.

7. Taking into account the land is private and not accessible by any third parties, felling was intended at the outset, there were no prohibition on the removal of any trees, there was no TPO on any trees, young saplings have been cleared from the entrance already and the Forestry Commission agreed the removal was not illegal, I believe I have acted in good faith in purchasing this land and clearing a specific area for access, storage, parking and a potential minor development.

8. The land in question has been the target of vandals over the years and has caused some concern to me and the current owners. The warning signs have been vandalised on a number of occasions and fences have been uprooted. There have been drug usage equipment discarded on the land and strong evidence the land is being used for countryside activities of a sexual nature with items also disregarded regularly all of which are of a health concern. For these reasons the current owners do not intend to permit access to the public now or in the future and the land remains strictly private. I am told signages will be continuously replaced.

9. I do not accept the land is a 'woodland' of significant importance for the amenity of the locality. It is a remote piece of land that is strictly private. Even before the signage was erected, very, very few dog walkers used the footpath. I can confirm that I have monitored the numbers in the past and I can confirm that approximately ten different individuals sought to walk along the footpath in any give week. That is the real numbers and so it cannot be said that it is of great usage or importance.

10. Some of the trees are so young that it cannot be termed as a 'woodland' at all. It may have had the potential to thrive in the future and become a woodland but on the date of the TPO the majority of trees were saplings. Is it fair to slap a TPO in this instance on the entire land?

11. TPO should not be assessed on whether the previous vendor received a grant or not. Simply receiving a grant does not entitle the area to be protected with a TPO. The receiving of the grant is a matter for the previous vendor and the parties to that agreement. Quite how that then warrants a TPO is baffling. With this reasoning every grant aided tree planting scheme would attract a TPO. That is not a valid criteria in law or policy. If it is, then that should be done as part of the grant to make clear that TPO's are part and parcel of grants awarded. I had not appreciated that grants would be a significant factor when considering TPO's and there is no guidance or policy identifying this to be the case. If I had known, I would not have purchased this land and then entered in to contractual agreements with third parties. I thought I could manoeuvre within the law impacting this land in order to increase its value and alter its usage. I had done so in a legal manner and have been fully compliant only to have a TPO, I say unfairly, slapped on this land. This has caused me a great deal of anxiety.

12. The land is not visible by the public from any public roads at all. I don't see how then it becomes of importance for the public amenity. The samplings were only planted within the last 7 years so how then is it a significant feature of the

landscape?

13. TPO made against the land is of the wrong category. There are mature trees and immature trees as well as groups of trees and an area to the entrance where all saplings have been removed. Simply designating the entire area under the TPO is not accurate and is unfair. Groups of trees should be identified as well as single trees rather than an entire area. This type of TPO is indeed very rare and unusual. I believe proper assessment and consideration has not been carried out and where it is said that it has, discretion can be accommodated in this instance.

14. Finally, given the contractual and financial commitments I am now committed to, I am prepared to compromise on this matter. I do appreciate the significance of nurturing an environment and allowing saplings to become trees and preserving trees in general, irrespective of whether the legal criteria for granting TPO is met or not. With this in mind, I would respectfully suggest that a revised mapping of the area of potential amenity significance. I am agreeable to the TPO remaining in large and even the category remaining as TPO woodland but only where it covers the actual area currently consisting of young trees and specifically excluding the area to the entrance coloured red where the area is clear of all plants and saplings. Further, there are a few single trees adjacent to the private road along the area now cleared of the saplings identified on the same and I am even agreeable to them having a single or group TPO to ensure their development and preservation.

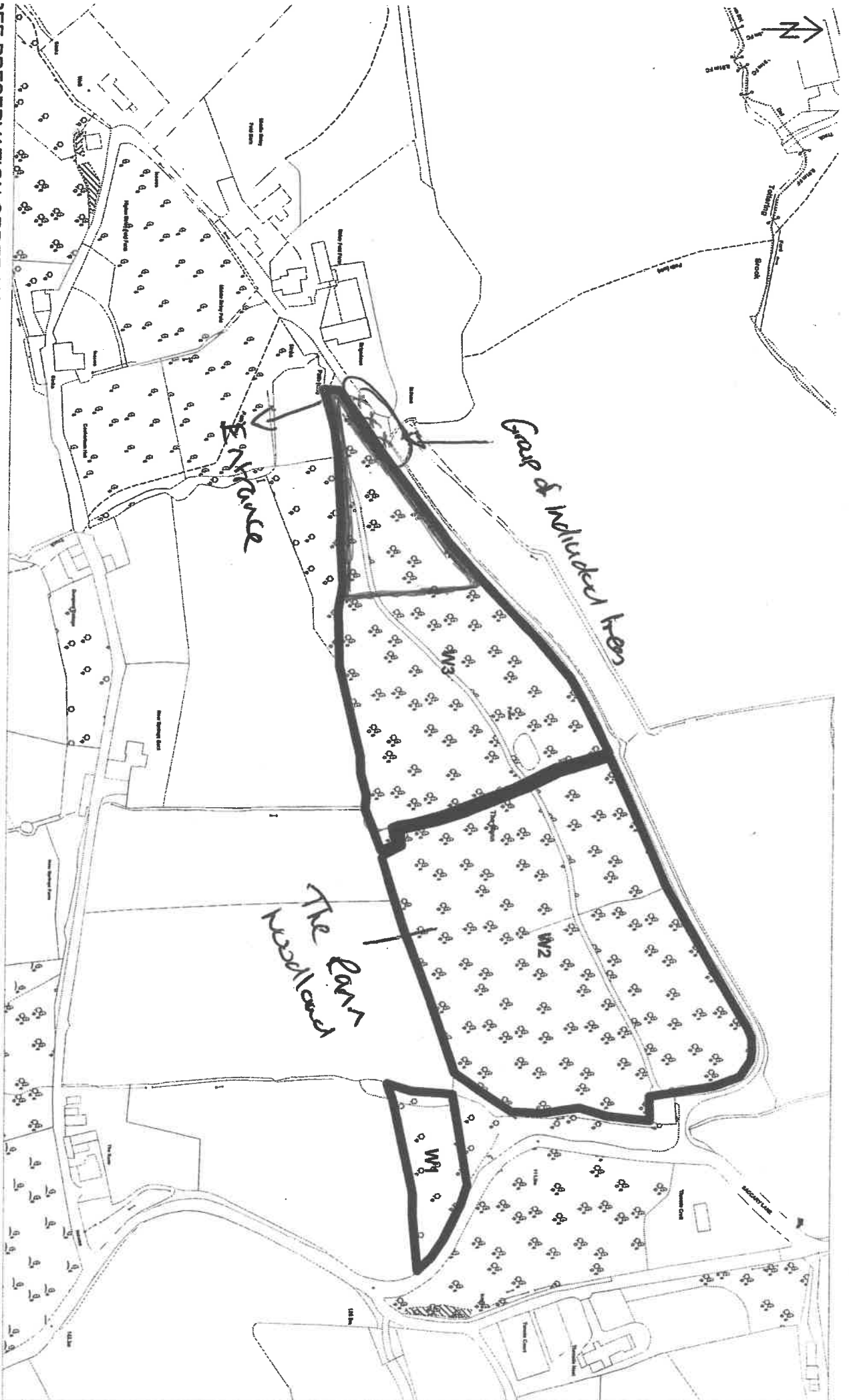
Ultimately, I do not agree with the TPO and where you do not accept this, I am agreeable to a revised TPO to exclude the current cleared area near to the entrance marked in red as a form of compromise.

I hope the above is acceptable and you are able to accommodate my above request.

Signed


H. Mah

29/03/19



FREE PRESERVATION ORDER NO./NOS. 7/19/3/212

LOCATION: Off Saccary Lane

PARISH: Mellor

RIBBLE VALLEY BOROUGH COUNCIL
 TOWN & COUNTRY PLANNING ACT 1990
 TOWN & COUNTRY PLANNING (TREES) REGULATIONS 2012

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OS SHEET: SD6631NW

Scale 1:2500

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 7

meeting date: THURSDAY, 1 AUGUST 2019
 title: FOREST OF BOWLAND AONB MANAGEMENT PLAN 2019-2024
 submitted by: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING
 principal author: DAVID HEWITT – COUNTRYSIDE OFFICER

1 PURPOSE

1.1 The purpose of this report is for Committee to agree the adoption of the Forest of Bowland AONB 2019-2024 Management Plan.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – The management plan makes the important connection between people and nature
- Corporate Priorities - The local planning authority has a duty to have regard to the conservation and enhancement of natural beauty as defined by and appropriate management of the Forest of Bowland AONB.
- Other Considerations - None

2 BACKGROUND

2.1 The Forest of Bowland was formerly designated an Area of Outstanding Natural Beauty (AONB) on 10 February 1964. The area was designated as a landscape of national significance due to a variety of factors including:

- Grandeur and isolation of the upland core
- Undulating lowlands
- Serenity and tranquillity of the area
- Wildlife of the area
- Historic landscape and cultural associations

2.2 The AONB is managed by a partnership of landowners, farmers, voluntary organisations, wildlife groups, recreation groups, local councils and government agencies. Representatives from these groups sit on the Forest of Bowland AONB Joint Advisory Committee (JAC).

2.3 The AONB unit is guided by the JAC. This is a partnership organisation made up of local authorities, national environmental agencies and local representatives from landowning and recreation interest groups.

2.4 The JAC is supported by a number of themed working groups that in turn assist in the delivery of the AONB Management Plan:

- landscape and biodiversity
- landscape management
- access and recreation
- climate change

- education
- sustainable tourism.

2.5 The Forest of Bowland AONB Management Plan describes the special qualities of the area that contributes to the national significance of the landscape. The Plan supersedes the previous Management plan and continues to identify the major trends and opportunities for the area and presents a vision for the Forest of Bowland AONB 2019-2024.

2.6 The document provides a policy framework and identifies a five-year programme of objectives to help guide the work of the AONB partnership organisation towards achieving the purpose of the plan. The objectives identify ways of working with:

- Landscape
- Biodiversity
- Geodiversity
- Planning and development

all of the objectives are designed to conserve and enhance an unspoilt and unique landscape of the highest quality.

2.7 The revised Forest of Bowland AONB Management Plan (2019 -2024) was approved by the JAC in February 2019 subject to any amendments arising from the final Environmental Report. The Management Plan must be adopted separately by each local authority and therefore remains as 'pre-adoption version' until adopted by all Local Authorities.

3 ISSUES

3.1 The key issues affecting the AONB are climate change, development pressure, pursuit of economic growth, demands for recreation and changes in agricultural practices.

3.2 The Council has a duty to cooperate with strategic partners including the Forest of Bowland AONB, elected Members and technical officers group as well as national and regional organisations and agencies, including Natural England and the RSPB for example to address these issues.

3.3 The objectives of the AONB Management Plan referred to in paragraph 2.6 are compliant with environmental protection and enhancement policies of the Council's Core Strategy and the National Planning Policy Framework.

3.4 The draft Management Plan has been the subject of public consultation between 26 November 2018 and 18 January 2019. The draft Management Plan was the product of a series of targeted consultation exercises and literature review. The AONB Unit received 20 formal responses from local authorities, statutory agencies, NGOs, voluntary and community organisations and individuals. As a result of the comments received amendments were made in relation to the vision, core principles and monitoring of the Plan.

3.5 The Management Plan has already been adopted by both Lancaster City Council and Wyre Borough Council as well as Lancashire County Council and North Yorkshire County Council.

4 CONCLUSION

- 4.1 The objectives and actions of the AONB Management Plan need to be guided by a long term goal or vision and the Management Plan demonstrates how the AONB Partnerships will continue to protect some of the finest landscapes in the northwest, cherished by residents and visitors alike.

5 RISK ASSESSMENT

- 5.1 The approval of this report may have the following implications:

- Resources – The Council’s countryside service will continue to play a role in the delivery of objectives included in the management plan
- Technical, Environmental and Legal – No implications identified.
- Political - No implications identified.
- Reputation – The Council’s reputation for protecting and enhancing the existing environmental quality for the area will be maintained.
- Equality & Diversity – No implications identified.

6 **RECOMMENDED THAT COMMITTEE**

- 6.1 That the Council adopt the Forest of Bowland AONB Management Plan (2019 – 2024).

DAVID HEWITT
COUNTRYSIDE OFFICER

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING

BACKGROUND PAPERS

Forest of Bowland AONB Management Plan 2019-2024 can be downloaded from:

www.forestofbowland.com/mgmtplanreview

For further information please ask for David Hewitt or Alex Shutt, extension 4505.

010819/P&D/DH/CMS

Forest of Bowland Area of Outstanding Natural Beauty Management Plan 2019 – 2024

(Pre-adoption version)

Prepared by the Forest of Bowland AONB Unit (May 2019)

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CHAIRMAN'S FOREWORD

It feels like a great privilege to have the opportunity to write the Chairman's foreword for the Forest of Bowland AONB Management Plan for a second time. Looking back over the previous plan period, the AONB Partnership has made great strides in developing the breadth, scope and ambition of its work, whether this has been landscape-scale habitat restoration, sustainable tourism development, support for high nature value farming or engaging more- and wider range of people in the outstanding nature and culture of the Forest of Bowland. What is most exciting is that much of this development we will now see coming to fruition with the delivery of the Management Plan over the next five years.

These five years also promise significant change for Designated Landscapes, as the UK leaves the European Union and the Government completes its review of the AONBs and National Parks. The Management Plan attempts to reflect these anticipated changes, offering flexibility alongside a clear focus on delivering the Plan vision and objectives.

Finally, thanks must go to the AONB partner organisations, local communities, interest groups and all the members of the public who have engaged in the review process for the Management Plan. These contributions have been invaluable in shaping the Plan, helping to ensure it represents the shared ambition of all those who cherish our outstanding landscape.

County Councillor Albert Atkinson

Chairman of the Forest of Bowland AONB Joint Advisory Committee

MINISTERIAL FOREWORD

I am fortunate that England's Areas of Outstanding Natural Beauty are part of my Ministerial responsibilities. Whether it be rolling hills, sweeping coastline or a tranquil village, spending time in an AONB can stir the heart and lift the spirit.

This is a pivotal moment for all AONBs. The Government has set its ambition in the 25 Year Environment Plan which states clearly the importance of natural beauty as part of our green future, while AONBs retain the highest status of protection for landscape through national planning policy. Leaving the EU brings with it an opportunity to develop a better system for supporting our farmers and land managers, who play such a vital role as stewards of the landscape. And the Review of National Parks and Areas of Outstanding Natural Beauty led by Julian Glover - the first of its kind for generations - will make recommendations to make sure our designated landscapes can flourish in the years ahead.

In my visits to AONBs around the country, I have been struck by the passion of many people - farmers, volunteers, and hard-working staff - for the beautiful places they live and work. In this spirit I am delighted to welcome publication of this Statutory Management Plan for the Forest of Bowland AONB. It is significant that this plan will be delivered in partnership by those who value the Forest of Bowland. I would like to thank all those involved in preparation of this document, and wish you the best of success in bringing it to fruition.

Lord Gardiner of Kimble

Parliamentary Under Secretary of State for Rural Affairs and Biosecurity

INTRODUCTION

The Forest of Bowland Area of Outstanding Natural Beauty (AONB) is one of England's finest landscapes and is internationally important area for its heather moorland, blanket bog and rare upland birds. The AONB is managed by a partnership of local councils, government agencies, landowners, farmers, local businesses and wildlife and recreation interest groups, who work to conserve and enhance the natural beauty of this special landscape.

The purpose of the AONB Management Plan is to provide a positive and pro-active management framework for the AONB Partnership; highlighting the special qualities of the designated area, the importance of the relevant landscape features and identifying those features which are vulnerable to change. The Plan also seeks to outline an integrated vision for the future of the AONB; alongside objectives and actions for delivery by the AONB Partnership, based on a high level of shared aspirations for the area.

The Forest of Bowland AONB is situated in North West England, covering 803 square kilometres of countryside in the counties of Lancashire (730 sq.km) and North Yorkshire (73 sq.km). The area is bounded to the north and south by the Rivers Lune and Ribble respectively. To the west is the Fylde plain, while the eastern side of the AONB boundary matches the Yorkshire Dales National Park for a short distance, with Ribblesdale bordering the remainder. On its south-eastern edge, Pendle Hill (557m) forms a discrete landscape feature, which is geologically linked to the rest of the AONB, but separated from the main area by the Ribble valley. The Rivers Brock, Calder, Conder, Hindburn, Hodder, Loud, Roeburn, Wenning and Wyre all originate in the upland core of the Bowland Fells. The highest point of this upland core being Ward's Stone at 561m (or 1,841ft.), alongside other notable landmarks such as Fairsnape Fell at 510m and Hawthornthwaite Fell at 479m.

The AONB lacks large settlements and has an estimated population of approximately 16,000 people. Its boundaries include parts of six district council areas, namely: Craven, Lancaster, Pendle, Preston, Ribble Valley and Wyre. The urban centres of Preston, Lancaster, Blackburn, Blackpool and Burnley are in close proximity to the AONB, with over one million people living within a 30-minute journey of the area. Furthermore, the AONB is within a 90-minute journey from the major conurbations of Liverpool, Manchester and Leeds.

To discover more about the AONB visit: <https://forestofbowland.com/Understanding>

What is an AONB?

An Area of Outstanding Natural Beauty (AONB) is a special landscape whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them.

The 46 Areas of Outstanding Natural Beauty (AONBs) in England, Wales and Northern Ireland cover approximately 1/8th of the land surface.

The distinctive character and natural beauty of AONBs make them some of the most special and cherished places in England. AONBs are also living, working landscapes that contribute some £16bn every year to the national economy. Although home to less than half a million people (under 2% of England's population), over two thirds of England's population live within half an hour's drive of an AONB and around 150 million people visit English AONBs every year, spending in excess of £2bn.

Together with National Parks, AONBs represent our most outstanding landscapes; unique and irreplaceable national assets, each with such distinctive character and natural beauty that they are recognised internationally as part of the global Protected Areas Family (IUCN Category 5); to be managed in the interest of everyone – local residents, businesses, visitors, and the wider public - and protected for future generations.

The Legislative Framework for AONBs

AONBs exist within a legal framework which has been progressively strengthened since the first AONBs came into existence after the Second World War.

The National Parks and Access to the Countryside Act (1949) first established the AONB designation, provided AONBs with protection under planning law against inappropriate development and gave local authorities permissive powers to take action for '*preserving and enhancing natural beauty*' in them. Since the first AONBs came into existence in the 1950s, the legal framework has been progressively strengthened under the following Government legislation, including the Countryside Act (1968), the Environment Act (1995), the Countryside and Rights of Way Act (2000) and the Natural Environment and Communities Act (2006).

Perhaps paramount within this legislative framework is the Countryside and Rights of Way Act (2000). This subsumed and strengthened the AONB provisions of the 1949 Act. It confirmed the purpose and significance of AONBs, clarified the procedure for their designation, and created a firm legislative basis for their designation, protection and management. In particular

- Section 82 reaffirmed the primary purpose of AONBs: to conserve and enhance natural beauty;
- Section 83 established the procedure for designating or revising the boundaries of an AONB, including Natural England's duty to consult with local authorities and to facilitate public engagement;
- Section 84 confirmed the powers of a local authorities to take '*all such action as appears to them expedient*' to conserve and enhance the natural beauty of an AONB, and sets consultation and advice on development planning and on public access on the same basis as National Parks in the 1949 Act;
- Section 85 placed a statutory duty on all 'relevant authorities' to '*have regard to the purpose of conserving and enhancing the natural beauty*' of AONBs when coming to any decisions or carrying out activities relating to or affecting land within these areas. 'Relevant authorities' include all public bodies (including county, borough, district, parish and community councils, joint planning boards and other statutory committees); statutory undertakers (such as energy and water utilities, licensed telecommunications companies, nationalised companies such as Network Rail and other

bodies established under statute responsible for railways, roads and canals); government ministers and civil servants. Activities and developments outside the boundaries of AONBs that have an impact within the designated area are also covered by the 'duty of regard';

- Sections 86 to 88 allows for the establishment in an AONB of a Conservation Board to which the AONB functions of the local authority (including development planning) can be transferred. Conservation Boards have the additional but secondary function of seeking to increase public understanding and enjoyment of the AONB's special qualities. They also have an obligation to '*seek to foster the economic and social well-being of local communities*' in co-operation with local authorities and other public bodies;
- Sections 89 and 90 create a statutory duty on all AONB partnerships (local authorities and Conservation Boards) to prepare a Management Plan '*which formulates their policy for the management of their area of outstanding natural beauty and for the carrying out of their functions in relation to it*', and thereafter to review adopted and published Plans at intervals of not more than five years. Where an AONB involves more than one local authority they are required to do this '*acting jointly*';
- Section 92 makes clear that the conservation of natural beauty includes the conservation of '*flora, fauna and geological and physiographical features*.'

The International Context

IUCN Protected Areas

English AONBs are part of the international Protected Area Family. As cultural landscapes, produced through the interaction of humans with nature over time, they have a special significance (together with UK National Parks) as being recognised by the International Union for the Conservation of Nature (IUCN) as '*Category V - Protected Landscapes*'.

Category V Protected Landscapes are defined by IUCN as: '*A protected area where the interaction of people and nature over time has produced an area of distinct character with significant ecological, biological, cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values.*'

European Landscape Convention

The European Landscape Convention (ELC) is the first international convention to focus specifically on landscape. Created by the Council of Europe, the convention promotes landscape protection, management and planning, and European co-operation on landscape issues. The ELC came into force in the UK on 1 March 2007. It applies to all landscapes, towns and villages, as well as open countryside, the coast and inland areas, and ordinary or even degraded landscapes, as well as those that are afforded protection.

The ELC defines landscape as: *“An area as perceived by people, whose character is the result of the action and interaction of natural and/or human factors”* (Council of Europe 2000). It highlights the importance of developing landscape policies dedicated to the protection and management of landscapes and establishing procedures for the general public and other stakeholders to participate in policy creation and implementation.

Responsibility for AONBs

The formal legal responsibility for both planning and development and for management of AONBs (including the duty to prepare an AONB Management Plan) lies with the local authorities in whose area(s) the AONB exists. In addition, the duty, for all public bodies and statutory undertakers, to ‘have regard’ places an obligation on a wide range of organisations not just to consider any detrimental impacts of their policies and activities outside as well as within the boundaries of any AONB, but to consider positively how they might benefit the AONBs special qualities.

What is ‘natural beauty’?

‘Natural Beauty’ is not just an aesthetic concept, and ‘Landscape’ means more than just ‘scenery’. The natural beauty of AONBs is partly due to nature, and is partly the product of many centuries of human modification of ‘natural’ features. Landscape encompasses everything – ‘natural’ and human – that makes an area distinctive: geology, climate, soil, plants, animals, communities, archaeology, buildings, the people who live in it, past and present, and perceptions of those who visit it.

Landscapes are a product of constant change, including those designated due to their ‘natural beauty’. The purposes of AONB designation reflect this process of change, encouraging activities that conserve and enhance the special qualities of the area and minimising activities that present a threat to the unique character of the landscape.

The term ‘natural beauty’ first gained currency in a legislative context in a 1907 Act, which gave legal status to the National Trust (‘for Places of Historic Interest and Natural Beauty’). It has been the basis for the designation of both AONBs and National Parks since the National Parks and Access to the Countryside Act 1949.

Under the Countryside and Rights of Way Act 2000, the Government confirmed that AONBs and National Parks are of equal status with regard to landscape quality and that they share the same level of protection. In the same year, the CROW Act formally stated that natural beauty includes conservation of *‘flora, fauna and geological and physiographical features.’*

WHY IS THE FOREST OF BOWLAND AONB SPECIAL?

The Forest of Bowland was formally designated an Area of Outstanding Natural Beauty (AONB) by Government on 10th February 1964. The area was designated as a landscape of national significance, primarily, due to the following key characteristics:

- The grandeur and isolation of the upland core
- The steep escarpments of the moorland hills
- The undulating lowlands
- The serenity and tranquillity of the area
- The distinctive pattern of settlements
- The wildlife of the area
- The landscape's historic and cultural associations

Natural beauty is at the heart of what makes the Forest of Bowland AONB special: it is the reason the Bowland landscape is designated for its national and international importance; and of course, it's also a key factor in attracting visitors. This natural beauty is derived from the area's largely unspoilt countryside, combined with a number special qualities that contribute to the area's unique character or 'sense of place'. The special qualities of the Forest of Bowland AONB are numerous and varied, but in general terms they can be summarised as follows:

1. An Outstanding Landscape
2. Wild Open Spaces
3. A Special Place for Wildlife
4. A Landscape Rich in Heritage
5. A Living Landscape
6. Delicious Local Food and Drink
7. A Place to Enjoy and Keep Special

Most of these special qualities were identified as part of work undertaken in the mid-2000s exploring the AONB's 'sense of place' - that being the area's unique feel and appearance, or what constitutes the area's identity and makes it different from neighbouring areas. The headings are not intended to be exclusive or exhaustive - rather, they provide a framework by which the distinctive and special qualities of the AONB can be understood and communicated among relevant stakeholders, including visitors.

An Outstanding Landscape

The Forest of Bowland is an outstanding landscape and has been designated as an AONB due its national significance. The high quality and outstanding natural beauty of the landscape sets the AONB apart from the wider countryside and is the reason for its designation.

