

<b>APPLICATION NO</b>	<b>PA/2007/1172</b>
<b>APPLICANT</b>	Q Hotels
<b>DEVELOPMENT</b>	Planning permission to change the use of woodland to a golf course and make alterations to an existing golf course
<b>LOCATION</b>	Land at and north of Forest Pines Golf Club, Ermine Street, Broughton
<b>PARISH</b>	<b>BROUGHTON</b>
<b>WARD</b>	Broughton and Appleby
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Significant public interest Officer discretion
<b>POLICIES</b>	<p><b>Regional Spatial Strategy for Yorkshire and the Humber:</b> Policy YH1 (Overall approach) – growth and change will be managed across places and communities in the Yorkshire and Humber region in order to...</p> <p>Amongst the policy’s aims are:</p> <ul style="list-style-type: none"> <li>• to raise environmental quality, increase biodiversity and enhance natural and built heritage assets</li> <li>• to improve people’s accessibility to housing, employment, shopping, cultural, health, education and leisure facilities and services</li> </ul> <p>Policy E1 (Creating a successful and competitive regional economy) – in order to create a more successful and competitive regional economy, all plans, strategies, major investment decisions and programmes in the region will aim to...</p> <p>The policy lists 10 aims, the eighth stating that there is a need to recognise and support the potential of the non-business class sectors, including health, sport, leisure, tourism and education, as key economic and employment generators.</p> <p>Policy E6 (Sustainable tourism) – local authorities, Yorkshire Forward, Yorkshire Culture, the Yorkshire Tourist Board, and other agencies will promote, support</p>

and encourage tourism in accordance with the following principles...

The policy sets out nine guiding principles and relevant to this application are:

- recognises the sustainable growth of tourism as an integral contributor to the economy and makes best use of indigenous resources and existing tourism infrastructure
- promotes responsible investment in the quality of the tourism and related services in order to provide a high quality experience, throughout the year, for all segments of the market
- conserves and enhances the built and natural environment through effective visitor management
- supports opportunities to promote tourism and recreational-based rural diversification where they provide jobs for local residents and are of a scale and type appropriate for their location

ENV6 (Forestry, trees and woodlands) – the region will safeguard, manage and enhance its existing tree and woodland resource in line with the regional forestry strategy, and in particular increase woodland area by approximately 500 hectares per annum to 2021. All development plans, strategies, programmes and decisions should:

- identify, safeguard and enhance ancient woodlands, especially in South and West Yorkshire
- provide for increased woodland planting, especially in East, South and West Yorkshire, Hull, and in upland catchments and most parts of functional floodplains
- increase planting in urban areas, especially on previously developed land and on land by motorways and railways
- improve public accessibility to and within woodlands in or near towns and cities
- avoid large-scale coniferous forestry projects on the Sherwood sandstone aquifer

Policy ENV8 (Biodiversity) – the region will safeguard and enhance biodiversity and geological heritage, and ensure

that the natural environment functions as an integrated network of habitats. All development strategies, plans, programmes and decisions will maintain and enhance, restore or add to distinctive elements of the natural environment in line with national, regional, sub-regional and local importance for biodiversity to...

The policy goes on to set four standards to achieve this objective.

Policy ENV9 (Cultural heritage) – the region will safeguard and enhance the historic environment, and ensure that historical context informs future development and regeneration. All development strategies, plans, programmes and decisions in the region will conserve distinctive elements of the historic environment and enhance local character and distinctiveness in line with the following heritage priority areas of regional, sub-regional and local cultural and historic importance of the following...

The policy sets five principal areas, the one most relevant to this application being medieval landscapes, especially the Lincolnshire Coversands,...

Policy ENV10 (Landscape) – the region will safeguard and enhance landscapes that contribute to the distinctive character of Yorkshire and the Humber. Development strategies, plans and decisions will maintain and enhance the following landscapes and related assets of regional, sub-regional and local importance...

The policy goes on to set six areas of the region and includes at point (B) historic landscapes, parks and gardens. The historic landscape reference is relative to this application.

Policy ENV11 (Health and recreation) – the region will improve the health of residents and ensure adequate and accessible health care facilities. All development strategies, plans and decisions will...

and at sub-point (2) in its first aim says, ...safeguarding and enhancing facilities for sports and recreation.

**North Lincolnshire Local Plan:** Policy RD2 (Development in the Open Countryside) sets out types of development that may be granted planning permission in the open countryside. Development in the open countryside will be strictly controlled. Planning permission will only be granted for development which is...

The policy goes on to set out eight types of development that may be granted planning permission in the open countryside subject to certain criteria and at point (4) states that facilities essential for the provision of outdoor sport, countryside recreation and all local community facilities will be granted planning permission subject to six provisions. Those provisions are:

- (a) the open countryside being the only reasonable location for the development
- (b) the proposed development accords with the specific requirements set out elsewhere in relevant policies of the local plan
- (c) the development would not be detrimental to the character and appearance of the open countryside
- (d) the development would not be detrimental to residential amenity or highway safety
- (e) that account is taken of whether the site is capable of being served by public transport
- (f) that the development is sited to make the best use of existing and new landscaping.

