

DELEGATED REPORT

Application Number	24/2136M
Proposal	Prior determination for 2no. forestry buildings
Location	Land On, SALTERS LANE, LOWER WITHINGTON
LDFC	03-Jul-2024
Expiry Date	07-Jul-2024

DESCRIPTION OF SITE AND CONTEXT

The application site relates to a densely wooded area of approx. 6.3 acres, known as Dooley's Grig, located within Lower Withington, boarding Salter's Lane (B5392), to the Southwest and Leach Lane to the South. The woodland stands as a prominent feature on the B5392 and can also be viewed from various public vantage points along Leach Lane and surrounding Public Rights of Way within the vicinity of the woodland, including the Lower Withington FP4 and FP1 (to the north) and the Lower Withington FP11 to the South.

On the local plan adopted policies map the site is allocated within an area of Open Countryside and lies within the buffer zone of Jodrell Bank World Heritage Site.

The site is also listed on Natural England's Priority Habitats Inventory as a deciduous woodland priority habitat.

The surrounding area is predominantly characterised by agricultural fields and woodlands; however, residential properties are located to the North, North-West and South of the application site along both Leach Lane, Thorntree Row, Dooley's Grig and Salters Lane.

DETAILS OF PROPOSALS

This application is to determine if prior approval is required for the construction of two buildings for forestry use with associated hardstanding and access track. Certain agricultural/forestry development is permitted, not requiring planning permission, subject to its compliance with the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Regarding the proposed buildings, building 1 would have a footprint of 500m² and a maximum height of 7.8m to its ridge, with two large openings on the front elevation to allow for access of machinery. The proposed building is to be used as a general-purpose forestry building, used for the storage of arboreal machinery owned by the applicant (including tractors, loaders, trailers, excavators, harvesters, chippers, mulchers, winches, mowers, rollers, shear heads, 4WD pickup, water pumps, and mobile welfare cabins), in addition to a significant quantity of logs requiring indoor storage. Other items to be stored in this building include hand tools and implements (e.g chain saws, axes, post drivers, ladders, saws, scythes), fertilisers/seeds/fuel/treatments, and protective clothing for the workers. Within p.23 of the supporting statement, submitted with the application, building 1 is also acknowledged to 'act as the new centre of forestry operations for Pownall Plant '(the applicant).

Building 2, would also have a footprint of 500m² and a maximum height of 7.8m to its ridge, with one large opening proposed on the front elevation. This building is proposed to be used to house a biomass boiler, drying and storage areas to create biomass fuel from the woodland management of the site.

Both buildings are to be constructed from a metal portal frame. The proposed buildings are to be located in a fairly central position within the woodland.

An access track, approx. 40.1m in length by 4.9m width is also proposed, which will run north into the site, from unadopted Leach Lane, towards the proposed buildings, and proposed hardstanding area in front of the buildings. The proposed track will be finished in naturally coloured loose stone chippings.

RELEVANT PLANNING HISTORY

None

RELEVANT LEGISLATION

Town and County Planning (General Permitted Development) Order 2015 (as amended)

SITE VISIT

A site visit to the woodland was carried out on the 2nd July 2024.

CONSULTEES (EXTERNAL TO PLANNING)

There was no requirement to consult consultees, however, representations were received, which are summarised as follows:

Lower Withington Parish Council- Objects to the proposal.

Summarised as follows:

- The proposed development is inappropriate for this rural, village location and proximity to residential properties.
- The proposal is not reasonably necessary for the purposes of forestry.
- Proposal is disproportionate to the scale of the plot, leading to permanent loss of woodland and fauna.
- No justification provided for the use of the site.
- Poor highway access and surrounding highway network. which is unsuitable for the proposed frequent movements of large vehicles, due to importing materials, fertilisers, wood etc. from off-site locations. A safety hazard for other road users.
- No indication that visibility splays are proposed, creating a safety risk.
- Landscape impact from removing established trees.
- No evidence provided in the application that the proposed biomass boiler can be solely operated from wood sourced on the application site, for continued operation.
- No details within the application of the likely pollutants from the biomass boiler. Concerning due to the close proximity of residential dwellings.
- Disturbance of wildlife habitats.
- No information provided to assess the flood/drainage impact of removing the trees.
- Noise pollution concerns on adjacent residential dwellings.
- No details provided of hours of operation.
- No evidence provided on the impact of the proposal on the World Heritage Site (Jodrell Bank).

