

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	21/01097/COMIND Lambourn	17 th August 2021 ¹	Construction of woodchip surfaced gallop with rails and associated landscaping and mitigation planting (part retrospective) Land at New Barn Farm, Wantage Road, Lambourn, West Berkshire Mr J Osborne

¹ Extension of time agreed with applicant until 30th November 2022

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/01097/COMIND>

Recommendation Summary: Refusal

Ward Member(s): Howard Woollaston

Reason for Committee Determination: Member Call In

Committee Site Visit: 17th November 2022

Contact Officer Details

Name: Cheyanne Kirby

Job Title: Senior Planning Officer

Tel No: 01635 519111

Email: Cheyanne.kirby@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for construction of woodchip surfaced gallop with rails and associated landscaping and mitigation planting (part retrospective).
- 1.2 A similar proposal at the site was previously approved under reference 20/00314/COMIND; Works constructing the new gallop commenced in 2020. However these works were not carried out in full accordance with that permission.
- 1.3 The submitted planning application has been submitted in order to regularise the works carried out to date and to account for differences between the approved scheme and the partly implemented scheme.
- 1.4 The proposal seeks to amend the new gallop from a 'dog leg' to a straight gallop with 'waiting areas' at each end along with maintenance tracks and horse walk areas.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
15/00391/AGRIC	Extension of existing agricultural building.	Not Required / 23.03.2015
20/00314/COMIND	Construction of new woodchip surfaced gallop with rails and associated landscaping including new hedge planting and new woodland blocks.	Approved / 10.07.2020

3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 Site notice displayed on 24th June at the application site; the deadline for representations expired on 15th July 2021.
- 3.3 A public notice was displayed in the Newbury Weekly News on 27th May 2021.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Lambourn Parish Council:	No Objections - request that Planning enforcement be involved to ensure mitigating criteria are met in a timely fashion
WBC Highways:	No Objections
Forestry Commission:	Objection – Restocking Notice Issued
Economic Development:	Support – Economic Benefits
North Wessex Downs AONB:	Objection – Impact on AONB
Public Rights of Way:	Comments Made - Informatives
Ramblers Association:	No Response
Ecology:	Objection – Ecological impacts
Trees:	Objection – Loss of woodland
Natural England:	No Objection
Historic England:	No Comments
BBOWT:	No Response
Public Protection:	No Response
Archaeology:	Comments made – Loss of archaeological features
SUDS:	No Response

Public representations

- 4.2 Representations have been received from 29 contributors, 26 of which support, and 3 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Objection
 - Unlicensed felling of trees
 - Visual impact
 - Impact on wildlife
 - Climate emergency
 - Impact on existing trees
 - Inadequate mitigation
 - Impact on archaeology

- Retrospective nature of application
- Support
 - Improved surface for horse welfare
 - Woodland management improves quality
 - Contribution to local economy
 - Benefit to local area
 - Varied gallop choice/training options
 - Unique facility
 - Suitable landscaping will blend gallop into countryside
 - Lambourn as centre for racehorses
 - Employment benefits
 - Planting of trees
 - Ecology and biodiversity enhancements
 - Conservation of archaeology
 - In keeping with character and appearance of the area
 - Community benefit of access to woodland

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP5, CS12, CS13, CS14, CS16, CS17, CS18 , CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS.5, OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policy NRM6 of the South East Plan.

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-24
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle
- Character and Appearance of AONB
- Ecology
- Trees

Principle of development

6.2 The application site is located outside any defined settlement and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

- 6.3 Planning Policy ADPP1 of the West Berkshire Core Strategy 2006 - 2026 designates the site as being within the open countryside for planning purposes. This states that only appropriate limited development in the countryside will be allowed. Policy ADPP1 of the West Berkshire Core Strategy states that development in West Berkshire will follow the existing settlement pattern, and that only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy. The conservation and enhancement of the natural beauty of the landscape is the paramount consideration in assessing the site.
- 6.4 Core Strategy Policy CS12 relates to the equestrian/racehorse industry within West Berkshire. The proposal is for an outdoor manège for existing race horse training facility, it is therefore be considered that the proposal has some benefit to the rural economy in this respect. Commercial racehorse uses are therefore viewed favourably by Policy CS12.
- 6.5 Development associated with the equestrian industry in the open countryside is widely supported by the Core Strategy policy and the principle of the proposed development would be acceptable however in this case there are considerable environmental impacts which have to be finely balanced alongside the economic benefits the proposal would bring.