Policy R7 (Golf Courses) – planning permission will be granted for the improvement of existing golf facilities and the provision of new golf courses and facilities providing that the proposal:

- (i) is located, designed and landscaped so as to ensure harmony and good visual integration with the surrounding landscape and does not adversely affect the character and amenity of the area
- (ii) makes provision for the retention and management of important landscape features and any landscaping reflects the area's character in form and choice of species
- (iii) does not result in the loss of the best and most versatile agricultural land
- (iv) does not adversely affect sites of nature conservation value or archaeological or historical importance
- (v) does not require additional built development in the open countryside unrelated to the operational requirements of the golf course

- (vi) achieves a high standard of design for any new buildings and hardstandings considered necessary and essential for the proper functioning of the golf course in accordance with criteria
- (vii) the scale of development in keeping with the golfing facility

Policy R13 (Tourism) – development proposals for tourism uses will be permitted where they:

- (i) reinforce existing or provide new visitor facilities at a locally appropriate scale
- (ii) have due regard to protecting the area's natural and heritage assets and the amenities of local communities
- (iii) provide for visitor enjoyment of the countryside

Policy LC4 (Development Affecting Sites of Local Nature Conservation Importance) – any development or land use change which is likely to have an adverse impact on a local nature reserve, a site of importance for nature conservation or a regionally important geological site will not be approved unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the intrinsic nature conservation value of the site or feature.

In all cases where development is permitted which may damage the nature conservation value of the site, such damage shall be kept to a minimum. Where development is permitted, the use of conditions or planning obligations to secure the protection and enhancement of the site's nature conservation value and other appropriate compensatory measures will be considered.

Policy LC5 (Species Protection) – planning permission will not be granted for development or land use changes which would have an adverse impact on badgers or species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended). Where development is permitted that may have an effect on those species, conditions or the use of planning agreements will be considered to:

- (i) facilitate the survival of individual members of the species;
- (ii) reduce disturbance to a minimum;

- (iii) provide adequate alternative habitats to sustain at least the current levels of population.

Policy LC6 (Habitat Creation) – provision will be made for the creation of nature reserves and new wildlife habitats, both in rural and urban areas. Where appropriate, in granting planning permission, the creation of such areas will be required for the following types of development:

- (i) in association with the reclamation of former mineral workings and waste disposal sites;
- (ii) in association with schemes for derelict land clearance;
- (iii) on land which is no longer required for long-term agricultural use. Particular emphasis will be placed on the creation of habitats such as wet and dry heathland, wet woodland and reedbed in keeping with local and national biodiversity targets and provision of habitat for protected species.

Policy LC7 (Landscape Protection) – where development is permitted within rural settlements or within the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted.

Policy LC12 (Protection of Trees, Woodland and Hedgerows) – proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows. Particular regard will be given to the protection of these features within the setting of settlements, the protection of ancient woodlands and historic hedgerows and the amenity value of trees within built-up areas. Tree preservation orders will be made where trees which contribute to local amenity or local landscape character are at risk. Landscaping and tree and hedgerow planting schemes will be required to accompany applications for new development where it is appropriate to the development and its setting.

Policy HE9 (Archaeological Evaluation) – where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment will be required to be submitted prior to the determination of the planning application. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the

remains present and the degree to which the proposed development is likely to affect them. Sites of known archaeological importance will be protected. Where development affecting such sites is acceptable in principle, mitigation of damage must be ensured and the preservation or the remains in situ is the preferred solution. Where in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before and during development.

Policy DS2 (Planning Benefits) – where development is acceptable in principle, under the policies of this plan development proposals will be expected to have regard to existing levels of infrastructure, services and amenities. Planning obligations will be sought where they would enhance development proposals provided that:

- (i) they are necessary to the granting of planning permission, relevant to planning and directly related to the development to be permitted; and
- (ii) the benefits sought are reasonably related in scale and kind to the development concerned.

**Planning Policy Statement 7 (Sustainable Development in Rural Areas):** One of the Government's objectives is to raise the quality of life and the environment in rural areas through the promotion of the continued protection of the open countryside for the benefit of all with the highest level of protection for our most valued landscapes and environmental resources. The policy statement goes on to say that the following principles should be applied in combination with all the policies set out in this PPS and at point 1 says that decisions on development proposals should be based on sustainable development principles, ensuring an integrated approach to the consideration of social inclusion, recognising the needs of everyone; effective protection and enhancement of the environment; prudent use of natural resources and maintaining high and stable levels of economic growth and employment.

In the tourism and leisure section of the guidance it says that regional planning bodies and local authorities should recognise, through the Regional Spatial Strategy and local development documents, that tourism and leisure activities are vital to many rural economies. As well as sustaining many rural businesses, these industries are a significant source of employment and help to support the prosperity of country towns and villages and sustain historic country houses, local heritage and culture.

Regional Spatial Strategies and Local Development Documents (and planning decisions) should:

- (1) support, through planning policies, sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, but do not harm, the character and the countryside, its towns, villages, buildings and other features;
- (2) recognise that in areas statutorily designated for their landscape, nature conservation or historic qualities, there will be scope for tourism and leisure-related developments, subject to appropriate control over their number, form and location to ensure that particular qualities or features that justify the designation are conserved;
- (3) ensure that any plan proposals for any large-scale tourism and leisure developments in rural areas have been subject to close assessment to weigh up their advantages and disadvantages to the locality in terms of sustainable development objectives.

At paragraph 36 the guidance says that wherever possible, tourist and visitor facilities should be housed in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside may be justified where the required facilities are needed in conjunction with a particular countryside attraction; they meet the need in paragraph 35(ii) previously quoted and there are no suitable existing buildings or developed sites available for re-use.

