



Department for
Communities and
Local Government

Mr S Hearn
Concept Town Planning
Sambrook House
Noble Street
WEM
SHREWSBURY
SY4 5DZ

Our Ref: APP/A0665/V/13/2210886

18 December 2014

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 77)
APPLICATION BY THE FORESTRY COMMISSION AND FOREST HOLIDAYS: -
RE-ORGANISATION OF EXISTING VISITOR HUB FACILITY TO PROVIDE
REPLACEMENT VISITOR CENTRE, CHANGE OF USE OF EXISTING VISITOR
CENTRE TO OFFICES; DEMOLITION OF EXISTING OFFICES AND 70 No. NEW
CABINS WITH ASSOCIATED INFRASTRUCTURE: -
LAND AT DELAMERE FOREST, STATION ROAD, NORTHWICH, CW8 2JD
APPLICATION REF: 13/02700/FUL**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Wenda Fabian BA Hons Dip Arch RIBA IHBC, who held an inquiry on dates between 17 and 23 June 2014 in relation to your application under Section 77 of the Town and Country Planning Act 1990 for full planning permission for: re-organisation of existing visitor hub facility to provide replacement visitor centre, change of use of existing visitor centre to offices; demolition of existing offices and new 70 no. new cabins with associated infrastructure, in accordance with application ref 13/02700/FUL, dated 10 June 2013.
2. On 29 November 2013, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your application be referred to him instead of being dealt with by Cheshire West and Chester Council (the council), because the proposal concerns matters that may conflict with national policies on important matters.

Inspector's recommendation

3. The Inspector recommended that the application should be refused. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural matters

4. The Secretary of State notes the revised description of the development that was agreed by the parties and considered at the Inquiry (IR1). He also notes the objection prior to the Inquiry with regard to the submitted site ownership certificate. He agrees with the Inspector that no person with an interest in the land subject to the application in this case has been prejudiced by the omission to serve the appropriate notice (IR3).

Policy considerations

5. In deciding this application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the relevant part of the development plan comprises the saved policies in the 2006 Vale Royal Local Plan First Review Alteration (LP). The Secretary of State considers that the development plan policies most relevant are those identified by the Inspector at IR19-23.
6. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ("the Framework" - March 2012) the associated planning practice guidance (March 2014) and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).
7. The Secretary of state notes the Inspector's remarks at IR24 about the emerging Cheshire West and Chester Local Plan. As Part 1 of this Plan has not yet been adopted and is still liable to further modifications, he attributes limited weight to the emerging policies.

Main issues

8. The Secretary of State considers that the main considerations in this case are those set out by the Inspector at IR128.

Visitor centre improvements

9. For the reasons at IR129-134 the Secretary of State agrees with the Inspector that the proposed visitor centre would accord with development plan policies for Delamere Forest (IR135).

Cabins development: openness and purposes of the Green Belt

10. For the reasons at IR136-139, the Secretary of State agrees with the Inspector that the harms to the Green Belt caused by the inappropriate nature of the cabins development, to its openness and by reason of encroachment all attract substantial weight against the application.

Cabins development: character and appearance of the Area of Special County Value (ASCV) and the visual amenity of the Green Belt

11. For the reasons at IR140-142, the Secretary of State agrees with the Inspector that proposed cabin development, because of its extent, would cause modest harm to

the surrounding forest landscape; it would fail to preserve the natural character and appearance of this countryside location within the ASCV and would cause moderate harm to the visual amenity of the Green Belt contrary to this aspect of LP policies NE11 and SPD5. He agrees that this moderate harm weighs against the proposal. In terms of design and layout, he agrees that it would accord with the requirements of BE1 and RT9 but that this neutral outcome does not weigh in the proposal's favour (IR143).

Cabins development: residential and recreational user amenity – noise and disturbance, access and highway safety

12. For the reasons at IR144-149, the Secretary of State agrees with the Inspector that, in road safety terms for recreational users of the forest and despite the existing lack of traffic, the predicted volumes would be low and new trails and routes would ensure that dual use of the forest access track could be avoided so that vehicle and user interaction would be minimal. He also agrees that positive measures are proposed to prevent forest users emerging onto the trafficked route unawares. Overall, he agrees that the likely effects arising from issues of noise and disturbance, access and highway safety are not so significant as to warrant refusal. He agrees that the proposal would not cause harm to highway safety and would accord with LP policy T1 in this regard, and that this neutral outcome carries no weight in favour of the development (IR150).

Cabins development: ecology and protected species

13. For the reasons at IR151, the Secretary of State agrees with the Inspector that the benefit of enhanced biodiversity adds modest weight in favour of the proposal. For the reasons at IR152 he agrees that the proposal would not adversely affect any protected or other species, and would therefore comply with LP policy NE1. He agrees that this neutral effect carries no weight in favour of the proposed cabins.

Cabins development: alternative sites

14. The Secretary of State notes that, for the reasons at IR153-154, the Inspector has not endorsed any alternative sites for cabin development within Delamere Forest. The Secretary of State agrees with the Inspector that the proposal would accord with LP policy RT9 in regard to accessibility (see also IR22), but that the lack of policy objection on this basis is a neutral factor.

