

ITEM NUMBER: 5d

23/02850/RET	Surfacing of pre-existing forest track with approx 150mm depth of recycled crushed concrete, to facilitate woodland management operations.	
Site Address:	Development Site, Newlands Wood, Puddephats Lane, Markyate, St Albans, Hertfordshire	
Applicant/Agent:	Mr Matt Marples	Mr Julian Miller
Case Officer:	Nigel Gibbs	
Parish/Ward:	Flamstead Parish Council	Watling
Referral to Committee:	The application has been called-in in by Councillor Jane Timmis and the recommendation is contrary to the Parish Council objection.	

1. RECOMMENDATION

That planning permission be **GRANTED** subject to conditions.

2. SUMMARY

2.1 Newlands Wood is a relatively isolated Ancient Replanted Woodland occupying a countryside location to the south west of Markyate, within the Rural Area and Chilterns AONB. It is served by a long-established central track/ roadway.

2.2 The National Planning Policy Framework (2023) defines Ancient Woodlands as an area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).

2.3 This application is for the retention of the resurfaced track following an enforcement investigation. According to the submitted information, the roadway was upgraded to specifically facilitate the forestry works at Newlands Wood.

2.4 Within the Rural Area, Dacorum Core Strategy Policy CS7 confirms that forestry is an acceptable use.

2.5 It is considered that the works carried out are compatible with this environmentally sensitive site, with no fundamental objections raised by the Forestry Commission, the Chilterns Conservation Board (following initial objections), the Council's Trees & Woodlands Team and Hertfordshire Ecology.

3. SITE DESCRIPTION

3.1 The application site limited to the upgraded central track. The surrounding woodland within Newlands Wood edged in blue by the submitted details is also under the Applicant's ownership.

3.2 A central track has served Newlands Wood since at least 1878. The immediate area also features other long-established woodland at Prior Spring and Abel's Wood.

4. PROPOSAL

4.1. This is a retrospective application for the surfacing of the 'pre-existing forest track with approximately 150mm depth of recycled crushed concrete, to facilitate woodland management operations'. The work was completed on 9 December 2022, commenced on 28 November 2022. The application was submitted following a review of the development by the Enforcement Team.

4.2 The application form confirms that the width of the existing track has not been increased (track width approx. 3m) and no trees have been removed as part of the upgrading works.

4.3 The submitted supporting letter confirms that these 'improvement works' were necessary to satisfy the reasonable operational needs of forestry operations in the woodland and allow thinning and other woodland management operations to be carried out at an appropriate time of year, in a safe manner and without negative environmental impacts, using equipment suited to the small scale operations.

4.4 It is clarified that the Applicant / Agent consider that the works would normally be accepted as permitted development under Schedule 2 Part 6 Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 and the central track through the woodland, approximately 250m in length, has been upgraded by stoning with a depth of 150mm of recycled crushed concrete to provide an all-weather 3m wide running surface suitable for use by small forestry vehicles and tractors.

4.5 It is advised that this now allows all-weather management access to all parts of the woodland from the pre-existing access point for both harvesting operations and the day-to-day management of the woodland.

4.6 The Agent, a Chartered Forester, has also responded to the representations from the Parish Council and the initial objections from Chilterns Conservation Board. These are set out below under separate headings for ease of reference.

The Agent's Response to Flamstead Parish Council Objections

The Council suggests that the woodland has been managed as a wood for many years without the need for a hardcore track. In fact the track was already surfaced with stone (although unfortunately we do not have any photographic evidence of this) and the work carried out merely reinforced and repaired what was already there.

It is often very difficult to tell that a track is indeed surfaced once it has been covered with fallen leaves and "greened over." This track was probably surfaced many years ago but of course over time repairs are required to keep it up to a suitable standard. Now that this track has been re-surfaced it will hopefully not require further attention for many more years.

The Council also suggests that "all the good quality timber has already been removed" from within the wood. As a Chartered Forester this assertion is strongly rejected. The woodland is an ancient woodland site but has evidently been replanted in the past (as can be seen from the straight planting lines) with a mixture of beech and larch trees, with the objective of producing timber. This plantation will require ongoing management by thinning – i.e. careful removal of the poorer quality trees in order to concentrate growth on the best timber trees. This is standard forestry practice. Some work has been done in the past but certainly more regular interventions will be necessary in the coming years and this surfaced track will be required to allow timber removal. It will support movement of forestry tractors and trailers without damage to the soil, such as the creation of ruts which could lead to water runoff. It will also facilitate the loading of timber lorries. It would also support use by emergency services including the fire service in case of emergency.

Increased Flooding. The track will actually reduce the amount of mud and other material being carried onto the highway during forestry operations. As the surface is porous and is also cambered to shed water to the sides, there is very unlikely to be any water runoff into the road. There is already a culvert pipe where the track crosses the roadside ditch, and the contractors have merely surfaced over the top of this, so the ditch has not been filled in.