Character and appearance

- 6.6 The NPPF states that developments should function well and add to the overall quality of the area, respond to local character and history, and be visually attractive as a result of good architecture and appropriate landscaping. The materials proposed, scale and style are considered to be in keeping with the rural setting, as such the development does not deter from the rural character of the area.
- 6.7 NPPF 2021 paragraph 8 states achieving sustainable development includes the environmental objective to protect and enhance our natural, built and historic environment; including making effective use of land and improving biodiversity. Paragraph 130 (c) states decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 131 states that existing trees should be retained wherever possible. Paragraph 176 addresses development within AONBs where great weight should be given to conserve and enhance landscape and scenic beauty.
- 6.8 Planning Policy ADPP5 of the Core Strategy further advocates for the limiting of development within the countryside. It sets out the criteria for the principle of development within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Policy ADPP5 permits development within AONB providing its impact on the surrounding environment is acceptable. It seeks to conserve and enhance the character of the AONB, ensuring that any development responds positively to the local context.
- 6.9 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant in this instance. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.
- 6.10 The part retrospective proposal involves changes to the approved gallop track; whilst the agent has considered that the previously approved proposal has been implemented officers note that a very small amount of the proposed gallop follows that of the previously approved gallop.

- 6.11 The main concern in regards to impact on the character and appearance of the area and setting of the site in the AONB is that of the significant amount of felling which has taken place in order to accommodate the straight gallop desired by the applicant.
- 6.12 A landscape visual impact assessment (LVIA) was submitted with the application and this was assessed by a landscape architect instructed by the council to assess the submitted LVIA.
- 6.13 The proposed 6m wide gallop, 3m access track, two gallop circles, collecting ring and other horse tracks would result in the total removal of a significant quantity of woodland vegetation, resulting in a direct adverse landscape impact on a native deciduous woodland, grassland and arable land replacing it with a wood chip surface laid on a gravel base for the gallop and the access track which will be 'reinforced grass' (plastic mesh) on a 150mm depth compacted granular sub-base. The proposed section of gallop and access track also requires remodelling of the subtle contours of the chalk downland landform to create a flat surface, with embankments and cuttings. This will also affect the roots of adjacent retained trees, which will then affect their longevity within Lynch Wood. The proposals will also sever a native hedgerow and require a minimum of two trees removed from the avenue of trees.
- 6.14 The site is located within an area which is semi enclosed by existing woodland. The alignment of the gallop is considered to be unsympathetic with the existing landscape pattern, additionally increasing its visibility within the wider landscape. The proposals have also resulted in the destruction of an area of broadleaf woodland, a Priority Habitat and containing category B trees; new tree and shrub planting is not considered to be sufficient to compensate for the loss of a mature woodland within 10 years as stated by the LVIA, and is likely to take longer.
- 6.15 Compared to the previous approved application, this revised application as shown will have an adverse effect on the landscape of the AONB which cannot be mitigated. The previous approved application provided a more sensitive alignment which related to existing landscape features, avoiding the destruction of woodland and with mitigation measures which built on the existing pattern of the landscape.
- 6.16 Comments were also received from the North Wessex Downs AONB Principle Landscape and Planning Officer. Whilst the AONB officer did not comment on the previously approved application due to having no overriding objections, Lynch wood is of significance in the Lambourn Downs landscape in addition to role in supporting the River Lambourn SSSI at the base of the woodland. Therefore the AONB unit oppose the submitted planning application.
- 6.17 The NWD AONB unit understand that the horse racing industry is important to the local economy but has deemed that there is no justification for the destruction of a woodland within a protected landscape especially given that an alternative route had been previously approved.
- 6.18 The NWD AONB consider the level of harm to be moderate to adverse. The LVIA gives significant weight to mitigation measures which it suggests will integrate the gallops, woodland and surrounding landscape, however the mitigation planting suggests harm has been caused but also will not have a significant affect for 10 – 15 years. The character of the woodland has been adversely affected the loss of a substantive block of woodland. The loss is more notable because it's a continuous strip of woodland that erodes the character of the woodland to the detriment of the local character and the AONB.
- 6.19 Overall it is considered by officers that the proposed development would fail to conserve and enhance the landscape and scenic beauty of the AONB which fails to comply with

NPPF Paragraphs 8(c), 130(b and c), 131, 170, 172 and 176 and West Berkshire Core Strategy Policies ADPP5, CS14 and CS19.

Neighbouring Amenity

- 6.20 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the National Planning Policy Framework.
- 6.21 West Berkshire Core Strategy Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire.
- 6.22 Due to the location of the proposal, the existing nature of the site and the distance from neighbouring dwellings there is not considered to be a significant impact on neighbouring amenity.