Cabins development: economic, employment and tourism benefits

15. For the reasons at IR155 the Secretary of State agrees with the Inspector that the proposed new visitor centre building and associated infrastructure improvements are needed and would be a tangible benefit in Delamere Forest. The Secretary of State sees no reason to disagree with the Forestry Commission's assessment of the benefits of the proposed cabins identified at IR156. However, for the reasons at IR157-159, he agrees with the Inspector that whilst the benefit arising from the cabins development of funding support for the visitor centre attracts some weight in favour of the proposal, this must be tempered by the possibility that it could be secured by means of a cabins development elsewhere, not within the Green Belt. Similarly, he agrees that there is little to demonstrate that the need for self-catering holiday accommodation in the District could only be met by development within the Green Belt. With regard to the applicants' view that Delamere Forest is the only

forest location within the northwest region of sufficient size to absorb a holiday cabins development, he also agrees with the Inspector that little convincing evidence was provided to demonstrate this aspect. Consequently, he agrees that only very limited weight for the proposal can derive from these considerations (IR160).

16. For the reasons at IR161-163, the Secretary of State agrees with the Inspector that there would be a tangible increase in overall employment in the local area as a result of the cabins proposal, and that the new visitor centre would also lead to a material increase in local jobs and increased spending in the local economy. He agrees that, all in all, the proposal would provide a significant boost to the local economy, and that this weighs strongly in its favour. However the benefits attributed to the cabins could be achieved by development outside the Green Belt, as referred to above, and this reduces the strong weight to be attached to those benefits IR168).

Planning conditions and obligation

17. The Secretary of State has considered the Inspector's reasoning and conclusions on conditions (IR114-121). He is satisfied that the conditions recommended at Annex A of the Inspector's report are reasonable and necessary, and would meet the tests of paragraph 206 of the Framework. However, he does not consider that these conditions overcome his reasons for refusing the application.
18. The Secretary of State has also had regard to the submitted planning obligation in the form of a Unilateral Undertaking, the Inspector's comments at IR122-126, national policy set out at paragraphs 203-205 of the Framework, the planning guidance and the CIL Regulations. The Secretary of State considers that the planning obligation complies with regulation 122 of the CIL Regulations 2010 and the tests at paragraph 204 of the Framework, and can be given weight in support of the proposal. However, he does not consider that the Undertaking overcomes his reasons for refusing the application.

The planning balance and overall conclusion

19. The Secretary of State attaches great importance to Green Belts. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
20. The Secretary of State agrees with the Inspector's assessment at IR164-170. Weighing in favour of the proposal are: the significant economic benefit from the visitor centre; the economic benefit from the cabins which attracts less weight; the modest weight arising from the visual amenity improvement through re-location of poly-tunnels, the access and traffic management improvements; the enhanced biodiversity at both sites; and the minimal weight arising from the funding benefit to secure the visitor centre. Weighing against the proposal are the substantial harm to the Green Belt and the modest harm to the character and appearance of the ASCV. The Secretary of State agrees with the Inspector that the benefits, when added together, are not sufficient to clearly outweigh the totality of the harm to the Green Belt by way of inappropriateness, and the other identified harms (IR169). For these reasons the Secretary of State agrees with the Inspector that the very special circumstances necessary to justify the proposed development package in the Green Belt do not exist (IR170).

21. The proposed development would be contrary to LP policies GS3, NE11 and RT9 (IR170). Consequently the Secretary of State considers that the proposal does not, on a balanced assessment, accord with the provisions of the development plan when considered as a whole.

Formal decision

22. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby refuses your application for planning permission for: re-organisation of existing visitor hub facility to provide replacement visitor centre, change of use of existing visitor centre to offices; demolition of existing offices and 70 no. new cabins with associated infrastructure, in accordance with application ref 13/02700/FUL, dated 10 June 2013.

Right to challenge the decision

23. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

24. A copy of this letter has been sent to Cheshire West and Chester Council and the other main inquiry parties. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Julian Pitt

Authorised by the Secretary of State to sign in that behalf

Report to the Secretary of State for Communities and Local Government

by Wenda Fabian BA Hons Dip Arch RIBA IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 14 October 2014

TOWN and COUNTRY PLANNING ACT 1990 (AS AMENDED)

CHESHIRE WEST AND CHESTER COUNCIL

CALL-IN UNDER SECTION 77

of

an APPLICATION by THE FORESTRY COMMISSION and FOREST HOLIDAYS

for

**RE-ORGANISATION OF EXISTING VISITOR HUB FACILITY TO PROVIDE
REPLACEMENT VISITOR CENTRE, CHANGE OF USE OF EXISTING VISITOR
CENTRE TO OFFICES; DEMOLITION OF EXISTING OFFICES AND NEW 78 NO.
CABIN DEVELOPMENT WITH ASSOCIATED INFRASTRUCTURE**

at

**LAND AT DELAMERE FOREST, STATION ROAD, NORTHWICH,
CHESHIRE CW8 2JD**

Inquiry held on 17, 18, 19 and 20 June 2014

Site visit carried out on 23 June 2014

Land at Delamere Forest, Station Road, Northwich, Cheshire CW8 2JD

File Ref: APP/A0665/V/13/2210886

File Ref: APP/A0665/V/13/2210886

Land at Delamere Forest, Station Road, Northwich, Cheshire CW8 2JD

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 29 November 2013.
- The application is made by The Forestry Commission and Forest Holidays to Cheshire West & Chester Council.
- The application Ref 13/02700/FUL is dated 10 June 2013.
- The development proposed is re-organisation of existing visitor hub facility to provide replacement visitor centre, change of use of existing visitor centre to offices; demolition of existing offices and new 78 no. cabin development with associated infrastructure.
- The reason given for making the direction was the proposal concerns matters that may conflict with national policies on important matters.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application: i) the extent to which the proposed development is consistent with Government policies on protecting Green Belt land (NPPF Section 9); ii) the extent to which the proposed development is consistent with the development plan for the area; iii) any other matters the Inspector considers relevant.