Landscape Implications. There are no long-term negative landscape impacts as a result of the surfacing of the track. It has quickly “greened over” with new vegetation and a covering of leaf litter as demonstrated by the photographs submitted to the Council. Therefore, the track cannot be considered “incongruous”. It is a simple surfaced forestry track using inert material, constructed for forestry purposes and not a “metalled road” as described by the Council. Dacorum Borough Council’s Enforcement Officer has already confirmed that the installed gate and fence is “permitted development” and is therefore outside the scope of this application. In any case these items are necessary for the security of the property and it is disputed that they are out of character with the woodland, being a standard agricultural gate and post and rail fencing.

Highway Implications. It is not accepted that forestry management will result in a significant increase in traffic levels. Timber harvesting would require perhaps 10 – 15 timber lorry movements every 10 years which will not have a major impact on traffic levels. Also, the access gate has been set back from the highway allowing smaller vehicles to park in front of it while the gate is unlocked so it is unlikely that any traffic queues on this road are a result of use of the woodland.

Tree Clearance. The assertion that “if the wood is designated as forestry, tree clearance is not permitted” is incorrect. Any forestry work (as described above) will require a felling licence from the Forestry Commission, but provided that the work proposed is in accordance with good forestry practice then there would be no reason for this to be refused. Forests require management, and the Applicant and Agent are sure that the Forestry Commission would want to see the woodland properly managed. This is also supported by the consultation response from Hertfordshire Ecology.

Sale of Woodland Plots. The woodland plots are sold on for the purposes of forestry and each purchaser is required to enter into a covenant on behalf of themselves and successors in title not to use, the Woodland for:

- Clay pigeon shooting or use of guns (apart from air-powered weapons) for target practice of any kind.
- Rough shooting or pest control at such times or in such manner as to be or become a danger or nuisance or annoyance to any person.
- Racing or speed trials with cycles or any motorised vehicle.
- A commercial campsite.
- Business purposes other than that of agriculture or forestry.
- Any use that causes or is likely to cause damage to access tracks on the Retained Land other than fair wear and tear.
- Any use that would be or become a nuisance or annoyance to neighbouring owners or occupiers of the land.
- The installation or display of any signboard that is or may become visible from the public highway.

Adverse Wildlife Impact. No trees were felled as part of the re-surfacing works and the surfacing (using inert recycled stone) has not extended beyond the original track width.

Hertfordshire Ecology confirms that in this case the ecology of the surrounding woodland is unlikely to have been affected and no woodland habitat has been lost. With appropriate management, which will be facilitated by this forestry track, is likely to improve the biodiversity value of the woodland in the longer term. Conversely if the planning application is refused, removal of the existing surfacing is likely to cause significant disruption and disturbance to the woodland environment.

The Agent's Response Chiltern Conservation Board Initial Objections

It is unclear as to why the CCB response indicates that there was no plan showing the ownership boundary as this was submitted with the application as shown by the application form. Similarly the rationale / justification for the proposals was given in our document NW007.

Many of the points in response to the Parish Council's representation are also relevant to the CCB objection. In particular their assertion that "introducing this new material into a nationally protected landscape harms that landscape" is strongly repudiated. There is no negative impact on the woodland appearance of the site as a result of the track improvement works. The improvement of the track will lead to potential landscape enhancement in the longer term, through active and appropriate management of the woodland. The works will be with reference to the criteria of the AONB Management Plan 2019-2024 Policy, DP2:

- "It is appropriate to its location". Response: This is a forestry track which has been constructed to facilitate forestry works in the woodland. It has been constructed to a specification suited to its purpose and with materials designed to minimise landscape impacts. Submitted photographs show this has now blended into its Woodland surroundings.

- "It is appropriate to local landscape character." Response :The woodland lies within the Gaddesden Row (124) Landscape Character Area. The works are intended to facilitate management of the woodland. As discrete mixed woodlands are identified as a key characteristic of this landscape in the Landscape Character Assessment therefore retention and management of the woodland will maintain local landscape character.

"It supports local distinctiveness." Response: The track works are intended to facilitate management of this predominantly beech woodland. Beech woodlands are a traditional and locally distinct characteristic of the local landscape.

- "It respects heritage and historic landscapes." Response: There will be no adverse impacts on historic environment features or landscapes as a result of these works. There are no known historic environment features within the site and as the works are within the footprint of the existing track the likelihood of disturbing undiscovered features is very low.

- "It enhances natural beauty." Response: The object of the track surfacing is to facilitate management of the woodland. This will ensure that this predominantly beech woodland remains as a component of the local landscape and will therefore continue to contribute to the scenic beauty of the area.

- "Ecological and environmental impacts are acceptable." Response: As already stated, the assessment by Hertfordshire Ecology indicates that negative impacts are likely to be minimal and that there are no negative impacts on the wider woodland area.

-“There are no detrimental impacts on chalk streams.” Response: The site is approximately 3km from the nearest chalk stream (River Gade) and the small scale of the works means there is very unlikely to be any negative impact.