- Unsustainable, unwelcome, industrial feature into a biodiversity rich, rural setting.

Councillor Smetham- Objects to the proposal.

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Cheshire Wildlife Trust- Objects to the proposal

- No BNG information contained with the application- mandatory for all applications under schedule 7A of the TCPA (1990), as well as Cheshire East Local Plan Policy ENV2.
- Proposed site is considered a deciduous woodland Priority Habitat on the Priority Habitats Inventory.
- Appropriate surveys should be produced and mitigation measures put into place.

Jodrell Bank

- The proposed development is very close (within 2km) of the telescope.
- No details provided of the type of machinery that would be used in the processes on site- this would be required to assess the degree of impact.
- The scale and duration of the project is unclear. Any additional processing equipment or electricity generating plant at this location connected to the grid would increase the potential for significant interference.
- Were this a proposal for a dwelling on this location we would object to it.
- Insufficient information provided, with the timescales preventing further investigation.

- Concerns that the proposal could impair the efficiency of our telescopes.

OTHER REPRESENTATIONS

There is no requirement to notify adjacent neighbours or members of the public as part of an agricultural/forestry prior determination. However, 119 letters of objection were received from members of the public, which have been summarised as follows:

Concerned about the extensive deforestation of established woodland on greenbelt land.

- Removal of woodland with extensive mature trees, with ages in excess of 100-80 years (1831). Many veteran trees within the woodland.
- Irreplaceable habitat.
- Loss of local greenspace, with local residents using the footpaths along Leach Lane adjacent to the woodland.
- Increased flood risk, due to loss of natural drainage. The woodland presently acts as a natural food defence, protecting local residents.
- Visual impact of loss of trees on the surrounding landscape.
- Loss of a natural sound barrier that the trees presently provide.
- Impact of the proposal on the carbon cycle.
- The woodland provides a wide range of benefits to the community of Lower Withington.

Impact and loss of established wildlife habitats

- Destruction of habitats for local birds (including woodpeckers, owls and more common species), animals (including badgers, bats, hedgehogs, squirrels, rabbits and foxes), newts and insects.
- Destruction of a wildlife corridor.
- An independent study of the wildlife habitats that the woods support should be undertaken before the application is determined.

Design/ siting of the buildings

- The proposal and removal of trees/ established vegetation will change the aesthetics/landscape/character of the village and is wholly inappropriate to this sensitive site.
- Removal of the trees, as part of the proposal will mean that the buildings will be highly visible. Contrary to the planning statement.
- Located within a countryside setting within the greenbelt.
- The scale of the proposed buildings in relation to the size of the wood it sits is disproportionate.

Traffic/traffic safety/impact of operations upon local road infrastructure

- Concerns about the increase in traffic, including heavy HGVs and Plant machinery along both Salter's and Leach Lane in presently a peaceful village setting.
- Road infrastructure is not sufficient to cope with the increased volume of vehicles, with both Leach Lane and Salters Lane being in poor condition, with the increase volume in

traffic to cause further deterioration.

- Impact of traffic on pedestrians.

Access to the site

- The proposed access point to the site is located down a small, narrow unclassified, single-track lane (part of which forms a public footpath) and is used frequently by walkers, ramblers etc. HGVs along this narrow lane would be unfeasible, with insufficient details about the number of large vehicles/frequency of vehicles movements on and off the site.
- Leach Lane is also the access point to a retirement village.
- The junction of Leach Lane and Salter's Lane is not designed to accommodate HGVs/plant.
- Two-way traffic, to serve residential properties is not possible, and as such is not suitable for use by commercial vehicles.

Pollution - Noise, air (burning), dust and water pollution.