Summary of Recommendation: The application be refused.

Procedural Matters¹

1. Prior to the Council's consideration of the application, the description shown above was amended to reduce the number of cabins proposed. The revised description agreed by the parties and under consideration at the Inquiry is: *Re-organisation of existing visitor hub facility to provide replacement visitor centre, change of use of existing visitor centre to offices; demolition of existing offices and 70 no. new cabins with associated infrastructure.*
2. The Inquiry sat for 4 days between 17 June 2014 and 20 June 2014. I conducted an accompanied site visit, to both parts of the site and to the surrounding area, as well as to the Forestry Commission tree nursery at Lob Slack, on 23 June 2014 and carried out an unaccompanied site visit before the Inquiry on 16 June 2014. Manley Parish Council and Campaign Against Delamere's Destruction (CADD) were given Rule 6 status.
3. Prior to the Inquiry an objection was raised by an interested person with regard to the submitted site ownership certificate, insofar as it relates to the ownership of the private access road from Station Road which passes in front of Station Cottages. The applicants confirmed at the Inquiry that this is owned by the Crown Estate. Although the appropriate notice was not formally issued to the Crown Estate, their agent has provided a letter², which confirms that the Estate was aware of the proposals, from early 2013 and in detail from 9 April 2013. This was more than 21 days prior to the submission of the application in June 2013. On this basis I am satisfied that no person with an interest in the land

¹ Since the close of the inquiry the parties' attention has been drawn to a later High Court decision on *Redhill Aerodrome Ltd v SSCLG* and others. The applicant's counsel, Mr Kingston QC, provided a written statement. The Council responded that it had no further comments. No comments were received from the Rule 6 Parties or from other interested parties. However, on 9 October 2014 the Court of Appeal overturned the decision of the High Court in that case. Accordingly this report does not take account of the *Redhill* judgement.

² Inquiry Document 16

subject to the application in this case has been prejudiced by the omission to serve the appropriate notice. This is a matter that the Secretary of State may wish to reach a view on when considering the appeal.

The Site and Surroundings

4. The application relates to two separate areas of land within Delamere Forest³. One area is located at the southern edge of the central main part of the forest (I refer to this as **the visitor centre site**). It comprises the existing visitor facilities and car parks as well as the area identified on the Ordnance Survey map as the Forestry Depot; this includes several large poly-tunnels (in connection with a tree nursery), storage buildings, offices and a staff car park. The other is an area of undeveloped forest and woodland known as Kingswood, which is at the extreme northwest part of the forest (I refer to this as **the Kingswood site**).
5. The forest (including the visitor centre) lies within the North Cheshire Green Belt and an Area of Special County Value. It comprises some 753 hectares of mainly planted pine forest interspersed with smaller areas of older broadleaf woodland and includes several areas of water (meres) of various sizes, the largest being Blakemere Moss. It is all owned and managed by the Forestry Commission for the public benefit and the pine tree plantations are operated as a commercial crop. There is an extensive existing network of trails, bridleways and footpaths within and through the forest all of which are used to widely varying degrees of intensity for public recreation, including by clubs, for walking, running, riding and cycling. Organised sporting and social events of various types (informal, competitive and commercial) take place mainly at weekends. These include races and concerts. Woodland weddings are also held. There are several identified paying car parks operated by the Forestry Commission at different locations in the forest, also one free car park and numerous informal lay-by parking areas around the highways that traverse and border the forest.
6. Ashton Road runs roughly east/west through the forest just north of its heart and converges with the railway line at the west edge. It is a two lane undulating main road subject to the national 60mph speed limit and connects between the B5152 and B5393 roads which run north/south through nearby villages and settlements, including Mouldsworth and Hatchmere. Near the Hatchmere junction with the B5152, Ashton Road is narrow, confined by high hedges to residential gardens, and at the junction visibility to the south is constrained. The B5152 is called Station Road in the vicinity of the visitor centre site, at the point of access to it. At this point also is Delamere Railway Station, on the train line between Manchester and Chester, some 0.7km from the existing visitor facilities. There is a further station on the line in Mouldsworth around 2km beyond the western edge of the forest. Almost opposite the visitor centre site access onto Station Road, is the former 'Marley Tile' site referred to as a possible alternative site by Rule 6 Parties.
7. The **visitor centre site**⁴ has been in this use for many years and includes numerous existing buildings, separate enclosures and various car park areas. It is accessed from Station Road along a privately owned two way tarmac lane.

³ Drawing CFD-DFP-LA-L00 revPLO Site Boundary Mr Burn's appendices vol 1 tab 1

⁴ Drawing CFD-DFP-LA-L02 revPLO Visitor Centre Area as Existing

This runs in front of a pair of houses, Station Cottages. Beyond the site to the west it leads to Eddisbury Lodge, which is an active farm and livery enterprise and then connects into the local road system.