Ecology

- 6.23 Policy CS17 of the Core Strategy seeks to conserve and enhance the biodiversity and geodiversity assets across the district. Habitats designated as important for biodiversity at an international or national level or which support protected, rare or endangered species will be protected and enhanced. Whilst no ecology report has been submitted given the location of the proposal it is unlikely that protected species will be affected; the lighting has also been removed from the scheme thus reducing impact on local ecology.
- 6.24 The application site is located within the River Lambourn Special Area of Conservation (SAC) Nutrient Neutrality Zone (NNZ) therefore the Council needs to consider the possibility of adverse effects, as a result of additional nutrient loads (especially nitrogen and phosphorus).
- 6.25 The application will not result in a net increase in nutrients within the Nutrient Impact Zone of the River Lambourn SAC since the proposed gallops are to be used by racehorses owned and stabled by the applicant on adjacent land, then the proposals would not result in any additional increase in horses or any additional volumes of horse manure and is not therefore likely to result in a net increase in phosphorus into the SAC as a result of the increase in horse manure and therefore will not result in an increase in nutrients.
- 6.26 However the application will have a number of significant impacts on biodiversity not least the loss of the Priority Habitat Lowland Deciduous Woodland. The cleared woodland is a S41 Priority Habitat under the NERC Act, 2006 in which the LPA has a legal duty to seek to conserve and enhance.
- 6.27 Paragraph 180 (a) of the NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 6.28 Paragraph 182 states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 6.29 The significant amount of woodland clearing would have had a significant impact on local ecology; whilst re-planting and mitigation has been submitted by the agent as part of the application this is not considered to be of significant scale given the amount lost and the time that this would take to be back to the level before Lynch Wood was cleared.

- 6.30 Overall the proposal is not considered to be in accordance with the advice contained within the NPPF, and Planning Policy CS17 of the West Berkshire Core Strategy (2006 – 2026).

Trees

- 6.31 Policy CS18 ensures that the District's green infrastructure will be protected and enhanced.
- 6.32 The current scheme has seen a significant amount of tree felling of Lynch Wood in order to accommodate the straight gallop desired by the applicant.
- 6.33 The council tree officer stated that the proposal has resulted in an unacceptable threat to the sustainability of trees within the woodland that contributes to the landscape character of the area within the NWD AONB, and that the damage that has already occurred would lead to further decline and pressure on the woodland, which is unacceptable.
- 6.34 The significant tree felling has led to a response from the Forestry Commission being received in which an objection has been raised due to the significance of the unlicensed felling.
- 6.35 A restocking notice has been issued which requires restoration of the land to what it was before felling. In this case, there was no justification for restocking an alternative area (other than to aid the development of the site via planning permission) therefore the FC required the original felled area to be restocked.
- 6.36 The restocking notice can form a material consideration for the application by the Local Planning Authority under Section 70 of the Town and Country Planning Act 1990.
- 6.37 Overall the proposal is not considered to be in accordance with the advice contained within the NPPF, and Planning Policy CS18 of the West Berkshire Core Strategy (2006 – 2026).

Highways

- 6.38 The NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan, set out highway requirements.
- 6.39 The proposal has been carefully considered by the Councils Highway Officer, which included a review of the access arrangements and parking provision, amongst other elements, who had no comments to make on the proposal.
- 6.40 For the these reasons, it is considered that the proposal would not have an adverse impact on highway safety or local highways infrastructure having regard to the provisions of Core Strategy Policy CS13, Saved Local Plan policy TRANS.1 and the NPPF.

7. Planning Balance and Conclusion

- 7.1 The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

- 7.2 The proposal makes a contribution to wider economic roles of planning by providing expanded racehorse training facilities which provide short and long term economic benefits.
- 7.3 Social roles however whilst providing expanded racehorse training facilities these are for private use and therefore would have a limited social benefits to the wider community; the visual impact on the landscape character from public rights of way and surrounding viewpoints have been found to be unacceptable the proposed development does not constitute sustainable development in the social dimension.
- 7.4 With regard to the environmental role contributing to protecting and enhancing our natural, built and historic environment is fundamental. The impact on the character and appearance of the surrounding area has been assessed as part of this application, and it is considered that the proposal would have a negative impact on the character and appearance of the area and the sensitive landscape of the North Wessex Downs AONB. The loss of Lynch Wood and the negative ecological impacts in which no suitable mitigation has been brought forward therefore there will not be environmental benefits.
- 7.5 For the above reasons it is considered that the proposed development is not supported by the presumption in favour of sustainable development as the application is finely balanced however the environmental concerns outweighs the economic benefits the proposal would bring.
- 7.6 For the reasons given above it is considered that the proposal does not accord with the criteria of the National Planning Policy Framework and Policies ADPP1, ADPP5, CS12, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Policies TRANS.1, OVS.5 and OVS.6 of the West Berkshire District Local Plan (1991-2006) Saved Policies (2007), Quality Design Supplementary Planning Document (2006), and is therefore recommended for REFUSAL.