The area can be characterised as a complex interplay of many different landscape types, all intrinsic to its overall landscape character; from the dominant and wide open, moorland vistas of the high fells, to the more subtle, but no less important, lower-lying landscapes such as the rolling, pastoral farmland, woodlands, parkland, reservoirs, river valleys and floodplains. The area's distinctive character is determined not simply by the presence of particular natural elements or their rarity value, but also by the way in which they combine to form a mosaic of landscape types and reflect a rich history and cultural heritage.

Wild Open Spaces

Over one third of the AONB is moorland, making up the wild open spaces and remoteness that are so characteristic of the Forest of Bowland; a truly unique quality of the area and core to the AONB's identity, as well as one of the principal reasons that the Forest of Bowland was designated.

Across much of the AONB the landscape appears largely treeless, yet historically the fells were once cloaked in woodland and through a combination of changes in climate and woodland clearances by Bronze Age farmers they have become largely treeless today. The resulting open views and fells give the impression that this is a wilderness, an untouched natural landscape, but it is in fact the result of many human influences. Today, the predominant land uses for these upland areas are sheep and beef farming enterprises, alongside management of moorland for grouse shooting.

The fells are largely intact and extensive in area, crossed by only a few minor, unfenced roads. The Trough of Bowland is perhaps the most famous, following a narrow valley that once carried melting ice from the glaciers covering the fell tops.

A Special Place for Wildlife

The Forest of Bowland AONB supports many important habitats and species, which contribute significantly to the area's landscape character and 'sense of place'.

The Bowland fells support rare and endangered species associated with a very rare mosaic of upland habitats comprising over 12,500 ha. of blanket bog and almost 9,000 ha. of upland heath. At lower levels the ancient woodlands contain an array of colourful flowers; whilst the few remaining traditionally managed pastures and meadows are an oasis for wildflowers and insects. A myriad of rivers and smaller watercourses provide habitats for salmon, brown and sea trout, as well as birds such as kingfisher, dipper, grey wagtail, common sandpiper and oystercatcher. Otters are also present along several of the rivers in Bowland.

Other attractive features are more unlikely such as roadside verges and more recently formed sites, such as reservoirs and old quarries, providing new refuges for wildlife. Similarly, the quarries and rock exposures reveal important geodiversity.

Bowland is an internationally important area for conservation. Nearly one fifth of the AONB is designated as the Bowland Fells Special Protection Area (under the European Birds Directive) for hen harrier and merlin. The fells are also home to one of the country's largest colonies of lesser black-backed gulls. The Forest of Bowland also contains two Special Areas of Conservation (Calf Hill and Cragg Wood & North Pennine Dales Meadows) and 20% of the land area is designated as Sites of Special Scientific Interest (SSSI) under UK legislation.

In addition, there are 456 local wildlife sites covering around 10% of the AONB, which form part of a national network of non-statutory designated sites that are recognised for their ecological value. In the Lancashire part of the AONB, they are called Biological Heritage Sites (BHS); whilst in the North Yorkshire part of the AONB they are known as Sites of Importance for Nature Conservation (SINC).

This flora and fauna of the area provide a significant attraction for visitors to the AONB – wildlife enthusiasts visit Bowland to catch a glimpse of the rare hen harrier, the area's iconic bird of prey, which breeds in only a few other places in England. Or to see the wading birds that arrive in spring to nest and rear their young on the open farmland and areas of rough grazing, such as lapwing, snipe, curlew and redshank.

A Landscape Rich in Heritage

In the Forest of Bowland AONB, the past exists very much in the present. It is the subtle interplay between the fascinating physical remains of the past, often sublime landscape patterns, and the mysteries of the essentially unknowable, that gives the AONB's archaeological and historic landscapes their much appreciated and yet often intangible special qualities.

Visually the predominant historic patterns which are readily perceived in the Bowland landscape are medieval in date, demonstrating remarkably strong continuity in landownership, community and management over the centuries. This manifests in present day land uses such as expanses of open moorland or contrasting small stone walled pastures, as well as the distribution and form of settlement, local vernacular and place names. For example, the word 'Bu' (in 'Bolland' or Bowland) is Old Norse for cattle, and 'Pen' in Pendle means hill.

There is evident contrast in the villages in Bowland – some are typical estate villages while others are more haphazard farming settlements or industrial hamlets. The large country estates had a controlling and significant influence over the nature of building and development within the AONB in the past. For example the private estates were responsible for building the distinctive villages of Slaidburn, Downham and Abbeystead, which are valued for their intactness, strong physical form and characteristic vernacular architecture.

There are notable grand halls, parks and houses at Browsholme, Leagram and Quernmore. Remains of motte and bailey castles can be found in the Lune Valley and the ruins of a Cistercian abbey are preserved at Sawley.

Overall, the area holds almost 900 listed buildings and designated heritage assets (818 Listed Buildings, 48 Grade I and II* Listed Buildings, 20 Scheduled Monuments and one Registered Park and Garden), of which none are currently on Historic England's 'Heritage at Risk' register. Collectively these historic and cultural elements of the environment serve to enrich the landscape's scenic quality, meaning and value.

A Living Landscape

The landscape of the Forest of Bowland has been managed by generations of farmers and landowners. Sheep and beef farming dominate the upland areas, while dairy farming remains a significant land use in the valleys.

In the past some land management practices have caused damage to important wildlife areas and/or landscape features – for example, the draining of moorland and meadows has caused a loss of species; and the fertilising and early harvesting of meadows has reduced the number of wildflowers. Today, however, stronger regulations are in place to help ensure that land management can improve habitats for wildlife, and management of features such as hedgerows and stone walls, rather than causing damage. Some farmers and land managers in Bowland have also become much more environmentally aware over the last 30 years and operate within agri-environment support schemes to conserve and enhance habitats for wildlife and manage important landscape features on their land. Some farmers have also adopted more sustainable and efficient farming practices, whilst remaining sympathetic to the environment; particularly through initiatives such as Natural England's Catchment Sensitive Farming.

Extensive areas of moorland are managed specifically for grouse shooting. Management can include predator control and annual heather burning to help maintain the heather moorland and red grouse populations. Much of Bowland's upland core also provides water for thousands of homes and businesses in Lancashire and the North West of England. The water utility company, United Utilities owns and manages significant landholdings within the AONB as water catchment land. In recent decades, they and other moorland estates have been working with the AONB Partnership and other conservation partners to help restore and manage important blanket bog and other moorland habitats across the Bowland Fells.

Many village communities were once reliant on manufacturing (such as cheese making), as well as local industry associated with lead mining and lime production. Nowadays, however, communities rely on a greater diversity of activities, in particular employment within the tourism sector.

Delicious Local Food and Drink

Delicious local food and drink is a special quality of the Forest of Bowland AONB - not only because it supports the economy, but also because it is an important factor in the area's unique sense of place. The traditional farming methods have helped to shape the AONB's landscape over time, including areas of rough grazing and open moorland, patterns of pastoral fields enclosed by distinctive dry stone-walls and hedgerows, farmsteads, barns and working villages. The complexity of this landscape provides for a wide variety of farm production systems. This complexity is reflected in the local food offer.

As you would expect in a sheep and beef farming area, you can find delicious local lamb and beef, as well as pork and even wild boar. The area also offers classic and modern varieties of Lancashire cheeses, milk and ice cream and supports several organic farms and market gardens. There are also several farmers' markets around Bowland where you can meet the producers and taste and buy their local produce. By supporting those farmers who

choose high nature value farming, whilst continuing to produce food, the AONB aims to help protect the Bowland landscape for this and future generations.

A Place to Enjoy and Keep Special

The purpose of AONB designation is to conserve and enhance the natural beauty of the area, whilst having regard to the social and economic needs of the landowners, farmers and communities. The AONB also has a responsibility to meet the demands for recreation and tourism, but only if this is consistent with protecting the natural beauty of the area. It is for this reason that the AONB Partnership has promoted the concept of sustainable tourism within the Forest of Bowland: tourism that is dependent upon the area's environment, and which seeks to conserve and enhance that environment, not detract from it.

The AONB is a popular visitor destination for the surrounding urban settlements of Lancashire, Greater Manchester, Merseyside and West Yorkshire. Its relatively 'undiscovered' character is highly valued and generates loyalty amongst local people, day visitors and increasingly staying visitors. It is the combination of open moorland, and the ever-changing geography along the lower lying river valleys that not only gives the area its very own character, but also makes it a great destination for walkers, cyclists and wildlife enthusiasts. Although walking is the main activity pursued within the area, there are opportunities to enjoy other activities such as mountain biking, horse riding, fishing, canoeing, gliding and paragliding.

Over recent years, the AONB Partnership has led the way in helping to develop sustainable tourism that takes account of its current and future economic, social and environmental impacts.

THE AONB PARTNERSHIP

Much of the land in the Forest of Bowland AONB is privately owned and primarily used for farming, game shooting and water supply. Nevertheless, the use of the area for recreation and tourism has become increasingly important over recent decades. The co-operation of those involved in land management, tourism and development management is therefore vital to the successful management of the AONB.

Joint Advisory Committee (JAC)

Delivery of the AONB Management Plan is encouraged through effective partnership working, rather than through enforcement. Since it was constituted in 1986, the Joint Advisory Committee (JAC) has been responsible for strategic liaison and decision-making between the wide range of partner organisations and interests within the AONB.

The AONB JAC objectives are to:

- Protect, conserve and enhance the natural and cultural heritage of the Forest of Bowland AONB
- Promote the sustainable social and economic development of the area, particularly where such activity conserves and enhances the environment
- Encourage enjoyment of the area where it is consistent with the first two objectives

The current JAC membership comprises the following organisations:

- Lancashire County Council
- North Yorkshire County Council
- Craven District Council
- Lancaster City Council
- Pendle Borough Council

- Preston City Council
- Ribble Valley Borough Council
- Wyre Council
- Lancashire Association of Local Councils (*representing Parish Councils*)
- Yorkshire Local Councils Association (*representing Parish Councils*)
- Natural England
- United Utilities plc
- Environment Agency
- Royal Society for the Protection of Birds
- Ramblers Association
- Moorland Association
- Bowland Land Managers Forum
- Bowland Sustainable Tourism Network
- Champion Bowland (*A registered charity, supporting the aims and objectives of the AONB*)
- Friends of Bowland (*'Friends' group to support volunteering in the AONB*)

AONB Unit

The Forest of Bowland AONB benefits from dedicated staff, who are responsible for co-ordinating and delivering many AONB projects and activities which make a significant contribution to the delivery of the AONB Management Plan. This dedicated staff team is known collectively as the AONB Unit. The responsibility of the AONB Unit includes:

- Coordination and management of the AONB Partnership and the review of the AONB Management Plan
- Develop and manage key projects and activities to support delivery of the AONB Management Plan
- Raise funds to support the delivery of the AONB Management Plan
- Raise awareness about the importance of the AONB

- Working closely with local communities and businesses to increase involvement in the work of the AONB Partnership

The AONB Unit produces a rolling three-year business plan (agreed by the AONB Joint Advisory Committee) with detailed objectives and actions to guide the Unit's day-to-day activities.

Partnership Funders Group (PFG)

A Partnership Funders Group (PFG) primarily comprises officers from the key funding partners (local authorities, United Utilities, Natural England and the Environment Agency), which meets quarterly to help guide the work of the AONB Unit. The PFG considers key Partnership policy and budget issues, and also provides technical and professional advice and assistance to the JAC in fulfilling its obligations.

Other Partnership support

The AONB also benefits from other, additional personnel who work in support of the AONB Partnership. These include:

- Staff and volunteer rangers from both Lancashire Countryside Service and Wyre Coast and Countryside Service working in the AONB. These services focus primarily on access and visitor management in the AONB's gateways, country parks and other "honeypot" sites
- Parish Lengthsman Schemes (supported by the AONB Partnership) operate within the parishes of Barley-w-Wheatley Booth, Blacko, Bolton-by-Bowland and Gisburn Forest, Downham, Goldshaw Booth, Higham-w-West Close Booth, Lawkland, Newton-in-Bowland, Pendleton, Roughlee Booth, Sabden, Sawley and Wiswell. The parish lengthsman carry out small-scale environmental improvement and maintenance tasks on behalf of, and working with, the local community
- Other key AONB partner organisations involved in the delivery of Management Plan actions including Natural England; the Environment Agency; United Utilities; the Wildlife Trust for Lancashire, Manchester & North Merseyside; RSPB; Rivers Trusts, landowners and farmers; tourism businesses; community and voluntary groups and parish councils

SUCCESSSES AND ACHIEVEMENTS (2014 – 2019)

INSERT INFOGRAPHIC

- Over £3million invested in the AONB, including £1.5million external funds
- Major landscape-scale programme, the Pendle Hill Landscape Partnership, supported by the National Lottery Heritage Fund
- 12 Champion Bowland fundraising initiatives supported by the AONB Unit
- 196 hectares of peatland habitat restored
- 66 hectares of species-rich grassland habitat restored
- 11.7km of overhead power lines undergrounded
- 4km of traditional boundaries created and restored
- 35 promoted walk routes managed and maintained
- 5 dementia-friendly and easy access trails developed, managed or maintained
- 7,500 attendances at Festival Bowland events
- Over 120 farmers advised and supported to carry out high nature value farming
- 70 tourism-related business members of the Bowland Sustainable Tourism Network
- Over 200 business attendees at sustainable tourism training and networking events

DEVELOPMENT OF THE MANAGEMENT PLAN

The purpose of the plan

As a nationally important landscape, the Forest of Bowland AONB experiences a variety of management pressures on its landscape, such as changing demands on agricultural land, telecommunication and energy infrastructure, tourism facilities and the need to develop a sustainable rural economy. The Forest of Bowland AONB Management Plan seeks to provide a strategic context within which the problems and opportunities that these pressures present are addressed and guided in a way that safeguards the national importance of this special landscape.

The purpose of the Forest of Bowland AONB Management Plan is to provide a positive and pro-active management framework; highlighting the special qualities of the designated area, the importance of the relevant landscape features and identifying those features which are vulnerable to change.

The Management Plan outlines an integrated vision for future development of the AONB, based on a high level of shared aspirations for the area, taking into account relevant international, national, regional and local policies. It presents objectives specific to the AONB that will enable this vision to be pursued effectively and allocates responsibility for each objective and related actions to relevant partners.

All Management Plan objectives also have regard to the external context of the AONB - that is to say objectives are not solely 'inward looking' and wherever possible aim to take account of the relevant landscapes, communities and key issues outside of the AONB boundary.

Core principles

A number of core principles underpin the Management Plan:

Supporting sustainable land management

Farmers and land managers have played a significant role in creating the landscape as we see it today and are continuing to maintain many of its special qualities. Supporting the retention of viable and sustainable farming and active woodland management, maintaining the rural economy and retaining traditional rural skills are vital factors in keeping the area special.

Sustainable development

This means ensuring that development is sound in environmental, social and economic terms, without compromising the ability of future generations to do the same. Within a nationally protected landscape such as the AONB, the landscape and special qualities must be given special consideration in order to achieve sustainable development.

Landscape change

Change in the landscape is inevitable and need not be unwelcome. In the context of AONB designation and the conservation and enhancement of natural beauty, the challenge is to manage change in an integrated way, so that it can make a positive contribution both to the social and economic needs of local communities and to the natural beauty and special qualities of the landscape.

Adopting a natural capital and ecosystems approach

By bringing together the three principles of the 'ecosystems approach', we can ensure that the benefits we derive from the natural environment (ecosystem services) are safeguarded and enhanced. The principles are:

- The natural systems that operate within the AONB are complex and dynamic, and their healthy functioning should not be taken for granted
- Those that live and work in and visit the AONB benefit from services provided by the natural environment. These services underpin social and economic wellbeing and have a value – both monetary and non-monetary

- Those that benefit from the services provided by the AONB and those who are involved in the management of them should play a central role in making decisions about them.

Using the ecosystem approach is how the AONB Partnership will work to deliver ‘bigger, better and more joined up’ biodiversity, with greater ecological connectivity and enhanced landscapes that benefit wildlife and people.

Climate change adaptation and mitigation

In responding to climate change, there is a need to understand and adapt to the impacts this change is likely to have on the landscape and to seek ways in which carbon emissions can be reduced. Ensuring that adaptation and mitigation measures do not adversely affect natural beauty and maximising opportunities to improve landscape resilience, such as improving habitat condition and enhancing connectivity are a priority.

How the draft plan was produced

The first Management Plan for the AONB was published in 1995 and the first statutory plan was published in 2004. This draft revised Management Plan 2019 -2024 was published in March 2019. The draft revised Plan is the product of a series of targeted consultation exercises, together with a literature review.

Consultation

Whilst the Management Plan has been reviewed at a time of more limited resources, the AONB Partnership remains committed to offering community involvement and stakeholder engagement in the Review process.

Consultation during the Review process has been carried out both online (via public survey, emails, press releases and social media), face-to-face meetings and correspondence with key AONB partners and formal consultation. Summary reports have been produced and published on the AONB website, documenting comments received during the various stages of consultation during the Review process.

Literature review

The revised Management Plan incorporates the results of a literature review of relevant plans, strategies and policies, and has sought to integrate these

where appropriate. The literature review and subsequent review of the Management Plan was undertaken by the AONB Unit. See Appendix 1 for a list of documents included in the literature review.

The important focus of the AONB Management Plan - and what differentiates it from these other plans and strategies - is its purpose of namely to conserving and enhancing the natural beauty of the Forest of Bowland. However, the AONB Partnership recognises that this can only be achieved by complementing other partners' plans and strategies within the context of the AONB as a whole.

Assessments

The revised Management Plan has been the subject of a Strategic Environment Assessment (SEA) and screening for the Habitats Regulations. An Environmental Report (for the SEA process) has been produced and consulted upon. In addition, a screening report for the Habitat Regulation Assessment has been produced in consultation with Natural England, the statutory consultee for Habitat Regulations Assessment

POLICY CONTEXT FOR THE MANAGEMENT PLAN

The Government's 25 Year Environment Plan

In January 2018, the Government published 'A Green Future: Our 25 Year Environment Plan for the Future'. The Plan sets out the Government's goals for improving the environment, within a generation, and leaving it in a better state than we found it. The Plan forms the culmination of over two years of work and consultation with environmental bodies, including close work with AONB Partnerships via the National Association for AONBs.

The Plan refers specifically to AONBs in Chapter 2 under 'Recovering nature and enhancing the beauty of landscapes', in which it states:

"...the creation of designated landscapes – which also include Areas of Outstanding Natural Beauty AONBs – has been among the outstanding environmental achievements of the past 100 years. They provide a patchwork of stunning, and protected, landscapes. In England, a quarter of our landscape is designated in this way, around 10% as National Parks and 15% as AONBs. We will make sure they continue to be conserved and enhanced, while recognising that they are living landscapes that support rural communities."

Under Section 2 'Conserving and enhancing natural beauty', the Plan also states that:

"Over the next 25 years we want to make sure they [AONBs and National Parks] are not only conserved but enhanced. Many of the policies set out in the rest of the Plan will contribute to making all areas more beautiful..."

Furthermore, the Plan then outlines two specific actions the Government wishes to undertake in relation to AONBs and National Parks, firstly to commission a '21st Century Hobhouse' Review of AONBs and National Parks and secondly, to work with and AONB Partnerships and Conservation Boards and National Park Authorities to deliver environmental enhancement, including through demonstrator projects, and engaging with communities through their statutory management plans.

The UK's National Parks and AONBs were created by an Act of Parliament in 1949, following the government's 1947 Hobhouse Report, which remains the basis for most protected landscape designation in England today. Now, 70 years on, the Government has commissioned a review for the 21st Century. The Review, which will complete in autumn 2019, considers coverage of designations, how designated areas deliver their responsibilities, how designated areas are financed, and whether there is scope for expansion. It will also consider opportunities to enhance the environment in existing designations, and expand on the existing plans to connect more people with the natural environment.

Various other actions outlined in the Plan to improve the environment and people's connection with nature are also particularly relevant to AONBs, which include: designing and delivering a new Environmental Land Management Scheme; expanding the use of natural flood management solutions; developing a 'Nature Recovery Network' and connecting people with the environment to improve health and well-being. The objectives and actions outlined in the Management Plan will aim to contribute towards the delivery of these actions.

Natural Capital and Ecosystem Services

Natural capital assets are the elements of the natural world from which flow a series of services (or benefits) to society. For example, woodland, species rich grassland, wetlands, peatland and other soils are all aspects of natural capital, whilst carbon storage, clean air and water and opportunities for recreation are some of the ecosystem services which flow from them. These services are also influenced by financial and social capital, but at their root is the natural capital that makes their delivery possible.

The special qualities and natural capital assets of the Forest of Bowland AONB landscape provide a wide range of ecosystem services:

- The AONB supports significant wild species diversity, most notably its blanket bog, species-rich meadows, wet grassland, ancient woodlands and hedgerows. This complex mosaic of habitats provide a rich ecological network. The area is important for breeding birds, especially upland species including hen harrier, peregrine, merlin and ring ouzel; and waders such as lapwing, curlew, redshank and snipe.
- AONB farmers produce predominantly extensive beef and sheep on the fells with more intensive beef, sheep and dairy farming within the valleys and lowland fringes. Hill farming systems concentrate on the production of suckler beef and store lambs. In addition, the western fringes of the AONB also support a number of other enterprises including pig, poultry and horticulture.
- Timber is produced from forestry operations and woodfuel and wood products through small-scale woodland management.

- Upland river catchments of the AONB provide water for thousands of homes and businesses in Lancashire and the North West of England. The sustainable management of catchment land by the water utility company, United Utilities, helps to improve water quality; reducing the need for more costly 'end-of-pipe' water treatment.
- Healthy, functioning blanket bog on the tops of the fells acts as a carbon store and work to restore and re-wet areas of blanket bog will help boost carbon sequestration. In addition, these blanket bogs are also important in helping to mitigate downstream flood risk for communities, both inside and out of the AONB.
- The extensive rights of way network and access land areas within many areas of the AONB, offering access to important wildlife sites and places of historical interest, provides excellent recreational opportunities and supports the health and well-being of both residents and visitors.
- Other benefits provided by the AONB landscape include the dispersal and cycling of nutrients, pollination and, with the appropriate technology in the correct location, a source of renewable energy (such as micro-hydro, small-scale wind, solar and biomass). It is also a source of clean air, tranquillity and freedom from noise and light pollution.

Some products like timber have a known financial value, but in other cases, such as the role of bees in pollinating crops or the storage of carbon in woodland and wetlands, we are only just beginning to fully understand their role and value to society and the economy. A better understanding of the natural capital assets and wide range of public benefits provided by the special landscape such as the AONB; and also their value both in monetary and non-monetary terms, can help us design and plan appropriate management activity to ensure that our natural resources and systems are more effectively supported in the future.

Many of the objectives within the Management Plan will influence the management of land and ecosystems in the AONB, and ensure that effective management is helping to sustain and improve the range and quality of ecosystem services that are provided. A brief analysis of natural capital and ecosystem services provided by the AONB landscape can be found in Appendix 2 to the Plan.

Planning and development in AONBs

Development within and close to AONBs is expected to conform to a high standard of design, to be in keeping with local distinctiveness and, fundamentally, seeks to conserve and enhance the AONB's natural beauty.

AONBs enjoy the same levels of protection in planning terms as those of UK National Parks. Responsibility for planning policy and decision-making in AONBs lies with the relevant local authority (whereas in National Parks it lies with the Park Authority). This means that whilst AONB Management Plans themselves do not form part of any local development plan, they are, nevertheless, vitally important documents in the planning system. They are the basis for identifying those aspects of the AONB which are critical in contributing to its natural beauty and potentially influential in the development of planning policy and a 'material consideration' in the determination of individual planning applications and appeals.

The AONB Partnership (and Unit) is not a statutory consultee for planning applications or the formulation of Local and Neighbourhood Plans. Nevertheless, the AONB Unit does provide advice and guidance for local planning authorities on landscape planning matters on behalf of the AONB Partnership. Natural England is the statutory consultee for landscape-related planning matters (alongside its broader land use planning remit for protection and conservation of the natural environment). The AONB Unit liaises with the Natural England's Land Use Planning team on these and other related matters.

National Planning Policy Framework

In 2018, the Ministry of Housing, Communities and Local Government published a revised National Planning Policy Framework (NPPF), which sets out the Government's current planning policies for England and how these are expected to be applied. The Framework states that:

'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.' and

'...at the heart of the Framework is a presumption in favour of sustainable development'

The Framework goes on to outline how this can be achieved, within the context of the planning system, through the application of three objectives, namely economic, social and environmental:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The Framework confirms that local planning authorities should set out the strategic priorities for their areas within Local Plans and accordingly deliver the conservation and enhancement of the natural environment, including landscape. It also provides specific planning guidance for development planning and decision-making in relation to AONBs, under Paragraph 172:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited.'

The 'great weight test' is significant and it is one of the most stringent legal tests that can be applied under planning law. In specific relation to major development, the Framework goes to state that:

'Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'

The Framework also confirms that allocations of land for development should prefer land of lesser environmental value (counting the AONB as high value), that local planning authorities should set evidence and criteria based policies against which proposals for any development on or affecting landscape areas will be judged (development affecting AONBs includes impact on their setting) and that planning should contribute to conserving and enhancing the natural environment.

Landscape Characterisation

Landscape character is defined as “a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse” (Landscape Character Network). Put simply, landscape character is that which makes an area unique or different from neighbouring areas (in much the same way as we use the word “character” to describe differences between people).