-“There is no harm to tranquillity through generation of noise, motion and light.” Response: As stated above forestry activity is not likely to significantly contribute to increased traffic levels and there is no lighting associated with the works so impacts on tranquillity will be negligible.

-“There are no negative cumulative effects including when considered with other plans and proposals.” Response: A search of the Dacorum Borough Council planning applications database did not find any other approved or pending applications within the immediate vicinity of this site.

It should be evident that any negative landscape impacts of the works have been transitory. The CCB objection states that the LPA has no control over the future use of the track and appears to be concerned more with potential land use change rather than the upgrading of the track itself.

It is contended that the track is reasonably necessary for the purposes of forestry and that this is the criterion against which the application should be assessed. The site will continue to be woodland, safeguarded by the ownership covenants. All forestry activity will of course need to be subject to the relevant licences and controls by the Forestry Commission, but the existence of the track will not have any impact on this requirement. If the local authority requires additional control over future activity, then this could potentially be exercised by imposition of a Tree Preservation Order or an Article 4 Direction.

5. PLANNING HISTORY

Planning Applications:

None

Appeals:

None

6. CONSTRAINTS

Advert Control: Advert Spec Contr

Ancient Woodland: Ancient Replanted Woodland

Area of Outstanding Natural Beauty: CAONB outside Dacorum

CIL Zone: CIL2

Parish: Flamstead CP

RAF Halton and Chenies Zone: Red (10.7m)

Rural Area: Policy: CS7

Parking Standards: New Zone 3

EA Source Protection Zone: 3

Wildlife Sites: Newlands Wood (Jockey End)

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents

National Planning Policy Framework (2023)
National Planning Policy Guidance
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Other Publications relating to Ancient Woodlands

- Planning Applications affecting trees and woodlands
- Environmental Impact Assessments for woodlands/ forestry
- Managing ancient and native woodland in England 2010
- Ancient woodland, ancient trees and veteran trees: advice for making planning decisions
From: Natural England and Forestry Commission 14 January 2022 Policy paper Guidance:
Keepers of Time: Ancient and Native Woodland and Tree Policy in England 27 May 2022
- Ancient Woodland and Veteran Trees: Assessment Guide to potential impacts in relation to planning decisions
- Woodland Trust Practical Guidance Planning for Ancient Woodland /Planners' Manual for Ancient Woodland and Veteran Trees: Inappropriate Forestry Operations • Fragmentation • Soil erosion • Noise pollution, Campsite • Recreation pressure • Collection of deadwood for firewood • Disturbance by dogs • Anti-social behaviour • Removal/damage of ancient trees • Trampling • Light and noise pollution
- Woodland management matters: Ensuring the future health and resilience of our woodlands - GOV.UK (www.gov.uk)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

NP1 - Supporting Development
CS1 - Distribution of Development
CS7- Rural Area
CS8- Sustainable Transport
CS9- Management of Roads
CS12- Quality of Design
CS24 -Chilterns Area of Outstanding Beauty
CS25- Landscape Character
CS26- Green Infrastructure
CS29 - Sustainable Design and Construction
CS31- Water Management
CS32- Air, Soil and Water Quality
Countryside Place Strategy

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Policy 13 -Planning Conditions and Planning Obligations
Policy 51- Development and Transport Impacts
Policy 54- Highway Design
Policy 79 -Footpath Network

Policy 97- Chilterns Area of Outstanding Beauty
Policy 99- Preservation of Trees, Hedgerows and Woodlands
Policy 100- Tree and Woodland Planting
Policy 101- Tree & Woodland Management
Policy 102- Sites of Importance to Nature Conservation
Policy 113- Exterior Lighting
Appendix 8- Exterior Lighting

Supplementary Planning Guidance

Dacorum Landscape Character Assessment: Landscape Character Area 124 : Gaddesden Row

Chilterns Conservation Board Management Plan 2019 – 2024 Policies including Ancient Woodlands

Environmental Guidelines

9. CONSIDERATIONS

Background

9.1 The Woodland Trust has confirmed that many ancient woodland sites have been felled (in full or part) and replanted. These sites are referred to as Plantations on Ancient Woodland Sites (PAWS) and often these sites have been replanted with commercial stands of timber, such as conifers, so they may not look like an irreplaceable resource. Nationally only 2% to 2.5% of the country features Ancient Woodland. However, the Chilterns Conservation Board's Management Plan 2019 – 2014 confirms in the Chilterns this is 13%, being the 'home to many rare and threatened species' (p31). Page 53 notes that woodland covers 23.7% of the AONB., of which 56% is classed as ancient woodland, which has been in constant woodland management for over 400 years(p53).

9.2 The Trust also advises that much of the value of ancient woodland lies in the soils and many remnants of the ancient habitat remain and through careful management, PAWS can be restored, with advice available from the Woodland Trust and Forestry Commission.