8. The existing timber clad visitor centre building sits adjacent the small visitor car park and is now in use as a café and for a cycle hire shop (I was told at the site visit that a visitor centre facility is not being operated at present). Behind this, to the west, is an existing two storey house in office use and beyond this an enclosure and small storage buildings used for education purposes.
9. The site also includes further car parking areas. One, to the south west, is at the 'events arena' (used as outlined above), which is overlooked by the informal viewing areas formed by natural grassed slopes at the foot of Old Pale to the south; this small hill rises above the surrounding more gently rolling countryside. Old Pale is mostly covered by recent pine plantation and is topped by a radio mast. There is also an open grassed area including wetlands to the south and east of the tree nursery poly-tunnels, which is used as overspill car parking for events. The north edge of the visitor centre site is bounded by the railway line, with a bridge across it that provides access to trails into the main part of the forest as well as to a few houses and to the 'Go Ape' high ropes activity area, which is privately run. To the north off Station Road is a camping and caravan site.
10. The **Kingswood site**⁵ is roughly triangular and amounts to some 26.5ha. The site lies within a narrow area of woodland and pine trees which projects to the northwest beyond the main part of the forest on the north side of Ashton Road. It is criss-crossed by unpaved paths and tracks and traversed by a hardcore surfaced forestry track. In addition, two public footpaths and a bridleway run along its west, south and east sides. Although the main forestry track through the site is lined by deciduous trees (mainly sweet-chestnut and oak) and these also occur along the unpaved tracks, the predominant trees are planted Corsican pines which are scheduled to be clear felled in the Forestry Commission's normal cycle of planned cropping, between 2022-2026 and 2037-2041. The trees are also thinned on a five year cycle.
11. There is a sizeable former marl pit with standing water at the northeast corner of the Kingswood site and from here the public footpath runs along a fenced unpaved track to meet Waterloo Road. Adjacent to the south corner of the site, within the forest, is an existing two storey house, Kingswood Cottage. This was occupied until recently, is vacant at present but is owned by the Forestry Commission who intends to continue to let it out as a dwelling. Beyond the northwest corner of the site, but within the edge of the forest, is a secluded fenced and gated residential complex, mostly converted from a former imposing typhoid hospital building, which is listed. (This is variously referred to in the submission documents as Kingsley or Kingswood Park. The postal address is Kingswood Park and I shall refer to it as such.)

⁵ Drawing CFD-DFP-LA-L01 revPLO Forest Park as Existing Mr Burn's appendices vol 1 tab 1

The Proposals

[based on the Statement of Common Ground June 2014 (SCOG), application submissions and applicant's proofs of evidence]

Visitor centre site⁶

12. The proposed replacement visitor centre 'hub' building and new car park would be located on the south part of the existing tree-nursery poly-tunnels area and some of these poly-tunnels would be re-located to the nearby existing Forestry Commission tree nursery in a disused quarry at Lob Slack. There would be substantial reorganisation of the whole of this part of the site with demolition of the existing office building, further re-location of existing poly-tunnels on site, conversion of the existing visitor centre building to staff offices and re-location of overspill car parks and access routes within the site as well as a significant amount of additional tree and shrub planting. The current events arena, which doubles as a car park, would become pedestrian access only.
13. The visitor hub building would have a T-form plan, some 1250m², with timber and stone clad walls, large glazed areas set back under a deep roof overhang, to minimise glare, and a low pitched split-form grey profiled metal roof. It would include welcome and information areas, cafe and kitchen, flexible meeting and classroom space, cycle hire and shop space as well as substantial toilet provision with out of hours access. There would be an outdoor seating plaza for the café with sail-type canopies. There would be a natural play area and picnic area around the existing wetland, which would also be enhanced by new planting. New trails would link from the new centre to existing trails and footpaths.
14. A new 275 space landscaped main car park with dedicated coach and taxi drop-off would be formed (to improve current congestion at the station car park during events). There would be a new access road to the proposed visitor centre leading as a continuation off the existing access road, with the link to the remainder of the lane re-aligned as a secondary route. Public and private vehicular routes would become better differentiated and thus bio-security for the tree nursery would be improved.
15. The existing access road from Station Road to this point is currently only single track in parts and would be widened. The junction with Station Road would be improved to provide for two lane exit, more paved footway capacity and clear crossing points for pedestrians, horse riders and cyclists on the south side of the junction. A separate route to the visitor hub for non-vehicular traffic would be provided parallel to the access road from this junction. A footway would be provided along the west side of Station Road with access to the railway station and linking to the footway further to the north on this side. There would also be a new 40mph speed restriction implemented on this part of Station Road.⁷

⁶ Drawing CFD-DFP-LA-L05 revPLO Visitor Hub Masterplan Mr Burn's appendices vol 1 tab 3

⁷ Banners Gate Transport Assessment (August 2013) Proposed Visitor Hub and Infrastructure Improvements and attached Drawing P788/120 revA Mr Burn's appendices vol 2 tab 7