- Concerns about that the processes to be carried out are extremely noisy (wood cutting, chainsaws, lorries and chippers) and the biomass boiler will cause air pollution (carbon monoxide, sulphur dioxide, nitrogen dioxide, particulate matter, lead, mercury) and dust pollution, within very close proximity of residential dwellings/bungalows and the centre of the village, and as such will have health implications for residents.
- Government guidelines state that biomass boilers should be sited at least 400m from the nearest residential dwelling and 25m from any classified roads. At least 40 residential dwellings are within 400m and is within 25m of a classified road.
- The proposals are akin to those of an industrial operation, and such should be considered as such and should be sited in an appropriate industrial/brownfield location.
- Concerns about potential water contamination, with Dingle Brook lying within close proximity of the woodland.
- Impact of noise pollution during the construction phase.
- Use of insecticides, which could impact local farmers, farmland, animals, crops being grown organically.
- Mud being carried onto the highway.
- Impact of noise on adjacent livestock.

Biomass boiler operation/viability

- Questionable viability from small 6.2 acre woodland for the long-term operation of proposed biomass boiler, as required by the legislation. The operations include the import of logs/wood from other sites, and as such concerns about how the processing/burning of wood from other sites, will be restricted which is required under class E.
- No viability study of calorific value provided.
- Not enough demand for biomass boilers.

Impact upon setting of UNESCO World Heritage Site of Jodrell Bank.

- Concerned about the site being located within the buffer zone of a world heritage site.

Proposal is outside the scope of Schedule 2, part 6, Class E of the GPDO (2015).

- Proposal is not reasonably necessary for forestry operations in relation to the land on which it is sited. The proposal is not solely related to the small, wooded area. The site is a small amenity woodland, with no current or past forestry operations being undertaken, with no felling licenced sourced to allow forestry to commence in the future. This would be a requirement to fell trees lawfully to fuel the biomass boiler.
- No evidence is provided as to why the buildings are "reasonably necessary" to manage 6.3 acres of woodland.
- Building 1, to house machinery etc, is described in the supporting statement as a "new centre of forestry operations" for the applicant's forestry business and as such the purpose of the building is clearly not related to the small, wooded area.
- The boundary of the site lies within 25 m of Slater's Lane, a classified B-road and as such would fail test E.1 c) 'any part of the development would be within 25 metres of the metalled portion of a trunk road or classified road.'
- Once the wood from the relatively small 6.2 acres is exhausted, it is inevitable that wood will be imported from off-site locations, failing test E.1 (d).
- Part E (a) allows for the "erection of a building". The proposal is for two buildings which in itself is outside the scope of the order.
- The buildings are also not reasonably necessary to manage the associated tree plantation, in Ashley (13.1 miles away), referred to in the supporting statement. That land was granted permission for the 'construction of an agricultural building' (22/4455M), for the storage of all the equipment/machinery required for the maintenance of that land. The officers report refers to that the tree plantation is to be used to grow Christmas trees, for commercial harvesting on a 9-year cycle.
- The amenity woodland should be viewed as agricultural land not forestry land. Section 336 of the TCPA (1990) states that agricultural land includes, "...the use of woodlands where that use is ancillary to the farming of land for other agricultural purposes." Accordingly, the proposal should be assessed against Schedule 2, Part 6, Class A (Agricultural), which has more stringent regulations/conditions. Under Class A, the biomass boiler would fail, being within 400m of residential dwellings.

Property devaluation

- The industrial nature of the site will lead to property devaluation.

Potential transmission of tree borne diseases

- The operation includes transporting wood from external sites, and machinery, protective clothing etc, could cause tree borne diseases to spread.

Operations of agro-industrial site will have a negative impact on local businesses within Lower Withington and community stability.

Inaccurate/missing/limited details.

- Concerns about the hours of operation and number of employees working on the site.
- No formal notification of neighbours.
- The diagram of the biomass boiler within the application shows an exhaust/chimney. No details are contained within the plans of a chimney to serve the boiler.
- No details within the application as to how waste (ash) from the biomass boiler will be managed.