**Planning Policy Statement 9 (Biodiversity and Geological Conservation):** The Government's objective 'Working with the grain of nature: a biodiversity strategy for England' sets out their vision for conserving and enhancing biological diversity in England, together with a programme of work to achieve it. It includes the broad aim that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible.

In moving forward this vision, the Government's objectives for planning are: to promote sustainable development, to conserve, enhance and restore the diversity of England's wildlife and geology, and to contribute to rural renewal and urban renaissance. The



guidance in its key principles at point 1 states that regional planning bodies and local planning authorities should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity and geological conservation are fully considered. It then goes on to set six standards which in summary say:

- (i) Planning decisions should be based on up-to-date information about the environmental characteristics of the area and these characteristics should include the relevant biodiversity and geological resources of the area. Local authorities should assess the potential to sustain and enhance those resources.
- (ii) Planning decisions should aim to maintain and enhance, restore and add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.
- (iii) Planning policies on the form and location of development should take a strategic approach to the conservation, enhancement and restoration of biodiversity and geology.
- (iv) Planning policies should promote opportunities for the incorporation of beneficial biodiversity and geological features within the design of development.
- (v) Development proposals where the principal objective is to conserve or enhance biodiversity and geological conservation interest should be permitted.
- (vi) The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of such alternatives, local planning authorities should ensure that, before planning permission is granted,

adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

At paragraph 9 headed 'Regional and Local Sites' the guidance says that sites of regional and local biodiversity and geological interest, which include regionally important geological sites, local nature reserves and local sites, have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the wellbeing of the community; and in supporting research and education. Criteria-based policies should be established in local development documents against which proposals for any development on, or affecting, such sites will be judged. These policies should be distinguished from those applied to nationally important sites. Following on, the PPS under the heading 'Ancient Woodland and Other Important Natural Habitat' states that ancient woodland is a valuable biodiversity resource, both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. Local planning authorities should identify any areas of ancient woodland in their areas that do not have statutory protection (for example as an SSSI). They should not grant planning permission for any development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat. Aged or veteran trees outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Planning authorities should encourage the conservation of such trees as part of development proposals.

Under the heading 'Biodiversity within Developments' the PPS says, 'Development proposals provide many opportunities for building in beneficial biodiversity or geological features as part of good design. When considering proposals, planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.'

Paragraphs 15 and 16 of this PPS, dealing with species protection, are relevant and say, 'Many individual wildlife

species receive statutory protection under a range of legislative provisions. Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. Local authorities should take measures to protect the habitats of these species from further decline through policies in local development documents. Planning authorities should ensure that species are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations. Planning authorities should refuse permission where harm to the species or their habitat would result unless the need for, and benefits of, the development clearly outweigh that harm.

**Planning Policy Guidance 16 (Archaeology and Planning):** In the opening paragraphs of this guidance in emboldened print at paragraph 14 is captured succinctly, 'But the key to the future of the great majority of archaeological sites and historic landscape lies with local authorities, acting within the framework set by Central Government, in their various capacities as planning, education and recreational authorities, as well as with the owners of sites themselves. Appropriate planning policies in development plans and their implementation through development control will be especially important.'

At paragraph 18, headed 'Planning Applications', the guidance urges early consultation between developers and planning authorities to identify sites of archaeological importance.

**Planning Policy Guidance Note 21 (Good Practice Guide on Planning for Tourism) (2006):** Under the heading the 'Purpose of this Guide' the government states that tourism, in all its forms, is of crucial importance to the economic, social and environmental wellbeing of the whole country. The planning system has a vital role to play in terms of facilitating the development and improvement of tourism in appropriate locations. This document is designed to:

- ensure that planners understand the importance of tourism and take this fully into account when preparing development plans and taking planning decisions;
- ensure that those involved in the tourism industry understand the principles of national planning policy as they apply to tourism and how these can be applied when preparing individual planning applications;

- ensure that planners and the tourism industry work together effectively to facilitate, promote and deliver new tourism developments in a sustainable way.

Under the heading 'The Importance of Tourism' the guidance says that tourism is of crucial importance to this country. It generates significant revenues, provides millions of jobs, supports communities and helps maintain and improve important national assets. Following on from that statement, under the heading 'The Local Value of Tourism' the guidance says that tourism can bring many broader benefits that will contribute to the economic and social wellbeing of local communities as well as individuals and goes on to explain areas where such benefits are evident. Later in that same paragraph, at sub-paragraph 2.6, the guidance says that tourism depends heavily on the natural and built environment and can also be the key to maintaining and enhancing the environment. In saying that, the guidance lists five areas where the natural and built environment are a relevant consideration and particularly relevant is the fact that visitors to historic buildings, archaeology and landscapes can provide income or voluntary effort which help maintain and conserve such assets.