Kingswood site⁸

16. A complex of 70 holiday cabins is proposed within the existing forest (these are also referred to as lodges or chalets in some submissions), accessed from an existing forestry track. The cabins would be of prefabricated timber panel construction erected on a cast concrete slab suspended above the forest floor on steel piles. They would be contemporary in style with timber boarded cladding, a glazed gable wall and split height pitched slate-effect roofs⁹. Each would have a timber deck, most with an outdoor hot tub. The cabins would vary in size, from 1 to 4 bedrooms and some of the larger units would have an additional separate satellite 'treehouse' linked by a suspended bridge consisting of a double bedroom with en-suite bathroom. They would be set well apart in a scattered manner, set back with a narrow pathway from double parking bays at the access tracks and sited to minimise tree felling.
17. There would also be a reception building of a similar style and construction to the cabins. This would include an open plan reception, foyer, shop and café seating area with office, kitchen, storage and toilets. In addition a maintenance yard formed by two parallel timber mono pitch buildings each side of a vehicle through-route would include storage, manager's accommodation and a refuse area. A small central car park and cycle store building would also be provided.¹⁰ There would be new buffer planting including hazel, hawthorn, bird cherry, blackthorn, Douglas fir and yew around these and the service buildings, as well as in a 40m strip along the northern boundary at the edge of the forest, with a new mixed hedge.¹¹ A new bridleway would be provided through the buffer strip at the north boundary to link from the public footpath that enters the forest at the northeast, return along the west edge of the site and link to an existing public footpath at the southwest part of the site.
18. Linking the visitor centre site and the Kingswood site various new and improved existing routes are proposed for forest users¹². These include a new cycle and all user two-way route and a 'Wild Play' trail. A comprehensive set of new signs and way marks is also proposed.

Planning Policy

19. The development plan includes the Vale Royal Local Plan First Review Alteration, June 2006, (LP)¹³. LP policy GS3 states that within the North Cheshire Green Belt planning permission will not be given, except in very special circumstances, for the erection of new buildings – unless for a number of listed purposes. The list includes agriculture and forestry, as well as essential facilities for outdoor sport and recreation, amongst others.
20. LP policy NE11 sets out that in designated Areas of Special County Value (ASCV), because of their high landscape quality, their archaeological, historic or nature conservation importance, development which preserves or enhances the

⁸ Drawing CP131-04-001 revB Proposed Site Plan Mr Burn's appendices vol 1 tab 8

⁹ Cabin drawings Mr Burn's appendices vol 1 tab 11

¹⁰ Drawings Mr Burn's appendices vol 1 tab 12

¹¹ Landscape drawings Mr Burn's appendices vol 1 tab 10

¹² Drawing CFD-DFP-LA-L03 revPL1 Forest Wide Masterplan Mr Burn's appendices vol 1 tab 2

¹³ Mr Burn's appendices vol 4 tab 3

character or features for which the ASCV has been designated will be allowed. The areas are defined on the proposals maps and include Delamere/Utkinton. Notes to the policy refer to the need for a formal and robust assessment of the landscape concerned, which is to be provided by a Landscape Character Assessment Supplementary Planning Document (SPD). This has been undertaken and the Council adopted SPD5 in September 2007¹⁴; this includes Delamere at section 1A, which describes the forest as plantation woodland on former heath and peat land, dominated by conifers. It states that the character area has a low visual sensitivity, except open views across the meres which are a key feature.

21. Recreational development in Delamere Forest is covered by LP policy RT24. This allows for low intensity recreational development proposals here, if it is clear that it would not result in unacceptable levels of congestion on roads and would not result in deterioration of the local environment. Notes to the policy clarify that the area already experiences considerable pressure from existing recreational uses. Development of additional uses may result in long-term harm to the environment. Low intensity recreation includes walking, cycling and horse riding.
22. LP policy RT9 relates specifically to chalet type development. It states that this would amount to inappropriate development in the Green Belt and would only be permissible in cases where other material considerations amount to the very special circumstances sufficient to outweigh the harm to the Green Belt and any other harm arising from the development. The policy also provides a number of criteria with which this type of development should comply. These include amongst others: good accessibility via major roads and public transport; and that priority should be given to using land identified for such development in policy RT19 (Delamere Forest does not include such land), where this is not possible the proposal should make use of under used/vacant land and where possible areas of derelict countryside.
23. The purpose of LP policy NE1 is to ensure that the effect of new development on wildlife, vegetation and geological/geomorphological features is taken into consideration; it sets out requirements to ensure that sites that are of importance for nature conservation are identified, protected and managed, with appropriate mitigation measures where necessary. The felling of trees and woodland are resisted by LP policy NE9. LP policy BE1 seeks to ensure the quality of the environment and expects a high standard of design for all new development. LP policy BE21 seeks the on-site generation of renewable energy in appropriate new development. The effect of development on the transport infrastructure is covered by LP policy T1, which sets out various considerations including the need to minimise the effects of traffic generation.
24. Policies STRAT9, ECON3, ENV2 and ENV6 from the emerging Cheshire West and Chester Local Plan draft publication, July 2013, are set out in the SCOG. While these are a material consideration none differs significantly from the relevant extant development plan policies or alters the considerations in the case. Although policy STRAT9 envisages alterations to the extent of the Green Belt, it

¹⁴ Mr Burn's appendices vol 4 tab 5

was confirmed at the Inquiry that this would not alter the designation at the appeal site location.

25. The National Planning Policy Framework (the Framework) is an important material consideration. All of the development plan policies referred to above are in broad compliance with it. Of particular relevance, the core planning principles set out at paragraph 17 include that planning should: always seek to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings; and that the intrinsic character and beauty of the countryside should be recognised.
26. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. The ministerial forward to the Framework states that sustainable development is about positive growth – making economic, environmental and social progress for this and future generations. Paragraph 7 records these three dimensions and elaborates on the role of the planning system in respect of each: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment.
27. Paragraph 19 requires significant weight to be given to the need to support economic growth through the planning system. Support for economic growth in rural areas is set out in paragraph 28; amongst other things, the sustainable growth and expansion of all types of business and enterprise as well as the expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
28. Paragraph 73 highlights the importance of access to high quality open space and opportunities for sport and recreation to the health and well-being of communities. Also of particular relevance are paragraphs 79 – 92 which set out the Government's policy for protecting Green Belt land. Great importance is attached to Green Belts. The fundamental aim is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. From the five identified purposes of the Green Belt, the most relevant is to assist in safeguarding the countryside from development. Paragraph 90 lists types of new buildings that are not inappropriate in the Green Belt; these include the provision of appropriate facilities for outdoor recreation.
29. According to paragraph 87 inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Other Agreed Facts

30. Following detailed pre-application engagement with the Cheshire West and Chester Council (the Council) and a public consultation process, the application was submitted on 10 June 2013. The planning committee members voted 8 to 1 in favour of approval at the meeting on 10 October 2013. The application was then referred to the Department for Local Government and Communities.