9.3 Development affecting Ancient Woodlands requires careful consideration due to their very special environmental value, with their biodiversity / ecological value and management being so important. This is reflected by the range of recent Government publications and relevant local policies. In this respect, significantly, paragraph 186 c) of the NPPF confirms that when determining planning applications, local planning authorities in cases where development would result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Main Issues

9.4 In the context of the above the main issues to consider are:

- The Principle of Development in the Rural Area, and
- The AONB/ Countryside Implications; and
- The Arboricultural and Ecological Implications.

Principle of Development

9.5. Within the Rural Area forestry is an acceptable use as confirmed by Core Strategy Policy CS7.

Small scale development for forestry is acceptable, provided that:

- i. it has no significant impact on the character and appearance of the countryside; and
- ii. it supports the rural economy and maintenance of the wider countryside

It is considered that the development is compatible with the character and appearance of the countryside and supports the rural economy, and complying with this policy. This takes into account the protective policies relating to the AONB such as the longstanding saved DBLP Policy 97 (see also Paragraph 9.8 below).

The Core Strategy is generally very supportive of rural enterprise as clarified by its pp 32 and 67, para 11. 10, its Countryside Place Strategy Local Objective and its 'Delivering the Vision' Para 26.9. This Vision is to ensure a prosperous countryside by supporting farmers and others engaged in land management activities through planning policies. This support is in accordance with the Framework's Para 8(a) economic objective and paragraph 88 (Supporting a prosperous rural economy') relating to) including the sustainable growth and expansion of all types of business in rural areas.

9.6 Paragraph 26.14 of the Core Strategy's Countryside Place Strategy confirms that woods need to be managed through selective felling and coppicing of their timber, with the aim to secure coordinated land management and to support those sensitively engaged in appropriate management.

9.7 Similarly, Vision 7 of the Chiltern Conservation Board Management Plan 2019- 2024 confirms that viable, sustainable and diverse farming, forestry and rural economy are essential to conserve and enhance the wildlife and natural beauty of the Chilterns. Its General Policy 4 supports the sustainable production of food, forestry land, raw materials and stimulating economic activity, reinforced by its Policy DP6 which supports sustainable forestry.

Chilterns Area of Outstanding Natural Beauty /Countryside Impact

9.8 The expectations of the Framework's Part 16 (Enhancing the Natural Environment) is pivotal, emphasising under paragraph 180 that planning policies and decisions should contribute to and enhance the natural and local environment by a range of ways. These include under its criteria (a) in protecting and enhancing valued landscapes and sites of biodiversity (in a manner commensurate with their statutory status or identified quality in the development plan).

9.9 In conjunction with this, its paragraph 182 explains that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs with the conservation and enhancement of wildlife also important. As confirmed above, the Framework's Para 186 places great importance upon protecting Ancient Woodlands.

9.10 The Core Strategy's Policies CS24, CS25, CS26 and the Countryside Place Strategy Local Objective¹ saved Policies 97, 99 and 101 of the Dacourm Borough Local and the Chilterns Conservation Board's Management Plan 2019- 2024 reinforce the Framework's approach. The Management Plan's approach to Nature (Part 5) confirms relevant Strategic Objectives and Policies, explaining that plantations on ancient woodland sites need to be restored through a mix of natural regeneration and appropriate planting².

9.11 The Management Plan's Part 7 addresses '*Land, Woodland and Water*'. With regard to Woodland, identified 'Key Issues' include the current problems associated with Chilterns

¹ p.183

² p.31

Woodland³. These include the splitting of some large estate woodland into small wood lots and selling these. It explains that this can result in inconsistent management, pressure for fencing, access roads and buildings, and that fragmented management also means that the control of pests and disease becomes even more difficult.

9.12 In this context the Management Plan's range of Strategic Objectives include:

- L02: Ensuring that the Chilterns remain a functional, working landscape with viable and diverse farming, forestry and rural economy sectors.
- L03: Safeguarding the Chiltern landscape by maintaining and enhancing all landscape features such as hedges and trees and important wildlife habitats.

The associated policies include:

- LP1: Making agreed best practice advice (farming, forestry etc.) accessible to all.
- LP3: Promoting the production and processing of local produce including wood fuel.
- LP8: Ensuring that there is no net loss of woodlands and **no loss of irreplaceable ancient woodland, ancient trees and veteran trees within the AONB (Officer emphasis)**.
- LP9: Managing woodlands to achieve greater diversity of tree species and varied age structure to ensure economic sustainability enhance biodiversity and make them more resilient to disease and climate change.
- LP 10 Restoration of Ancient Woodlands (PAWS), returning them to predominantly broadleaf species and implement sensitive long- term management. Restoration, particularly non-native conifer plantations, will offer significant wildlife, landscape and cultural heritage benefits.

9.13 Associated Policies relating to Development include:

- DP01/ DP02- Conserving and enhancing the AONB.
- DP6 – Support sustainable farming and forestry.