At paragraph 5.11 in the guidance, which is headed 'Contributing to the Environment', it says that tourism developments may offer considerable opportunities to conserve and enhance the local environment and its inherent qualities. Such advantages will be important considerations in assessing the overall sustainability, and thus acceptability, of a particular proposal. Developers of tourism projects should therefore consider whether new developments can:

- protect and enhance the visual quality of the site and its surroundings, to ensure that the development fits in well with its environs
- respect the historic interests of the surrounding buildings and areas, ensuring that proposals do not adversely affect the historic environment that people value
- protect and improve biodiversity. New development should not only protect nature conservation interests but can provide an opportunity to improve biodiversity in the area, for example through the creation of new features of wildlife interest. Such initiatives can complement the wider objectives of tourism

developments by increasing the attractiveness of the development to visitors

- achieve small-scale improvements to sustainability, for example, by recycling waste, using renewable energy and sourcing produce and materials locally

## CONSULTATIONS

**Government Office for Yorkshire and the Humber:** Request a copy of the notice when the application is determined.

**Lincolnshire Wildlife Trust:** Object to the application and make the following comments:

'The Trust has serious concerns regarding this application which is sited within woodland recently recognised as an ancient woodland site within Manby Wood site of nature conservation importance. Ancient woodland is an important wildlife habitat including more rare and threatened species than any other UK habitat. It is a finite resource and the ancient woodland remains are irreplaceable. As stated in Section 10 of Planning Policy Statement 9, "Once lost, it cannot be recreated". In recognition of its importance, ancient woodland receives protection through the planning system at national, local and regional level. The relevant policies have been outlined in section 3 of the supplementary information report and include the following: The Trust then goes on to list the relevant policy which is outlined for members elsewhere in this report and in conclusion say, 'Granting of planning permission in this case would be contrary to all of the above planning policies. We are not satisfied that the applicants have demonstrated an overriding need for the development in the proposed location that justifies the loss of 33 hectares of ancient woodland and fragmentation of 48 hectares. The Lincolnshire Wildlife Trust therefore wishes to register an objection to this application and would urge your authority to refuse planning permission.'

**Environment Agency:** No objection.

**Campaign to Protect Rural England:** Object to the application on the following grounds:

- This latest proposal still requires the removal of a large number of trees in an area defined in the local plan as an area of high landscape value. Woodland in North Lincolnshire is in short supply and this policy's purpose is to protect what we have. Policy LC10 in the local plan sets out the criteria by which development

in such an area will be acceptable. As this proposal would see the felling of a large amount of woodland, it is obvious that the proposal fails to meet criteria laid out in policy LC10. Although the planning application's supporting information makes a good case for the removal of the trees to facilitate the golf course extension, it does not, in our view, mitigate the landscape and amenity impact of such a clearance.

- The location of the proposal is in an area defined in the local plan as a site of local nature importance (policy LC4). Although the environmental statement is an improvement on the previous one, it does not highlight some potentially damaging impacts which we believe would destroy the intrinsic nature conservation value of the site.

**North Lincolnshire National Health Service:** No objection.

**Health and Safety Executive:** No objection.

**Highways:** Following the submission of a transport assessment and further information, no objections to the proposal.

**Forestry Commission:** The Forestry Commission was consulted in August 2007 and to date no substantive response has been received.

**Natural England:** No objections to the proposal because the site is not a site of special scientific importance. However, Natural England do draw attention to the responsibility of local authorities to protect ancient woodland in line with PPS 9 and do not condone any proposal which involves the loss of ancient woodland. In an earlier consultation response to the one quoted above, Natural England have given the following information:

'Natural England supports maintenance of the area of ancient woodland because this is an irreplaceable biological and cultural asset. An improvement in the condition of our tree and woodland resource, through sensitive, sustained management, including particularly restoration of native woodlands to replace commercial plantations on ancient woodland sites and protection of veteran trees. This view is consistent with the advice given in PPS 9 and the Government's Keepers of Time policy statement on ancient and native woodland.

A key tool in promoting the protection of ancient woodland has been the ancient woodland inventories produced by the Nature Conservancy Council. The inventories have always been described as provisional because of the method used to compile them and the nature of the evidence that is available for any particular site. They are indicative of which sites are ancient, they do not define the resource. It has been brought to Natural England's attention that woodland within the development site may be added to the ancient woodland inventory.

In making that statement Natural England have taken into account much historical data which they have quoted in detail in their response and in conclusion have said that, 'We have a procedure in place for adding sites to the inventory, in order to avoid unnecessary confusion, that, having agreed to add the woods to the site following submission of evidence for the site, we allow a period whereby any other party may submit evidence to the contrary. Attached is a procedure for relevant parties to make such a claim.' In closing Natural England said that, 'Assuming no other contrary evidence or interpretation, I will subsequently add the site to the version of the inventory. In the interim period, the site should be treated as ancient woodland. (The applicants considered making a counter-claim but on reflection did not challenge this decision.)

**The Woodland Trust:** Object to this application as the United Kingdom's leading woodland conservation charity. The Woodland Trust's objection is formatted in the form of a significant review of the environmental impact assessment submitted with the application in respect of the ancient woodland designation of the site. This report in its overall conclusions made eight short statements.

- (1) We [the Woodland Trust] have found this environmental statement to be deficient in several ways. The document lacks transparency such that it is not possible to independently assess the survey results or the impact assessment methods, and therefore it is not possible to gauge whether the correct conclusions have been drawn.
- (2) Some survey information is missing; that which is present is inadvertently inadequately presented; valuation methods are unclear and appear not to have been adhered to; pre-mitigation assessments are not provided; and there is virtually no consideration of cumulative impacts, either within

the site or in combination with other developments impacting on woodland in the region.