- No details of bat/badger surveys, with both species known to be present within the woodland.
- No details as to lighting proposed-potential light pollution.
- Lack of detail of the scale of Pownall's Plant's operations, and the area's that they cover.
- Lack of detail of the types and quantities of fertilisers to be stored on the site.
- Insufficient detail of the private way proposed, and why this is necessary.
- Insufficient details of replacement tree planting submitted.
- Insufficient details of the type/quantity of HGVs/machinery to be stored on site.
- The application states land off Slater's Lane, however, the site is to be accessed off Leach Lane.
- Supporting statement does not mention any of the residents along Leach Lane, only those on Salter's Lane.
- The description of development is inaccurate for a proposal for two forestry buildings, when a biomass plant is also proposed.
- Application form states that the site cannot be viewed from a public road, public footpath, bridleway or other public lane when it can.
- Concern that no information is contained within the application regarding the off-site locations felled logs will be brought in from, with potential risk of disease.
- Requirement for an EIA.
- Disregard to biodiversity net gain rules.
- Thorntree Farm (accessed opposite the proposed site access) is not shown on the submitted site plan.
- Concerned that the proposal will make way for further development of the site, including housebuilding.

OFFICER APPRAISAL

The key consideration in the determination of this application is whether the development is in accordance with the provisions of Schedule 2, Part 6, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The application is also subject to an assessment of the siting, design and external appearance of the building as required by paragraph E.2.

Accordance with GPDO

E. The carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes-

Schedule 2, Part 6, Class E of the GPDO stipulates the type of development which can be carried out on land used for the purposes of forestry.

As established in paragraph E. these include (a) works for the erection, extension or alteration of a building; (b) the formation, alteration or maintenance of private ways; (c) operations on that land, or on land held or occupied with that land, to obtain the materials required for the formation, alteration or maintenance of such ways; (d) other operations (not including engineering or mining operations).

A key test in whether permitted development Class E rights are applicable to the application site is whether the application land is, 'used for the purposes of forestry.'

There is no definition of forestry provided within the GPDO (2015), and no statutory, or judicial definition exists. However, a definition does exist within the "Essential Guides to The Use of Land and Buildings under the Planning Acts 2020", written by planning solicitor Martin Goodall. The guide states that:

"There is no statutory or judicial definition of forestry, and so it is necessary to resort to the dictionary definition, which is simply, 'the science or practice of planting, managing and caring for forests.' the dictionary definition of forest is 'an area covered chiefly with trees and undergrowth' but it can be reasonably assumed that for the purposes of planning law, the practice of planting, managing and caring for woodland is also accepted as being within any reasonable definition of forestry for this purpose. The reference to afforestation, which is included in the uses of land exempted by section 55 (2) from constitution development under that Act, would reasonably extend to the planting and establishment of woodland."

The application site relates to an area of predominantly deciduous mature woodland extending to approx. 6.3 acres of mixed species trees. There is no evidence, either within the supporting planning statement or from the evidence gathered from the site visit that the woodland is or has been under any woodland or forestry management, with no evidence of any forestry operations being undertaken on the site. Specifically, whilst on the site visit, the application wood was viewed from both Salter's Lane (B5392) and unadopted Leach Lane, and there was no evidence of new planting, management, or care for the woodland, with several dead/diseased trees visible along the boundary with Leach Lane. Furthermore, presently, there is no clear vehicular or pedestrian accesses into the site, and as such it is considered that access is presently limited into the wood, which would be considered reasonably required to effectively conduct forestry activities. Furthermore, the comments from the forestry officer, that the application woodland does not appear in the forestry commission consultation register for grant schemes, tree felling nor Environmental Impact Assessment (EIA) applications, has been noted and further supports the view that the woodland has no present or past forestry use.

Regarding the proposed development on the site, building 1, is described within the supporting statement as a 'general purpose forestry building.' Specifically, it is intended for the storage of forestry machinery and equipment owned by the applicant (images of such machinery provided in the supporting statement), inputs, handtools, protective work clothing and a large quantity of logs requiring indoor storage. As discussed above, a requirement of class E. is that the carrying out on land of '(a) works for the erection...of a building', must be 'reasonably necessary' for the purposes of forestry.' Accordingly, despite the applicant operating as a professional arboriculture contractor there is no evidence that the application woodland site has been or is being used for forestry operations. As such, despite the intended use of the building to house forestry machinery, inputs, tools, logs etc., there is no evidence to suggest that the woodland site has been or is being used for forestry activities, and that such equipment would be required for the management of the site, or that the scale of the building as proposed is reasonably necessary for the purposes of forestry on the land, having regard to the scale of the site and woodland. Accordingly, it is concluded that building 1, is not reasonably necessary.