9.14 As an overview, overall in the long term it is considered that the upgrading of the track conserves and enhances the AONB, with no lasting visual harm and no arboricultural or fundamental ecological harm, with no objections by the Forestry Commission (a statutory consultee), the Chilterns Conservation Board (confirming that the additional details confirming the surface finish of the track/road 'fit with the landscape' following initial objections), the Council's Trees and Woodlands Manager, Hertfordshire Ecology, Hertfordshire & Middx Wildlife Trust and the Chiltern Society). This overview takes into account Hertfordshire Ecology's clarification that surfacing with crushed concrete may have altered the local soils directly affected which are likely to be acidic on the clay-with-flints, as well as any other grassland habitat, which may have existed on the road previously. **However**, Hertfordshire Ecology has not objected to the application and nor has The Forestry Commission, Chilterns Conservation Board and the Council's Trees & Woodland Manager for these reasons , and on this basis with significant weight given to the responses from these specialist consultees , there would not be a cogent ecological / arboricultural grounds to object to the application for these reasons

9.15 The mandatory Biodiversity Net Gain (BNG) implications of the development are not applicable to this application, as the application was submitted before the introduction of the BNG requirements.

³ p.50

Other Material Planning Considerations/ Issues

Highway implications

9.16 There are no direct implications. With the roadway compacted it is unlikely that the use of the roadway would cause the spillage of mud onto the highway. In the event of an emergency incident at Newlands Wood, the upgraded roadway would assist safe access for fire tenders and ambulances. With regard to the Parish Council's reference to infilling of the ditch and the associated issue of resultant flooding issues this will be separately reported to Hertfordshire County Council (HCC).

Wider Implications: The Woodlands Use / Article 4 Direction/ Subdivision/ Tree Preservation Order

9.17 The application's remit is limited to the consideration of the direct impact which facilitate the carrying out of necessary woodland management. On this basis, whilst it fully recognised that there are fundamental concerns regarding the wider use of other parts of Newlands Wood, these are outside the LPA's scope in assessing the current application. In this respect with reference to the responses from the Parish Council, Councillor Jane Timmis, the Chilterns Conservation Board, the Forestry Commission, Hertfordshire Ecology and Herts & Middx Trust, the LPA can separately review whether it would be appropriate to consider an Article 4 Direction at Newlands Wood to restrict future development within the woodland.

Drainage / Contamination/ Environment Agency Groundwater Source Zone 3

9.18 It has been confirmed that the development does not involve any contaminated land. There are no identified surface/ groundwater issues associated with the development in this Flood Zone 1 and Environment Agency Source Protection Zone 3.

Exterior Lighting

9.19 The site is located within the very sensitive E1 Lighting Zone, subject to Policies CS1, CS5, CS24, CS25, CS29, CS32, saved DBLP Policies 97 and 113 and Appendix 8 and the Chilterns Conservation Management Plan which takes a very precautionary approach to exterior lighting and the need to control light pollution (Part 10 / Policies DP8 and DP15), reinforcing the Framework's Para 191 (c). The latter policy confirms the need to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.20 The application does not propose any exterior lighting. Recommended Condition 2 restrict the installation of any exterior lighting serving the roadway in this most sensitive E1 Zone.

Crime Prevention/ Security

9.21 There are no apparent implications.

Environmental Impact Assessment: Screening

9.22 The proposals are not considered to be an EIA development.

Environmental implications should the Application be Refused

9.23 The Agent has confirmed that it should be apparent that should the planning permission not be granted, the surfacing material would need to be removed from site and this is likely to cause significant ecological disturbance to the site.

9.24 In this respect, the Agent has explained that the volume of material that would need to be removed would be approximately 150 cubic metres i.e. around 300 tonnes which would equate to

approximately 15 lorry movements. The Agent has reaffirmed that the recent surfacing was placed on top of older stone surfacing and compacted so it will be difficult to separate and remove just the more recent layers, and considers that if the track had to be 'ripped up' it would be a woodland that would be much more difficult to manage sustainably in the future.

Air Limit Issues

9.25 There are no issues.

Response to Comments

9.26 In summary, it is considered that notwithstanding the range of Parish Council representations/objections and the initial response from the Chiltern Conservation Board, there are no apparent cogent planning objections to the track's upgraded form.

9.27 As clarified, the upgraded roadway is to specifically facilitate forestry operations at Newlands Wood. Given the LPA's limited remit for the application's consideration, its upgrading may improve access for non-forestry based vehicles to the woodland, however the LPA could not refuse the current application for this reason.

Recommended Conditions

9.28 These are limited to the approved plans and controls over lighting. With regard to imposing conditions on the blue land (i.e. the main wood) as referred to by the Chilterns Conservation Board, Whilst the identified environmental concerns are fully recognised regarding use of the other parts of based upon the application's purpose and remit ,it is not considered that there would be a case to impose 'blue land' related conditions. This is reference to the six established tests for the imposition of conditions. These are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects.