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. Their boundaries follow natural lines in the landscape rather than administrative boundaries, making them a good decision making framework for the natural environment. The AONB is largely contained within two NCAs, 'Bowland Fringe and Pendle Hill' (NCA 33) and 'Bowland Fells' (NCA 34). A small area of Pendle Hill also falls within 'Lancashire Valleys' (NCA35). For more useful information on National Character Areas, including Area Profiles and Statements of Environmental Opportunity visit:

<https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making/national-character-area-profiles>

In addition national landscape character assessment, a number of local landscape character studies have been undertaken to better understand and describe the character of the Forest of Bowland landscape. The most recent and comprehensive of these is the Forest of Bowland AONB Landscape Character Assessment:

Forest of Bowland AONB Landscape Character Assessment

In 2009, the AONB commissioned a detailed landscape character assessment of the AONB. The overall study consists of two principal sections dealing with landscape classification and managing landscape change respectively. In general, the key characteristics of the AONB landscape, as identified by this landscape character assessment, are as follows:

- Grandeur and isolation of the upland core
- Open expanses of moorland
- Cultural landscape of upland farming
- Historic landscape management as royal hunting forest and more recently as sporting estates
- Rural landscape of dry stone-wall enclosed pastures, stone built farms and villages
- Wooded pastoral scenery and parkland
- Steep scarps, deeply incised cloughs and wooded valleys
- Broad river valleys
- Contrasting gritstone/limestone geology

The landscape character assessment also provides analysis on the landscape sensitivity and its capacity to accommodate change, alongside guidelines for planners, developers, land managers and others on managing landscape change, within each of the landscape character types of the AONB. A copy of the AONB Landscape Character Assessment (2009) is available at: <https://forestofbowland.com/Landscape-Character-Assessment>

DELIVERING THE MANAGEMENT PLAN

Vision

The delivery of the AONB Management Plan is guided by the following long-term vision of how the AONB will look in the future:

'The Forest of Bowland landscape retains its sense of local distinctiveness, notably the wide open moorland character of the Bowland Fells, undulating lowland farmland, clough woodlands, traditional buildings and the settlement patterns of its villages, hamlets and farmsteads.

It is a landscape valued for the range of services and benefits it provides for society, with a functioning, diverse natural heritage where land management practices allow opportunity for natural processes to develop and flourish; and where partnership-working between land managers, conservation bodies, communities and businesses is focused on delivering more for nature together.

The rich cultural heritage of the area is also better understood and managed; and both the nature and culture of the area help to support a resilient and sustainable local economy.

The Forest of Bowland is a truly outstanding landscape, where it can clearly be demonstrated that the management of the AONB has conserved and enhanced the quality, understanding and enjoyment of the landscape for all.'

Action Plan

The following action plan section of the Management Plan is organised under three themes:

1. An Outstanding Landscape for Natural and Cultural Heritage
2. Resilient and Sustainable Communities
3. A Strong Connection between People and the Landscape

The action plan outlines information on:

Key issues and forces for change

The key issues affecting the AONB are driven by a number of factors including the profound implications of climate change, uncertainty over the impact of Brexit, development pressure, pursuit of economic growth, demands for recreation and changes in agriculture and the broader economy. These key issues or 'forces for change' outlined are likely to continue to affect the AONB throughout the next plan period. Sections detailing these precede each themed set of objectives and actions. It should be emphasised that they do not discuss these issues at length, but seek to provide an overview and a context within which the Plan will need to operate.

AONB 'Ways of working'

The concept of collaboration and working together with others to achieve success underscores all AONB Partnership work. Most AONB Management Plan delivery needs to be done by encouragement through effective partnership working and not enforcement. Under each outcome, AONB 'ways of working' are detailed; outlining how the AONB Partnership and Unit aims to carry out its day-to-day work.

AONB objectives and actions

AONB Partnership objectives and actions to be delivered during the Plan period are laid out in tabular form and allocate responsibility for these to key partners, alongside the role for the AONB Unit.

1. An Outstanding Landscape of Natural and Cultural Heritage

1.1 Landscape

Apply the guiding principles of the European Landscape Convention, using landscape characterisation as the basis for policy- and decision-making for land and development management, to conserve and enhance natural beauty of the landscape.

Outcome: The landscape is conserved and enhanced, whilst ensuring essential development takes place

1.2 Habitats and Species

Conserve, enhance and restore the AONB's characteristic mosaic of habitats by improving their connectivity, extent and condition; whilst taking targeted action to conserve key species and improving understanding of the biodiversity of the AONB.

Outcome: More and bigger areas of habitat are connected and better managed, with key species conserved

1.3 Historic Environment

Support the conservation, restoration and management of the historic environment and wider cultural landscape.

Outcome: Built and other cultural heritage assets are better understood, conserved and managed

1.4 Natural Capital and Ecosystem Services

Seek to better understand and promote the value of the natural capital of the AONB landscape and the public benefits derived from these assets; helping to manage landscape change which conserves and enhances natural beauty.

Outcome: The natural capital of the AONB and the public goods derived from these assets are better understood, valued and promoted

Key Issues and Forces for Change

- International conventions and obligations such as the European Landscape Convention, the Convention on Biodiversity and Climate Change Agreements
- New agricultural policy and support (e.g. 'public money for public goods'), as a result of the UK's exit from the European Union
- New environmental policy and regulatory structures, as a result of the UK's exit from the European Union
- Government ambitions to improve the environment, expressed in 'A Green Future: Our 25 Year Environment Plan for the Future', including the development of a 'Nature Recovery Network'
- Increased awareness and recognition of the value of natural capital and the associated ecosystem services that flow from these assets, such as carbon storage and sequestration, water quality, flood alleviation, recreation and people's health and well-being
- Continued persecution and disturbance affecting birds of prey populations
- Limited breeding success of the Hen harrier within the Bowland Fells Special Protection Area
- Continued declines in key species within UK and Ireland (e.g. Curlew)
- Invasive alien species damaging ecosystems (e.g. Signal crayfish in rivers; Himalayan balsam threatening bluebell woodland)
- Lack of woodland management affecting biodiversity, particularly semi-natural clough woodland
- Woodland cover still well below national average (currently covering 8.3% of the AONB), with continued low levels of new woodland creation
- Small, fragmented patches of habitat are vulnerable to loss of biodiversity due isolation and climate changes
- Roadside verge management regimes adversely affecting verges with special biodiversity interest
- Agricultural specialisation, intensification and farm amalgamation is resulting in a loss of semi-natural habitats and historic features, poor soil management and loss of traditional boundaries
- Diffuse and point-source pollution of watercourses from both agricultural and non-agricultural sources
- Intensive fertiliser use and diffuse pollution continues in some areas leading to loss of biodiversity both on and off agricultural land (e.g. roadside verges), as well as affecting water quality
- Potential change to cropping patterns and types of crops, in response to climate change, altering the character of the landscape
- Potential for more hot, dry summers leading to reduced ground water and drying out of moorland habitats, increasing fire risk and release carbon into the atmosphere

- Potential for more intense rainfall events causing flooding within- and downstream of the AONB
- Natural flood management within river catchments increasingly seen as a tool for mitigation of flood risk for downstream communities
- Changes to the planning system, following the publication of the revised National Planning Policy Framework e.g. more major development proposals in the AONB
- Pressure for new development and building conversion in open or exposed landscapes, which can be more visually intrusive
- Increased demand for locally, affordable homes
- Traditional agricultural buildings becoming redundant and replaced with large, modern buildings
- Construction of new tracks in open countryside for farming, forestry and moorland management purposes
- Potential development of unconventional gas exploitation (i.e. hydraulic fracturing or 'fracking') infrastructure within the AONB setting
- Small-scale, cumulative development (e.g. building extensions, residential boundary treatment, roadside concrete curbing and signage) resulting in erosion of integrity and quality of the landscape
- Increasing role of neighbourhood planning
- Development, traffic and lighting within- and beyond the boundary of the AONB increasingly affecting its tranquility
- Lack of awareness of geodiversity value of the AONB
- Loss of traditional skills reducing the ability to effectively manage the traditional landscape features and buildings of the AONB

AONB 'Ways of Working'

Landscape

- Participate in a range of fora and networks to represent landscape interests and encourage the conservation and enhancement of the natural beauty of the AONB

Habitats and Species

- Encourage habitat creation, restoration and the buffering of existing habitats in line with 25 Year Environment Plan objectives (and appropriate to landscape character), aiming to create more, bigger and more connected habitats
- Ensure that any habitat management actions do not harm European designated sites within or adjacent to the AONB

- Commitment to applying a 'Natural Capital and Ecosystems Approach' to management of the AONB landscape
- Collaborate with Natural England, Environment Agency, Forestry Commission and other national, sub-regional and local environmental organisations and interests through a range of fora, to co-ordinate actions for the conservation and enhancement of biodiversity within the AONB
- Promote, encourage and facilitate 'High Nature Value' farming through provision of advice and guidance to land managers on the new Environmental Land Management System, post-Brexit
- Maintain regular communications with Defra and Natural England regarding development of the new Environment Land Management System

AN OUTSTANDING LANDSCAPE OF NATURAL AND CULTURAL HERITAGE			
OBJECTIVES	ACTIONS	KEY PARTNER(S)	AONB Unit
<p>[1.1] Landscape</p> <p>Apply the guiding principles of the European Landscape Convention, using landscape characterisation as the basis for policy- and decision-making for land and development management, to conserve and enhance natural beauty of the landscape.</p>	<p>[1.1A] Provide landscape planning advice and guidance for local planning authorities, highway authorities, government agencies, local communities and developers based on the Forest of Bowland AONB Landscape Character Assessment 2009.</p>	<p>Local planning authorities Highway authorities Natural England Environment Agency Forestry Commission Utility companies</p>	<p>Lead & Advise</p>
	<p>[1.1B] Influence planning and development policy-making at a local, county and national level by responding to consultations for relevant plans and strategies, e.g. neighbourhood plans, local plans and national planning policy guidance.</p>	<p>Local planning authorities Parish Councils Neighbourhood planning groups Natural England Environment Agency</p>	<p>Lead & Encourage</p>
	<p>[1.1C] Carry out a 'refresh' of the AONB Landscape Character Assessment, focusing on new and emerging forces for change affecting the AONB.</p>	<p>Natural England Local planning authorities</p>	<p>Lead</p>
	<p>[1.1D] Develop and review bespoke policy statements and guidance on current landscape planning issues affecting the AONB landscape, including statements on AONB development principles, renewable energy, lighting and design guidance notes (e.g. building design, moorland tracks, fencing).</p>	<p>Natural England Local planning authorities</p>	<p>Lead & Support</p>
	<p>[1.1E] Develop an AONB Woodland Strategy to conserve and enhance existing woodlands, promote the creation of new native and mixed woodlands and address the impact of tree health issues.</p>	<p>Woodland owners Forestry Commission Woodland Trust Rivers Trusts</p>	<p>Lead</p>

		YDMT	
	[1.1F] Continue to deliver 'Traditional Boundaries' programmes (via both the AONB and Pendle Hill Landscape Partnership), supporting training and competitions to help manage traditional boundaries and promote traditional rural skills.	Lancashire and Westmorland Hedgelaying Association Drystone Walling Association Farmers and landowners Natural England	Lead & Support
	[1.1G] Continue to work with Electricity North West Limited (ENWL) on the 'Undergrounding for Visual Amenity' programme to remove overhead powerlines in 'landscape-sensitive' locations within and close to the AONB.	ENWL OFGEM RII0-ED1 Parish Councils	Support & Advise
	[1.1H] Develop and deliver a 'landscape enhancement' project (focusing on management of traditional boundaries and woodland creation) to address the impacts of National Grid's high-voltage, overhead power lines in the AONB and its setting, with a view to submitting a bid to National Grid's Landscape Enhancement Initiative.	Local authorities Rivers Trusts Parish Councils Farmers and landowners Local flood forums Lancashire and Westmorland Hedgelaying Association Drystone Walling Association	Lead & Support
	[1.1I] Work with geodiversity partnerships to increase awareness and understanding of importance of geodiversity in the AONB landscape, seeking to build it into AONB Partnership activity or projects, wherever relevant.	GeoLancashire North Yorkshire Geodiversity Partnerships Quarrying companies	Support & Encourage
[1.2] Habitats and Species Conserve, enhance and restore the AONB's characteristic mosaic of habitats by improving their connectivity, extent and condition; whilst taking targeted action to conserve	[1.2A] Support farmers and landowners to conserve, enhance and restore land in nationally and internationally important wildlife sites, ensuring that at least 95% of SSSIs in the AONB are in favourable or recovering condition and at least 50% in favourable condition by 2024.	Farmers and landowners Natural England	Support, Advise & Encourage
	[1.2B] Support farmers and landowners to conserve, enhance and restore priority habitats outside SSSIs, focusing on local wildlife sites.	Farmers and landowners LERN NEYEDC Rivers Trusts	Support, Advise & Encourage

key species and improving understanding of the biodiversity of the AONB.	[1.2C] Develop a pilot nature recovery area within the AONB, as part of the Government's proposals for 'Nature Recovery Network', outlined in its '25 Year Environment Plan'.	Defra Natural England Environment Agency Forestry Commission Rivers Trusts NUC LNP	Lead & Support
	[1.2D] Work with moorland owners to develop long-term moorland management plans in the AONB, with a focus on features of the Bowland Fells SSSI being on a path to favourable condition (see 1.2A).	Moorland owners Natural England	Support, Advise & Encourage
	[1.2E] Work with moorland owners to deliver landscape-scale projects to restore and re-wet at least 250 ha. of blanket bog habitat, including: Pennine Peat LIFE Project; Northern England Peat Project, Ribble Life and United Utilities PR19.	Moorland owners Defra Lancashire Peat Partnership Natural England Environment Agency United Utilities Rivers Trusts LWT	Lead & Support
	[1.2F] Work with farmers, landowners and local communities to deliver projects to conserve, enhance and restore at least 15ha. of species-rich grassland habitat; including Bowland Haytime & Bee Together.	Farmers and landowners Local community groups Smallholders Natural England YDMT	Support, Advise & Encourage
	[1.2G] Support the creation and establishment of at least 200 ha. of new native and mixed woodland that enhances the AONB landscape, with priority given to projects that conserve and enhance existing key habitats and species, increase carbon storage, keep rivers cool and help reduce flooding.	Farmers and landowners Woodland agents Forestry Commission Natural England Woodland Trust YDMT Rivers Trusts	Support, Advise & Encourage
	[1.2H] Support woodland owners to actively manage existing woodlands to conserve, enhance and restore biodiversity, whilst identifying opportunities for sustainable timber production and woodland products.	Woodland owners & agents Forestry Commission	Support, Advise & Encourage
	[1.2I] Influence, test and trial the development of the Government's proposed 'Environmental Land Management System' to offer support for farmers and landowners to	Defra Natural England Environment Agency	Lead, Support & Advise

	conserve, enhance and restore priority habitats in the AONB, including species-rich grassland, wet grassland, peatland and woodland.	RSPB Rivers Trusts LWT	
	[1.2J] Support a catchment-based approach to the delivery of projects to conserve, enhance and restore riparian habitat; including Ribble Life Together, Pendle WINNS.	Catchment Partnerships Rivers Trusts Environment Agency Natural England	Support & Advise
	[1.2K] Work with farmers and landowners to improve the condition of the Lune, Ribble and Wyre, so that at least 90% of all rivers achieve 'good ecological status' by 2027.	Farmers and landowners Catchment Partnerships Rivers Trusts Environment Agency Natural England	Support & Encourage
	[1.2L] Support 'Restoring Sustainable Abstraction' (RSA) Programme being delivered by the relevant authorities and United Utilities, particularly on the Wyre catchment.	Environment Agency United Utilities Rivers Trusts	Support & Encourage
	[1.2M] Devise and deliver local species recovery plans for threatened or priority species either locally or nationally; ensuring synergy with national species recovery plans, where these exist or are under development; including curlew, hen harrier, black grouse and threatened or locally important plant species.	Farmers and landowners Natural England RSPB GWCT NUC LNP	Lead, Advise, Encourage
	[1.2N] Work with moorland managers and other key partners to implement a local approach to combat and eradicate illegal persecution of raptors, including survey work, satellite tagging and monitoring, co-ordinated hen harrier nest protection and winter roost site monitoring.	Moorland managers Defra Natural England Raptor Persecution Priority Deliver Group Police RSPB Moorland Association	Lead, Support & Encourage
	[1.2O] Support key partners to address invasive non-native species (INNS) where these impact on the AONB, including coordination of surveying, volunteer tasks days and specialist work via contractors	Local authorities LWT Rivers Trusts EA Forestry Commission Friends of Bowland Pendle Hill Volunteer Group	Lead, Support & Encourage

	[1.2P] Support research and monitoring of habitat extent/condition and priority species (both S41 and local priority species) for the AONB, including blanket bog, species-rich grassland, birds of prey, waders, aquatic species, pollinators.	Natural England LWT Rivers Trusts YDMT LERN NEYEDC NUC LNP	Lead, Support & Advise
[1.3] Historic Environment Support the conservation, restoration and management of the historic environment and wider cultural landscape	[1.3A] Work with statutory agencies to monitor, manage and conserve designated heritage assets; identifying any which become 'at risk' and develop management plans to remove assets from the 'Heritage at Risk' register (HAR).	Historic England Natural England Lancashire Archaeological Advisory Service Farmers and landowners Local history groups	Support & Advise
	[1.3B] Develop and deliver landscape-scale projects and activity which celebrate, conserve and enhance the distinctive landscape, cultural heritage and special qualities of the AONB; including Pendle Hill Landscape Partnership and Ribble Life Together.	Local authorities Parish Councils Pendle Hill LP Local history groups Friends of Bowland Ribble Rivers Trust Tourism businesses UCLan Archaeology Champion Bowland Heritage Lottery Fund Arts organisations	Lead, Support & Encourage
	[1.3C] Support community-based projects to conserve, enhance and restore historic environment features; and help increase access to- and understanding of the historic environment and wider cultural landscape.	Pendle Hill LP Historic England Friends of Bowland Local history groups Slaidburn Archive Champion Bowland Heritage Lottery Fund UCLan Archaeology Arts organisations	Support & Advise
	[1.3D] Develop and improve information to raise awareness and understanding of the historic environment and wider cultural landscape of the AONB, using print and digital media and appropriate on-site interpretation.	Pendle Hill LP Historic England Local history groups Slaidburn Archive Champion Bowland Ribble Rivers Trust Historic Houses Association	Lead, Support & Advise

		Tourism businesses	
<p>[1.4] Natural Capital and Ecosystems Services Seek to better understand and promote the value of the natural capital of the landscape and the public benefits derived from these assets; guiding land and development management decision-making to increase the natural capital of the AONB.</p>	<p>[1.4A] Carry out research into the value of natural capital and ecosystems services provided by the natural environment of the AONB and disseminate to a wider audience; including Pendle Hill LP's 'What's A Hill Worth' and Upper River Wyre Natural Flood Management scoping research.</p>	<p>Natural England Environment Agency Pendle Hill LP Rivers Trusts Ecosystems Knowledge Network</p>	<p>Lead & Support</p>
	<p>[1.4B] Develop a more detailed local evidence base on the natural capital assets and ecosystem services for the AONB; using GIS to map these assets and services.</p>	<p>Environment Agency Natural England Rivers Trusts LWT LERN NEYEDC NUC LNP</p>	<p>Lead & Support</p>
	<p>[1.4C] Carry out a more in-depth 'Ecosystems Approach' self-assessment of the AONB Partnership and its activities, helping to deliver outcomes outlined in the Government's 25 Year Environment Plan</p>	<p>Natural England NAAONB</p>	<p>Lead</p>
	<p>[1.4D] Use the developing evidence base on natural capital and ecosystems services to influence and shape local delivery of the Government's proposed 'Environmental Land Management System', which prioritises support for the supply of public goods such as biodiversity, carbon, natural flood management, water quality and access to the countryside.</p>	<p>Defra Environment Agency Natural England Farmer and landowners Rivers Trusts LWT LERN NEYEDC NUC LNP</p>	<p>Lead & Support</p>
	<p>[1.4E] Investigate and trial local delivery of potential mechanisms for investment in natural capital, such as Peatland Code, Woodland Carbon Code and Net Gain for Nature.</p>	<p>Local planning authorities NUC LNP Rivers Trusts IUCN Peatland Programme Forestry Commission</p>	<p>Lead, Support & Encourage</p>

2. Resilient and Sustainable Communities

2.1 Farming and Land Management

Encourage, promote and support farming and land management practices that help to conserve and enhance natural beauty.

Outcome: The farming and land management of the AONB delivers more for nature, farmers, land managers, and the public

2.2 Sustainable Tourism

Develop, co-ordinate and promote sustainable tourism activity within and close to the AONB.

Outcome: The local economy benefits from the promotion and development of sustainable tourism in the AONB

2.3 Local Economy and Rural Services

Promote and support rural services and the socio-economic development of the area, particularly where such activity helps to conserve and enhance natural beauty.

Outcome: The AONB is not disadvantaged due to its rurality, in particular access to services and utilities, business support, training and skills

2.4 Community Engagement and Volunteering

Support local communities and businesses to become more involved in activities and projects to conserve, enhance and celebrate the natural and cultural heritage of the AONB.

Outcome: Local communities and businesses are supported to become involved in activities and projects to conserve, enhance and celebrate nature, culture and landscape

Key Issues and forces for change

- New trade agreements, agricultural policy and support for farmers due to the UK leaving the EU, creating uncertainty and increased pressures on livestock farming.
- Centralisation of processing facilities has reduced the ability of producers to supply local markets
- Potential impact on the rural economy of the UK leaving the EU, including uncertainty around future of rural development funding from Government
- Increasing competition from other countryside destinations and the need to retain tourism market share
- Lack of public transport and reliance on the private car
- Loss of services in rural settlements due to economies of scale, changes in Government policy and reduced funding for public services, and changing purchasing habits leading to reduction in rural sustainability and negative impacts on those without a car
- Limited access to full time jobs locally
- Lack of affordable housing for people working in the AONB
- Roll-out of superfast broadband is patchy and has still not reached the more remote areas of the AONB
- Reduced opportunities for rural businesses to capitalise on latest information and communication technology (ICT) due to inconsistent broadband coverage
- Increased risk and frequency of flooding in lowland areas/river valleys where most settlements are situated
- Ageing farm workforce with fewer younger farmers to replace those that are retiring. This can lead to: i) fewer people to look after the land; ii) conversion of farm units into small gentrified hamlets; iii) increased commuting into neighbouring towns, resulting in more traffic on minor roads
- Ageing population in general, leading to fewer young families and younger people living in the AONB, this in turn could result in a loss of skills, knowledge and engagement with the AONB landscape

AONB 'Ways of Working'

Farming and Land Management

- Work closely with farmers, landowners and land managers (via farmer networks and groups) to liaise with- and involve the land management sector in AONB projects and activity
- Work closely with farmers, landowners and land managers to ensure effective communications within the AONB Partnership and with government agencies relating to land management decisions affecting the area
- AONB partners and government agencies to engage, consult and respond to the reasonable concerns of land owners, managers and farmers prior to making decisions which affect their interests, rights and responsibilities

Sustainable Tourism

- Support and encourage tourism businesses to sign up to AONB Sustainable Tourism Charter and adopt environmentally and landscape sensitive practices e.g. energy efficiency and use, waste management, lighting, etc.
- Ensure that any sustainable tourism development does not harm European designated sites within or adjacent to the AONB
- Actively recruit and support sustainable tourism partners and green tourism accredited businesses to the Bowland Sustainable Tourism Network
- Encourage businesses and partners to support and promote AONB publications and leaflets
- Collaborate with Marketing Lancashire, Welcome to Yorkshire and local authority tourism officers to promote the AONB as a sustainable tourism destination
- Ensure consistent use of AONB and Pendle Hill LP branding on website, print, communications, mobile apps and social media

Local Economy and Rural Services

- Support housing and workspace proposals within the area, where the development meets local housing, employment and business needs and where it will also conserve and enhance the natural beauty of the AONB landscape
- Review and remain up-to-date with current rural growth and development funding mechanisms, raising awareness as appropriate
- Wherever possible, support and promote local businesses, products and services in the delivery of AONB projects and activity

Community Engagement and Volunteering

- Work with local communities throughout the AONB

- Ensure local communities are fully informed, consulted and involved with regard to AONB planning and activities, wherever possible seeking to include a diverse range of people (e.g. age, ethnicity, ability and interests)
- Support communities in identifying and celebrating their local distinctiveness
- Continue to work alongside Champion Bowland, as a local registered charity with its aim to support the conservation and enhancement of the natural beauty of the AONB
- Incorporate volunteering into the delivery of AONB projects, wherever possible.
- Seek to remove barriers to participation when developing AONB projects and activities

RESILIENT AND SUSTAINABLE COMMUNITIES			
OBJECTIVES	ACTIONS	KEY PARTNER(S)	AONB Unit
[2.1] Farming and Land Management Encourage, promote and support farming and land management practices that help to conserve and enhance natural beauty.	[2.1A] Promote and provide advice on land management practices which to help conserve and enhance the landscape, based on within the Forest of Bowland AONB Landscape Character Assessment, e.g. woodland management plans, felling licence applications, agri-environment scheme agreements.	Farmers and landowners Natural England Environment Agency Forestry Commission Rivers Trusts Moorland Association	Advise & Encourage
	[2.1B] Develop and support farmer networks and forums within the AONB, to help advocate for- and promote 'high nature value' (HNV) farming in the uplands, at both a local and national level.	Pendle Hill Farmers Network Loud Catchment Farmers Group Long Preston Floodplain Farmers Group Abbeystead Farmers Group Bowland Land Managers Forum Northern Hill Farmers Panel NUC LNP	Lead, Support & Advise
	[2.1C] Co-ordinate and provide training and knowledge transfer opportunities to promote good practice in HNV farming, e.g. catchment sensitive farming, rush management, natural flood management measures, soil health and farming for waders.	Pendle Hill Farmers Network Loud Catchment Farmers Group Long Preston Floodplain Farmers Group Abbeystead Farmers Group Rivers Trusts YDMT RSPB	Lead, Support & Advise