Regarding building 2, the purpose of this building is to be for the siting of a biomass boiler, drying and storage areas to create biomass fuel from the woodland management of the site.

Paragraph E. 3 (2), of the GPDO (2015) provides clarification that, *for the purposes of Class E, development that is reasonably necessary for the purposes of forestry includes works for the erection, extension or alteration of a building for housing a biomass boiler or an anaerobic*

digestion system; for storage of fuel for or waste from that boiler or system; or for housing a hydro-turbine.

Despite Class E.3(2) allowing the construction of a building for the purposes of housing a biomass boiler and storing fuel for/waste from that boiler, no justification has been provided for the scale of the intended building, proportionate to the relatively modest woodland area, or the biomass boiler. Furthermore, no viability of the operation of the boiler system has been provided within the application to justify the building, which has also been noted as a concern in the consultation response from the Forestry Officer and members of the public.

Furthermore, the proposed biomass drying and storage areas to create biomass fuel for the proposed boiler, shown on the proposed building 2 floorplan and contained within the details of the supporting statement (p.20 and p.22), would be considered to be akin to a manufacturing operation for biomass fuel. The supporting statement, advises that, "building 2 will be used to house a biomass boiler for the production of woodchips and pellets," It is considered that a production operation would not fall within the clarification provided within paragraph E. 3(2), and would be an operation beyond simply the, 'storage of fuel...for that boiler.'

Accordingly, building 2, would also be considered to not be reasonably necessary for the purposes of forestry on the site, being a building of a significant scale for the relatively small amenity woodland, with no justification provided for the long-term viability and operation of the biomass boiler from on-site fuel. The proposed drying floors to create biomass fuel as a manufacturing operation, are also considered to be outside of the scope of the clarification provided within paragraph E.3(2).

Regarding the proposed access track, this would be considered under E.(b) for the 'formation, alteration or maintenance of private ways,' and would also not be considered reasonably necessary due to no evidence of forestry operations having taken place within the existing wood.

Overall, it is considered that there is no evidence to demonstrate that the site has been or is being used for the purposes of forestry, and as such the application site would not be considered to be afforded forestry development permitted development rights, under Schedule 2, Part 6, Class E of the GPDO (2015). Furthermore, notwithstanding this, the proposed development is also considered to not be reasonably necessary for forestry within the application woodland site.

Notwithstanding, the above, all the assessments and tests under Class E will be undertaken within this report to provide a full assessment of the proposal against all of the relevant requirements of the GPDO (2015).

Schedule 2, Part 6, Class E

The following is an assessment under the limitations of paragraph E.1 of Class E, Part 6, Schedule 2:

Development is not permitted by Class E if –

(a) it would consist of or include the provision or alteration of a dwelling;

Complies

(b) the height of any building or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres in height;

Complies

(c) any part of the development would be within 25 metres of the metalled portion of a trunk road or classified road; or

Complies

(d) it any building for storing fuel for, or waste from, a biomass boiler or an anaerobic digestion system would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land which is occupied together with that building for the purposes of forestry.

For clarity, biomass is defined by Forestry Research as, *"biological material derived from living, or recently living organisms. in the context of biomass for energy this is often used to mean plant-based material, but biomass can equally apply to both animal and vegetable derived material."*

Within the supporting planning statement submitted with the application p.13 states that "the fuel for the boiler would be provided from the existing tree stock on the application site only, and wood brought into the building from off-site locations would be dried in the building by the biomass boiler." The applicant also states on p.25 of their supporting statement that fuel for the boiler will only be sourced from the application site and that the only waste stored within the application building would be from the biomass boiler within it.

However, taking the statement provided by the applicant that 'wood brought into the building from off-site locations will be dried in the building by the biomass boiler' raises uncertainty about the proposals compliance with test (d). Specifically, it is questionable whether storing wood from off-site locations, within building 2, could be classified as biomass fuel from off-site locations, and as such would not comply with test (d). Furthermore, the applicant has provided no details as to how any wood from off-site locations, stored in building 2, will be separated or differentiated from fuel taken from the application site.