10. CONCLUSION

10.1 Ancient Woodlands require the most careful consideration due to their very special environmental status, as confirmed by aforementioned national and local policies, with their biodiversity / ecological value and management so important.

10.2 The application's terms of reference are the direct implications of the roadway's upgrading for forestry management purposes at this Ancient Woodland, for which there are no in principle, arboricultural countryside/ landscape, ecological or other environmental objections.

10.3 It is a sustainable development in accordance with the Framework's environmental and economic objectives.

10.4 If the roadway had to be removed this would require the most careful relocation of all the material without directly physically harming the woodland, in addition to controlling wide the effects of lorry movements upon the AONB.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED** subject to conditions.

Condition(s) and Reason(s):

1. **The development hereby approved shall be carried out in accordance with the following drawings:**

**Site Location Plan NW001
Block Plan NW002A
Block Plan NW002B**

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

2. **There shall be no exterior lighting installed to serve the development hereby permitted.**

Reason: To protect the Ancient Woodland in accordance with Policies CS1, CS24, CS29, CS32 and paragraph 26.19 of the Countryside Strategy of the Dacorum Core Strategy (2013), Policy 97, 113 and Appendix 8 of Dacorum Borough Local (2004), Part 10 and Policy DP8 the Chilterns Conservation Board Management Plan (2019 - 2024) and Part 191 (c) of the National Planning Policy Framework (2013).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Planning Enforcement	<p>ADDITIONAL INFORMATION : 12.03.2024</p> <p>The application has been discussed by the Enforcement Team and Case Officer.</p> <p>ORIGINAL CONSULTATION</p> <p>Please see above.</p>
Forestry Commission	<p>ADDITIONAL INFORMATION : 12.03.2024</p> <p>Thank you for consulting the Forestry Commission on this application. We would normally only respond to applications where we consider there to be a significant detrimental effect to the woodland.</p> <p>Newlands Wood is an Ancient Replanted Woodland with a felling licence for a 1.2ha area of the woodland that expires in 2028. The forest track would be required to access this area of the woodland for management purposes.</p> <p>The Forestry Commission encourages active woodland management. Well-constructed forest tracks are necessary to facilitate management</p>

	<p>activities and help prevent environmental damage. More information on the benefits of woodland management can be found in the following link: <u>Woodland management matters: Ensuring the future health and resilience of our woodlands - GOV.UK (www.gov.uk)</u></p> <p>We do note from the information available on the planning portal that the woodland has been subdivided into areas of different ownership with tents and awnings appearing in the woodland with some areas being used for recreational purposes. This is not a matter for the Forestry Commission and is a matter for local authority planning enforcement.</p> <p>We hope that clarifies the situation. If I can be of any further help, please do not hesitate to contact me.</p> <p>ORIGINAL CONSULTATION</p> <p>No Response.</p>
Trees & Woodlands	<p>ADDITIONAL INFORMATION : 12.03.2024</p> <p>No issues with proposed surfacing works.</p> <p>It is evident from site photos and old plans that the track has existed for many years, and so the installation of a crushed concrete surface on it will not have any negative effect on nearby trees.</p> <p>ORIGINAL CONSULTATION</p> <p>No Response.</p>
Hertfordshire Ecology	<p>ADDITIONAL INFORMATION : 12.03.2024</p> <p>No Response.</p> <p>ORIGINAL CONSULTATION</p> <p>Overall Recommendation:</p> <p>Application can be determined with no ecological objections (with any conditions/Informatives listed below).</p> <p>Summary of Advice</p> <ul style="list-style-type: none"> • No objections, although ride surfacing may have been damaging to any habitat previously present <p>Comments:</p>

	<p>I note this is a Retrospective application and that the works were begun on 28/11/2022 and completed by 09/12/2022. The proposed site for the works is Newlands Wood, this is an Ancient, replanted Woodland and Local Wildlife Site. Ancient woodland is an irreplaceable habitat and a material consideration in the planning process for the Local Planning Authority of whom are obligated to hold a presumption in favour of protecting these non-statutory sites from development that might cause detrimental impacts, as required under National Planning Policy. Any potential negative impacts on Ancient Woodland can therefore form the basis for refusal to the application.</p> <p>The works were for surfacing a long-established track, the historic presence of which is not disputed. However, there is no evidence from aerial photos and Streetview of any previous surfacing or formal entrance to the woodland was present at this location, or surfaced track within the wood. Historic surfacing cannot be ruled out, but most access would have been left to the summer when clay soils would have been very hard. It is stated the proposals are to facilitate woodland management operations, and the woodland would be considered as a plantation on an Ancient Woodland Site (PAWS). Management to restore to broadleaves (although much seems to be beech already) or to manage the woodland otherwise would be supported. However, surfacing with crushed concrete may have altered the local soils directly affected which are likely to be acidic on the clay-with-flints, as well as any other grassland habitat which may have existed on the ride previously.</p> <p>Nevertheless, given the nature of the works, I do not anticipate adverse impacts on the remainder of the site and believe the woodland habitat has remained unaffected if, as stated, the works did not extend outside of the existing track. However, whilst enabling forestry operations, surfacing of previously unsurfaced rides is damaging, and any further such proposals should be subject to planning permission, along with evidence that the woodland has been managed as a result. There is no information on MAGIC to suggest this site is subject to any Forestry Scheme, although this information may not be up-to-date.</p> <p>Consequently, there are no objections to the principle of this application, which may be determined accordingly. I trust these comments are of assistance,</p>
<p>Herts & Middlesex Wildlife Trust</p>	<p>ADDITIONAL INFORMATION : 12.03.2024</p> <p>Thank you for your email. I have tried to call you however it goes straight to voicemail.</p> <p>Thank you for consulting the Forestry Commission on this application.</p>