		Yorkshire Dales National Park	
	[2.1D] Influence, test and trial new approaches to the Government's proposed Environmental Land Management System, using the AONB Management Plan as the basis for the priorities of new schemes in the AONB and proposing the area as a testbed, where appropriate and when opportunity arises.	Pendle Hill Farmers Network Loud Catchment Farmers Group Long Preston Floodplain Farmers Group Abbeystead Farmers Group Bowland Land Managers Forum Northern Hill Farmers Panel NUC LNP Yorkshire Dales National Park Authority	Lead, Support & Advise
	[2.1E] Pilot the Foundation for Common Land's 'Hill Farmer Training Scheme' in the AONB, to allow environmental and countryside advisors and practitioners the opportunity to gain an understanding of the unique challenges, benefits and opportunities of farming in the uplands.	Farmers and landowners Foundation for Common Land NUC LNP Northern Hill Farmers Panel Northumberland National Park Authority	Support, Advise & Encourage
	[2.1F] Provide opportunities for both employers and trainees to benefit from apprenticeships in countryside and land management and traditional rural skills; including Upskilling Lancashire, Pendle Hill LP and Green Futures.	Myerscough College Other FE Colleges Ribble Rivers Trust YDMT Young Farmers Groups	Lead & Support
	[2.1G] Support the development of a local woodland economy linked to more active woodland management, identifying opportunities for sustainable timber production and woodland products.	Woodland owners and agents Forestry Commission Woodland Trust Arnsdale and Silverdale AONB	Lead, Advise & Encourage
[2.2] Sustainable Tourism Develop, co-ordinate and promote sustainable tourism	[2.2A] Continue to support the Bowland Sustainable Tourism Network (BSTN), working with a network steering group drawn from the business members to lead new sustainable tourism activity in the AONB.	BSTN members BSTN steering group Local authority tourism officers Marketing Lancashire Welcome to Yorkshire	Lead, Support & Encourage

activity within and close to the AONB.	[2.2B] Provide advice, support, networking and business mentoring opportunities for sustainable tourism businesses in the AONB	BSTN members BSTN steering group	Lead & support
	[2.2C] Work with BSTN steering group to establish new 'Sustainable Tourism Partner' criteria linked to positive actions by the participating businesses.	BSTN members BSTN steering group	Lead, Support & Advise
	[2.2D] Develop and promote an AONB 'Sustainable Tourism Partner' branding similar to the Pendle LP locator logos.	BSTN steering group Pendle Hill LP Local authority tourism officers Marketing Lancashire Welcome to Yorkshire	Lead & Encourage
	[2.2E] Support and advise tourism businesses, helping to identify and promote 'year-round', sustainable tourism opportunities in the AONB e.g. seasonal activities, local produce, easy access trails, environmental activity-based breaks, visiting via public transport and car-free itineraries and an electric car charging network.	BSTN members New tourism businesses	Lead & Support
	[2.2F] Co-ordinate and promote training opportunities for tourism businesses to help conserve, enhance and celebrate the AONB landscape, e.g. 'Know Your AONB' and Sense of Place, green accreditation and dark skies tourism.	BSTN members BSTN steering group Local authority tourism officers	Lead & Support
	[2.2G] Refresh the AONB Sense of Place Toolkit for use by businesses to promote the special qualities of the AONB, alongside the development of a new 'Discover Pendle Hill' Toolkit.	BSTN members BSTN steering group Pendle Hill LP Local authority tourism officers Marketing Lancashire Welcome to Yorkshire	Lead & Support
	[2.2H] Develop opportunities for 'visitor-giving' linked with tourism businesses e.g. the 'Landmark Trees' scheme supporting establishment of new trees outside woodlands	Champion Bowland BSTN members BSTN steering group Tourism businesses	Lead, Support & Advise
	[2.3] Local Economy and Rural Services	[2.3A] Work with local authorities and service providers to retain access to services (e.g. health centres, post offices, schools, shops, public transport, public toilets and parking) within local communities of the AONB and resist developments which would result in their loss	Local authorities Parish Councils NHS service providers

Promote and support rural services and the socio-economic development of the area, particularly where such activity helps to conserve and enhance natural beauty.	[2.3B] Work with key partners and service providers to support the delivery of 'landscape-sensitive' delivery of super and hyper-fast broadband and mobile telecommunication networks throughout the AONB.	Local authorities Parish Councils Telecommunications service providers Broadband UK	Advise & Encourage
	[2.3C] Support and liaise with key partners seeking to develop initiatives to address issues of rural crime, e.g. theft of livestock and plant machinery, wildlife crime, sheep worrying and fly-tipping.	Police Local authorities Lancashire Partners Against Crime Farmers and landowners Pendle Hill Farmers Network	Support & Encourage
	[2.3D] Continue to support parish lengthsmen schemes within the AONB to assist in conserving and enhancing the local environment of AONB parishes.	Parish Councils	Support & Advise
	[2.3E] Advise and encourage local communities and businesses to engage with- and access future rural growth and development funding programmes	Local authorities Lancashire Enterprise Partnership Defra Bowland Sustainable Tourism Network Bowland Land Managers Forum	Advise & Encourage
	[2.3F] Provide opportunities for both employers and trainees to benefit from apprenticeships in the wider rural economy (e.g. tourism sector and creative industries)	FE Colleges and Universities Bowland Sustainable Tourism Network Tourism businesses Arts organisations	Lead & Support
	[2.3G] Work with estate landowners and local planning authorities to pilot the development of estate-wide masterplans, to address local housing needs and maintain or enhance the vitality of the local community.	Local planning authorities Landowners Parish Councils	Encourage & Advise
	[2.4A] Coordinate activities to raise awareness of the AONB designation and the work of the AONB Partnership within local communities.	AONB Joint Advisory Committee Members AONB partner organisations	Lead & Encourage

<p>[2.4] Community Engagement and Volunteering</p> <p>Support local communities and businesses to become more involved in activities and projects to conserve, enhance and celebrate the natural and cultural heritage of the AONB.</p>	<p>[2.4B] Provide support and advice for community-based projects and activities, which help to conserve, enhance and celebrate the nature, culture and landscape of the AONB.</p>	<p>AONB partner organisations</p>	<p>Lead & Advise</p>
	<p>[2.4C] Support Champion Bowland to continue to offer small grants for community-based projects and activities which conserve, enhance and celebrate the nature, culture and landscape of the AONB.</p>	<p>Champion Bowland</p>	<p>Support</p>
	<p>[2.4D] Deliver and support community engagement through the arts and other creative industries, particularly via Pendle Hill Landscape Partnership, which includes the Gatherings, Pendle Radicals and Pendlefolk.</p>	<p>Pendle Hill LP In Situ Mid Pennine Arts Pendlefolk volunteer group</p>	<p>Lead & Support</p>
	<p>[2.4E] Support and promote volunteering activities, involving a diverse range of people, which help deliver the AONB Management Plan objectives and conserve, enhance and celebrate the nature, culture and landscape of the AONB.</p>	<p>Friends of Bowland Other site-based 'Friends' Groups Pendle Hill Volunteers Wyre Coast and Countryside Service Ribble Rivers Trust</p>	<p>Lead, Support & Encourage</p>
	<p>[2.4F] Support volunteer groups involved in the management of countryside sites, recreational facilities in and around the AONB, e.g. Bowland Visitor Centre at Beacon Fell, Spring Wood, Crook o' Lune & Hermitage Field and Gisburn Forest and Stocks.</p>	<p>Lancashire County Council Countryside Service Wyre Council Coast and Countryside Service Other local authority countryside staff Friends of Bowland United Utilities Forestry Commission</p>	<p>Lead, Support & Advise</p>

3. A Strong Connection between People and the Landscape

3.1 Countryside Access

Maintain and improve access to the countryside in a sustainable way for a diverse range of people and that promotes responsible, safe and quiet enjoyment.

Outcome: Access to the countryside is maintained and improved for more- and a wider range of people

3.2 Visitor Management and Information

Provide high quality visitor facilities, information, events and activities to enable people to enjoy, understand and celebrate the AONB's special qualities.

Outcome: Visitor information and interpretation engages a wide audience and supports the visitor economy

3.3 Discovering and Learning

Provide opportunities to discover and learn about the special qualities of the AONB by connecting people with nature, culture and the landscape

Outcome: More and a wider range of people benefit from opportunities to discover, learn about and engage with the natural and cultural heritage of the AONB and the work of those who look after it

3.4 Health and Well-being

Provide opportunities for people to improve their health and wellbeing by connecting with nature, culture and the landscape

Outcome: The natural and cultural heritage of the AONB provides opportunities to improve people's health and well-being

Key Issues and forces for change

- Pressure on popular 'honeypot' destinations resulting in erosion and potential loss of habitat, tranquillity, damage to archaeological sites and diminished visitor experience
- Management and maintenance of Public Rights of Way (and AONB 'Promoted Routes') when public services remain under significant budgetary pressure
- Significant reductions in countryside service staff 'on the ground' at key countryside sites (e.g. Bowland Visitor Centre and Beacon Fell Country Park)
- Existing bridleway network remains fragmented
- Low density of footpaths in some areas of the AONB (e.g. Lune valley)
- Illegal use of motorcycles and 4x4 vehicles on public rights of way, access land and designated conservation sites
- Rising visitor numbers increasing the use of private cars to popular visitor sites, thus detracting from the visitor experience
- Increased incidence of inconsiderate, road-side parking, particularly at and adjacent to popular visitor sites
- Localised problems of litter and fly-tipping
- Increased risk of moorland fires in upland areas, started either accidentally or deliberately
- Increased demand for organised recreational events within the AONB (including through SSSI land) which have the potential to damage habitats or disturb wildlife
- Lower public awareness and understanding of the AONB designation (in comparison to National Parks)
- Increased awareness of the benefits accessing the natural environment to improve people's health and well-being
- Low participation in AONB and Festival Bowland events by younger people, low-income families and BAME communities
- Managing the competing demand for both traditional print media and on-line, digital media when creating interpretation and publicity

AONB 'Ways of Working'

Countryside Access

- Consider and address the landscape impacts of access improvements, particularly on moorland and fells and seek to improve well used routes on Access Land, where possible
- Ensure that any access improvements do not harm European designated sites within or adjacent to the AONB
- Consider opportunities to facilitate discussions with landowners about dedication of land for public access (including public rights of way), where appropriate
- Promote and encourage the use of high quality materials for PRow 'furniture' that are in keeping with the local landscape (e.g. wooden footpath signs), wherever possible
- Continue to work closely with Natural England, Local Access Forums and landowners in relation to management of access land, particularly to assist with any planned review of Access Land maps

Visitor Management and Information

- Promote attractions away from 'honeypot' sites in order to attract visitors to less visited parts of the AONB
- Continue to work closely with local authority countryside services to help maintain effective management of countryside sites (e.g. country parks, picnic sites, car parks and lay-bys) in the AONB
- Encourage sustainable development and management of new visitor destinations in the AONB (e.g. Stephen Park in Gisburn Forest)
- Regularly review AONB print media to update and reprint where cost effective.
- Continue to work with and support tourism businesses to promote the area's recreational, wildlife and cultural heritage offer in a sustainable way
- Maintain the AONB and Pendle Hill LP websites as hubs for visitor information and resources for partner organisations
- Make regular use of social media to communicate with AONB partners, visitors and communities

Health and Well-being

- Share research and best practice in the role of landscape and the natural environment to improve people's health and well-being at a local and national level

A STRONG CONNECTION BETWEEN PEOPLE AND THE LANDSCAPE			
OBJECTIVES	ACTIONS	KEY PARTNER(S)	AONB Unit
[3.1] Countryside Access Maintain and improve access to the countryside in a sustainable way for a diverse range of people and that promotes responsible, safe and quiet enjoyment.	[3.1A] Maintain and improve the Public Rights of Way network and signage, making necessary repairs and improvements to AONB 'Promoted Routes' and strategic routes/links in and around the AONB.	Lancashire County Council PRow North Yorkshire County Council PRow Farmers and landowners Promoted Routes Volunteers Lancashire Local Access Forum Ramblers Association British Horse Society Bridleways Groups	Lead & Support
	[3.1B] Develop and promote countryside access opportunities for all, seeking to meet the needs of a diverse range of users; considering use of least restrictive access furniture, appropriate surfacing and special signage.	Pendle Hill LP Farmers and landowners Forestry Commission Disabled Ramblers Bentham Community Rail Partnership British Horse Society Bridleways Groups	Lead & Support
	[3.1C] Support the development and delivery of new multi-use, strategic routes, particularly those linking visitor gateways and communities to the wider PRow network in and around the AONB, e.g. Pendle Hill LP 'Access for All' and Settle to Gisburn Forest off-road link..	Lancashire County Council North Yorkshire County Council Farmers and landowners YDMT Lancashire Local Access Forum Ramblers Association British Horse Society Bridleways Groups	Lead & Support
	[3.1D] Support volunteers to help survey and maintain the PRow network, particularly focusing on AONB 'Promoted Routes'.	'Promoted Routes' volunteers Wyre Council Coast and Countryside Service	Lead & Support

	[3.1E] Work with landowners to assist with management of 'Access Land', in particular dissemination of information on restrictions or closures for land management purposes or wildfire risk.	Farmers and landowners Commons Associations & Graziers Groups Lancashire County Council North Yorkshire County Council Lancashire Fire Operations Group	Support & Advise
	[3.1F] Review and renew signage and information boards at important and well-used access points to 'Access Land' in the AONB, using the Pendle Hill LP 'Access for All' project to pilot this review and renewal.	Farmers and landowners Commons Associations & Graziers Groups Lancashire County Council North Yorkshire County Council Pendle Hill LP Ramblers Association Lancashire Local Access Forum	Lead
	[3.1G] Maintain concessionary routes and countryside access created via agri-environment schemes, where these are important or valued links in the wider countryside access network.	Farmers and landowners Lancashire County Council North Yorkshire County Council Ramblers Association Lancashire Local Access Forum	Support & Advise
	[3.1H] Investigate the potential for creation of new countryside access via the Government's proposed new Environmental Land Management Schemes	Defra Natural England	Lead
[3.2] Visitor Management and Information Provide high quality visitor facilities and information to enable people to understand	[3.2A] Facilitate meetings/fora between key partners on access and visitor management issues for popular visitor sites and hubs e.g. Pendle Hill, Gisburn Forest and Stocks and Beacon Fell Country Park.	Lancashire County Council Countryside Service Wyre Council Coast and Countryside Service Local authorities United Utilities Forestry Commission Pendle Hill Advisory Group	Lead & Support

and enjoy the special qualities of the AONB	[3.2B] Promote responsible and safe access for visitors to the countryside (e.g. Countryside Code and advice on walking with dogs) via all media channels and on-site information and signage.	Farmers and landowners Local authorities Pendle Hill LP	Lead & Encourage
	[3.2C] Work with Lancashire County Council Countryside Service to develop plans for sustainable, future management arrangements for key LCC countryside sites in the AONB, e.g. Beacon Fell Country Park & Bowland Visitor Centre, Carwags Picnic Site, Spring Wood and Crook o' Lune.	Lancashire County Council Friends Groups	Support & Advise
	[3.2D] Play an active role in the Lancashire Fire Operations Group (FOG), helping to maintain up-to-date fire plans for moorland areas and raise awareness of the risk and impacts of wildfire in the AONB.	Moorland owners Moorland Association Lancashire Fire Service Natural England Local authorities	Support, Advise & Encourage
	[3.2E] Manage, improve and, where appropriate, create new visitor interpretation and information, using both print and digital media to raise awareness of the special qualities of the AONB landscape, e.g. Pendle Hill LP 'Access for All' project.	Pendle Hill LP AONB partner organisations	Lead, Support & Advise
	[3.2F] Produce an annual AONB Discovery Guide, including event listings for Festival Bowland.	AONB partner organisations Tourism businesses Festival Bowland steering group	Lead
	[3.2G] Review and rationalise AONB visitor leaflets, and where resources allow, re-print existing- and produce new leaflets.	Tourism businesses Local authority tourism officers Marketing Lancashire	Lead
	[3.2H] Work with Community Rail Partnerships to promote the AONB to rail users via visitor information at stations, promotions and other AONB-related project activity	Community Rail Partnerships Northern Rail Tourism businesses	Support & Encourage
	[3.2I] Re-instate, replace or renovate AONB boundary signs on key routes into the AONB, as required and where funding allows.	Parish Councils	Lead

<p>[3.3] Discovering and Learning Provide opportunities to discover and learn about the special qualities of the AONB by connecting people with nature, culture and the landscape</p>	<p>[3.3A] Organise, support and promote an annual Festival Bowland programme of AONB and partner-led events for both visitors and local communities</p>	<p>AONB partner organisations Festival Bowland steering group Marketing Lancashire</p>	<p>Lead & Support</p>
	<p>[3.3B] Support and promote other externally-organised events that raise awareness of the special qualities of the AONB</p>	<p>Communities and businesses Marketing Lancashire</p>	<p>Support</p>
	<p>[3.3C] Work with Ernest Cook Trust to develop and deliver outdoor learning opportunities alongside the Pendle Hill LP for the LP area and surrounding communities, e.g. 'Little Saplings' pre-school groups, family activities, school visits.</p>	<p>Ernest Cook Trust Pendle Hill LP LWT Ribble Rivers Trust Schools Colleges Pre-school groups Youth groups Scouts Young farmers</p>	<p>Lead & Support</p>
	<p>[3.3D] Investigate and develop opportunities to extend outdoor learning to other areas of the AONB</p>	<p>Ernest Cook Trust LWT Rivers Trusts Burnley FC in the Community (Whitehough Education Centre) Schools Colleges Pre-school groups Youth groups Scouts Young farmers</p>	<p>Lead & Support</p>
	<p>[3.3E] Work with Champion Bowland to support the 'AONB Farm Visit Transport Fund' for farms with educational access in the AONB, whilst investigating the opportunities to extend the scope of the Fund to include other countryside and outdoor learning venues.</p>	<p>Champion Bowland Ernest Cook Trust Schools Colleges Pre-school groups Youth groups Scouts Young farmers</p>	<p>Lead & Support</p>

	[3.3F] Deliver 'outreach' activities to encourage a more diverse range of people to learn about, engage with- and visit the AONB, particularly through Pendle Hill LP projects and activity.	Pendle Hill LP In Situ Mid Pennine Arts Burnley FC in the Community (Whitehough Education Centre) YDMT	Lead & Support
[3.4] Health and Well-being Provide opportunities for people to improve their health and wellbeing by connecting with nature, culture and the landscape	[3.4A] Develop and strengthen links within the health sector to promote the importance of landscape and the natural environment in improving people's health and well-being.	Lancashire County Council Lancashire Health and Well-being Board Lancashire Care NHS Foundation Trust Clinical Commissioning Groups	Lead & Encourage
	[3.4B] Deliver projects and activities in the AONB that deliver health and well-being outcomes, including the 'People Enjoying Nature' project, easy access trails, dementia-friendly trails and activities, active volunteering and inclusive events.	Pendle Hill LP Lancashire Care NHS Foundation Trust Burnley FC in the Community (Whitehough Education Centre) Bentham Community Rail Partnership Disabled Ramblers AONB partner organisations	Lead & Support
	[3.4C] Carry out research to assess the importance and value of landscape and the natural environment in improving people's health and wellbeing, via the Pendle Hill LP project 'What's A Hill Worth'.	Pendle Hill LP Natural England Lancashire Care NHS Foundation Trust	Lead

Monitoring

The Management Plan is not an end in itself. Monitoring is required in order to identify whether or not the Plan is achieving the purpose of designation – to conserve and enhance the natural beauty of the AONB.

Monitoring has been undertaken in the form of State of the AONB Reports (in 2016 and 2018). These provide some of the evidence on which this Management Plan is based and forms a baseline for monitoring over the next 5 years. The next State of the AONB Report will be produced in 2020.

Future monitoring will take two forms:

- Monitoring performance: to establish how well the AONB Partnership is progressing in delivering the Plan's objectives and actions; and
- Monitoring condition: to establish whether the special qualities/features of the AONB are in favourable condition, potentially showing improvements, no change or deterioration and hence whether the aim of conserving and enhancing the AONB is being achieved.

Monitoring performance will involve collecting data (where this available) from partners to demonstrate delivery. Performance will also be monitored by reviewing progress on actions in the AONB Unit Business Plan. An AONB Annual Report will also be produced detailing progress with implementation of the Plan and summarising achievements of the AONB Partnership.

Monitoring condition will make the best use of data collected by a range of organisations and interest groups. It is important that changes in condition are monitored against a baseline set of evidence, and a number of indicators for which data is readily and easily available are used for this process. As new issues present themselves, new indicators may be needed and an initial baseline will need to be established.

APPENDIX 1 - LITERATURE REVIEW

Directive, plan, strategy
INTERNATIONAL
Agenda 21 (1992)
Convention on Biodiversity (1993)
The Paris Agreement on Climate Change (2016)
Convention on Biodiversity, Aichi Targets (2010)
UNESCO World Heritage Convention (1972)
EUROPEAN
European Landscape Convention (2000, with UK adoption 2007)
The Birds Directive (79/409/EEC), (1979)
The Habitats Directive (92/43/EEC), (1992)
Our life insurance, our natural capital: an EU biodiversity strategy to 2020, European Commission, 2011
The Water Framework Directive (2000/60/EC)
The Waste Framework Directive, (2008/98/EC)
The Strategic Environmental Assessment Directive (2001/42/EC)
EC Directive 2003/4/EC on public access to environmental information, (2003)
The European Convention on the Protection of Archaeological Heritage (Valetta Convention)
The Convention for the Protection of the Architectural Heritage of Europe (Granada Convention)
The Renewable Energy Directive (2009/28/EC)
NATIONAL
Wildlife and Countryside Act (as amended), (1981)
Countryside and Rights of Way Act (CRoW), (2000)
Natural Environment and Rural Communities (NERC) Act (2006)
Conservation of Habitats and Species Regulations 2010 (as amended)
Sustainable Energy Act (2003)
Secure and Sustainable Buildings Act (2004)
Ancient Monuments and Archaeological Areas Act, (1979)

Planning (Listed Buildings and Conservation Area) Act, (1990)
Climate Change Act (2008)
Localism Act (2011)
Growth and Infrastructure Act (2013)
Water Act (2014)
Energy Act (2016)
Neighbourhood Planning Act (2017)
'The Natural Choice', the Natural Environment White Paper (Defra, 2012)
A Green Future: Our 25 Year Plan to Improve the Environment (HM Government 2018)
Water for Life, the Water White Paper (Defra, 2011)
Local Transport White Paper 2011
Revised National Planning Policy Framework (MHCLG 2018)
The Agriculture Bill (2018)
Biodiversity 2020: A strategy for England's wildlife and ecosystem services (Defra 2011)
Natural England Designations Strategy, July 2012
The Great Britain Invasive Non Native Species Strategy, Defra, Scottish & Welsh Governments (2015)
Natural Capital Committee's State of Natural Capital Report (2017)
State of the Nature Report (2016)
UK Geodiversity Action Plan (2009)
Historic England Corporate Plan 2018 -2021
Conservation Principle, Policy and Guidance, English Heritage (2008)
The UK Industrial Strategy (2016)
UK Renewable Energy Strategy (2009)
Securing the Future – Delivering the UK Sustainable Development Strategy (Defra, 2011)
Safeguarding our Soils – A Strategy for England (Defra 2011)
Draft Clean Air Strategy (HM Government 2018)
Government Forestry and Woodlands Policy Statement (Forestry Commission 2013)
A Tourism Action Plan (DCMS 2016)
Public Health England Strategic Plan (2016)
A Sporting Future – A New Strategy for a Sporting Nation (DCMS 2015)

LOCAL
Craven District Council Local Plan (adopted 1999)
Craven Local Plan (Submission Draft, 2018)
Lancaster District Local Plan (adopted 2004)
Lancaster District Core Strategy (adopted 2008)
Replacement Pendle Local Plan 2001 – 2016 (adopted 2001)
Pendle Local Plan Part 1: Core Strategy (adopted 2015)
Preston Local Plan 2012 – 2026 (adopted 2015)
Central Lancashire Core Strategy for Preston, South Ribble and Chorley (adopted 2012)
Central Lancashire Rural Development Supplementary Planning Document (adopted 2012)
Central Lancashire Design Supplementary Planning Document (adopted 2012)
Ribble Valley Districtwide Local Plan (adopted 1998)
Ribble Valley Core Strategy (adopted 2014)
Wyre Local Plan (Submission Draft 2018)
Joint Lancashire Minerals and Waste Development Framework (2009)
Joint Minerals and Waste Plan for North Yorkshire, North York Moors National Park and City of York (Submission Draft, 2017)
A Landscape Strategy for Lancashire, Lancashire County Council Environment Directorate, 2000
Bowland Fringe and Pendle Hill National Character Area 33 Profile (2012)
Bowland Fells National Character Area 34 Profile (2012)
Lancashire GAP 2010, GeoLancashire
Lancashire Historic Landscape Characterisation Programme (2000)
Planning guidance for renewable energy – Lancashire (2011)
Lancashire Rights of Way Improvement Plan 2015 - 2025
North Yorkshire Rights of Way Improvement Plan 2015 - 2025
Lancashire Health and Wellbeing Strategy (Lancashire County Council/NHS)
Lancashire Visitor Economy Strategy and Destination Management Plan 2016 - 2020
Welcome to Yorkshire, Our five year strategy for the Yorkshire Brand 2012 - 2017
Lancashire's Strategic Economic Plan 2015 -2025
York, North Yorkshire and the East Riding Strategic Economic Plan 2015 - 2021
North West River Basin Management Plan 2015