As such, it has not been demonstrated with sufficient clarity that the proposed development, complies with test (d) established in Schedule 2, part 6, paragraph E.1, and as such would not be permitted development.

Siting, Design & External Appearance

Whilst the proposal is not considered to qualify as permitted development under Part 6 Class E of the GPDO, and consideration of the siting, design and external appearance is not subsequently required, this is provided below for completeness.

Siting

In considering the siting of the proposed development, the buildings would be located within a densely wooded area, which is classified as a deciduous woodland priority habitat (Natural England Priority Habitat Inventory), and within Jodrell Bank World Heritage Site Buffer Zone.

Regarding assessing the siting within a deciduous woodland priority habitat on the Priority habitats inventory, habitats of this type receive protection through Policy 185 of the NPPF which states that:

To protect and enhance biodiversity and geodiversity, plans should:

(b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Specifically CELPS policy SE 3(4) reads that:

Development proposals which are likely to have a significant adverse impact on a site with one or more of the following local or regional designations, habitats or species will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development:

[...]

vi. National priority species and habitats (commonly known as 'UK BAP priority habitats and species') published for England under the requirements of Section 41 of the Natural Environment and Rural Communities Act 2006.

[...]

viii. Areas of Ancient and Semi-Natural Woodland

The comments from both the Nature Conservation Officer and Forestry Officer, that the proposal would result in a significant adverse impact upon the priority woodland habitat have been noted. Specifically, it is considered that the proposals would result in the direct loss of habitat associated with the floor area construction of the buildings, hardstanding and access track, which would be inappropriate to the setting within a National Priority Habitat and semi-natural woodland, due to the site's ecological importance.

On this basis, alone, the Nature Conservation Officer has advised that in accordance with the mitigation hierarchy established in Local Plan Policy ENV2 (2) development proposals should first look to avoiding impacts, with the proposals to not be sited within a Priority Habitat location.

Furthermore, regarding the siting of proposed development and landscape and visual impacts Policy SE4 of the CELPS, relates to the landscape, with the policy stating that, *"all development should conserve the landscape character and quality, and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of...rural...landscapes."* Specifically, SE4. 2. (iv) states that *development will be expected to avoid the loss of habitats of significant landscape importance.*

Furthermore, policy SE5 of the CELPS, relating to trees, hedgerows and woodland, would also be applicable to the siting of the proposed development. The policy states that *"development proposals which would result in the loss of ... trees ... or woodlands that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted [...]."*

The woodland is considered to make a significant contribution to the amenity, biodiversity and landscape character of the surrounding area. It is considered, that despite no specific details being submitted of the number of trees to be removed for the construction of the proposed development, due to the buildings' proposed location within a centralised location of the site

and straight access track (approx. 40.1mx4.9m) proposed off Leach Lane, that a significant number of trees will have to be removed for the construction of the proposals. Undoubtedly, it is considered that this will have a significant visual amenity impact upon the area and would alter the landscape character when viewed from Leach Lane, with these concerns also raised by the Forestry Officer. Accordingly, it is considered that the siting of the development proposal would be contrary to policy SE4 and SE5 of the CELPS.

Furthermore, the applicant, acknowledges within their supporting statement, that "the fuel for the boiler would be provided from the existing tree stock on the application site," (p.13). Accordingly further concerns from, the Forestry Officer, Nature Conservation Officer and members of the public have been raised regarding the visual impact of the proposed on-site felling and further potential loss of habitat. However, no specific details have been provided, as to the extent of operational tree loss, and as such it is difficult to assess, from a visual landscape perspective what impact this will have on the future setting of the proposal. However, it can reasonably be considered that the buildings will become increasingly visible within the woodland setting, which would further exacerbate the proposals prominence within the rural and woodland landscape. The applicant does acknowledge, that replacement tree planting is proposed, however, again, no details of the species, quantity or frequency of planting has been provided to appropriately assess any visual mitigation on setting.

Regarding the siting within the buffer zone of the World Heritage Site, paragraph 206 of the NPPF states that

'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

[...]

(b) assets of the highest significance, notably... World Heritage Sites, should be wholly exceptional.'

Furthermore, Policy SE14 of the CELPS and Policy HER 9 of the SADPD are applicable.