- (3) We [the Woodland Trust] have found deficiencies in the scope, and spatial and temporal coverage of baseline ecological surveys, and also note instances where best practice has not been adhered to.
- (4) The value of ancient woodland on the site has been underestimated, and so too has the value for many of the other receptors that will be impacted upon for birds, bats and flora. We consider it misleading to have relied on comparisons between the woodland and the golf course habitats to derive a value for the woodland and consider that the woodland should have been evaluated in its own right.
- (5) Very significantly, we have found the assessment of the impact on ancient woodland present to be too simplistic and inadequate, meaning that the full impacts of the development are understated.
- (6) We [the Woodland Trust] found the impact assessment to lack rigour, and we remain uncertain about whether impacts have been minimised in the design of the scheme.
- (7) Some aspects of the mitigation proposed are clearly open to challenge such as the benefit of producing new woodland edge from core area within ancient woodland and the desirability of creating grassland from patches that could be restored to ancient woodland.
- (8) Finally, development which makes the restoration of the planted ancient woodland site impossible should be seen as a major ecological cost and should not be viewed as a biodiversity gain.
- (9) This review of the environmental information has been sent to the applicants who have offered a response.

## **TOWN COUNCIL**

No objection but make the following points:

'It was resolved that Broughton Town Council make no objection to the above-mentioned application but would urge that north Lincolnshire Council enter into a Section 106 agreement to:



- (a) secure public access along footpaths within the new development area;
- (b) ensure the development of Rose Cottage as a half-way house.

## **PUBLICITY**

Receipt of the planning application accompanied by an environmental impact assessment has been advertised in the press and by the posting of site notices, and local properties have been notified. Subsequently, upon the receipt of supplementary environmental information, following the designation of the site as ancient woodland, further publicity was given in similar format of receipt of this additional supplementary information.

As a result of these consultation exercises, letters and petitions both for and against the proposal have been received. At the time of preparing this agenda over 250 individual letters have been received against the proposal and 9 letters of support. Additionally, a petition containing 756 signatures has been received against the proposal and a petition of 334 signatures in support.

The following statements summarise the reasons that third parties have given in **support** of the proposal:

- The woods are in a neglected state and would benefit from management and some care.
- The wildlife in the woodland, because of its neglected state, is at a low ebb and has almost disappeared.
- The golf course would enhance the approach to Broughton.
- The golf course would bring more employment to the area and improve the economy.
- The development would ensure proper management of the woodland.
- The people who have objected to the application should walk around the course and the facility at Forest Pines and see the benefits and facilities that are provided from continued management.
- It is evident from walking through the woods that there is a significant loss of footpaths.

The **objections** that have been raised to the proposal are summarised as follows:

- To allow the golf course to be extended would destroy a significant part of the woodland habitat and attendant wildlife. Mammals, birds and insects all being affected.
- The woods act as a filter, taking from the atmosphere dust and noise which emanates from the steelworks close by to the west.
- The development of the woodlands in the manner proposed would represent a major loss to many people for the gain of only a few.
- The woodland plays an important role in the water cycle and to remove such a significant amount would have an impact upon this.
- The removal of the woodland would be a loss of a timber resource.
- To remove the woodland would have a detrimental impact on the landscape of the area.
- Ancient woodland is part of our natural heritage and must be protected.
- Scunthorpe has lost much habitat and species due to the historic ironstone workings. No more should be lost.
- The existing golfing activity causes disturbance to wildlife in the retained woodland. To expand the facility would only make this situation worse.
- The proposed management plan does not offset the harm of the loss of the woodland.
- There will be an increase in noise and pollution as a result of more vehicles visiting the site.
- Land exists close by that could be used as a golf course without destroying ancient woodland.
- There is no need for further golf facilities. There are plenty around the Scunthorpe area.
- The case for an additional golf course has not been made sufficiently. The benefits do not outweigh the loss of ancient woodland.

- The development is against policy guidance at national, regional and local level.
- The impact of the loss of the woodland on climate change has not been assessed adequately.
- The disturbance of the ancient woodland soils adversely affects its microbiology.
- The loss of trees to the proposed extent will impact on global warming as trees absorb carbon dioxide.
- Ancient woodland is a scarce, valuable and once lost, irreplaceable national asset.
- Creation of a golf course will result in fragmentation of a woodland resource which will be of little benefit.

## **BACKGROUND**

The Forest Pines Hotel and Golf Course has developed since the mid 1970s into a significant leisure and tourist facility within North Lincolnshire. This application is to provide an additional golf course to the north of the existing facilities and to make alterations to the existing golf course facility.

The application site for the proposed golf course covers, in total, about 80 hectares and includes the woods known as Gadbury and Lundemore. The figure of 81 hectares is more land than is actually utilised for the golf course facility with only a percentage of that area being used for the golf holes in order that the best areas of woodland are retained and more sensitive areas of flora and fauna are untouched.

A full environmental impact assessment has been submitted with the application which, in turn, addresses the various potential environmental impacts that the development would create.

## **ASSESSMENT**

Firstly, dealing with internal consultation responses, primarily from the Sites and Ancient Monuments Records Officer and the Environment Team:

In respect of archaeology, a comprehensive response has been received from the archaeologist highlighting many important features within and close to the site and the potential for unknown features within the woodland itself. Accordingly a condition is recommended, should permission be granted, requiring a programme of archaeological work to be undertaken before any development as proposed takes place.

