

DC/2015/00936

## WIDENING OF EXISTING TRACK FOR AGRICULTURAL USE

### LAND AT CARROW HILL FARM, CARROW HILL, NP26 3AU

#### RECOMMENDATION: APPROVE

Case Officer: David Wong

Date Registered: 07/09/2015

#### 1.0 APPLICATION DETAILS

- 1.1 This is a retrospective planning application for an agricultural track on land at Carrow Hill Farm, Caerwent. Carrow Hill Farm is an existing, well established farm. The track is for agricultural use only and will facilitate the movement of farm machinery to land at the southern end of the farm without the need to travel along a section of narrow, steep public road. The applicant is a close relative of a County Councillor. Therefore, this application requires the determination by Planning Committee.

#### 2.0 RELEVANT PLANNING HISTORY

There are various historical planning permissions related to Carrow Hill Farm but none is directly related to the location of this track.

#### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

##### Strategic Policies

Policy S10 – Rural Enterprise

Policy S13 – Landscape, Green Infrastructure and the Natural Environment

Policy S17 – Place Making and Design

##### Development Management Policies

Policy DES1 – General Design Considerations

Policy NE1 – Nature Conservation and Development

Policy RE4 – New Agricultural and Forestry Buildings

#### 4.0 REPRESENTATIONS

##### 4.1 Consultations Replies

Caerwent Community Council – recommends refusal.

Local information indicates that there is no long term existing track which could be widened. There are other options to access the area of land. Felling of trees is unnecessary and we suggest that the Tree Officer be consulted. This would result in an unnecessary scar on the landscape and be ecologically disadvantageous – suggest a wildlife survey be carried out. This application should be referred to Planning Committee as the applicant is relative of a County Councillor.

MCC Tree & Ecology – objection but if upon balance with other relevant policies you are minded to approve the application, it can be compensated with relevant conditions. A track has been created by cutting down what appears to be, a considerable amount of vegetation through a woodland identified as ancient woodland by the ancient woodland inventory. The site is included as a Site of Importance for Nature

Conservation by the Council based on the ancient woodland inventory. No field survey had previously been undertaken by MCC to inform this designation.

Photographic evidence from October 2015 demonstrates the amount of wood that is likely to have come out of this stretch and the growth patterns of the remaining trees (i.e. limited growth on the now open side) suggests that trees have been removed here. I note photographs have provided by a local resident which illustrate a rich ancient semi-natural woodland ground flora. The actual position of these photographs is thought to be along the alignment of the track now created.

In addition to the removal of trees, many of the remaining trees have had their roots compromised by the new track which may affect their longevity.

It is considered therefore that Policy NE1 of the Local Development Plan is relevant to the decision on the application.

It is difficult to assess the project in relation to Policy NE1 as there is limited evidence of the actual nature conservation value of the area which has been cleared and covered in stone although, we can make assumptions based on the habitat type and the surrounding habitat.

It is also difficult to assess the need for the development or whether it can be reasonably located elsewhere as we have no data about traffic although, it is accepted that the roads are narrow for modern machinery. The developer's agent has advised Development Management that the combine harvester will travel the track 'a few times each summer'. The track will be used by other large, heavy farm machinery for cultivations, spraying etc. throughout the year and will prevent this machinery from having to use the narrow, steep lane from Carrow Hill.

Policy NE1 does not consider retrospective applications. The potential for further impacts on the woodland, if removal of the track was required, must be considered.

Policy NE 1 also states: *Where development is permitted, it will be expected that any unavoidable harm is minimised by effective avoidance measures and mitigation. Where this is not feasible appropriate provision for compensatory habitats and features of equal or greater quality and quantity must be provided.*

No mitigation or compensation plan has been provided by the applicant.

On the basis of the above it is considered that the scheme is not acceptable and Biodiversity and Trees would consider an **objection**. The tree objection could be overcome with appropriate compensatory planting however, the biodiversity objection is more difficult to resolve. The ground flora will not be able to be compensated and would be exceptionally difficult to restore in situ. The restoration would need to include introduction of carefully chosen soil and natural recolonisation of ground flora from the rest of the woodland. I have been informally advised by NRW Conservation that it would be extremely difficult to achieve restored ground flora.

If upon balance with other relevant policies you are minded to approve the application, please consider that in line with the policy, the potential for compensatory planting of equal or greater quality and quantity be provided elsewhere within the blue line of the development.

The compensatory planting would have to provide as a minimum the quantity and quality of removed native trees to be planted as a group or in a hedgerow (or both). This has been estimated as 1 tree every 2.5m for 120m track x 4 m width (size of track taken from Design and Access Statement).

It is acknowledged that there may need to be some additional 'tidying up' of the track but this must be undertaken with great care for the remaining trees and ground flora.

The long term management of the trees will also need to be secured via planning condition.

#### 4.2 Neighbour Notification

One neighbour expressed concerns about this application; they believed that the first few metres of this route was originally an historic track which led part way up the bank

to perhaps a former small quarry but it was not of the dimensions or extent that has since been created. The site is a designated site for important habitats and other biodiversity sites and the damage caused to the site is significant.

## **5.0 EVALUATION**

### **5.1 Principle of the proposed development**

5.1.1 Carrow Hill Farm is an existing, well established farm business. Therefore, the formation of an agricultural track to assist the farm operation is generally considered acceptable subject to detailed planning considerations.