North West River Basin District Flood Risk Management Plan 2015 - 2021
Lune & Wyre catchment abstraction management strategy (2013)
Ribble, Douglas & Crossens catchment abstraction management strategy (2013)
Local Transport Plan 2011- 2021 - A Strategy for Lancashire
North Yorkshire Local Transport Plan, 2016 - 2045
Lune Catchment Flood Management Plan, Summary Report December 2009
Ribble Catchment Flood Management Plan, Summary Report December 2009
Wyre Catchment Flood Management Plan, Summary Report December 2009
Lancashire Climate Change Strategy 2009-2020,

APPENDIX 2 – ECOSYSTEM SERVICES IN THE FOREST OF BOWLAND AONB

Ecosystem Services are the benefits which the environment provides to society. In the Forest of Bowland the obvious benefits are the natural resources such as food, fuel and water; however there are many others too, see the table below. The aim behind identifying ecosystem services is to attempt to attach a value to these services provided by the landscape, in order to assess its importance to society. Services are divided into four categories:

Provisioning Services: natural resources provided by the landscape, for example via farming and forestry: food, wood, water and fuel are included

Regulating Services: systems within the landscape which regulate the wider environment, for example via the water cycle and pollination: these include clean air and water, fertile and stable soils and climate regulation

Cultural Services: non-material opportunities created by the landscape to enable people to enjoy and benefit from the environment: these include recreation, a sense of place and heritage, tranquillity, education and tourism

Supporting Services: these are the basic services which make up the infrastructure of the environment, the wildlife and habitats, geodiversity, soil development, and water and nutrient cycling

ECOSYSTEM SERVICES IN THE FOREST OF BOWLAND AONB		
Provisioning Services	RELEVANT OBJECTIVES	MP
Food: farmers produce predominantly extensive beef and sheep on the fells with more intensive beef, sheep and dairy farming within the valleys and lowland fringes. Hill farming systems concentrate on the production of suckler beef and store lambs. In addition, the western fringes of the AONB also support a number of other enterprises including pig, poultry and horticulture. Locally produced meat and dairy products contribute to the area's economy and this also contributes to the attraction of tourists to the area. The area also produces game (red grouse, pheasant and partridge) and is a rich fishing ground (notably for salmon and trout) on both still-waters and on the rivers	1.4, 2.1, 2.2, 2.3	
Water: Bowland is a water gathering area. United Utilities owns approximately one third of the upland core as catchment, but nearly all of the upland core is used as a source for drinking water, as well as some of the fringing farmland. UU abstract both from streams on the moorland, on the edge of the moorland, as well as from some of the lower stretches on rivers such as the Wyre and Lune. Some of this water goes direct to WTW at Lancaster and	1.1, 1.2, 1.4, 2.1	

Garstang, in other places water is stored in reservoirs at places such as Stocks, Barnacre, Barley, Longridge and Blackburn. Populations across North Lancashire, Bowland, Fylde, Preston and the Ribble Valley areas receive their water supply either wholly, or in part, from the Bowland Fells.	
Timber: there are a number of coniferous plantations in the AONB which are managed sustainably for timber production, notably at Gisburn Forest. There are also good opportunities for increased extraction of timber from broadleaved woodlands: providing fuel and timber for local use	1.1, 1.2, 1.4, 2.1
Energy: the AONB offers a significant resource for the production of renewable energy generation, particularly small-scale wind, solar and hydro, woodfuel and biomass	1.1, 1.4, 2.1
Rock and minerals: Historically, the AONB has seen lime extraction industries up until late 19 th century and lead mining operations also in the 19 th century. Today, there are a number of active quarries within the AONB providing various stone, aggregate and clay brick products	1.1, 1.4, 2.1, 2.3
Supporting Services	
Wildlife habitats and species: The AONB contains over 16,000 ha of nationally important Sites of Special Scientific Interest (covering 20% of the AONB), much of it being blanket bog and heather moorland, covering the high fells – but also notable upland hay meadows and ancient woodlands. The complex mosaic of habitats including grasslands, woodland, hedgerows and moorland provide a rich ecological network. The area is important for breeding birds especially upland species including hen harrier, peregrine, merlin and ring ouzel; and waders such as lapwing, curlew, redshank and snipe. This international importance for birds is recognised by the designation of the Bowland Fells (approx. 16,000 ha) as a Special Protection Area (SPA). In addition, numerous rivers and watercourses provide habitats for salmon, brown and sea trout, as well as birds such as kingfisher, dipper, grey wagtail, common sandpiper and oystercatcher. Otters are also present along rivers on the northern side of the Bowland Fells. This biodiversity is vital to sustaining the ecosystems and to providing an attractive natural environment for people to enjoy	1.1, 1.2, 1.4, 2.1, 2.2, 3.1, 3.3, 3.4
Geodiversity: underlying limestones, gritstones and shales create the AONB's basic landforms. These were modified by glaciations and the resulting wide river valleys, meltwater troughs and moraines add to the area's character. River erosion and deposition also create important features such as fans and channel erosion; and a number of quarries exist for small and large scale extraction of building stone and aggregates, and for cement production. There are both nationally and locally important sites designated for their geological importance within the AONB	1.1, 1.4, 2.1, 2.2, 3.3, 3.4
Nutrient cycling: plants and animals are responsible for cycling and re-cycling nutrients within natural systems, e.g. for breaking down of decayed matter and for enabling natural fertilisers to enrich the farmland. If inputs are increased artificially to this system then it can be thrown off balance and result in over enriched soils and eutrophication of water bodies	1.2, 1.4, 2.1
Cultural Services	
Sense of place: the Forest of Bowland AONB has a distinctive sense of place drawn from its contrasting and complementary landscapes: with a mixture of pastures, parkland and hedgerows in the lowlands and large expanses of moorland used for sheep grazing and grouse shooting on the higher fells. Settlements are small and dotted around the foothills, river valleys are often steep and wooded. This distinctive character lends a feeling of 'a step back in time' to the area and adds to its attraction for visitors	1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 2.4, 3.1
Heritage: the area holds almost 900 listed buildings and designated heritage assets (818 Listed Buildings, 48 Grade I and II* Listed Buildings, 20 Scheduled Monuments and one Registered Park and Garden), ranging from Bronze Age and Roman through medieval and Tudor. The area's distinctive dry stone walls reflect the parliamentary enclosure acts of the 18 th and 19 th centuries, and the former hunting Forests date from Norman times. Village and farm	1.1, 1.2, 1.3, 2.1

settlements illustrate the influence of Norse invaders right through to small scale 18 th and 19 th century industries. The area's history adds to its tourism and education offer	
Tranquillity: whilst over 99% of the Bowland Fells can be classed as undisturbed, this falls to 76% in the fringe area due to the impact of traffic noise in the M6/A6 corridor and along other main roads and around the larger settlements outside the AONB boundaries. The Bowland Fells also offer some of the darkest skies in England with low levels of pollution. Tranquillity and 'dark skies' can add to the tourism offer of the area as well as to residents' health and well-being.	1.1, 2.2, 2.3, 3.1, 3.2
Recreation: the Forest of Bowland has a very good network of public rights of way in many parts and over 25,000 ha of open access land. This attracts a large number of walkers and increasing participation by horse riders and cyclists, both on and off-road. There are also good opportunities for less mobile country-lovers with a network of easy access trails; and for birdwatchers, anglers and shooting parties. The area's food and drink offer is of a very high quality and attractive pubs and teashops provide a clear link between locally produced food and drink and the visiting public. Beacon Fell country park is managed by Lancashire County Council and attracts approximately 200,000 visits a year	2.1, 2.2, 2.4, 3.1, 3.2, 3.3, 3.4
Tourism: The AONB was awarded the European Charter for sustainable tourism in protected areas in both 2005 and 2010. It co-ordinates and encourages tourism businesses in the area to trade in a sustainable and sympathetic manner, promoting the AONB as a 'green tourism' destination. The landscape and natural beauty of the area, together with its wildlife and history, is seen as the key draw for visitors: and therefore contributes directly to the local economy	1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 2.4, 3.1, 3.2
Knowledge and education: The AONB partnership offers a large number of opportunities for both formal and informal education – including school visits to farms, arts workshops and performances, bird watching safari's, field studies for students; and opportunities for volunteering in traditional countryside skills. The Festival Bowland programme regularly offers over 120 events and attracts in excess of 1200 participants	2.1, 2.4, 3.1, 3.2, 3.3, 3.4
Health & wellbeing: Visits to the countryside provide excellent opportunities for gentle walking and relaxing days out. These can contribute to individual's health and wellbeing, at a minimal cost	2.3, 3.4
Regulating Services	
Regulating climate change: carbon dioxide is absorbed by farmland and woodland and perhaps most importantly by blanket bog. Restoring blanket bog and eroding peat so that it can become an active carbon store is a vital contribution to mitigating against climate change. Adapting to climate change can also be achieved through the AONB environment, especially when considering flood management (see below)	1.1, 1.2, 1.4, 2.1, 2.2, 2.3
Regulating soil erosion: the risk of soil erosion in the AONB is high; due to the high peat content, steep slopes and high rainfall of the area. Increasing drought may also lead to soil erosion. Improving vegetation cover, reducing over grazing, and controlling burning and recreational pressures can all help to reduce soil erosion in a sustainable manner	1.1, 1.2, 2.1, 3.1, 3.2
Regulating soil quality: soil compaction and loss of organic matter can be reduced if soil is managed sustainably by reducing stock and human pressure; and by reducing the impact of flash flooding	1.1, 1.2, 1.4, 2.1
Regulating water quality: reducing water colouration by managing the uplands in a sustainable manner has already shown, via the United Utilities SCaMP programme in Bowland, that land management can have economic benefits. Likewise water quality can be improved using natural processes, such as filtering and decomposition. Water quality tends to be good in the headwaters of the AONB, falling to moderate downstream	1.1, 1.2, 1.4, 2.1

<p>Flood control: re-wetting of the moorlands to store carbon also helps the blanket bog habitat to retain heavy rain downpours and to reduce flash flooding, run off, erosion and the flooding of downstream communities, particularly larger urban populations outside the AONB. Additional works such as enabling floodplains to absorb high river levels and floodwater (as at Long Preston on the Ribble), can also help to reduce flood risk in downstream areas</p>	<p>1.1, 1.2, 1.4, 2.1</p>
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APPENDIX 3 - LIST OF ABBREVIATIONS

BHS	Biological Heritage Site
BLMF	Bowland Land Managers Forum
CPRE	Campaign for the Protection of Rural England
CRoW	Countryside and Rights of Way Act 2000
CSF	Catchment Sensitive Farming
Defra	Department for Environment, Food and Rural Affairs
EA	Environment Agency
ELC	European Landscape Convention
ENWL	Electricity North West Limited
FOG	Fire Operations Group
IUCN	International Union for Conservation of Nature
AONB JAC	AONB Joint Advisory Committee
LAF	Local Access Forum
LCC	Lancashire County Council
LEP	Local Enterprise Partnership
LERN	Lancashire Environmental Records Network
NUC LNP	Northern Upland Chain Local Nature Partnership
LPA	Local Planning Authority
LWT	The Wildlife Trust for Lancashire, Greater Manchester and North Merseyside
NAAONB	National Association for AONBs
NE	Natural England
NERC	Natural Environment and Rural Communities Act 2006
NEYEDC	North and East Yorkshire Ecological Data Centre
NPPF	National Planning Policy Framework
NYCC	North Yorkshire County Council

Ofgem	Office of Gas and Electricity Markets
Pendle WINNS	Pendle Woodland and Invasive Non-Native Species Project
PFG	AONB Partnership Funders Group
PR19	Ofwat (Water Services Regulation Authority) Price Review 19
PRoW	Public Rights of Way
RIIO-ED1	Revenue = Incentive + Innovations + Outputs Electricity Distribution Round 1
RSPB	Royal Society for the Protection of Birds
SINC	Site of Interest for Nature Conservation
SSSI	Site of Special Scientific Interest
TIC	Tourist Information Centre
UCLan	University of Central Lancashire
UVA	Undergrounding for Visual Amenity
YDMT	Yorkshire Dales Millennium Trust

CONTACTS AND INFORMATION

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Appeal Decision

Inquiry Held on 8 - 10 May 2019

Site visit made on 10 May 2019

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 19th June 2019

Appeal Ref: APP/T2350/W/19/3221189 Henthorn Road, Clitheroe BB7 2QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Limited against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0688, dated 7 August 2018, was refused by notice dated 11 January 2019.
 - The development proposed is the erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Henthorn Road.
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Decision

1. The appeal is allowed and outline planning permission with all detailed matters reserved except access is granted for the erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Henthorn Road at Henthorn Road, Clitheroe BB7 2QF in accordance with the terms of application Ref 3/2018/0688, dated 7 August 2018, subject to the attached schedule of conditions.

Application for costs

2. At the Inquiry an application for costs was made by Gladman Developments Limited against Ribble Valley Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline with all matters reserved for future consideration with the exception of access. Only details of one vehicular access to the site are submitted so any other access to, and access within, the site remain a reserved matter. The site access details are shown on the plan 'Proposed Access Arrangements 1616/13/rev B' which along with the 'Site Location Plan 8439-L-04 rev A' are the plans that describe the proposal. An 'Illustrative Framework Plan 8439-L-02 rev C' was submitted for illustrative purposes only to demonstrate one way in which the site could be developed. I have had regard to this plan in the determination of this appeal.
4. At the Inquiry, the appellant submitted a S106 Unilateral Planning Obligation, signed and dated 10 May 2019, relating to the appeal development which would take effect should planning permission be granted. Amongst other

matters, the Planning Obligation provides for 30% of the total number of dwellings to be constructed as affordable units, 15% of the total number of dwellings to be of bungalow construction to be occupied by persons over the age of 55, the management arrangements for open space within the site and for contributions towards town centre cycling parking, travel plan, public transport and education provision. A Community Infrastructure Levy (CIL) Compliance Statement was submitted at the Inquiry by the Council. I have had regard to the provisions of the Planning Obligation in the consideration of this appeal and I shall return to this later in this decision.

5. Prior to the opening of the Inquiry, three Statements of Common Ground (SoCG) were submitted. These related to general planning matters ('Planning SoCG') and accessibility ('Accessibility SoCG'), both signed and dated 10 April 2019, and 5 year Housing Land Supply SoCG ('HLS SoCG') signed and dated 9 and 10 April 2019.
6. A further SoCG relating to the principle of development, signed and dated 2 May 2019, was submitted at the Inquiry ('Principle SoCG'). After the close of the Inquiry a further SoCG, signed and dated 16 May 2019, was submitted containing an updated and agreed list of suggested planning conditions.
7. The Inquiry was conducted on the basis of topic based round table discussions in relation to matters of accessibility and 5 year housing land supply. Matters relating to planning policy and the planning balance were considered by the formal presentation of evidence. Although not a matter contested by the Council, highway safety and the effect of the proposed development on the free flow of traffic was of considerable concern to local residents. This issue was dealt with at the Inquiry by a question and answer session with the concurrent involvement of the Appellant's witness dealing with highway matters and an officer from the highway authority. Both responded to related questions from local residents.

Main Issues

8. Having taken into account the evidence before me and from what I heard at the Inquiry, the main issues are:
 - Whether the proposed development would be appropriately located, having regard to planning policies that seek to manage the location of housing development.
 - Whether the Council can demonstrate a five year supply of land for housing.
 - Whether the proposal would be an accessible and sustainable form of development with particular regard to the accessibility of the site to services and facilities for future residents in terms of limiting the need to travel and offering a genuine choice of transport modes.

Reasons

Background and the proposal

9. The appeal site comprises an agricultural field off Henthorn Road with boundaries defined by mature hedgerow. It is located on the edge of, but outside, the settlement boundary of Clitheroe and as such is lies within the open countryside.

10. The north eastern boundary of the site adjoins a recently constructed residential development for 270 dwellings on land to the north of Henthorn Road which was granted planning permission on appeal (Ref APP/T2350/A/11/2161186)¹ which for the purposes of this decision letter I have referred to as the Blakewater Road development. To the south east, on the opposite side of the road, a further 130 dwellings are being constructed and is referred to as the Storey Homes site (Ref: 3/2015/0446). To the south west the boundary is shared with a detached residential property known as Siddows Hall, located within substantial grounds, and a field. To the north west is a field and a community park with the River Ribble beyond.
11. The submitted plans indicate that the site could accommodate a development of up to 110 dwellings with access provided off Henthorn Road in the vicinity of an existing field access gate. The submitted access arrangement plan (Ref 1616/13/rev B) shows that a 5.5m wide road would be provided at the access point/junction with Henthorn Road, with 2m wide footways either side. The eastern side footway would continue onto Henthorn Road up to the recently formed junction with Blakewater Road. The access arrangement plan also shows a section of Henthorn Road, between the site access and the above mentioned junction, would be widened to provide a 5.5m carriageway.
12. The submitted "Framework Plan" shows the broad location of where the dwellings could be sited within the site, with a landscape buffer provided along the site boundaries. This plan also shows the potential location of an on-site play area, an attenuation pond and a proposed footpath/cycleway that would run around the edges of the site and provide pedestrian access to the neighbouring Blakewater Road development and community park to the north.

Whether the proposed development would be appropriately located

13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Core Strategy 2008-2028 - A Local Plan for Ribble Valley (Core Strategy) was adopted in December 2014 and contains a number of key statements and policies relevant to the consideration of this appeal.
14. Core Strategy Key Statement DS1 sets out the settlement hierarchy strategy for the Borough. It seeks to guide development to the most appropriate locations through the identification of groupings of settlements in a hierarchy based upon existing population size, the availability of, or the opportunity to provide facilities to serve the development and the extent to which development can be accommodated within the local area. In that context, Clitheroe is identified as one of three principal settlements which are the highest order settlements within the hierarchy where the majority of new housing development will be located.
15. The Core Strategy does not define an up-to-date settlement boundary for Clitheroe. Key Statement DS1 indicates that specific allocations will be made through the preparation of a separate Allocations Development Plan Document. Consequently, the settlement boundaries currently utilised by the policies of the Core Strategy are those defined by the proposals map of the preceding

¹ CD 4.10

Ribble Valley Districtwide Local Plan. It is not a matter of dispute that the site is located outside of, but adjacent to, the existing settlement boundary of Clitheroe and therefore, lies within open countryside.

16. Part 1 of Policy DMG2 of the Core Strategy provides 'strategic considerations' for the location of development. It states that "development proposals in the principal settlements of Clitheroe, Longbridge and Whalley and the Tier 1 Villages should consolidate, expand or round-off development so that it is closely related to the main built up areas". Those quoted terms are defined in the Core Strategy glossary. 'Rounding Off' requires development to be within the settlement boundary. However, 'consolidation' is defined as locating development so that it adjoins the main built up area of a settlement. 'Expansion' allows for limited growth of a settlement.
17. Conflict with Policy DMG2 is identified as a reason for the refusal of planning permission for the appeal scheme. However, during the Inquiry the Council accepted that the policy is permissive of development that adjoins the settlement boundary and confirmed that development outside the settlement limits of Clitheroe would not necessarily conflict with the provisions of this policy². In this respect, I have no other evidence to suggest that the proposed development would otherwise constitute the consolidation and expansion of the settlement within the context of Policy DMG2.
18. Indeed, the Council confirmed that several developments outside of, but adjoining, the settlement boundary of Clitheroe had previously been permitted pursuant to the provisions of this policy. As such, the Council conceded that it would not be correct to conclude that the appeal scheme breaches Policy DMG2 and that the principle of residential development on the site would be appropriate.
19. I have also taken into account the emerging Ribble Valley Housing and Economic Development - Development Plan Document (HED DPD) which has been subject to Examination in Public Hearing Sessions which closed on 23 January 2019. The Inspectors report is awaited.
20. The HED DPD provides more detailed policy coverage of the key issues of the Core Strategy and includes allocations for residential development. However, this emerging plan does not propose the allocation of the appeal site for development. The Council's approach to settlement limits in the HED DPD is a flexible one as confirmed in the Main Modifications to the document³.
21. Both main parties agreed at the Inquiry that the provisions of this emerging plan have little relevance to the consideration of the issues in this appeal. Although this HED DPD has reached an advanced stage in the plan making process, and therefore should be afforded moderate weight, other than confirming flexibility in settlement boundaries its content has not been referred to or relied upon in the provision of any evidence in this appeal from any parties. Furthermore, I have been provided with little information as to any other content or relevance that this emerging plan may have in the determination of this appeal.

² Paragraphs 2,5 and 6.13 Mr Plowman's proof of evidence

³ CD 7.04, page 3, section 1, fifth paragraph

22. The 'Principle SoCG' states that the sole area of disagreement between main parties as to whether the appeal proposal accords with the development plan is in relation to accessibility of the appeal site. It further states that if it is found that the appeal scheme is accessible then the proposal accords with the development plan and should be approved without delay as per Key Statement DS2 of the Core Strategy which sets out a presumption in favour of sustainable development.
23. Subject to the consideration of accessibility and sustainability matters, which are dealt with later in this decision, there is agreement between the main parties that the proposed development would be appropriately located and that there would be no conflict with Policy DMG2 of the Core Strategy. I have no other evidence or reasons to disagree with this view.

Five year housing land supply

24. The Appellant contends that the Council cannot demonstrate a 5 year Housing Land Supply (HLS) and therefore considers that the provisions of Paragraph 11 of National Planning Policy Framework (the Framework) is applicable in the determination of this appeal
25. Paragraph 11d of the Framework 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 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 7 of the revised Framework advises that policies which may be considered to be out-of-date in relation to applications involving the provision of housing include situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).
26. Therefore, in relation to this proposal, should I find that a 5 year HLS cannot be demonstrated, and that I also find that the appeal scheme is not accessible, then a conclusion would need to be reached whether the harm significantly and demonstrably outweighed the benefits of the appeal scheme. Therefore, to conclude on the main issues in this appeal, as identified above, it is necessary to consider the 5 year HLS position in Ribble Valley.
27. The housing requirement set out in Key Statement H1 of the Core Strategy indicates that land for residential development will be made available to deliver 5,600 dwellings, estimated at an average annual completion target of at least 280 dwellings per year over the plan period 2008 to 2028. The Council's latest position on 5 year HLS is set out in the Housing Land Availability Statement dated 30 September 2018⁴ (HLAS). The base date for the HLAS is 30 September 2018 and the document identifies housing delivery over each of the subsequent 5 years. The deliverable supply set out in the HLAS does not include any of the proposed allocations in the HED DPD.
28. Following the publication of the Housing Delivery Test for 2018, both main parties agree that a 5% buffer should be applied to the housing requirement. Taking into account previous years delivery shortfalls, the Council's latest

⁴ CD 5.02

updated housing land supply position presented at the Inquiry⁵ is identified as 5.75 years. This comprises of an identified five year supply of 2,385 dwellings with an agreed annual requirement of 415 dwellings.