31. The SCOG sets out that the proposed holiday cabins would be inappropriate development in the Green Belt.

The Case for the Applicants

Taken from opening and closing submissions, Mr Burn's and Mr Williamson's proofs of evidence and oral evidence.

32. The Forestry Commission (FC) was formed as a Government department by the Forestry Act 1919 to establish a strategic reserve of timber. It is now the largest land manager in England with 250,000ha of forest and other land. Following the decline in reliance on home grown timber, the importance of forests and woodlands for recreation and sport and as wildlife habitats has increasingly been recognised.
33. The FC's current mission and objectives reflect the balance required to meet the needs of people, nature and the economy. The mission is to protect and expand forests and woodlands and increase their value to society and the environment. The Objectives are: protecting England's trees, woodlands and forest from increasing threats such as pests, diseases and climate change; improving our woodland assets, making them more resilient to these threats and increasing their contribution to economic growth, people's lives and nature; and expanding our woodland resources to increase their economic, social and environmental value.¹⁵
34. In 2011 the Government set up an Independent Panel to report on the state of Forestry in England. Their report recognised FC as an exemplar of multi-purpose land management able to balance the requirements of people and nature while providing economic benefits at both local and national levels. The Government's Forestry and Woodlands Policy Statement was published in January 2013¹⁶. This incorporated its response to the Independent Panel's report. It confirms the Government's intention to create in the longer term a new operationally-independent body, to hold England's Public Forest Estate in trust for the nation. It agreed with the independent panel on a number of points, including the need to help the sector find its voice and improve its economic performance. The policy statement sets out that the new body will be given greater freedom to achieve a sustainable financial position and manage its resources to best effect within a clear long-term remit to maintain and enhance the land, trees and other assets under its care.
35. The mission statement and objectives for the new body are in draft and have not yet been formalised by legislation, but they now reflect the need for the body to reduce its reliance on public funds. The draft economic objective is to pursue timber production and other trading objectives that contribute to the sustainability of the estate, to the local economy and to wider economic growth.

Visitor centre improvements

36. Delamere Forest amounts to some 750ha. It is owned and managed by FC. It attracts around 750,000 visitors per year and is the second most visited forest in the FC estate. It is close to the major conurbations of Liverpool and Greater Manchester, around one hour's drive for 5.5 million people. It is a significant

¹⁵ Mr Williamson's POE paragraph 2.6.2 – 2.6.2

¹⁶ Mr Burn's appendices volume 3 tab 2

public asset both in environmental terms and as a visitor attraction. The need for enhanced visitor facilities was recognised 20 years ago with the establishment of the Delamere Forest Forum, set up by the Council and the FC in 1994. The Forum's 1996 report¹⁷, though now dated, considered similar short comings to those that continue to be faced today. Due to a lack of funding, few of the objectives identified in 1996 have been fulfilled and only ad-hoc improvements have taken place.

37. In 2008 The FC's internal Delamere Action Team was set up to revive the 1996 objectives and in 2010 the Delamere Project Steering Group was formed to deliver improvements for the whole forest¹⁸. The group met monthly and included, as chair, Visit Chester and Cheshire (now re-named Marketing Cheshire) as well as North West RDA, Cheshire West and Chester Council, Natural England, Northern Rail, Delamere Parish Council, Destination 49 (a group of local businesses in the wider area), FC and Forest Holidays. A survey of visitors carried out in 2010 by Visit Chester and Cheshire confirmed the attraction of the forest as a destination but again identified shortcomings in the existing infrastructure and facilities.
38. A report concerned with the quality of visitor experience at Delamere prepared for FC in March 2012¹⁹ shows in table form responses to a user survey about the facilities. In respect of toilets and baby change facilities 38% and 33% thought these excellent or very good; the majority thought them only good, fair or poor. The report also indicated visitors were less positive about the car parking facilities and signposting of paths and trails. A previous report *Monitoring the quality of experience in Delamere Forest* produced in February 2007²⁰ showed only 3% thought the café a most liked aspect of the forest and regarding suggested improvements only 30% thought the forest facility fine as it is.
39. FC's current experience of managing the site is of significant pressure on car parking during periods of high visitor demand as well as congestion on the local road network. The 80 space visitor centre car park is small and the access lane does not provide for two way traffic. The lane also provides access to the FC offices and commercial tree-nursery as well as for local residents. It is predicted that visitor numbers to the forest will increase year on year and that without significant improvements as proposed to the visitor facilities, the experience for visitors and locals will diminish due to deteriorating infrastructure and lack of capacity.
40. Working with the Steering Group, the Action Team (now the Delamere Development Project) identified a need to provide a new visitor centre including WCs, café and education facilities, improved traffic flow and parking management and to encourage sustainable modes of travel particularly use of the on-site railway station, road improvements and remodelled trails and footpaths. Arising from this, the Delamere Master Plan has been developed which forms the basis of the current proposal. This would create a gateway to the forest, a focus for welcome and orientation with better visitor parking and