Specifically, Policy SE14 states that, development will not be permitted if it:

i. impairs the efficiency of the telescopes; or

ii. Has an adverse impact of the historic Environment and visual landscape setting of the Jodrell Bank Radio Telescope.

Policy HER 9, expands upon SE14 and states that relevant to the buffer zone, that development proposals that would lead to substantial harm to the World Heritage Site setting will be wholly exceptional, with proposals leading to less substantial harm to be weighed against the public benefits of the proposal.

Regarding the siting of the proposal and impact upon the World Heritage Site, Jodrell Bank have been consulted and have raised concerns about the proximity of the proposals to the telescope, potential operational impacts on efficiency of the telescope and the lack of information provided to fully assess any impacts on the site.

Specifically, regarding impact upon setting of the World Heritage Site, the proposed site at its closest is located approx. 1.1km from the boundary of the World Heritage Site. Visually, it is not considered that the proposals are of a scale which would have a significant impact upon the setting of the World Heritage Site, with existing industrial uses noted within closer

proximity to the telescope. However, regarding the proposed siting and potential impact upon operations of the telescope, it is considered that insufficient information of the intended operations on the site have been submitted to sufficiently assess potential impacts on operation of the telescope. Further details on operation would be required to fully assess the any impacts on the operation of the telescope.

Overall, regarding siting, it is considered that the proposal would not be acceptable. Specifically, the siting of the proposal would result in a significant adverse impact upon the priority woodland habitat and would also be unacceptable from a visual amenity perspective, due to the significant number of trees which would have to be removed to facilitate the proposal, which would negatively impact upon landscape character, with the buildings and access track considered to be visually prominent from Leach Lane. Furthermore, the proposed felling operations, are likely to cause the proposal to become increasingly prominent against the woodland setting and visible from a wider radius. It has also not been demonstrated that the siting of the proposal would not impact upon the efficiency of the telescope, and as such would also be unacceptable in this regard.

Design / External Appearance

In terms of the design and external appearance of the building, no concerns are raised. The building has clearly been designed for its intended use by virtue of its utilitarian metal portal frame appearance and use of materials.

REPORT SUMMARY

Comments from members of the public, neighbours and consultees are acknowledged and the matters relevant to the application have been considered above.

There is no evidence of any forestry operations being undertaken on the application site, and as such would not benefit from permitted development rights afforded under Schedule 2, Part 6, Class E. Furthermore, it is not considered that the proposed development is reasonably required for the purposes of forestry. It has also not been demonstrated that the proposal would comply with all of the requirements of paragraph E.1 of Class E, Part 6 of the GPDO 2015 (as amended). Specifically test (d) in that wood from external sites, will also be housed within building 2, could be considered contrary the requirement '*to only store fuel from land occupied together with the building*'.

The siting of the proposed building within a designated Priority Habitat (deciduous Woodland) would not be acceptable, with a substantial ecological impacts contrary to policy SE3 of the CELPS and ENV2 of the SADPD. Furthermore, the woodland makes a significant contribution to the amenity, biodiversity and landscape character of the surrounding area, and the removal of a substantial number of trees to facilitate the development, and future felling to fuel the biomass boiler will have unacceptable visual and biodiversity impacts, contrary to policy SE4 and SE5 of the CELPS, with it implied through the details submitted that the visual prominence of the buildings will likely increase in the future, if felling operations were to commence to fuel to biomass boiler. No reasons have been demonstrated as to why the benefits of the proposed buildings should outweigh the impact of the development within a National Priority Habitat.

Finally, insufficient information has been provided to assess the impact of the proposal's siting on the operation of the telescope, and as such would also be unacceptable in this

regard. Accordingly, the siting of the proposed development is also not acceptable.

Given that the proposal does not comply with the requirements of Part 6, Class E of the GPDO the application is recommended for refusal. The siting of the proposed development is also unacceptable for the reasons stated.

Recommendation: **Refuse for the following reasons**

Case officer: Jessica Hewitt

Date: 05-Jul-2024

Noted and agreed. PW 05.07.24

A handwritten signature in black ink, appearing to be 'J. Hewitt', written in a cursive style.