29. The appellant disputes the above figure and considers that the Council can only demonstrate 4.86 years HLS. The primary reasons for this difference from the Council's position is that the appellant contends that the Council's calculations on lead-in-times to commence development and build-out-rates on five sites included in the September 2018 Housing Land Availability Statement (HLAS) are overly optimistic. In particular, that the Council has failed to consider comparable sites to determine lead-in-times and build-out-rates and instead has relied on SoCG's and discussions with house builders regarding their anticipated house building start dates and build rates. The five disputed sites are considered below.
30. *Higher Standen Farm* – This site has outline planning permission for 1,040 dwellings. Phase 1, which has detailed consent for 228 dwellings, commenced development in September 2017 and is under construction by a single developer. As at 31 March 2019, 45 dwellings had been completed. The Council referred to a SoCG with the housebuilder which indicates an intention to complete 50 dwellings from Phase 1 by 30 September 2019 (Year 1), 50 by 2020 (Year 2), 48 by 2021 (Year 3), 45 by 2022 (Year 4) and 13 by 2023 (Year 5). Phase 2 is expected to produce 20 dwellings by Year 3, 40 by Year 4 and 40 by Year 5. The Council indicates that the housebuilder's business plan provides for 65 dwelling completions per annum.⁵ The appellant considers these delivery rates to be too optimistic as experience of the housebuilder's other site in the Borough is delivering 29 dwellings per annum. Other large sites in the area are delivering 30 dwellings per annum. Notwithstanding the SoCG with the housebuilder, the delivery of 65 dwelling per annum appears overly optimistic when compared with delivery rates on most other single developer site within the Borough. I have taken into account the fact that the 'Monks Cross' site has achieved delivery of approximately 50 dwellings per annum by a single developer and in taking a pragmatic approach, whilst recognising the housebuilders business objectives, I consider that a lower delivery rate of 35 dwellings to be more reasonable and the contribution from this site is more likely to be around 175 dwellings in the five year period to 2023. As such, 133 dwellings should be removed from the 5 year supply
31. *Chipping Lane, Longbridge* – This site has permission for 311 dwellings with the first dwelling completed in November 2018. This is also a single developer site. A SoCG with the housebuilder indicates the delivery of 246 dwellings by 30 September 2023⁵. For the same reasons as identified with the site above, the delivery rates for this site also appear to be overly optimistic. The identified delivery of 20 dwellings in Year 1 is agreed between the main parties but thereafter I consider that 35 dwellings per annum is likely to be more realistic and the contribution from the site likely to be around 160 dwellings in the 5 year period. Therefore, 86 dwellings should be removed from the 5 year supply identified in the identified in updated housing land supply position.
32. *Land south-west of Barrow and west of Whalley Road* – This site has outline planning permission for 504 dwellings. Phase 1 (183 dwellings) is under

⁵ Inquiry Document 1 - Updated 5 year housing supply table and Scott Schedule

construction. A reserved matters planning application for 233 dwellings on Phase 2 has been submitted by another housebuilder. The Council indicate that permission for Phase 2 would be expected to be granted by July 2019. The appellant does not dispute the Council's expected delivery rates but considers that the lead-in time to be optimistic and that delivery should commence in 2020/21 as opposed to the Council's view that delivery will commence in 2019/20. The Council referred to an email⁶ from the housebuilder which suggests that 20 units could be completed by 2020 (as opposed to 30 by 2020 in the HLAS). The appellant considers that average lead-in times in the area are around 16.25 months and as such completions could not be expected until 2021. I agree with the appellant that the delivery of 30 dwellings by 2020 is optimistic. However, the prospective housebuilder on this site has a track record of delivery in the Borough and, on the basis of the evidence before me, I consider that it would be unreasonable to suggest that no dwellings would be constructed in Year 2. Therefore, I consider that the housebuilder's suggestion that 20 dwellings would be constructed in Year 2 would not be unreasonable. Therefore 10 dwellings should be deducted from the five year supply.

33. *Land off Waddington Road* – This site has planning permission for 208 dwellings. The anticipated delivery rates are not disputed. However, both main parties agree that the lead-in period would mean that it is unlikely that 30 dwellings would be delivered in Year 2, as identified in the HLAS. Delivery of these 30 dwellings is unlikely to occur until Year 3 with an annual supply of 50 dwellings from this site thereafter. Therefore, I agree that 50 dwellings should be deducted from the five year supply.
34. *Land off Henthorn Road* – This site lies to the south east of the appeal site and has outline planning permission for 24 dwellings. A SoCG identifies that 12 dwellings are intended to be delivered in each of the Years 2 and 3. This trajectory is included in the HLAS. The appellant considers that this site does not meet the test of "deliverable" as set out in paragraph 74 of the Framework and Paragraph 3-036 of the Planning Practice Guidance (PPG). This is on the basis that the SOCG has been agreed with the site promoter and there is no 'site developer' who can commit to the trajectory for this site. The Council indicate that it would not be unreasonable to suggest that 12 dwellings would be provided in Years 4 and 5 particularly as the site promoter has indicated developer interest and that the site access is to be provided through the Storey Homes site that is currently under construction thereby minimising the some of the initial infrastructure requirements. On the basis of the evidence provided by the Council, I consider that it would be unreasonable to agree with the appellant's suggestion that there would be no delivery from this site during the five year HLAS period. In my view, the Council's suggested revised delivery of 12 dwellings in Years 4 and 5 would not be an unreasonable approach to take at this stage. Therefore, there should be no deduction from the 5 year supply.
35. Discussions during the Inquiry resulted in the Council changing its approach regarding the contribution that small sites (less than 10 dwellings or less than 0.4 hectares) and windfall allowance would make to the five year supply. At the round table discussion the Council agreed that 297 dwellings should be used as the figure for small sites with planning permission and small windfall sites and not 378 as originally identified. This was on the basis that a number

⁶ Inquiry document 5

of completed dwellings identified by the Council were on sites larger than 0.4 hectares. The Council's revised approach is reasonable and has been reflected in the updated housing land supply position presented at the Inquiry⁷.

36. The appellant also considers that the Council should have taken into account the Inspector's findings in the 'Woolpit' appeal decision⁸ and considers that the Council's approach to validate the HLAS by seeking statements of common ground with developers/promoters to justify its delivery predictions after its publication is erroneous. The appellant considers that the Council's approach places doubt on the validity of the content of the HLAS.
37. However, I consider that there are material differences between the circumstance in that appeal regarding housing land supply and those in this case. In particular, in the Woolpit case the Inspector indicated that the five year housing land supply calculation undertaken by the Council was, in effect, guesswork, which the Council subsequently sought to validate. The Inspector criticised the Council for failing to engage with developers/promoters. In the appeal case before me there is some evidence of engagement with promoters and developers prior to the HLAS and the subsequent post November 2018 contact and statements of common ground simply seek to discover the current position regarding delivery on the ground and future intentions. This is a reasonable sense check to undertake. Consequently, I do not consider that the 'Woolpit' decision has any material bearing on the consideration of the issues in this case.
38. I accept that there is a degree of subjectivity in the data on lead-in times and building rates provided by housebuilders. Equally, there is some subjectivity in the use of comparable information. However, in taking a pragmatic approach with regard to the disputed sites, and on the basis of the evidence before me, I consider that the Council's housing land supply should be reduced by 279 dwellings in total during the five year period from that shown on the updated five year housing supply table from 1 October 2018 to 30 September 2023. The number of dwellings should therefore be reduced to 2106. As a consequence, I find that the deliverable housing land supply demonstrated is 5.07 years (2106 divided by the agreed annual requirement of 415 dwellings per annum).
39. For the above reasons, I find that the Council can demonstrate a 5 year HLS. Consequently, the Council's policies for the supply of housing as set out in the Core Strategy remain up to date and the tilted balance as set out in paragraph 11d of the Framework is not engaged.

Accessibility and Sustainability

40. The reasons for the refusal of planning permission refer to a conflict with Policy DMG3 of the Core Strategy. However, the Council confirmed that this is not a prescriptive policy but simply identifies matters that will carry considerable weight in decision-making.
41. In particular, Policy DMG3 identifies that considerable weight will be attached to the availability and adequacy of public transport, and associated

⁷ Inquiry Document 1 - Updated 5 year housing supply figure and Scott Schedule

⁸ Appeal Ref APP/W3520/W/18/3194926 – CD4.03

- infrastructure to serve those moving to and from the development. Amongst other matters, it identifies that such weight will be applied to the relationship of the site to the primary route network; the extent to which provision is made for access to the development by pedestrian facilities, cyclists and those with reduced mobility; proposals which promote development within existing developed areas or extensions to them at locations which are highly accessible by means other than the private car; proposals which locate development in areas which maintain and improve choice for people to walk, cycle or catch public transport rather than drive between homes and facilities.
42. Both main parties identified that the most important Core Strategy policy consideration regarding the accessibility of the proposed development is Key Statement DMI2. This key statement, amongst other matters, identifies that development should minimise the need to travel and should incorporate good access by foot and cycle and have convenient links to public transport to reduce the need to travel by car. It further states that, in general, schemes offering opportunities for more sustainable means of transport and suitable travel improvements will be supported.
43. The reasons for refusal of outline planning permission identified that "due to the site's location, with a lack of cycling or suitable pedestrian access to the town centre, future residents will be wholly reliant on the car". At the Inquiry the Council provided no substantive evidence regarding the alleged inadequacy of cycling opportunity into the town centre. Moreover, the Council accepted that access to the town centre by cycling was adequate and that there were no concerns regarding the qualitative aspects of available routes. I have no reasons to disagree with this view.
44. Concerns were expressed by the Council regarding the lack of facilities within the town centre for cycling parking. However, the submitted planning obligation provides a financial contribution of £10,000 towards the cost of such facilities. Taking these factors into account I do not consider that there are any substantive reasons to suggest that there would be any material lack of cycling access to the town centre.
45. At the Inquiry it was agreed that accessibility concerns were only in respect of the walking distance into the town centre and the availability of public transport to serve the proposed development. In this context, as outlined above, Key Statement DSI2 of the Core Strategy was agreed as being the principal policy consideration regarding this issue.
46. The appeal site is located at the extreme edge of the urban area and approximately 2km from the town centre and Clitheroe Railway Station. The 'Accessibility SoCG' confirms that within approximately 1km of the site is a convenience store (McColls) on Henthorn Road, the Edisford Primary School and bus stops on Henthorn Road, Blakewater Road/Lune Road and Garnett Road.
47. The Illustrative Framework Plan (Ref 8439-L-02 rev C), shows pedestrian access to the Blakewater Road development to the north east and to the community park to the north from which access can be gained to the Leisure Centre, Swimming Pool and Spar convenience store on Edisford Road. In my view, all of these facilities are within an easy walk from the appeal site.

48. The proposed site access arrangements show that a 2m width footway would be formed on both sides of the junction with Henthorn Road and continue to the north east to meet the existing footway network along Henthorn Road. The appellant provided evidence of a variety of footway widths in the vicinity of the appeal site and leading to the town centre⁹. The submitted evidence shows that existing footway widths are consistently between approximately 1.7m to 2.2m along the northern side of Henthorn Road leading up to the town centre and benefit from an acceptable surface and street lighting. These widths were not disputed by the Council. Although there may be localised street furniture and other minor impediments that may cause reductions in width, overall I consider that the footway infrastructure in the vicinity of the site to be adequate for the range of users including those persons requiring the use of mobility equipment.
49. There is some dispute between the main parties regarding the application of relevant guidance regarding journeys undertaken on foot. The appellant identified the National Travel Survey 2017¹⁰ which indicates that 81% of trips under 1 mile (1.6KM) are made by foot. Both parties refer to the CIHT document 'Guidelines for Providing for Journeys on Foot'¹¹ which indicates that the preferred maximum distance to walk to town centres, commuting/school and journeys elsewhere is 800m, 2,000m and 1,200m respectively.
50. Reference was also made to the Manual for Streets¹² (MfS) which identifies that 'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas in which residents may access comfortably on foot'. However, paragraph 4.4.1 of MfS identifies that this is not an upper limit and further adds that walking offers the greatest potential to replace short car trips, particularly those under 2km.
51. The Council considers that basic facilities are beyond acceptable walking distances as indicated in the CIHT Guidelines. In the Council's view, the appeal proposal does not meet an acceptable standard of accessibility. This view is also supported by local residents and interested parties.
52. In my view a degree of realism needs to be applied to the distances in the guidance and the locational circumstance of the appeal site. It is clear that there are a range of facilities within an easy walk of the site. Although the town centre is 2,000m away, the routes to it are relatively direct on good footway infrastructure. The walk from the appeal site to the town centre, which I undertook at the site visit, was neither unduly lengthy nor strenuous. I consider that some residents are likely to walk into the town centre as a matter of choice.
53. Although Henthorn Road is relatively straight and level, I recognise that local topography on the close approach to the town centre has, in parts, moderate gradients. However, this is common to residents wherever they live in Clitheroe and is no more or less a deterrent to walking for residents of the appeal site than is typical for existing residents.

⁹ Figure 2 and page 18 Mr Helme's proof of evidence

¹⁰ CD 10.02 and Appendix E Mr Helme's proof of evidence

¹¹ Chartered Institute of Highways and Transportation - CD 10.06 and Appendix G Mr Helme's proof of evidence

¹² CD 10.01

54. Furthermore, there is little material difference in the walking distances to the town centre and those nearer facilities for the prospective residents of the appeal site and those of the Blakewater Road development to the north west, that was granted on appeal, and the Storey Homes development currently under construction to the south east. The residents of these developments would predominantly use the same routes to facilities and the town centre as those walking from the appeal site.
55. Taking the above factors into account, I consider that the proposed development would be adequately accessible to local facilities and the town centre by means of walking.
56. With regard to public transport, there is a relatively frequent bus service operating near to the appeal site. Service No 2 calls at a stop approximately 325m from the appeal site¹³ on Lune Road/Blakewater Road and functions as a town circular service including a stop close to Clitheroe Railway Station. Other stops are within easy walking distance on Garnett Road and Henthorn Road. This service runs at half hourly intervals between 07.27 hours and 18.27 hours Monday to Saturday.
57. The No 2 service is currently assisted by a financial contribution, secured through a planning obligation attached to the permission for the Blakewater Road development, which is paid annually until December 2021. Thereafter, the Council indicate that the service may revert to a hourly frequency or cease to operate if there were to be insufficient patronage.
58. The submitted planning obligation in respect of this appeal would provide for a financial contribution of £40,000 per annum over a period of 5 years to enable the continuation of the current frequency of the No 2 service until 2026. The appeal proposal also has the potential to generate additional patronage and establish public transport 'habits' that could enable the service to be sustained on a commercial basis beyond 2026.
59. There is a school bus service (Service No 686) which calls within 800m of the appeal site at bus stops on Garnett Road and provides a service to Bowland County High School on school days only. There are also school bus services which call at stops within 1200m of the appeal site on Edisford Road (Service Nos 510 and 645) and provide a service to Clitheroe Royal Grammar School, Bowland County High School and Ribblesdale High School. In my view, there is an acceptable degree of public transport service provision in the vicinity of the appeal site.
60. The Council and local residents consider that the bus stop on Lune Road/Blakewater Road for the No 2 service to be inadequate and that the planning obligation for the Blakewater Road development envisaged that a 'Quality Bus Stop' should have been provided. However, I have no evidence to suggest that there is any breach of the planning obligation attached to the permission for that development in terms of the bus stop provision that has been made. The fact remains that the bus stop is there and is operational.
61. In addition, the Council and local residents expressed concerns that the No 2 bus service timetable is not compatible with some working hours of those

¹³ Appendix 1 Accessibility SoCG

residents on shift patterns or those who may wish to travel beyond Clitheroe by public transport. Whilst this may be the case, a degree of realism also needs to apply here. I accept that some residents of the proposed development would need to use the private car to access employment opportunities. Nevertheless, the No 2 service does operate during typical workplace start and finish times and offers some genuine opportunity for the use of public transport to be made to access employment.

62. In the response to the consultation on the planning application, the highway authority identified that accessibility to public transport for the proposed development is good.¹⁴ Furthermore, the Travel Plan submitted with the planning application¹⁵ identifies a range of measures to promote the use of alternative transport modes other than the private car for which the submitted planning obligation provides for a financial contribution of £6,000 towards the cost of implementing the measures identified in the Travel Plan. An appropriate planning condition could secure the implementation of the recommendations made in the Travel Plan.
63. Taking the above factors into account, I consider that the proposal would be located on an accessible site and that prospective residents would have the opportunity to undertake walk, cycle and public transport trips. Consequently, there is no basis to support the Council's assertion that there is inadequate accessibility by non-car modes of transport.
64. Accessibility is a contributory element of sustainable development. The appeal site would be an extension to the existing settlement of Clitheroe in a location where the Core Strategy identifies that growth would be expected to be directed. Notwithstanding the Council's concerns at the accessibility of the appeal site, it accepts that the site could be appropriately developed for housing purposes and would not conflict with the policies in the Core Strategy in respect of its location within the countryside but adjoining the settlement. In particular, there would be no conflict with Policy DMG2.
65. There are many other components of sustainability other than accessibility. Notably these include the contribution to boost the supply of housing generally; the provision of affordable housing; providing for economic development through the construction period and subsequent engagement of the prospective occupants in the local economy; and providing for social and community cohesion by supporting local facilities and access to recreation. These aspects of the proposed development are uncontested by the Council and are consistent with the concept of sustainability.
66. Other than accessibility issues, no other substantive evidence was provided by the Council to suggest that the proposal constituted unsustainable development or was any more unsustainable than the adjoining developments to the north east and south east. On the basis of my findings above, the proposal would constitute an accessible and sustainable form of development. As such there would be no conflict with Key Statements DS2 and DMI2 and Policy DMG3 of the Core Strategy.

¹⁴ CD 3.07

¹⁵ CD 1.08

Other Matters

Highway and pedestrian safety

67. The effect of the proposal on highway and pedestrian safety is not a matter contested by the Council. The Framework advises in paragraph 109 that development should only be prevented 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. Lancashire County Council, in its capacity as highway authority, is satisfied that the safe access on to Henthorn Road can be made from the site and that the additional traffic arising from the proposed development can be accommodated on Henthorn Road and the surrounding highway network without causing a severe impact.
68. Although the Council did not contest this matter, it was of considerable concern to local residents. At the Inquiry the appellant's witness dealing with highway safety matters and an officer from the highway authority participated in a question and answer session which enabled local residents to ask questions regarding, amongst other things, the safety of the proposed access junction, the capacity of the local highway network, the safety of junction of Henthorn Road with Thorn Road and the effect of the railway level crossing on Thorn Road on queue lengths and pedestrian safety.
69. The submitted evidence and answers to questions at the Inquiry confirms that the site access arrangements would meet the appropriate standards for visibility. Although concerns were raised at the design of the existing recently formed junction of Henthorn Road with Blackwater Road, both the Appellant and the highway authority confirmed that its design was acceptable in safety and visibility terms and that a swept path analysis demonstrated that it was adequate for use by HGV's.
70. Baseline traffic counts were undertaken of existing vehicular flows and speeds on Henthorn Road and an assessment of the likely traffic that would be generated by the proposed development was modelled. This modelling included the likely traffic to be generated from recently completed residential developments in the vicinity of the site and committed schemes. In addition, the modelling took into account traffic generation in the years 2023 (the assumed date of the completion of the development) and 2028. Growth factors were also applied using the National Transport Model (NTM).
71. It is clear from the evidence provided and the responses to questions that the local highway network has the capacity to accommodate the predicted traffic that would be generated from the proposed development. There is no evidence to suggest that the residual cumulative impacts on the road network would be severe.
72. The Transport Assessment also considered the effect of the predicted traffic generation on the safety and capacity of twelve junctions in the vicinity of the site that would likely be used by traffic arising from the proposed development. Both the highway authority and the appellant's witness agreed that it is common practice to undertake a detailed assessment of the performance of a junction where development is predicted to increase traffic by more than 30 vehicles. Three of the twelve junctions considered are predicted to receive an increase of 30 vehicles or more.

73. Of these three, the junction that is of primary concern to local residents is the junction of Henthorn Road with Thorn Street which operates as a priority controlled junction. The results of modelling, which were not disputed by the highway authority, indicates that the junction would operate in an acceptable manner in the year 2023. By 2028 the model indicates that the Thorn Street arm may experience some reduction in performance at peak PM hours as the proposed development may add 5 vehicles to the Thorn Street (east) queue with an associated increase in operating delay of 34 seconds. However, the highway authority confirmed that this does not lead to a deterioration in performance of the junction that could be described as severe.
74. The other junctions that were considered in the modelling were Greenacre Street/Woone Lane/Eshton Terrace and Whalley Road/Greenacre Street. The model demonstrates that the traffic impact of the proposed development on these junctions in the years 2023 and 2028 would be acceptable.
75. Consideration was also given to the impact of the level crossing on queue lengths and the operation of the Henthorn Road/Thorn Street junction. Whilst it is clear that queues build up during the closure of the barriers, my observations and the views of the highway authority confirm that these quickly clear once the crossing is reopened. I have no demonstrable evidence before me to suggest that the predicted traffic generation for the development would have a severe effect on the operation of the Henthorn Road/Thorn Street junction.
76. I have also considered the evidence provided by Ribble Valley Rail and Mr Burke regarding the potential for increased rail services using the level crossing in the future. Whilst I recognise the local desire to increase rail service provision serving Clitheroe, no substantive evidence was available at the Inquiry to confirm if, and when, such increase in rail traffic may occur. Consequently, I have attached no weight to this matter in my consideration of the highway and traffic implications of the appeal proposal.
77. With regard to pedestrian safety, as outlined above, the proposed site access arrangement show that a 2m width footway would be formed on both sides of the junction with Henthorn Road and continue to the north east to meet the existing footway network along Henthorn Road. The submitted evidence shows that existing footway widths are consistently between approximately 1.7m to 2.2m along the northern side of Henthorn Road and benefit from an acceptable surface and street lighting. Given the relatively straight alignment of Henthorn Road the footway provides good frontage surveillance.
78. Taking the above factors into account, and the lack of any other contrary evidence, I have no reason to suggest that the proposed and existing footway network would be inadequate to cope with pedestrian flows arising from the proposed development or would give rise to circumstances that would be detrimental to the interests of pedestrian safety.
79. I recognise that there is a genuinely held perception that the proposed development would give rise to highway safety problems and that the highway network may be unable to cope with the increase in traffic that would result. However, based on the evidence before me, the discussions at the Inquiry and my observations of the site and its surroundings at different times of the day, I have no reason to take a different view to those of the highway authority. In addition, I do not see any reason to doubt the validity of the submitted Transport Assessment and Highways evidence. Consequently, I do not

consider that the proposed development would be detrimental to highway safety or pedestrian safety or the free flow of traffic on the local highway network.

Ecology

80. The effect of the proposal on ecological interests is also not a matter contested by the Council but is of concern to local residents. An Ecological Appraisal was submitted with the planning application and was further supplemented in the Inquiry by a further evaluation statement in response to resident's concerns.
81. Both submitted documents identify the site as comprising largely of poor semi-improved grassland, of low nature conservation value, with a small section of moderately species rich grassland in south eastern corner. The latter is of local importance only, given its small area. The illustrative development framework shows that the site can be developed for up to 110 dwellings whilst retaining this area.
82. Other than foraging bats, no other protected species were identified on the site. The perimeter hedgerows have the potential to provide bird nesting opportunities. The Illustrative Framework Plan indicates that hedgerow loss could be confined to the creation of a small gap in the north east of the site to facilitate a potential pedestrian access to the adjoining residential development and minor loss in the vicinity of the existing field access gate which would form the site access position. As such, hedgerow loss could be small and the appraisals confirm that proposed planting would more than compensate for these losses in the long term.
83. In terms of the impact on bats, two trees were identified as having moderate potential for roosting but the level of bat activity recorded is defined as being fairly unexceptional during the spring, summer and autumn surveys that were undertaken.
84. To minimise the potential impacts on foraging birds and bats, the development framework shows that a scheme could be designed which provides for the retention of all areas of higher value habitat resource with the built development proposals being confined to the areas of semi-improved grassland which is considered sub-optimal for foraging bats. As such, all trees, the majority of the hedgerows and the moderate species rich grassland could be retained and buffered within the proposed greenspace.
85. As part of the detailed development design, the Ecological Appraisals, amongst other matters, recommend an appropriate lighting scheme to ensure that any lighting is directed away from likely bat foraging areas. Additional enhancements include the provision of bat and bird nesting boxes on retained trees and potentially within the external elements of the dwellings. These requirements can be secured by suitable planning conditions at reserved matters stage.
86. Overall, the Ecological Appraisals confirm that the proposed development need not cause a negative impact on protected species and habitats in the long term. Based on the evidence before me, I have no reason to take a different view. Consequently, I find that that the proposed development need not have an adverse impact upon ecological interests.

Education and medical facilities

87. Many interested parties have raised concerns regarding the ability of local education and health facilities to cope with the likely demand that would be generated by the prospective occupiers of the development. It is not contested by the Council that the development would have a harmful effect on these facilities and no objections were raised, subject to the provisions of financial contributions to education provisions, by Lancashire County Council in its capacity as education authority.
88. The appellant has provided a planning obligation which, amongst other matters, provides for financial contributions towards educational provision based upon the County Council's formulae in respect of need anticipated to be generated from the future occupiers of the proposed development.
89. With regard to health care the nearest facilities to the appeal site are the Pendleside Medical Practice and the Castle Medical Group which are located at the Health Centre within Clitheroe Town Centre. Whilst I recognise local residents concerns regarding the existing access to health care services, there is no substantive evidence before me to suggest that health care facilities cannot accommodate the likely increased demand that would occur as a consequence of the proposed development.
90. As such, there is no evidence before me from education and health care service providers to indicate that the proposal should be resisted because of the likely impact on these services. Thus, I have no justifiable reasons for withholding permission because of the concerns raised.

Other appeal decisions

91. The appellant has referred to many appeal decisions which have been provided to support their case. However, it is rarely the case that appeal decisions on other sites will bring to light parallel situations and material considerations which are so similar as to provide justification for a decision one way or another. My decision is based squarely on the evidence before me. For that reason, I do not consider that appeal decisions brought to my attention have a determinative influence on my consideration of the appeal case.

Planning Obligation

92. The S106 Unilateral Planning Obligation (the Obligation) includes provision for 30% of the total number of dwellings to be constructed within the development as Affordable Housing Units and 15% of the total number of dwellings to be of bungalow construction for occupation by persons aged over 55 years, with half of these to be Affordable Housing Units. In this respect, the Obligation is in line with paragraphs 62 and 64 of the Framework and Policy H3 of the Core Strategy.
93. The Obligation would also make the following contributions towards improving local infrastructure that would serve the development: an off-site leisure contribution to be paid prior to the occupation of 75% of the dwelling units and calculated in accordance with the formula set out in Schedule 2; education contributions in respect of primary and secondary school places calculated in accordance with the methodology and triggers as set out in Schedule 3; a public transport contribution paid in 5 annual tranches of £40,000 with the first payment made prior to the first occupation of any dwelling; a town centre

contribution of £10,000 towards the cost of providing cycle storage facilities at Clitheroe Town Centre to be paid made prior to the first occupation of any dwelling and a Travel Plan Support Contribution of £6,000 to be paid prior to the first occupation of any dwelling.