8. Full Recommendation

- 8.1 To delegate to the Service Director of Development & Regulation to REFUSE PLANNING PERMISSION for the reasons listed below.

Refusal Reasons

1.	<p>NWD AONB</p> <p>The proposed part retrospective construction of woodchip surfaced gallop with rails and associated landscaping and mitigation planting would have an adverse visual effect on the North Wessex Downs AONB. The primary purpose of the AONB designation is conserving and enhancing the natural beauty of the area. There would be significant harm from the proposed gallop and associated development and significant impacts on the landscape character of the area.</p> <p>The proposed works would result in the total removal of native deciduous woodland including remodelling of the subtle contours of the chalk downland landform resulting in a direct adverse landscape impact which would then affect the woodland longevity within Lynch Wood. The loss is notable due to it being a continuous strip of woodland, and the resultant impact would erode the character of the woodland to the detriment of the local character and the North Wessex Downs AONB.</p> <p>The development would fail to conserve and enhance the landscape and scenic beauty of the AONB which fails to comply with NPPF Paragraphs 8(c), 130(b and c), 131, 170, 172 and 176 and West Berkshire Core Strategy Policies ADPP5, CS14 and CS19.</p>
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2.	<p>Ecology</p> <p>The cleared woodland is a S41 Priority Habitat under the NERC Act, 2006 in which the LPA has a legal duty to seek to conserve and enhance; the loss would have had a significant impact on local ecology. Whilst re-planting and mitigation has been submitted by the agent as part of the application this is not considered to be of significant scale given the amount lost and the time that this would take to be back to the level before Lynch Wood was cleared</p> <p>The proposal is contrary to the advice contained within the NPPF, and Planning Policy CS17 of the West Berkshire Core Strategy (2006 – 2026).</p>
3.	<p>Not Sustainable Development</p> <p>The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system and emphasises that a presumption in favour of sustainable development should be the basis for every plan, and every decision. Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the proposal.</p> <p>The proposed works have seen the loss of a significant proportion of Priority Habitat Lowland Deciduous Woodland in which has a negative impact on local ecology and the sensitive North Wessex Downs AONB. With regard to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment, the impact on the character and appearance of the surrounding area has been assessed as part of this application. It is considered that the proposal fails conserve and enhance the existing character and appearance of the surrounding AONB area. The proposal fails to conserve and enhance the prevailing pattern of development within the site.</p> <p>Furthermore, it is considered that the proposal makes no significant contribution to the wider social dimensions of sustainable development. As the social aspects in terms of the impact on landscape character have been found to be unacceptable the proposed development does not constitute sustainable development in this respect.</p> <p>Due to the significant environmental and social disbenefits, which would not be overcome by the more limited weight of the associated economic benefits, the proposed works are contrary to the presumption in favour of sustainable development within the NPPF.</p>

Informatives

1.	<p>Refuse - Objections/Support received</p> <p>In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has also been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.</p>
2	<p>Plans Considered</p> <p>The following plans/documents have been considered in the determination of this application:</p> <p>Flood Risk Assessment L961 received 19th April 2021;</p> <p>Landscape and Visual Appraisal P21-0131 received 19th April 2021;</p>

	<p>Planning Statement and Design & Access Statement P21-0131 received 19th April 2021;</p> <p>Mitigation Strategy P20-0131_02 received 19th April 2021;</p> <p>Site Plan P20-0131_01 received 19th April 2021;</p> <p>Archaeological Desk Based Assessment received 19th April 2021;</p> <p>Arboricultural Statement 4254 received 19th April 2021;</p> <p>Ecological Assessment 9659.EcoAss.vf3 received 19th April 2021;</p> <p>Construction Environmental Management Plan (CEMP) received 19th April 2021;</p> <p>Gallop Profile and PROW Crossing Gate Elevation P20-0131_03 Rev B received 27th May 2021;</p> <p>Location Plan P21-0131_07 Rev B received 5th October 2021;</p> <p>Mitigation Woodland Planting Scheme CIR/P21-0131/AJ received 5th October 2021;</p> <p>Supplementary Landscape Statement P21-0131 received 14th December 2021;</p> <p>Planning Balance Letter CIR/P21-0131/AJ received 7th February 2022.</p>
3.	<p>CIL (Refused)</p> <p>This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.</p>