As can be imagined with an application that raises such environmental issues, the council's Environment Team have had a significant input into negotiations with the applicants' experts on habitat ecology and woodland matters. Accordingly their response is a detailed one and their recommendations/views have to be carefully assessed. In their response PPS 9 regional policy and policies LC4 and LC12 in the North Lincolnshire Local Plan are quoted, all of which require the protection of ancient woodland including plantations on ancient woodland sites (PAWS) other than in exceptional circumstances. It is stated further that in responses from Natural England (reported elsewhere in this committee report) it is regarded that the proposed level of clearance of about 40% of the existing woodland would be regarded as a loss of ancient woodland. Therefore Environment officers suggest that the application should be refused for reasons relating to national, regional and local policy guidance.

However, it has to be recognised that within national guidance in PPS 9 and the local plan policies provision is made where the need for and the benefits of the development in that location outweigh the loss of woodland habitat. Clearly, the presence or otherwise of any such overriding need is a planning decision. However, it would be expected that if permission were to be considered to be granted, it could only be granted giving a high level of socio-economic and tourism evidence which would need to be assessed with rigour. It would further need to be demonstrated that the need for and benefits of a golf course in this proposed location outweigh the value of a habitat that cannot be replaced and through designation at a local level is protected by national and regional policy.

In making these observations, the biodiversity benefits of the proposed management plan and the access provision to the woodland for the public, the construction of the half-way house, the protection and management of the retained woodland resource, the habitat protection and creation have all been considered and weighed in the balance in coming to the suggestion from Environment officers.

Turning now to the management plan that has been proposed by the applicants, the management plan is a comprehensive document that has been prepared in the event that members are mindful to grant permission for this development and covers such basic parameters as

public access, the provision of a half-way house in the existing structure known as Rose Cottage (which would be within the extended golf course facility), the protection of the woodland resource in the retained woodland around the golf facility, the provision and retention of habitat for mammals, birds, insects and other wildlife in the woodland, all of which ensures a level of biodiversity which is intended to offset any possible harm that the development would cause to these issues of accepted importance. The management plan would be secured by a Section 106 agreement between all interested parties, including the landowners and the council itself.

During the early months of consultation on this proposal, it was recognised that Gadbury and Lundemore woods were plantations on ancient woodland sites and therefore were afforded protection. The applicants had the appropriate time in which to give counter-evidence to this claim but, after considering the facts, decided not to make such a claim and accordingly the woodland was added to the provisional list as it is known. Further information was submitted by the applicants and on considering that information in respect of the ancient woodland resource and the impact that the proposal would have upon it, it was considered that the environmental assessment should be supplemented by information in one document that drew together all the issues of the ancient woodland resource and its PAWS designation. This information was submitted, given appropriate publicity and all consultees given the opportunity to consider the information and offer further comments. The most significant comment in respect of this further supplementary information came from the Woodland Trust. The Woodland Trust made their observations in the form of a critique, the findings of which have been outlined in the Consultation section of this report. In the interests of fairness it was felt that this critique should be made available to the applicants so that their consultants could respond. Such a response has now been received and has been considered in making this assessment of the development proposals.

The response of the applicants to the Woodland Trust's critique is summarised as follows:

The applicants, following discussions with the agents, felt that instead of using the same consultants that had written and prepared the ecology chapters of the environmental statement, they would employ an independent company to review the critique of the Woodland Trust. Naturally, the assessment made by the

applicants' ecological consultants on the Woodland Trust's views offers firm rebuttals of the opinion that the methodology, research, research base and baseline data in the environmental statement are flawed and explains in some detail the methods, personnel used and timing of the survey work that is encompassed in both the original environmental statement and the supplementary information submitted. The report discusses mitigation and comes to a number of conclusions relating to baseline ecological data, ecological impact assessment, mitigation, legal and planning issues and the appropriate use of conditions. The applicants are of the firm belief that they have done everything possible to mitigate the impact of the development on the ancient woodland sites and the use of the proposed management plan, Section 106 agreement, planning conditions and the ongoing maintenance of the site will, when considered against national, local and regional policy, enable the planning authority to look favourably upon the proposals of Q Hotels. One of the major considerations that will form part of the planning balance of this recommendation is the tourism benefits of the proposal in considering the impact of the development on the ancient woodland and biodiversity in accordance with the provisions of PPG 9.

It is important to understand and appreciate the tourism/economic benefits of this proposal. The Forest Pines Golf and Country Club Hotel, owned and operated by Q Hotels, is currently benefiting from a major £12.5m investment programme. This has added a further 75 bedrooms and has provided new conference facilities with the capacity for almost 400 delegates. With the existing golf offer at Forest Pines this has made for a very attractive facility close to the urban area of Scunthorpe. The combination of the existing bedroom accommodation, conference and meeting centre, food and beverage offering, two golf courses, driving range and academy, spa and supporting leisure facilities, if this development is approved to achieve such a development, will result in Forest Pines becoming a genuine destination resort, in the opinion of the applicants, Q Hotels.

The number of rounds of golf played in 2006 were almost 39,000 and at the time of preparing the environmental impact assessment in 2007 it was anticipated that almost 45,000 golf rounds would be played, an increase of over 13%. The proposal for the extended golfing facilities at Forest Pines includes the provision of a golf academy, a teaching facility for the non-golfer, novice golfer and

improver. Again, this is an opportunity for the facility to improve the offer.