	<p>We would normally only respond to applications where we consider there to be a significant detrimental effect to the woodland.</p> <p>Newlands Wood is an Ancient Replanted Woodland with a felling licence for a 1.2ha area of the woodland that expires in 2028. The forest track would be required to access this area of the woodland for management purposes.</p> <p>The Forestry Commission encourages active woodland management. Well-constructed forest tracks are necessary to facilitate management activities and help prevent environmental damage. More information on the benefits of woodland management can be found in the following link: Woodland management matters: Ensuring the future health and resilience of our woodlands - GOV.UK (www.gov.uk)</p> <p>We do note from the information available on the planning portal that the woodland has been subdivided into areas of different ownership with tents and awnings appearing in the woodland with some areas being used for recreational purposes. This is not a matter for the Forestry Commission and is a matter for local authority planning enforcement.</p> <p>We hope that clarifies the situation. If I can be of any further help, please do not hesitate to contact me.</p> <p>ORIGINAL CONSULTATION</p> <p>No response.</p>
The Chiltern Society	<p>ADDITIONAL INFORMATION</p> <p>No response.</p> <p>ORIGINAL CONSULTATION</p> <p>Thank you for the invitation to comment. The footpath is within the Area of Outstanding Natural Beauty. I note that the work was carried out a year ago with an explanation that the track has not been increased in width and that no trees were removed as part of the work. Therefore we are neutral on this application</p>
Chilterns Conservation Board	<p>ADDITIONAL INFORMATION</p> <p>(Please Note: This Response also includes The Board's Original Consultation Response as part of its overall response).</p> <p>12.03.2024</p>

Thank you for consulting the Chilterns Conservation Board (now, Chilterns National Landscape) regarding the submission of additional details. Following this, we would comment as follows:

The additional details confirm the surface finish of the track/road and we accept that these details fit with the landscape.

We have found the plans denoting land edged red and blue. The applicant's letter dated 26th February 2024 confirms that 'woodland plots are sold on for the purposes of forestry, and each purchaser enters a covenant on behalf of themselves and successors in title' (continues, with details of the restrictions imposed). We would seek to resist land subdivisions and a perception/expectation that future residential use might prevail. A restrictive covenant is a matter controlled under the Law of Property Act 1925 and not a matter for planning legislation and control. Therefore, and to avoid any doubt in this matter, we suggest that an Article 4 Direction is considered (to prevent land subdivision by means of the erection of fencing or other forms of enclosure) and that a planning condition is attached, should the LPA be minded to approve, so that no fencing or other means of enclosure is erected without the prior approval of the LPA.

Land-edged blue can be subject to planning conditions. This is to deliver the legal and policy duties that protect the AONB/National Landscape, as mentioned below in our February 2024 representations.

The AONB Management Plan 2019-2024 justifies this and deals with 'subdivision of woodlands into small plots' as a key (negative) issue when considering 'Forces for Change' in the AONB/National Landscape. This can be found at the page 20 (tabulation) of the AONB Management Plan 2019-2024. We deem this to be a relevant material consideration.

Our previous comments are set out below for ease of reference. We hope that these updated comments may assist.

CCB Objection (lack of information and land edged red and blue is required for acceptable controls)

Thank you for consulting the Chilterns Conservation Board (National Landscape).

1.0. The Chilterns Conservation Board (CCB) and its role and responsibilities are established under the Countryside and Rights of Way Act 2000 (CROW Act) in its section 87, which establishes Conservation Boards with statutory purposes to conserve and enhance

the natural beauty of the AONB and to increase the understanding and enjoyment of the special qualities of the AONB.

1.1. The Levelling UP and Regeneration Act 2023, section 245 bolstered this duty by amending it to include, In section 85 (general duty of public bodies etc) ((a) before subsection (1), insert- "(A1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty". (our emphasis, which links to our conclusions - please see below).

1.2. The amendment that led to Section 245 of the LUR Act was justified to the House of Lords by its proposer the Baroness Scott of Bybrook in these terms "The clause strengthens the duty on certain public authorities when carrying out functions in relation to these landscapes to seek to further the statutory purposes." The intention was clearly to lead to a step-change in the level of attention that public bodies should pay to the purposes of designation of protected landscapes.