94. The obligation also provides for the specification and management arrangements for the proposed open space within the site and the Sustainable Urban Drainage Scheme.
95. It is not contested by the Council that the development would have a harmful effect on existing infrastructure, subject to the provisions of the planning obligation. Furthermore, there is no substantive evidence before me which would indicate that the available services and facilities would not have sufficient capacity to accommodate demand arising from the development beyond those that require the provisions of the planning obligation.
96. At the Inquiry the Council submitted a CIL Compliance Statement. This confirms that none of the obligations would conflict with Regulation 123 requiring that no more than five contributions are pooled towards any one specific infrastructure scheme.
97. Having regard to the above, and based on the evidence before me, I am satisfied that all of the provisions set out in the obligation are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Therefore, they all meet the tests as set out within paragraph 52 of the Framework and CIL Regulations 122 and 123. I am satisfied with the form, drafting and content of the obligation and therefore I have attached weight to the provisions contained therein in this decision.

Conditions

98. The agreed and signed SoCG dated 16 May 2019 proposes a number of planning conditions, including a number of pre-commencement conditions, which I have considered against the advice given in paragraph 55 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the Government's Planning Practice Guidance. Where necessary I have deleted, altered or amended them in the interests of necessity, precision, conciseness or enforceability.
99. I have attached conditions limiting the life of the planning permission and setting out the requirements for the submission of reserved matters. In this respect both main parties agreed that the time period for the submission of reserved matters applications should be 18 months from the date of this permission in line with the appellant's anticipated programme of implementation.
100. I have specified the approved access plan and location plan in the interests of certainty. I have also attached a condition limiting the development to 110 dwellings. This is necessary as the technical assessments accompanying the planning application have assessed the impact of the proposal on the basis of a maximum 110 dwelling scheme.
101. Both parties suggested a condition requiring that the submission of the reserved matters shall be generally in accordance with the design parameters set out in the Design and Access Statement (August 2016) and the Illustrative

Framework Plan (8439-L-02 rev C). However, alternative and acceptable layout and design parameters may come forward at reserved matters stage that are different to those shown on the aforementioned statement and plan. Therefore, the imposition of the suggested condition at this stage would be unnecessary.

102. In the interests of protecting the character and appearance of the area, a condition is necessary requiring details and verification of finished floor levels. In order to ensure that appropriate provision is made for a children's play, a condition is necessary requiring the submission of details of an equipped play area and its subsequent implementation.
103. In order to ensure that the surface water arising from the proposed development can be appropriately drained and does not either cause off-site flood risk or is affected by flooding, a condition is necessary requiring the submission of details of the proposed drainage scheme and measures to ensure that the construction of the development accords with the submitted Flood Risk Assessment (Ref: SHF.1132.159.HY.R.001.A).
104. Both parties suggested a condition requiring the submission of details of a proposed attenuation pond. However, until the drainage details are designed and approved it is not certain at this stage whether such pond would be required. However, I have amalgamated parts of the suggested condition into the condition requiring the submission of details of the drainage scheme referred to above (condition 7).
105. A condition requiring an investigation and the recording of the potential archaeological interest on the site is necessary in order to ensure that any archaeological interest is recorded or safeguarded. A condition requiring a site investigation of the nature and extent of any contamination affecting the site, along with any requisite remediation, is also necessary to safeguard the health and well being of future occupiers.
106. Conditions are necessary requiring the submission of an Arboricultural Report containing measures to identify and protect retained trees and to ensure that any vegetation, hedgerow or trees proposed to be removed are free from nesting birds. These conditions are necessary in the interests of protecting the character and appearance of the surrounding area and to ensure that any tree or hedge removal has no detrimental effect on nesting birds.
107. Both main parties have suggested the imposition of a condition requiring the implementation of ecological mitigation measure. However, such measures are relevant to the details of landscaping of the site which remains a reserved matter. Consequently, the suggested condition is unnecessary at this stage. However, in the interests of protecting the character and appearance of the area and, where possible, enhancing the ecological value of the site, conditions are necessary requiring the submission of a landscape/habit management plan and the provision for bird boxes and artificial bat roosting sites.
108. A condition requiring an external lighting scheme is also necessary to minimise the effect of artificial light on local species and in the interests of protecting the living conditions of existing nearby residents and the future occupants of the development.

109. To promote sustainable modes of transport and reduce the need for travel by car, conditions are necessary to secure the implementation of the Travel Plan and the provision of electric vehicle charging points. The submission and approval of a Construction Management Plan is necessary to safeguard the living conditions of local residents and in the interests of highway safety.
110. Also in the interests of highway safety, conditions are necessary requiring the design details and early provision of the site access. Both main parties suggested the imposition of a condition requiring the submission of the details and implementation programme for the provision of the estate roads. However, as access within the site remains a reserved matter such condition is not necessary.

Conclusion

111. I have found that the Council can demonstrate a 5 year supply of land for housing and such the tilted planning balance as set out in paragraph 11d of the Framework does not apply. I concur with the main parties views that Key Statement DMI2 and Policy DMG3 of the Core Strategy are the remaining policies applicable to the reason for refusal. I also concur that, in accordance with the 'Principle SoCG', if the appeal scheme is found to be accessible then it should be approved without delay as per Key Statement DS2 of the Core Strategy and paragraph 11c of the Framework.
112. As explained above, I have found that the appeal scheme is accessible and therefore there is no conflict with Key Statement DMI2 and Policy DMG3. There are no other considerations of such weight as to warrant a decision other than in accordance with the aforementioned development plan policies and the Framework. Consequently, for the above reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

David Manly QC

of Queens Counsel instructed by
Ribble Valley Borough Council

He called

Rachel Horton BSc (Hons), MA

Senior Planning Policy Officer, Ribble
Valley Borough Council

Simon Plowman BA (Hons), BTP,
MA, MRTPI

Plan:8 Town Planning Limited

FOR THE APPELLANT

Martin Carter

of Counsel instructed by
Gladman Developments Limited

He called

Ben Pycroft BA (Hons), Dip TP, MRTPI

Emery Planning

Simon Helme BEng (Hons), MSc MCIHT

Ashley Helme Associates Limited

Neil Lewis BSc (Hons), MCD, MRTPI

Gladman Developments Limited

FOR LANCASHIRE COUNTY COUNCIL
(Highway Issues Question and Answer
Session)

Ray Bennett

INTERESTED PARTIES

Steven Burke Dip.Arch (Oxf'd)

Chairman, Clitheroe Civic Society

Dr W J David McKinlay MBE, MRCP, FRCGP

Retired GP and Local Resident

John Roberts

Local Resident

Maureen Fenton

Local Resident

Linda Parkinson

Local Resident

Barbara Alty

Local Resident

Judith Driver

Local Resident

Stuart Roberts

Local Resident

Jenny Roberts

Local Resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Updated 5 Year Housing Land Supply table and Scott Schedule.
- 2 Opening Submissions on behalf of the Appellant.
- 3 Opening Submissions on behalf of the Council.
- 4 Email from Gary Hull to Council dated 6 May 2019 regarding weed infestation and deposit of material on land adjoining Siddows Hall.
- 5 Email from Taylor Wimpey to Council dated 20 April 2019 identifying anticipated housing delivery rates on the Barrow site.
- 6 Paragraph from Dr McKinlay's intended transcript relating to school capacity.
- 7 Statement of Common Ground dated 2 May 2019 relating to the principle of development.
- 8 Planning Obligation by Deed of Undertaking dated 10 May 2019.
- 9 Updated CIL Compliance Statement.
- 10 Application for a full and partial award of costs submitted on behalf of Appellant.
- 11 Closing submissions of behalf of Council.
- 12 Transcript of Statement read by Steven Burke.
- 13 Letter from Mr David Butterworth, Ribble Valley Rail referred to in the Transcript of Statement read by Steven Burke.
- 14 Transcript of Statement read by Dr McKinlay.
- 15 Transcript of Statement read by Maureen Fenton.
- 16 Closing Submissions on behalf of Appellant.
- 17 Handwritten response to Appellant's Claim for an Award of Costs on behalf of Council.

DOCUMENTS SUBMITTED AFTER THE INQUIRY (Following discussion and agreement during the Inquiry)

- 18 Statement of Common Ground dated 16 May 2019 containing an updated and agreed list of suggested planning conditions.

SCHEDULE OF CONDITIONS

- 1) Details of the access, other than that shown on drawing 1616/13 rev B, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of all reserved matters must be made not later than the expiration of 18 months beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates.
 - (a) The expiration of three years from the date of this permission; or
 - (b) The expiration of 18 months from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) The vehicle site access shall be constructed in accordance with the details shown on drawing number 1616/13 rev B (Proposed Access Arrangements).
- 4) The development hereby permitted shall be limited to no more than 110 dwellings and shall be carried out in accordance with the Location Plan (Drawing No 8439-L-04 rev A).
- 5) Any application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details. Prior to the occupation of each dwelling verification that the dwelling has been constructed in accordance with the approved levels shall be submitted to and approved in writing by the local planning authority.
- 6) The reserved matters application(s) shall include full details of an equipped play area for the written approval of the local planning authority. Such details shall include:
 - a) The layout of the equipped play area.
 - b) The siting of the equipped play area with the site.
 - c) The precise details of all play equipment proposed.
 - d) Details of soft and hardsurfacing materials and boundary treatments.

The equipped play area shall be provided in accordance with the approved details and shall be made available for use in accordance with the timescales agreed within the Unilateral Undertaking and the equipped play area shall be managed and maintained in accordance with the approved Management Plan as required by the Unilateral Undertaking.

- 7) The reserved matters application(s) shall provide the following drainage details for the written approval of the local planning authority:
- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change), discharge rates and volumes, temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
 - b) The drainage scheme should demonstrate that the surface water run-off will not exceed the existing pre-development runoff rate for the corresponding return period. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - c) A plan showing any overland flow routes and flood water exceedance routes, both on and off site – flow routes must be directed away from property and infrastructure;
 - d) A timetable for implementation, including phasing where applicable;
 - e) Details of water quality controls, where applicable;
 - f) Details of any proposed surface water attenuation pond including proposed sections through the pond, including relevant existing and proposed land levels, details of all associated landscaping and boundary treatments where applicable and a timescale for implementation and completion of the pond;
 - g) Details of an appropriate management and maintenance plan for the lifetime of the sustainable drainage system.

The scheme shall be implemented in accordance with the approved details and agreed timetable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

- 8) The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (Ref: SHF.1132.159.HY.R.001.A) and the following mitigation measures detailed within the FRA:
- a) Finished floor levels are set no lower than 150mm above external ground levels;
 - b) Limiting the built development (including surface water attenuation) outside the mapped extent of surface water flow pathways;
 - c) No below surface building (i.e. basements);
 - d) Providing a 4m easement free from development along either side of the 'Drain 1' as shown on Figure 3.6 of the FRA;

The mitigation measures shall be provided in accordance with an implementation timetable which shall have been submitted to and approved

in writing by the local planning authority prior to the commencement of any construction work above foundation level. The mitigation measures shall be subsequently implemented in accordance with the approved implementation timetable and shall thereafter be permanently retained.

- 9) No development shall take place until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- a) An assessment of the potential of the site to contain archaeological remains or features of interest.
 - b) The programme and methodology of site investigation and recording which shall include where applicable an initial phase of both geophysical survey and trial trenching to establish the presence or absence of buried archaeological remains and their nature, date, extent and significance.
 - c) The programme and methodology for the post investigation analysis and assessment of the site investigation results including the excavation of any remains or measures to record their significance in-situ.
 - d) The provisions to be made for the archive deposition of the records and analysis of site investigation.

The development shall be carried out in accordance with the approved Written Scheme of Archaeological Investigation.

- 10) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment shall be carried out as recommended and described in Section 7 (Discussion and Recommendations) of the submitted Phase 1 Geo-Environmental Report by enzygo (Ref: SHF.1132.159.GE.R.001) and shall assess any contamination on the site or affecting the site from off-site sources.

The assessment shall include a survey of the extent, scale and nature of contamination and shall assess potential risks to:

- a) Human health.
- b) Property (existing and proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes.
- c) Adjoining land.
- d) Groundwater and surface water.
- e) Ecological systems.
- f) Archaeological interests.

No development shall take place where, following the risk assessment, land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority.

The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, a description and programme of the remediation works proposed and the submission of a subsequent verification report to confirm that the land has been remediated in accordance with the approved scheme. The remediation scheme shall ensure that upon completion of the remediation works the site shall not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The remediation of the site shall be carried out in accordance with the approved scheme and the verification report, endorsed by a suitably qualified contaminated land practitioner, shall be submitted to and approved in writing by the local planning authority before the development (or relevant phase of development) is occupied.

- 11) The reserved matters application(s) shall include an Arboricultural Impact Assessment and Tree Constraints Plan in respect of the existing trees situated within influencing distance of the development site. The assessment shall be submitted for the written approval of the local planning authority and shall include details of all root protection measures which shall accord with BS5837 "Trees in Relation to Demolition, Design and Construction" and a timetable for the implementation and retention of such works linked to the proposed phasing and completion of construction work. The development shall be carried out in strict accordance with the approved assessment.
- 12) The reserved matters application(s) shall include details of a Landscape/Habitat Management Plan to include long-term design objectives, timings of the works, habitat creation, enhancement, management responsibilities and maintenance schedules for all landscaped areas (other than privately-owned domestic gardens). Such details shall be submitted for the written approval of the local planning authority. The requirements of the Landscape/Habitat Management Plan shall be informed by the submitted Ecological Appraisal (dated August 2018) and the recommended measures shall be carried out in accordance with the approved Plan.
- 13) The reserved matters application(s) shall include details of the provisions to be made in the development for the creation/preservation of habitats for nesting birds and bats. Such details shall be submitted for the written approval of the local planning authority and shall include artificial bird nesting boxes and artificial bat roosting sites which shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into those individual dwellings/buildings as identified in the approved details during their construction and shall be completed before and made available for use before the identified dwellings/buildings are first occupied or brought into use. The artificial bird/bat boxes shall be permanently retained thereafter.

- 14) The reserved matters application(s) shall include details of a scheme for any external building or ground mounted lighting/illumination. Such details shall be submitted for the written approval of the local planning authority and shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution. The submitted details shall also demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated.

External lighting shall only be provided in accordance with the approved scheme(s) and shall thereafter be retained as approved.

- 15) Any removal of vegetation, including trees and hedges, should be undertaken outside the nesting bird season (March to August) unless a pre-clearance check has been carried out by a licensed ecologist on the day of removal and no nesting birds are present. The pre-clearance check shall have been submitted to, and shall have received the written approval of, the local planning authority prior to the removal of any trees and/or hedges.
- 16) Each dwelling shall be provided with an electric vehicle charging point which shall be installed in a suitable location to enable electric vehicles to be charged. The charging point be installed and made operational prior to the first occupation of the relevant dwelling.
- 17) Prior to the commencement of the development a scheme providing details of the construction of the site access and the off-site works of highway improvement shall be submitted to, and approved in writing by, the Local Planning Authority. The site access shall be provided in accordance with the approved details and shall be constructed to at least base course level for a distance of 23m into the site from the junction with Henthorn Road prior to the commencement of the construction of any dwellinghouse.
- 18) Prior to the occupation of the first dwelling, a Travel Plan detailing the measures and targets to encourage sustainable modes of transport, including but not limited to walking and cycling, shall be submitted to and approved in writing by the local planning authority.

The Travel Plan shall demonstrate how proposed measures will reduce peak hour car trips and shall accord the details shall accord with the general principles of the submitted Travel Plan dated August 2018 (Ref: 1616/3/A).

The Travel Plan shall be reviewed within 9 months of the occupation of the 60th dwelling and thereafter at 12 month intervals for a period of 5 years from the occupation of the 60th dwelling.

A monitoring report shall be submitted to and approved in writing by the local planning authority following each review period. The monitoring report shall include details of measured indicators of, but not limited to, pedestrian and cycle movements to/from the development and shall demonstrate whether the measures and targets contained in the Travel Plan have been achieved.

In the event that the monitoring report demonstrate that the targets are not being met the report shall provide details of intervention measures to ensure that the targets can be met. The intervention measures shall

thereafter be undertaken in accordance with the details provided in the approved monitoring report.

- 19) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Plan shall provide for:
- a) Working hours and arrangements for the delivery and storage of materials for the off-site highway works.
 - b) The parking on-site of vehicles of site operatives and visitors.
 - c) The loading and unloading of plant and materials.
 - d) The storage of plant and materials proposed to be used in the construction of the development.
 - e) The design, erection and maintenance of site perimeter fencing and security hoardings.
 - f) Details of working and delivery hours including details to avoid/minimise deliveries during peak hours and school opening/closing times.
 - g) The display of contact details of the site manager.
 - h) Routes to be taken by vehicles carrying plant/materials to and from the site.
 - i) Measures to ensure that construction plant and vehicles and delivery vehicles do not impede access to nearby properties.
 - j) Details of wheel washing facilities and other measures to prevent the deposit of mud and debris on the public highway.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.



Costs Decision

Inquiry Held on 8 – 10 May 2019

Site visit made on 10 May 2019

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 19th June 2019

Costs application in relation to Appeal Ref: APP/T2350/W/19/3221189 Henthorn Road, Clitheroe, BB7 2QF

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Gladman Developments Limited for a full award of costs against Ribble Valley Borough Council.
 - The inquiry was in connection with an appeal against the refusal of outline planning permission for the erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Henthorn Road.
-

Decision

1. The application for an award of costs is partially allowed, in the terms set out below.

Reasons

2. Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG states that local planning authorities are at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal.

The submissions for Gladman Developments Limited

3. The appellant's submissions were made in writing at the Inquiry. The basis of the claim for costs is that the Council acted unreasonably by failing to provide evidence to substantiate the matters referred to in the reason for refusal and not having regard to an appeal decision for residential development on land immediately to the north east of the appeal site (Ref APP/T2350/A/11/2161186) with access off Henthorn Road which considered matters relating to sustainability and accessibility.
4. In particular, the appellant considers that there was no attempt to in the appeal to justify conflict with Policy DMG2 of the Core Strategy 2008-2028 - A Local Plan for Ribble Valley (Core Strategy). This policy relates to development outside the settlement limits of Clitheroe. At the Inquiry the Council accepted that there would be no conflict with the provisions of this policy.
5. The Council also accepted that the concerns identified in the reason for the refusal of outline planning permission regarding access to the town centre by

cycling are unevidenced. The Council's sole case related to a view about a lack of accessibility by walking and by bus, with the latter not being identified in the reason for refusal of outline planning permission. The appellant considers that the Council has placed an over-reliance on arbitrary figures regarding acceptable walking distances. It also failed to take appropriate account of the content of the submitted planning obligation that secures the continuation of the bus service until 2026.

6. The appellant also considers that the Council's case on accessibility did not cogently explain why the appeal site is different from the neighbouring two sites where development has recently taken place and which were permitted in one case on appeal and in the other by the Council.
7. As a consequence of the above, the appellant considers that the failure of the Council to even try to defend aspects of the reason for refusal and the failure to provide substantive evidence on some matters it still pursued, including explaining why the appeal site is different from the neighbouring site, is unreasonable conduct. Such unreasonable conduct is considered by the appellant to have caused the incurrence of unnecessary expense. Furthermore, if the abandoned points had not been cited as part of the reason for refusal and the insubstantial case on the remaining points had not been pursued, taking into account similar adjacent case, then an appeal would not have been necessary. As such, the appellant considers that a full award of costs is justified.

The response by Ribble Valley Borough Council

8. The Council provided a handwritten response to the cost claim which was supplemented orally during the Inquiry. It is acknowledged that Policy DMG2 was not pursued but considers that the Development Plan had to be considered as a whole in addressing this matter. Therefore, this did not result in additional expense. The Council also accepts that cycling accessibility was also not pursued. However, Key Statement DMI2 of the Core Strategy was pursued with reference to walking and, as such, constitutes the policy basis for the consideration of accessibility issues. In considering Key Statement DMI2 as a whole, the Council considers that it would have been inconceivable for the appellant not to have addressed cycling in the assessment of all matters of accessibility.
9. The Council considers that the preferred walking distances as set out in the Chartered Institute of Highways and Transportation document 'Guidelines for Providing for Journeys on Foot' are not arbitrary and are well recognised as material considerations. In addition, Lancashire County Council, in its capacity as highway authority saw the proposed development as being at the 'extreme end' of accessibility for walking purposes.
10. With regard to the bus service, the Council considers that the planning obligation only guarantees the provision of the service until 2026 and it cannot be concluded that the appeal site will have access to a regular bus service beyond that date. Furthermore, with regard to the neighbouring site granted on appeal, the Inspector envisaged a 'high quality' bus halt on Lune Road which has not been provided, nor has the lighting of the route to the Leisure Centre which would be used by the prospective residents of the appeal site.

Reasons

11. Despite conflict with Policy DMG2 being identified in the reason for the refusal of outline planning permission there was no attempt by the Council in the appeal to justify conflict with this policy. Although the proposed development lies outside of the settlement limits of Clitheroe, the Council advised that this policy is permissive of development that adjoins the settlement boundary as this constitutes consolidation and expansion of the settlement.
12. Taking into account the Council's views at the Inquiry that there would be no breach of this policy, I can see no reasonable justification for its inclusion in the reason for refusal. Consequently, I consider that the reference to a breach of Policy DMG2 constitutes unreasonable conduct that caused the appellant to incur unnecessary expense in providing evidence to demonstrate that there was no such breach.
13. The reason for refusal specifically mentioned that the site had a lack of cycling access to the town centre. Notwithstanding the Council's view that Key Statement DMI2 needed to be considered holistically, there was a clear emphasis within the reason for refusal that cycling access was inadequate. Consequently, there was an understandable requirement for the appellant to address cycling issues in depth in the Inquiry.
14. With regard to cycling, the Council only identified that there were inadequate cycle parking facilities in the town centre. This matter was not referred to in the reason for refusal. No evidence was provided to substantiate the assertion in the reason for refusal that the site has a lack of cycling access to the town centre. In respect of the Council's only concern regarding a lack of facilities, the submitted planning obligation provides for a financial contribution to the cost of providing additional cycle parking facilities. This appropriately addresses the Council's only identified concern on this matter.
15. However, no evidence whatsoever was provided to justify the Council's position regarding a lack of cycling access from the site to the town centre as set out in the reason for refusal. Consequently, I consider that the unjustified reference to inadequate cycling access to the town centre constitutes unreasonable conduct that caused the appellant to incur unnecessary expense in providing evidence to demonstrate that cycling accessibility was adequate.
16. With regard to the bus service, this was not a matter specifically identified in the reason for refusal but was raised in evidence at the Inquiry. The Council's concerns relate to the fact that the 'quality bus stop' had not been provided and that service may not continue beyond 2026. No evidence was provided to suggest that there was any breach of the planning obligation attached to the permission for the site to the north east that was granted on appeal and which provided for the 'quality bus stop'.
17. The appellant identified that it was a matter for the highway authority to determine what they considered to be an adequate bus stop and no other evidence was provided that would enable me to take a contrary view. Whilst I was led to believe that a post and sign is shortly to be provided there were no plans by the highway authority to install a shelter. No evidence was provided by the highway authority to suggest that the form of bus stop currently provided is inadequate.

18. The submitted planning obligation would enable the continuation of the bus service until 2026. The provision of 5 years initial funding to enable the establishment of public transport patronage is reasonable and is not uncommon. The obligation effectively means that by 2026 a bus service serving the area in the vicinity of the appeal site would have been secured for 10 years (from 2016 to 2026). Whilst I accept that there can be no guarantee that the service would be sustained beyond 2026, the 10 year period that it would be in operation is more than adequate for public transport travel patterns and bus patronage to be established.
19. Consequently, I consider that the Council failed to appropriately substantiate its concerns regarding bus service provisions and did not appropriately take into account the provisions of the planning obligation that secured its provision until 2026. The view that bus service would be inadequate, the possible discontinuation of the bus service after 2026 and the fact that the bus stop provided was not a 'quality stop', despite no breach of any planning obligation being identified, are not substantive matters on which to conclude that accessibility by public transport was poor. Moreover, no reference to any inadequacy in public transport provision was identified in the reason for refusal.
20. As such, I consider that the lack of justification in alleging inadequate bus service provision constitutes unreasonable conduct. This caused the appellant to incur unnecessary expense in providing evidence to demonstrate that the bus service provision was adequate.
21. Turning to the matter of walking, both parties referred to guidance documents that provided various distances as to what constitute an appropriate walking distance. These documents predominantly refer to preferred distances. I consider that there is some subjectivity as to the distances that people may prefer to walk. Consequently, I consider that the distances set out in various documents are a guide only and cannot be applied prescriptively. The highway authority considered that the site was on the limit of accessibility. It lies approximately 2km from the town centre. As such, it was not unreasonable for the Council to raise concerns regarding walking accessibility in the reason for refusal.
22. The views of the Council regarding walking accessibility were relevant to the provisions of Key Statement DMI2 of the Core Strategy and were substantiated in the evidence provided in the appeal. I consider that that the Council had reasonable concerns about the accessibility of the appeal site to the town centre by means of walking which partly led to the decision to refuse the application. Accordingly, I do not find that the Council failed to properly consider the merits of the scheme with regard to walking accessibility and therefore the appeal could not have been avoided in this regard.
23. The Council identified in the response to the cost claim that street lighting had not been provided to pedestrian route to the Leisure Centre from the adjacent Blakewater Road development to the north east of the appeal site. However, no breach of any planning conditions or obligation was identified. In my view this matter has little relevance in my consideration of the application for an award of costs. I have therefore attached no weight to these concerns in my consideration of this costs application.
24. With regard to the appeal decision on the neighbouring site (Ref APP/T2350/A/11/2161186) it is an established planning principle that each

planning application has to be considered on its own individual merits. However, there are clearly some similarities in the locational circumstances of that site and the appeal site in that distances and routes to the town centre are substantially the same. I recognise the appellant's concerns regarding this matter.