### **5.2 Visual Amenity**

5.2.1 This track is generally constructed with crushed stones of various sizes, which is generally acceptable for this type of development in the open countryside. The gradient of this track is steep, connecting two different fields. It is noted that the reason for this track is to enable large farm machinery i.e. a combine harvester to manoeuvre between sites without the need to use the public road, which is very narrow at certain sections.

5.2.2 The agent advised that the combine harvester will travel the track a few times each summer. However, the track will be used by other large, heavy farm machinery for cultivations, spraying and so on throughout the year. Therefore, having this track in place will avoid such farm vehicles from having to use the narrow steep lane from Carrow Hill.

5.2.3 This track is within a wooded area and as such, it is generally not visually prominent to the wider open countryside. There is a public footpath nearby. Therefore, glimpses of this track can be seen. It is regrettable that some of the trees have been felled as a result of this development. However, the kind of visual impact of this track is a localised one. Given the above, there are no significant visual grounds to sustain an objection.

### **5.3 Neighbour Amenity**

5.3.1 There is no residential property within close proximity of this track. Therefore, no impact of this kind is anticipated.

### **5.4 Public Rights of Ways**

5.4.1 There is a public right of way near this track. However, due to the intervening distance involved, no impact on the use or enjoyment of the public right of way is anticipated.

### **5.5 Highways consideration**

5.5.1 The reason for this track is to enable large farm machines to manoeuvre between fields within the farm, without the need to use the public road which is very narrow at certain sections. It is evident that there are sections of the road in this area that are very narrow with very few passing places. Therefore, it is considered that this track would have a positive effect on this part of the local road network.

### **5.6 Trees and Ecology**

5.6.1 A neighbour is concerned that this track has already caused significant damage to the site, which is a designated site for important habitats. Additional photographic evidence

was provided to illustrate that the site was once made up of rich ancient semi-natural woodland ground flora.

- 5.6.2 Both the Council's Tree Officer and Ecologist were consulted and they have read the submitted information by the neighbour. They confirmed that the site is included as a Site of Importance for Nature Conservation (a local designation) by the Council based on the ancient woodland inventory. However, it is acknowledged that there is limited evidence of the actual nature conservation value of the area which has been cleared and covered in stone although, assumptions can be made based on the habitat type and the surrounding habitat. Also, it is difficult to assess the need for the development or whether it can be reasonably located elsewhere as they have no data about traffic although it is accepted that the local roads are narrow for modern machinery.
- 5.6.3 It is thought that a considerable amount of vegetation had been removed with no mitigation or compensation plan being provided by the applicant. The tree-related objection could be overcome with appropriate compensatory planting while the biodiversity objection is more difficult to resolve. The ground flora loss will not be able to be compensated and would be exceptionally difficult to restore in situ. The restoration would need to include introduction of carefully chosen soil and natural recolonisation of ground flora from the rest of the woodland. Informally NRW have advised that it would be extremely difficult to achieve restored ground flora. If upon balance with other relevant policies the Council as the Planning Authority is minded to approve the application, the ecological advisors have requested compensatory planting of equal or greater quality and quantity to be provided elsewhere within the blue line of the development (land owned or controlled by the applicant in the locality).
- 5.6.4 The compensatory planting would have to provide as a minimum the quantity and quality of removed native trees to be planted as a group or in a hedgerow (or both). As set out above, this has been estimated as 1 tree every 2.5m for the length of the 120m track x 4 m width (the size of the track has been taken from Design and Access Statement). They also advise that there may need to be some additional 'tidying up' of the track but this must be undertaken with great care to safeguard the remaining trees and ground flora. Therefore, the long term management of the trees will also need to be secured via a planning condition.
- 5.6.5 To conclude, this track will enable larger farm machinery to manoeuvre between sites without the need to use the public road, which is very narrow at certain sections. Also, given the fact that the loss of the existing vegetation can be compensated via the use of planning conditions, there is not considered to be sufficient tree/ecological grounds to sustain an objection.

## 5.7 Response to the Representations of the Caerwent Community Council

- 5.7.1 The Caerwent Community Council is concerned that this track is visually detrimental to the open countryside and is damaging to wildlife. These matters are considered in Section 5.2 (Visual Amenity) and 5.6 (Trees and Ecology) respectively.

## 5.8 Well-Being of Future Generations (Wales) Act 2015

- 5.8.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through

its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## 6.0 RECOMMENDATION: APPROVE

### Conditions/Reasons

- 1) A scheme of compensatory planting of native trees to include a minimum of 192 specimens shall be submitted to the Local Planning Authority for approval within three months of this consent. The scheme shall include species, size and protection details of specimens. Location of planting shall be clearly illustrated on a scaled plan including planting distances. Details of initial aftercare and maintenance shall also be included. The agreed scheme shall be implemented in full in the first planting season following the approval of that scheme by the Local Planning Authority.  
Reason: To compensate for the loss of Ancient Semi-natural Woodland in accordance with LDP policy NE1.
  
- 2) A Management Plan shall be submitted to and be approved in writing by the local planning authority within 12 months of the date of the approval. The content of the Management Plan shall include the following;
  - a) Description of the habitat(s) to be managed.
  - b) Aims of management.
  - c) Prescriptions for management actions.
  - d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
  - e) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The approved plan shall be implemented in accordance with the approved details.

Reason: To compensate for the loss of Ancient Semi-natural Woodland in accordance with LDP Policy NE1.

Informative:

All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September
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Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.
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