¹⁷ Mr Burn's appendices volume 3 tab 1 pages 8 and 9

¹⁸ Mr Burn's appendices volume 3 tab 3,

¹⁹ Mr Gilding's appendices tab 15 (T) page 27

²⁰ Mr Gilding's appendices tab 16 (UV) page 12 and 20

vehicular access arrangements and enable visitors to better interact with the woodland through informal recreation and organised events. Many of these benefits, in particular increased accessibility, better signposting, highways improvements and biodiversity enhancements are improvements sought by respondents to questionnaires recorded in the Parish Plans for Manley and Delamere²¹.

41. The provision of low intensity facilities for sport and recreation in Delamere Forest, within the Green Belt, accords with LP policy RT24. The proposal to replace and enhance existing facilities and parking, at Delamere Forest, including the provision of additional trails and routes, is primarily for walking, cycling and horse riding; this would accord with the policy, which notes these activities as low intensity. This part of the proposal is not inappropriate development in the Green Belt and is in compliance with the Framework in this regard.
42. The proposed new visitor centre building is designed to sit low within the surrounding topography and blend with its surroundings in terms of materials. The reduction in the number of visually prominent poly-tunnels and the addition of significant new tree planting and landscaping at the visitor centre site would improve biodiversity as well the appearance and visual amenity of the Green Belt here. These aspects are described in detail at the Proposals section above and the positive impact is demonstrated in the Landscape Visual Impact and Landscape Management Plan²². The proposal would thus enhance the character and appearance of the ASCV in accordance with LP policy NE11 and SPD5.

Cabins development

43. FC has developed holiday cabins in England and Scotland since the 1970s. During the early 2000s it became apparent that these cabins generally needed upgrading. In 2006 FC formed a joint venture with the Camping and Caravanning Club (CCC) to manage all the FC camping and holiday cabin sites. This approach has evolved and in 2012 Forest Holidays (FH) was established to enable external funding to be sought, through Lloyds Bank. FC is a major share holder and landlord for Forest Holidays (FH) and is represented on its management board. There is a close working relationship between FC and FH site managers.
44. The fundamental FH objective is to educate guests to achieve a greater understanding of the special qualities of the wider forest setting. This is promoted by Forest Rangers who are employed at all sites. FH now have a proven track record elsewhere of delivering low impact developments; they operate nine²³ cabin sites already in FC forests in the United Kingdom. All of these are in sensitive locations including Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest and five of the ten are within National Parks²⁴.
45. The operational model is wholly different to other forest holiday developments, (such as Centre Parks, which comprise up to 500 cabins in more urban style

²¹ Mr Burn's appendices volume 4 tabs 1 and 2

²² Mr Burn's appendices volume 1 tab 4

²³ Nine sites referred to in evidence and orally, Inquiry Document 6 lists ten

²⁴ Inquiry document 6

developments including leisure facilities like swimming pools, tennis courts, shops and restaurants all within a fenced compound). Local planning authorities for recent developments elsewhere, although initially resistant to them, have been convinced by the benefits they have brought to the local economy and by the lack of adverse effects once in occupation. Some sites have since had planning permissions granted for additional cabins.

46. The proposed cabins would be of a high quality of appearance and energy efficiency. The scheme would include bio-mass boilers to achieve 10% on site renewable energy generation, in accordance with LP policy BE21. The cabins are designed to blend with their woodland surroundings, as demonstrated by the Landscape Visual Impact Assessment²⁵. They would be set well apart between the existing trees and located so as to minimise felling other than necessary thinning, identified by an arboricultural survey²⁶.
47. Access to them would be via a gated hardcore single vehicle width track, approximately 1.5km long, from Ashton Road. The cabins would each be accessed via a pathway from a series of loop tracks. These would be upgraded and at places widened from existing forest routes and surfaced, like the existing forestry track, with crushed aggregate. Services would run underground along these routes. Each cabin would have a double parking space adjacent to the access track, with a pathway leading to it.
48. In the context of the woodland landscape, the proposed cabin development would not harm the character and appearance of the ASCV and the impact on the openness and visual amenity of the Green Belt would be very limited. Encroachment into the Green Belt would also be limited.

Cabins development: residential amenity – noise and disturbance

49. The cabin holidays are promoted for quiet relaxation within a tranquil natural setting. The on site management team is trained to ensure that the forest setting is maintained and considered by everyone connected with the location. Rigorous requirements are set in the Framework agreement²⁷ between FC and FH regarding operation and site management. The experience at other FH sites is that no noise and disturbance is caused by guests; there are no communal activities that might produce disorder. FH operate a Noise Management Plan at their cabin sites²⁸. The submitted Acoustic Assessment²⁹ is based on noise surveys conducted at Blackwood, Hampshire, an FH site similar to the one proposed here. This shows that the proposed cabin development would generate lower noise levels than the ambient background noise recorded at the Kingswood site. Potential for light pollution would be controlled by restrictions for the design and location of external lighting, in accordance with FH 'dark skies' policy, and no road lighting is proposed.