25. However, I have found above that the Council's concerns regarding walking accessibility were founded on a reasonable basis. I concur with the views of the highway authority that the site is at the extreme limit of walking accessibility. As such, I do not consider that the Council failed to take into account the appeal decision on the adjacent site in respect of walking.
26. It is clear from the evidence provided that the consideration of the relevance of other appeal decisions can be subjective. Just because I have found differently from the Council regarding walking distances does not mean to say that the Council's concerns had no basis. Accordingly, I do not find that the existence of the appeal decision on the adjacent site suggests that the Council failed to properly consider the merits of the scheme before me.
27. Finally, the appellant suggested that the Council could not demonstrate a five year supply of land for housing (HLS). Both main parties produced substantial evidence with regard to this matter. The dispute with regard to HLS was raised at the discretion of the appellant to which the Council produced adequate evidence to substantiate its position. Consequently, there is no basis for any award of costs in relation to this matter.

Conclusion

28. The Council's reason for refusing planning permission, as set out in its Decision Notice, specifically referred to matters of cycling and walking accessibility and identified conflict with a planning policy relating to the location of development outside of settlements limits. In providing no substantive evidence to support that part of the reason for refusal relating to cycling and in respect of a perceived conflict with Policy DMG2, I find that the Council behaved unreasonably in reaching its decision.
29. The Council partly relied on a deficiency in bus service provision which was not specifically identified in the reason for refusal in the same way that concerns regarding cycling and walking were. The bus service is already operational and would continue to be subsidised for a further five years under the terms of the submitted planning obligation. In respect of this matter, I consider that the Council acted unreasonably by failing to appropriately take into account the provisions of the obligation and the benefits that it would provide in securing public transport provision up to 2026.
30. I do not consider that any award of costs is justified with regard to matters relating housing land supply or accessibility by means of walking. Consequently, a full award of costs is not justified.
31. However, I conclude that a partial award of costs, to cover the expense incurred by the applicant in contesting those parts of the Council's reasons for refusal and case relating to conflict with Policy DMG2, cycling and bus accessibility is justified

Costs Order

32. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Ribble Valley Borough Council shall pay Gladman Developments Limited the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in contesting the Council's reasons for refusal, which concerned alleged conflict with Policy DMG2 and matters relating to cycling and bus service provision in relation to Key Statement DMI2 of the Core Strategy.
33. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Stephen Normington

INSPECTOR



Appeal Decision

Site visit made on 21 May 2019

by W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2019

Appeal Ref: APP/T2350/W/19/3224830

Land at Osbaldeston Lane, Osbaldeston, Lancashire BB2 7JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Daniel Thwaites PLC against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0768, dated 23 August 2018, was refused by notice dated 28 January 2019.
 - The development proposed is described as 'Construction of four dwellings with access from Osbaldeston Lane'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the decision was issued, the Government has published its Housing Delivery Test (HDT) results alongside the publication of an updated revised National Planning Policy Framework (the Framework) in February 2019. This makes minor revisions including an additional footnote to Paragraph 11. I have had regard to the 2019 Framework when reaching my decision.
3. The main parties have referred to the emerging Housing and Economic Development - Development Plan Document (DPD). This DPD has not yet been adopted and I do not know whether there are unresolved objections. Consequently, the weight that I can attach to the DPD is limited. The statutory development plan for the purposes of the determination of this appeal remains the Council's Core Strategy 2008 – 2028 A Local plan for Ribble Valley 2014 (CS), which accords with the Framework.
4. For clarity and precision, I have inserted 'Lancashire' into the address in the banner, as it is listed on the appeal form, and I have amended the postcode from that stated on the application form.
5. Outline planning permission is sought, but with all matters reserved, except for access. I have determined the appeal on this basis.

Main Issues

6. The main issues are:
 - whether the site is an appropriate location for housing, having particular regard to the effect of safeguarding the countryside and ensuring a viable and sustainable pattern of settlements; and,

- the effect of the proposed development on the character and appearance of the appeal site and surrounding area.

Reasons

Location for housing

7. The appeal site is a field that is accessed from 2 gates off Osbaldeston Lane, a third gate is located on the boundary with the public house. Adjacent to the northern boundary of the site is 'Little Commons' which is a dwelling, towards the east is Osbaldeston Lane and further dwellings on the opposite side of the road. In a southerly direction is the public house and in a westerly direction, to the rear of the site is a belt of trees and agricultural fields beyond.
8. CS Key Statement DS1 is the Council's development strategy and seeks to ensure that new development is focussed towards the more sustainable settlements in the Borough. CS Key Statement DS1, identifies a hierarchy and after the strategic and principal settlements, development is focussed towards 9 Tier 1 Villages that are more sustainable of the 32 defined settlements. Of the remaining 23 defined settlements, these are categorised as Tier 2 Village Settlements, of which Osbaldeston is listed, where development will need to meet a proven local need or deliver regeneration benefits. CS Key Statement DS2 reflects Government policy in the Framework for a presumption in favour of sustainable development
9. Both parties acknowledge that Osbaldeston has a settlement boundary, and I note that the appeal site has not been included within the draft settlement boundary as part of the DPD process. Therefore, the appeal site is located within the open countryside. CS Policy DMG2 says that within the Tier 2 Villages and outside the defined settlement areas development must meet at least one of the considerations listed. The proposed development would not fulfil any. As the site is in the open countryside, CS Policy DMH3 states that development will be limited to: development essential for the purposes of agriculture or residential development which meets an identified local need. The proposal is not for the purposes of agriculture nor is it for an identified local need.
10. The development would also provide an additional 4 dwellings that would contribute to the housing supply. The Council has confirmed that it has a 6.1 year supply of deliverable housing sites. I note the appellant has questioned the certainty of all of the approvals being built out, but equally there is nothing substantive to confirm that they will not be implemented, especially as the HDT results indicate that Ribble Valley Borough Council has met the HDT. On this basis, I consider that the scheme would represent an unsustainable level of development.
11. The appellant has referred to various appeal decisions, which I have noted. The first¹ and second² decisions relates to schemes in East Hertfordshire where the Council could not demonstrate a 5-year deliverable supply of housing sites. Therefore, I conclude that there are significant differences between these appeal proposals and that of the scheme before me, and both decisions illustrate that every proposal has to be considered on its own particular merits.

¹ APP/J1915/W/15/3130591

² APP/J1915/W/17/3178674

12. The third³ decision was dismissed by an Inspector who considered, amongst other things that no social benefits were demonstrated. The Inspector in the fourth⁴ decision noted amongst other things, that the Framework explicitly recognises that development in rural areas is unlikely to offer the same opportunities for promoting sustainable modes of transport as is development in urban areas. However, I find little within these cases which would lead me to alter my conclusions in this case. Whilst I acknowledge there would be some limited economic and social benefits resulting from the development, they are not sufficient to outweigh the harm identified above. My finding remains for the reasons indicated that the site does not accord with the Council's housing strategy.
13. For all of these reasons, I conclude that the appeal site does not constitute an appropriate location for housing, having particular regard to the effect of safeguarding the countryside and ensuring a viable and sustainable pattern of settlements. Therefore, the scheme conflicts with CS Key Statements DS1 and DS2 and CS Policies DMG2 and DMH3.

Character and appearance

14. The site is located adjacent to the Osbaldeston settlement boundary and the proposed development would be opposite existing residential properties, which is defined by Osbaldeston Lane. The character of the site is very much of open countryside. Whilst the appeal site is located adjacent to a dwelling and a public house, and faces further dwellings across the road, it has large agricultural fields beyond the trees to the rear. Whilst the appellant considers that these trees form a backdrop for the development, I find that the site significantly contributes to the rural setting of Osbaldeston.
15. Whilst the proposal is for outline permission only, the effect of erecting 4 dwellings on this site, and the associated domestic paraphernalia, that would be associated with a residential development can still be determined. The site's existing connection to surrounding countryside means it has value in terms of its contribution to the overall landscape and scenic beauty of the area. This would be significantly eroded as a result of any form of residential development.
16. I note the suggestion from the appellant that the development could be limited to single or 1.5 storeys in height. However, I find that this would not provide suitable or sufficient mitigation to counteract the harm created by the residential development on this site.
17. For all of these reasons, I conclude that the proposed development would have a significantly detrimental impact on the character and appearance of the appeal site and surrounding area and hence that it would conflict with the character and appearance aims of CS Key Statement EN2, CS Policies DMG1, DMG2 and DMH3, and the Framework.

Other Matters

18. I have given little weight to the Council's objection that the proposal would set a harmful precedent for residential development outside settlement boundaries in the vicinity as I have no compelling evidence that there have been significant

³ APP/T2350/W/15/3084331

⁴ APP/U1105/A/13/2191905

enquiries for such development, particularly if this appeal was successful. I note the reference in the Council's Statement to comments from an Inspector on a previous appeal⁵. However, I do not know what evidence was before the Inspector at the time of the previous decision. In any event all applications and appeals are judged on their own individual merits. Accordingly, that is how I have assessed this appeal scheme.

19. I have had regard to no adverse comments being received from the other statutory consultees, including the Local Highway Authority. However, a lack of harm associated with highways is a neutral factor that weighs neither for nor against the development.
20. Local residents have also expressed a wide range of concerns, but not limited to the following: highway safety, ecology and living conditions. However, I note that these matters were considered where relevant by the Council at the application stage and as I am dismissing the appeal nothing turns upon these matters.

Planning Balance and Conclusion

21. Whilst I acknowledge the factors in favour of the development, those considerations do not outweigh the presumption against the development arising from the development plan. For these reasons and notwithstanding my findings regarding precedent, I conclude that the proposal would conflict with the development plan and the Framework as a whole and there are no material considerations that justify determining the appeal otherwise. The appeal should be dismissed.

W Johnson

INSPECTOR

⁵ APP/T2350/W/16/3153754



Appeal Decision

Site visit made on 11 June 2019

by **K Savage BA MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 July 2019

Appeal Ref: APP/T2350/W/19/3221114

Low Laithe Barn, Settle Road, Gisburn, Lancashire BB7 4JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO).
 - The appeal is made by Mr J Peel against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/1025, dated 7 November 2018, was refused by notice dated 21 December 2018.
 - The development proposed is conversion of existing stone built agricultural barn to single dwelling.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses)¹ together with any building operations reasonably necessary to convert the building.
3. It is firstly necessary to consider whether the proposal is development which falls within the scope of that permitted by Class Q. Of the Council's six refusal reasons (RRs), RR3 states that the curtilage area would exceed the limits defined in Paragraph X of Schedule 2, Part 3 of the GPDO.
4. Should the development fall under Class Q, Paragraph Q.1. sets out limitations to the permitted development (PD) right. RR1 and RR4 refer to the failure of the proposal to meet the criteria of Paragraph Q.1.(i), which relates to the building operations which can be undertaken.
5. If the proposal is found to accord with Paragraph Q.1., it is necessary to go on to consider Paragraph Q.2.(1) which lists conditions under which the developer must apply to the local planning authority for a determination as to whether prior approval will be required as to the impact of the development on: (a) transport and highways; (b) noise; (c) contamination; (d) flooding risks; (e) whether the location or siting of the building would make it otherwise impractical or undesirable for the building to be used as a dwellinghouse; and (f) the design or external appearance of the building. The Council refused prior approval in respect of matters (a) (RR5) and (e) (RR2, RR6).

¹ of the Schedule to SI 1987/764 – The Town and Country Planning (Use Classes) Order 1987, as amended.

6. Therefore, the **main issues** are whether the proposed change of use would be PD under Schedule 2, Part 3, Class Q of the GPDO, in particular with respect to the proposed curtilage and Paragraph Q.1.(i), and if so, whether prior approval should be granted, having regard to the effects on transport and highways, location and siting and protected species.

Reasons

Curtilage

7. Schedule 2, Part 3, Paragraph X of the GPDO defines 'curtilage' for the purposes of Class Q as: (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser (my emphasis). Therefore, if the proposal fails to meet the definition at Paragraph X, it would not amount to PD.
8. The appellant states that the curtilage amounts to an area identified as 'garden area' on drawing 01A, along with three adjacent car parking spaces. This combined area appears to equate to the footprint of the existing building. The Council contests that an area of hardstanding, enclosed by boundary fencing and shrub planting and immediately in front of the dwelling and the car parking spaces, would form part of the curtilage as this area would be required to access the dwelling and parking spaces. The appellant in response states that this area forms part of the access track and turning area which is shared with the existing farming operations.
9. There is no requirement under Class Q for a proposed development to include a curtilage. It is for the applicant to decide whether to include of a curtilage of any size, or at all. In this case, the appellant has made clear the area of curtilage to be included in the change of use. This area is clearly identifiable on the plans and would satisfy the definition at Paragraph X, as it would be immediately beside or around the agricultural building and no larger than the land area occupied by it. It follows, therefore, that all land falling outside of the defined curtilage would not be subject to the change of use. It is on this basis that I proceed to consider whether the proposal would meet the requirements of Paragraph Q.1. and amount to PD.
10. The Council also points to the fact that a door would open to the northern side of the proposed dwelling onto agricultural land, but which it says would in practice form part of the residential curtilage. Were the appeal to succeed and the permission implemented, it would be a matter for the Council to investigate if any areas beyond the defined curtilage were being used for residential rather than agricultural purposes.

Paragraph Q.1. limitations

11. Paragraph Q.1.(i) places restrictions on the building operations which can be undertaken. It states that development is not permitted if it would consist of building operations other than: (i) the installation or replacement of — (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to

- function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out the building operations.
12. Paragraph 105 of the Planning Practice Guidance (PPG)² advises that the PD right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. It is not the intention of the PD right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the PD right.
 13. Paragraph 105 adds that internal works are not generally development, and that for the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q. The PPG was amended in June 2018 to omit guidance that it was not the intention of the PD right to include "*the construction of new structural elements of the building*" and that "*it is only where the existing building is structurally strong enough to take the loading which comes from the external works that the building would be considered to have the permitted development right.*"
 14. The proposal relates to a longstanding stone built barn with a pitched tile roof, a large opening to one side and several smaller door and window openings to the rest of the building. The building was vacant at the time of my visit but included animal pens and appeared recently used. The Council points to the appellant's Structural Investigation Report (SIR) which stated that the external walls show evidence of cracking and movement requiring repair and that an internal structure would be required to support the roof/floor construction, leaving the external walls to carry their own weight. Lancashire Archaeological Advice Service (LAAS) commented that the building's condition suggests significant rebuilding, underpinning and roof replacement may be necessary. Therefore, the Council's position is that the building is structurally unsound and would require major structural interventions that go beyond building operations which are reasonably necessary.
 15. The appellant argues that the external walls can all be retained, and the internal works are precisely the kind of internal structural works which Paragraph 105 of the PPG indicates are acceptable under Class Q. I observed the barn to be a substantial structure, with thick stone walls. I was able to see evidence of the cracking and bowing of the walls identified in the SIR. However, the building still appeared to be solid in its construction, with a strong solid-to-void ratio to all elevations. Moreover, the roof appeared sound. The external walls and roof would be retained, with the only external alterations being the insertion of doors and windows, which are specifically permitted under Paragraph Q.1.(i).
 16. There is nothing in evidence to suggest that any existing parts of the building would have to be demolished. The comments of the LAAS regarding the possible extent of works which may be necessary are somewhat speculative

² Paragraph 105 Reference ID: 13-105-20180615, revised 15 June 2018

and are not supported by substantive evidence to counter the conclusions of the appellant's SIR, nor do they dispute that the proposed stitching of the walls is a feasible option to repair them. Based on the evidence before me, and my observations on site, the proposed repair work to the walls would be reasonably necessary to allow the building to function as a dwellinghouse and would not go beyond the scope of works permissible under paragraph Q.1.(i). Moreover, the proposed internal works, which would include the insertion of a ground floor, mezzanine floor and internal walls fall within the scope of those works described under Paragraph 105 of the PPG and would all be reasonably necessary for the building to function as a dwellinghouse.

17. In reaching a view, I have taken into account the judgement in the *Hibbitt*³ case which is relevant to the consideration of whether the proposal would constitute conversion or re-building. Based on all I have seen and read, I find that the proposal would amount to a conversion and that the proposed building operations would fall within the definition set out in Class Q.1(i) and that they would not go beyond what would be reasonably necessary for the appeal building to function as a dwellinghouse.
18. The Council's RR4 asserts that the proposal would necessitate formation of an access track which is not a building operation permitted by Class Q.1. However, the Council has separately granted planning permission in 2018⁴ for the laying of an access track from the A682 to the appeal building. Physically, therefore, an access road has been permitted. The Council, however, points out that this was subject to a condition limiting the access for agricultural purposes only.
19. The appellant draws my attention to an appeal decision⁵ where the Inspector considered that a shared access track would not qualify as part of the curtilage. It was apparent from my visit that vehicular access for agricultural purposes is required to a point close to the existing barn. Whether its subsequent use for residential purposes would breach a planning condition would be a matter for the Council to investigate. Moreover, it is not a requirement of Class Q that manoeuvring of vehicles or access to the highway must occur within the area subject to the change of use. Therefore, whilst not listed as a building operation under Paragraph Q.1(i), the formation of an access road would not result in conflict with this limitation.
20. As such, the proposed building operations would fall within those permitted by Class Q(b) and Paragraph Q.1.(i), having regard to the PPG. Therefore, the proposed change of use would satisfy the requirements of Schedule 2, Part 3, Class Q of the GPDO and therefore is development permitted by it, subject to the consideration of the disputed prior approval matters.

Transport and highways impacts

21. The site would be accessed from an existing entrance located on the outside of a bend of the A682, one of many sweeping and undulating bends on this section of road between Gisburn and Newsholme. The appellant argues that the entrance is long existing and has been upgraded with a concrete surfaced area extending some 10 metres in from the road, which enables large agricultural vehicles to fully leave the highway before entering the site through the gate.

³ *Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council* [2016] EWHC 2853 (Admin)

⁴ Council Ref 3/2018/0156 – Granted 9 May 2018

⁵ Appeal Decision APP/R3325/W/15/3129012 – Dismissed 7 January 2016

22. The Council refers to the comments of Lancashire County Council (LCC) as the Local Highway Authority, which raises concern over the access, particularly in respect of visibility splays, and forward visibility for vehicles travelling southbound when a vehicle may be waiting to turn right into the site. LCC also indicates that there have been a number of recorded accidents within several hundred metres of the appeal site.
23. The plans indicate parking spaces for three cars. The appellant states that existing vehicle movements are limited to agricultural traffic every couple of days. The expected number of trips generated by the development is not given, but on the basis of 2-3 vehicles making at least one return trip per day, there would be at least 4-6 trips in addition to the agricultural traffic, if not more. Although the proposed vehicle movements are not significant in absolute terms, they would increase the possibility of slow moving or stationary vehicles accessing, exiting or waiting to access the site on a sweeping bend in the road.
24. There is disagreement between the parties on the required visibility at the access. The appellant states that LCC's comments were made on the basis of the A682 having a 60mph speed limit, whereas the limit is in fact 50mph around the site, which I saw was the case at my visit. I have therefore focused on the parties' comments relating to visibility where a 50mph limit applies. The appellant states that visibility of 150m is available in either direction, with a stopping sight distance (SSD) of 73m. In comments from 2014⁶, LCC stated that the visibility along the A682 is poor, estimating it to be about 120m to 130m, and as little as 80m when measured from mapping. LCC added that visibility should equal the SSD, which should be 160m at 50mph.⁷ The appellant refers to 160m visibility being required at 53mph and argues that 150m visibility would therefore be acceptable for a 50mph limit. The appellant further asserts that the 150m visibility was not questioned by LCC in comments it made during the 2018 application to form the access track and upgrade the entrance. However, LCC actually maintained an objection in spite of the appellant's figures, only withdrawing it later on the basis that there would be no intensification of traffic resulting from the proposal.
25. Despite the appellant's assertions as to the available visibility, the evidence before me in this respect is not conclusive as I am not provided with drawings plotting visibility splays. On site, I saw that visibility to the south was reasonable given the fairly straight alignment of the road. Approaching traffic would be travelling uphill and on the near side of the road where they would see, and be more readily visible to, vehicles waiting to turn right into the site or leaving it. However, I saw that visibility of approaching traffic from the north is curtailed by the foliage on the inside of the bend. The 50mph limit and downhill slope of the road would create conditions for vehicles to be travelling around the bend at speed. Drivers may be able to see a vehicle waiting to emerge from the site, but they would not see a vehicle waiting in the road to turn right into the site until they are considerably closer to the site entrance. Given all I have seen and read, I cannot be certain that these drivers would have sufficient forward visibility to stop safely. As such, the proposal would increase the risk of vehicular conflict and pose a danger to highway safety.
26. I have taken account of the fact that the access is already in existence. However, the countryside location would necessitate most trips being

⁶ Relating to application ref: 3/2014/0584

⁷ Based on the guidance of the Design Manual for Roads and Bridges (TD 9/93, DRMB Volume 6, Section 1, Part 1)

undertaken by private car and therefore there is a high probability that the number of vehicle movements associated with the dwelling would be significant in comparison with the existing agricultural use. Therefore, for the reasons given, I consider that the proposal would not be acceptable with respect to transport and highways under Paragraph Q.2.(1)(a).

Whether location or siting of the building is impractical or undesirable

27. Paragraph 109 of the PPG⁸ states that impractical or undesirable are not defined in the regulations, but that a reasonable ordinary dictionary meaning should be applied in making any judgement. Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable”. The PPG adds that the fact that an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval. However, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical.
28. The Council points to the lack of suitable access. Notwithstanding the matter of the restrictive condition on the planning permission, reaching the site would not be impractical were this to be implemented. I saw no evidence of services on site, and new connections would need to be provided. The appellant indicates these could be provided underground, with no resulting visual impact. Although the position of the building means connections from the nearest mains are likely to be lengthy, this is not uncommon in rural areas. Indeed, I note from the location plan a nearby group of farm buildings located a similar distance from the A682 which are accessed by a longer track. Moreover, there is little evidence before me to suggest that, apart from the length of cabling/pipework, providing these services would be more complex or difficult than normal. As such, I find that that location or siting of the dwelling, in these respects, would not be undesirable or impractical.
29. The conversion to a dwelling would include associated domestic features, such as garden furniture, cars and bins. However, as the PD right includes the provision of a curtilage, it is implicit that such ancillary features are not unacceptable. In any case, the dwelling would sit on a lower part of the site on land which falls towards the River Ribble and would be screened from view from the A682 road. Therefore, the site would not be prominent in the landscape, and would not be undesirable or impractical, in these respects.

Effect on protected species

30. Protected species are not referred to in Class Q. However, all species of bats are protected under the Conservation of Habitats and Species Regulations 2017 (the Regulations). Barn owls are also protected under the Wildlife and Countryside Act (1981). Regulation 9 requires a competent authority to exercise their functions which are relevant to nature conservation so as to secure compliance with the requirements of the Directives. Competent authorities, including Inspectors in appeal situations, must consider the Directives in making decisions relating to their planning functions.

⁸ Paragraph: 109 Reference ID: 13-109-20150305

31. A scoping survey was carried out by the appellant on 8 November 2017. The survey recorded evidence of a pair of barn owls using the barn, with the suggestion being this was for breeding. The survey recommended the installation of a tree mounted barn owl box positioned in the treeline to the east of the barn in order to compensate for loss of a nesting site.
32. The survey found no evidence of bats roosting in the building, but that the building had moderate to high potential for bat roosting. It stated that further survey work should be carried out during the recommended May–September activity period to identify bat use and inform if any mitigation is needed. From the evidence before me, it does not appear this further survey work was undertaken. I consider that, in the absence of this, the presence or absence of bats in the building has not been fully established. Whilst the appellant suggests a condition requiring provision of artificial bat roosting features, this was not recommended by the appellant’s survey, which did not offer comment on potential mitigation. Given the presence of bats is uncertain, the extent of mitigation which may be required cannot be determined with confidence, nor can I be satisfied that any of the works that would be necessary either in the building works themselves or in the mitigation measures would be licenced.
33. In the absence of adequate evidence needed in light of bats’ status as a protected species, I am not satisfied that there would not be an adverse effect on protected species or that the Regulations would not be breached. Condition Q.2.(1)(e) of Class Q has not therefore been met.

Conclusion

34. Drawing matters together, I find that the proposal would be a development of the type permitted in principle by Class Q and would satisfy the conditions and limitations of Paragraph Q.1. However, I have found that the transport and highways impacts of the development would be unacceptable and would not meet condition Q.2.(1)(a) of Class Q. Moreover, in the absence of evidence to demonstrate that the proposal would not have an adverse effect on protected species, the proposal would not satisfy Condition Q.2.(1)(e) of Class Q in relation to the location and siting of the dwelling, and prior approval is not therefore given.
35. For these reasons, and having regard to all other matters raised, the appeal is dismissed.

K. Savage

INSPECTOR