

Tabled update for Members - Item 3.1 Land East of Hawes Woods

Planning Reference: 21/500173/FULL

	<p>REASON FOR REFERRAL TO COMMITTEE</p> <p>Delegated powers shall not be exercised in the following circumstances:</p> <p><i>(d) Applications which the Head of Planning considers are sufficiently major or raise difficult questions of policy interpretation or any unusual or difficult issues which warrant Member determination."</i></p> <p>The Head of Planning is satisfied that the application should be presented at a Planning Committee</p>
Committee Report Paragraph Number: 1.1	<p>The total area of the site as outlined in red is approximately 8.9 hectares. However, the application form states that the area is 7.6 hectares. This is a significant discrepancy in the land area proposed for development. The applicant has been asked to clarify this point numerous times, however, the response remains that they do not know.</p>
3.2	<p>The site lies immediately adjacent to Ancient Woodland (Hawes Wood) which is designated as ancient & semi natural woodland. The southern boundary falls within the 15m buffer of Hawes Wood, which I refer to in the report and which is detailed within the current standing advice from the Forestry Commission and Natural England as per the following link https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences#use-of-buffer-zones</p> <p>You will see that in their advice that a 15m buffer is a minimum distance that should be achieved in the replicated paragraph below</p> <p><i>For ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.</i></p> <p>Information on the buffer zone can be found on the Government web site 'Ancient woodland, ancient trees and veteran trees: protecting them from development', with 'Standing Advice' from The Natural England and Forestry Commission' on Ancient Woodland and Veteran Trees'.</p> <p>Members will also note that, in various circumstances and following a proper assessment, a larger buffer may be required. 15 metres should be viewed as a minimum figure.</p> <p>It also states that decision should be made in line with 175C of the NPPF</p>

3.7	<p>KCC Ecology advise that the ancient woodland is also a designated Local Wildlife Site due to its:</p> <p><i>“Hornbeam, sessile oak, ash, hazel and field maple all occur as coppice species, in addition to sweet chestnut. Both pedunculate and sessile oak are present as standards, and there are many ancient stools of sessile oak, hornbeam and ash. Pedunculate oak, ash and hazel are more common on the clay. Downy birch is widespread. The ground flora includes bluebell 1 Hyacinthoides non-scripta and wood anemone Anemone nemorosa, with dog’s mercury Mercurialis perennis dominating the lower ground. 28 ancient woodland indicator species have been recorded, including soft shield-fern Polystichum setiferum, butcher’s broom Ruscus aculeatus and early-purple orchid Orchis mascula.</i></p> <ul style="list-style-type: none"> · <i>Pendulous sedge Carex pendula is found here in the damp areas.</i> · <i>Thirty-three bryophytes have been recorded, including Leucobryum glaucum, Dicranum strictum, Dicranum montanum and the uncommon Fissidens exilis.</i> · <i>A badger 2 sett is present, and some of the rides are rabbit-grazed.</i> · <i>A total of 84 bird species were originally recorded from this site, including breeding hawfinch, lesser spotted woodpecker, redpoll and nightingale and over-wintering redwing, woodcock and long-eared owl. Hobby has been recorded more recently.</i> · <i>The nearby church at TR 863653 holds a pipistrelle 1, 9, 10 bat roost.”</i> <p>KCC Ecology also state that the above is verbatim from the citation note (last revised in January 2004). Pretty much all the birds listed in the citation are now extremely rare/are of ‘conservation concern’, especially Hawfinch and Lesser spotted woodpecker.</p>
5.3	<p>The application was published in the press on 06.05.2021 which welcomed comments to the Council by 27.05.2021. A site Notice was also erected at the site which welcomed comments until 07.06.2021</p>
5.4	<p>A further 20 letters of objection have been received, 2 of which were from the same householder/objectors and therefore 18 additional letters were received in total. The letters do not raise any additional issues, the main thread being the lack of empathy from the Council, that the keeping of animals is generally considered an acceptable use in the countryside and that animal noise in the countryside is acceptable.</p>
6.4	<p>KCC Highways and Transportation updated response</p> <p><i>When we were re-consulted on this application due to the potential of having open days, they advised that this could only happen once improvements were made to the site. We asked for details of these improvements, but have not received this information yet.</i></p> <p><i>With sufficient parking on site to accommodate the increase of visitors on the open days Highways would not object to this application but a plan showing the overflow parking would be required.</i></p>

6.7	<p><u>Environment Agency</u></p> <p>Raise no formal objection to the planning application regarding the change of use of the land from agricultural to animal rescue centre.</p> <p>The concerns raised are from the EA Waste Officer due to ongoing issues regarding the current material that is being imported.</p> <p>As well as the imported material, the site is also experiencing issues of run off from surface water that is mixing with manure and animal run off into the highway. <i>'The applicant appears to have raised the land by at least 1m in some places as the base of the trees have disappeared. The material looks questionable, appears to be screened Waste soil and trommel fines but we cannot say this for definite as we were told it was site derived material during the visit.'</i></p> <p>A follow up visit was made by the Environment Agency on Monday 6th December 2021. It is reported that the site was potentially worse than on the previous visit as they have continued to import waste soils to raise the land for drainage. This activity is not allowed under the current permit which the applicant holds to import only very low risk materials. They have also not complied with any of the actions requested on the previous report 'Compliance Assessment Report'.</p> <p>The Environment Agency have advised that they are likely be de-registering the exemption, requesting that the waste is removed from the site as none of it is compliant with the U1. Currently we have verbally requested that they stop importing any more material onto site.</p> <p>During Chairman's Briefing on Monday, the case officer was asked to share the Compliance Assessment Report received from the Environment Agency. I requested that this document is made public however, the EA advised that while it is public register information that can be requested through an FOI request, this does not allow the Council to publicly share this information.</p>
9.1 (conclusion)	<p>Officers remain of view, as set out in the main report, that the harm arising from the development would significantly and demonstrably outweigh the benefits, when assessed against the Local Plan (adopted 2017) and NPPF July 2021 and the other material planning considerations, and for this reason I therefore recommend that planning permission is refused for this application for the reasons set out in the main report.</p>