The long-term objective of the golf course extension is to attract national and international golfing competitions and events, and projections have been made that suggest that it is quite reasonable to expect that in 2010 over 61,000 rounds of golf per year could be played at the Forest Pines facility.

This increase reflects the increase in visitor numbers to the facility generally over the same period.

The environmental statement accepts the fact that the golfing fraternity using the facility at present and in the future are not always visitors to the area nor always using other facilities at the hotel, for instance for overnight accommodation or business trips. It is a multi-faceted equation of where the playing public and the hotel users come from and it is difficult to be definitive about the percentage of people staying at the hotel who will play golf. All of this increased activity has a knock-on benefit to the region and the local area in terms of economic impact and, in assessing the benefits of this proposed improved facility, the economic benefits of the golf course have to be factored into the planning balance.

The conclusions that have been drawn range through the following:

- Following the extension of bedroom accommodation, creation of the conference and meeting centre and refurbishment of other facilities, the number of golf rounds anticipated in 2007 is 44,000.
- After completion of the proposed extension of the golf course and related facilities, the number of rounds played is anticipated to increase to 61,000 by 2010.
- The increase in the number of rounds played is anticipated to be generated by incoming visitors to the area rather than through local golf membership.
- The consequent increase in visitors to the area in the first and subsequent years following the golf course extension is over £12,700 per annum, excluding spectators at any major tournament events.
- Spectator volumes at tournament events will vary dependent on the nature of the event. Local and regional events will conservatively attract in the order

of 2,000 people per day, for a national or televised event 5,000 to 6,000 per day and for a full international championship event upwards of 10,000 per day.

- Direct economic impact of the extension of the golf facilities, excluding any monies relating to the construction works, is anticipated to be in the order of £1.46m per annum.
- Employment created resultant upon the extension of the golf course facilities is calculated at 60 employment opportunities.

**The determining issue in this matter is in some ways straightforward but a complex one. It is whether or not the tourist and related economic benefits are of such a benefit to the local area and region generally that they outweigh the loss and fragmentation of an ancient woodland resource.**

In making the above statement, it is not to underestimate any of the other concerns or benefits that have been highlighted elsewhere in this report, but it falls firmly on the provisions of paragraph 10 (Ancient Woodland and Other Important Natural Habitats) of PPS 9 (Biodiversity and Geological Conservation) as to whether or not this development is an acceptable one. That paragraph in the PPS should be reiterated and says, 'Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost, it cannot be recreated. Local planning authorities should identify any areas of ancient woodland in their areas that do not have statutory protection. They should not grant planning permission for any development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat...' It is correct that the applicants have put great weight on both the benefits to local and regional tourism that this extended facility would offer and also attached significant importance to looking after the valuable resource of the woodland. It is worth noting that the management plan was proposed before the woodland was determined to be ancient so it can be assumed that it has always been the applicants' intention to properly manage the woodland resource here at this site and in this location generally. In fact it is clear to see from walking around the existing course, that has been established for some years now, that its maintenance and general character is one to be applauded and the



applicants certainly 'do a good job' of looking after the existing woodland facility in this location.

However, that part of the woodland that is already the golf facility and attendant facilities has not been designated as ancient woodland nor does it form part of the PAWS register. Accordingly, the application on Gadbury and Lundemore woods has to be considered somewhat differently to the applications for the original golf course at Forest Pines.

Forest Pines Hotel is a visitor attraction for North Lincolnshire. It is well located in terms of local transport links, is close to the major cities of Hull and Lincoln, and has good transport links to both the international airports at Humberside, Kirmington and Robin Hood at Finningley. The existing Forest Pines hotel draws large numbers of private and company business and is a significant asset in economic terms to North Lincolnshire. That is not the question. Throughout the documentation that has been submitted to the council it is not stated that the golfing facilities at Forest Pines are being over-utilised. It has not therefore been a significant issue that an additional golf course in this location is needed to cater for existing visitors to the area. The claim is that with the extended facilities at the hotel the golfing facility and requirements will naturally need to expand as well and will be used to the same level as the existing courses are. That will naturally evolve into more people visiting the site and more people playing golf and therefore putting more money into the local and regional economy. It is not the claim that this development is needed to deal with an existing over-utilised facility. It is needed to provide a better offer and accommodate more people at a proposed extended facility.

Turning now to the ancient woodland resource, the designation of the two woods that form the principal application site area for this application as ancient woodland is a recent one and has been made during the processing of this planning application. The applicants, whilst being initially surprised at this designation, have embraced it and met it head on with their additional information in the form of the supplementary environmental information submitted and also with their willingness to respond to third party representations received during the consultation process that the local planning authority has carried out on this planning application.

Turning now to the issue of the ancient woodland, the woodland is afforded protection at almost all levels of policy ranging from national through regional and down to local level. It is accepted that this site is a plantation on an ancient woodland site, but in saying that it is the very land upon which the woodland grows that is part of the woodland resource, it is not just the trees that grow out of that land that forms the ancient woodland designation and therefore its importance nationally. The percentages that are quoted in terms of creating fairways and greens within the woodland sites are variable depending on how these figures are calculated. However, from the submitted drawings it is clear that probably more wood will be left to be managed in accordance with the provisions of the management plan than that which will be used for the construction of fairways and greens. However, the whole of the ancient woodland will be fragmented by the construction of the fairways and greens and the individual 'veteran' trees within the managed woodland also are an important valuable element of the plantation of ancient woodland. Accordingly, in striking a balance, the council has to have regard to all issues of accepted importance and concentrate on those which are pivotal.