1.3. This legislative change, to effectively bolster the duties in section 85 of CROW and to 'further the purpose of conserving and enhancing' the AONB (national Landscape) are material changes that the decision-maker must consider, coming into effect on 26th December 2023.

2.0. Policy Context. The following policies apply when assessing the impact upon the AONB.

- The NPPF (Dec 2023 version) at 182 (great weight to the AONB).

- The DBC SODC Local Plan at Policy 97

- The AONB Management Plan 20119-2024, DP 2

DP 2 Reject development in the AONB unless it meets the following criteria:

- a. it is a use appropriate to its location,
- b. it is appropriate to local landscape character,
- c. it supports local distinctiveness,
- d. it respects heritage and historic landscapes,
- e. it enhances natural beauty,
- f. ecological and environmental impacts are acceptable,
- g. there are no detrimental impacts on chalk streams,
- h. there is no harm to tranquillity through the generation of noise,

	<p>motion and light that spoil quiet enjoyment or disturb wildlife, and</p> <ul style="list-style-type: none"> i. there are no negative cumulative effects, including when considered with other plans and proposals. j. <p>Policy DP2 sets out what to consider in order to give great weight to conserving and enhancing the AONB. It applies to all development in the AONB, both minor and major.</p> <p>The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also seeking to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like-for-like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose.</p> <p>The current proposals offer no rationale or justification for this additional engineering operation in the landscape. We could not find a plan showing any land-edged blue on the application, which is highly germane to the applicant's point (solely mentioned in the application form) to 'facilitate woodland management'.</p> <p>As submitted, the LPA has no control over the use of this track, within which the new surfacing may change the nature and intensity of activity and, therefore, the nature of the use. None of this is detailed in the application, and no management plan nor details of wider land ownership are advanced. For these reasons, we propose a holding objection and would invite greater information. As it stands, introducing this new material into a nationally protected landscape harms that landscape and cannot be deemed to satisfy the new section 245 amendment to the CROW Act.</p>
Parish/Town Council	<p>ORIGINAL CONSULTATION</p> <p>The PC strongly objects to this application. This wood has been actively 'managed' as a wood for many years without the need of a hard core track. All the good quality timber has already been removed so only general upkeep is required which does not require a metalled track. The track referred to in the application was used as a firebreak and was perfectly adequate for the amount of access required for the wood. There was a ditch alongside the site bordering the road which would have prevented access of cars from the highway into the wood. This has been filled in to gain access for all vehicle types. A large gate and fencing have been erected without permission at this point to provide an entrance across the filled in ditch. They are completely out of character</p>

	<p>within a rural wood. The ditch which has been filled in alongside the road was unlikely to have belonged to the owners of the woodland plot and loss of this ditch will exacerbate flooding along this stretch of road which is very much prone to flooding.</p> <p>A hard core track has been laid down in the wood which is very incongruous. The site has been divided into plots and there are ugly awnings, caravans, tents and plastic sheeting dotted about the wood which will litter the site (especially when damaged by wind and rainstorms), likely cause injury to animals.</p> <p>The wildlife in the area will lose this habitat as it is being populated. Laying down this hard core track is enabling regular access to the wood and this has created considerable traffic queues on the narrow, dark road to enter the site. The wood does not need a metalled road to manage the maintenance as suggested by the applicant. The wood has been managed for over a 100 years with the original simple track through the woods without the need to lay hard core therefore, a metalled road is not required. If the wood is designated as forestry, tree clearance is not permitted so the original track is adequate for normal woodland needs.</p> <p>The question has to be asked, if they need a metalled road - what is the wood going to be used for?</p> <p>There are clearly significant changes to the wood as outlined above and evidenced by the proliferation of unattractive, awnings and other structures which make the wood look less like a rural wood and more like a random campsite, especially with cars parked on each subdivided plot.</p> <p>Loss of habitat for wildlife who would have enjoyed free roaming through this woodland corridor - this will be substantially decreased by all the activity and "traffic".</p> <p>There is also a large sign nailed to a tree advertising that there is woodland for sale. Does this sign require planning too?</p> <p>Strong objection</p>
--	--

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
0	3	1	2	0

Neighbour Responses

Address	Comments
Councillor Jane Timmis	<p>1 March 2024 (Also Meeting with the LPA Case Officer : 16 April 2024)</p> <p>Am I right in thinking that you are the planning officer for the above retrospective planning application? I am minded to call it in.</p> <p>I am not happy with this application or the way that the company that owns the woods and is selling off plots for leisure facilities, which to my mind runs contrary to the Governments environmental and wildlife protection.</p> <p>Please do contact me so that we can discuss this. I do appreciate that you are looking at the semi-metalled track that they have introduced, (and not the woods) however that is not for maintenance as much as for access for the new plot owners with cars and caravans.</p> <p>I look forward to hearing from you.</p>