The planning authority believes that the fact that the golf course proposal is not as a requirement of the overplaying of the existing facility, but one to cater for projected expansion in the use of Forest Pines in the future (accepting that that growth is expected to follow the improved facilities that the hotel offers) and that the woodland resource is not protected statutorily by a Site of Special Scientific Interest the planning authority considers that in this case the benefits that have been quoted for tourism, employment and to the local economy do not outweigh the loss of this important woodland resource.

## **RECOMMENDATION**

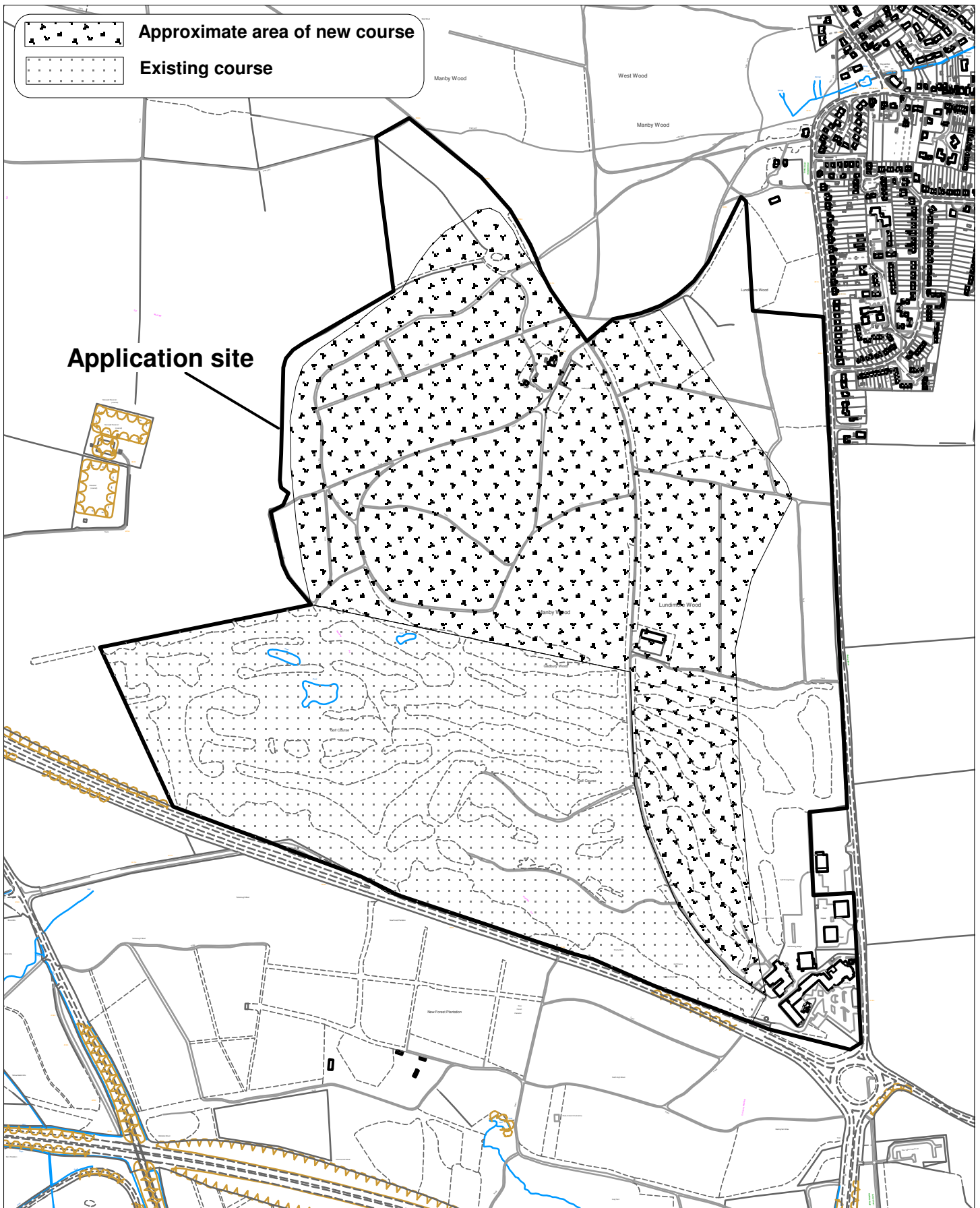
### **Refuse permission for the following reasons:**

1.

The Local Planning Authority has carefully considered the case made by the applicants for this improved golfing facility, including the woodland management plan, and taken into account the projected tourism, employment, leisure and economic benefits to North Lincolnshire. The Local Planning Authority is not, however, convinced or satisfied that these benefits outweigh the loss of this ancient woodland site and associated habitat.

Accordingly, the proposal is contrary to the provisions of Planning Policy Statement 9 (Biodiversity and Geological

Conservation), policy LC12 (Protection of Trees, Woodland and Hedgerows), policy LC4 (Development Affecting Sites of Local Nature Conservation Importance) of the North Lincolnshire Local Plan and policy ENV6 (Forestry, Woodland and Trees) of the Regional Spatial Strategy (Yorkshire and Humber Plan).



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Highways and Planning Service

Service Director,  
G Pople

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