Cabins development: highway safety and visitor amenity

²⁵ Mr Burn's appendices volume 1 tab 9

²⁶ Tree Survey by Alan Motion Tree Consulting Ltd Mr Burn's appendices vol 2 tab 4

²⁷ Mr Burn's appendices volume 3 tab 4

²⁸ Mr Burn's appendices volume 2 tab 13

²⁹ Mr Burn's appendices volume 3 tab 6

50. The cabin development would generate additional traffic on the existing forest access track. At present access to it is restricted; it is used intermittently for forestry works vehicles of up to 44 tons during maintenance operations (such as after wind damage) and cyclical thinning and felling. Surveys³⁰ of traffic movements on the FH site at Sherwood show low vehicle movements spread throughout the day outside peak periods. Peak times are during changeover days on Mondays and Fridays; the maximum traffic volume was recorded as just over 55 vehicles departing on Monday around 10.00, with 40 arriving around 16.00 and on Fridays a departure peak of just over 30 at a similar time and the same number arriving at around 18.00. The figures build and diminish during the one to two hour period before and after this peak. The 5 day average total vehicle flow per day is recorded as 196 vehicles and 185 vehicles per day at weekends.
51. Hourly traffic flows on Ashton Road are modest, some 60 to 80 vehicles, in each direction. Traffic is spread throughout the day without apparent peaks and the average measured daily two way flow rates, including Saturdays, are 1,396 vehicles and 1,555 on Sundays. The cabin traffic would add around 14% to the weekday average flow and 12% on Sundays. As Ashton Road is lightly trafficked the percentage increase is proportionately higher. However, departures (check out time) occurs during Friday and Monday mornings which are periods of less intense use by general forest visitors. Similarly arrivals are spread over a three to five hour evening period on Fridays and Mondays. Further, the cabins are likely to be used by participants during organised events (such as weekend concerts) in the forest and would thus add little to existing traffic arising from these. Overall the submitted Transport Statement³¹ concludes that the cabin proposal would not adversely affect the operation of the highway network in the vicinity of the site, including at the Hatchmere cross roads.
52. Visibility improvements would be made at the junction of the access track with Ashton Road, with measures to prevent visual obstruction by verge parking at this point and the current 60mph speed limit would be reduced to 40mph³². Passing places would be provided at inter-visible points along the length of the forestry track. Chicanes and signage are proposed where trails cross the track to prevent users emerging onto the track unaware of possible traffic³³. In addition to the natural traffic calming provided by the loose surface and natural undulations of the land, a 10mph speed limit would be in place on the track, managed by FH. Additionally, two new trails between the Kingston site and the visitor centre site would be provided, routed without any crossings of the access track.
53. Overall the proposals would not harm vehicular or pedestrian highway safety and would comply with LP policy T1.

Cabins development: ecology and protected species

³⁰ Mr Burn's appendices volume 2 tab 8

³¹ Mr Burn's appendices volume 2 tab 8

³² Mr Burn's POE page 20

³³ Drawing CFD-DFP-LA-D03 rev PLO Road Crossing Details Mr Burn's appendices vol 1 tab 7

54. The trees on the Kingswood site are due to be clear-felled, but would be retained with the proposed development. This would enhance the long term visual character of the forest. The marl pit would be cleared of vegetation and improved as a water habitat. New and improved non-vehicular trails and a new bridleway would be provided in this part of the forest.
55. According to the survey³⁴ carried out by Collins Environmental Consultancy, the existing ecological environment in the forest at the Kingswood site has poor diversity. The retained woodland would be positively managed in accordance with the Woodland Management Plan³⁵ to promote a broader species mix through natural regeneration and locally sourced planting. This would enhance it as an ecological habitat for flora and fauna, including protected species, and ensure a transition from an almost monoculture woodland to a diverse, rich forest environment. Detailed woodland and ecological management plans are put in place for each cabin holiday site and adherence to them is ensured by the Framework agreement between FC and FH.
56. An extended phase 1 habitat survey and protected species assessment was carried out in respect of both the visitor centre and cabin sites; ponds within 500m of both were examined. All identified ponds were surveyed and no Great Crested Newts were found to be present³⁶. Following comment by Natural England regarding these surveys, a further assessment has been carried out by AECOM³⁷. This identified and surveyed two further ponds (in addition to the eight already surveyed). A bat transect survey was also carried out for the Kingston site and the possible presence of protected bird species and badgers was also considered. The overall conclusion is that there is little likelihood that the proposals at either the Kingswood or the visitor centre sites would have an impact on these protected species. Natural England has not objected to the proposals and as recommended by them the Council's ecologist has reviewed the submitted reports and found them acceptable.

Cabins development: alternative sites

57. Within wider Cheshire, other FC forests may not be in the Green Belt, but Delamere Forest is the only FC owned forest of sufficient size to absorb the proposed cabin development. There are existing FH developments in forests in nearby districts (Sherwood) but this does not serve the northwest region. Alternative site locations within Delamere Forest were discounted following detailed analysis of several factors. These included consideration of FC data regarding intensity and type of visitor use, soil type, existing wildlife habitats and nature and heritage designations³⁸. The central area, which would be most favoured for marketing the cabins, was discounted as it is the most heavily used as well as containing the most diverse habitats. The area closest to the visitor centre, also preferable in location terms, has immature tree cover such that the cabin development would be too prominent. The Kingswood site is considered to be optimal, given the constraints at these alternative sites.

³⁴ Mr Burn's appendices volume 2 tab 1

³⁵ Mr Burn's appendices volume 2 tab 5

³⁶ Mr Burn's appendices volume 2 tab 2

³⁷ Mr Burn's appendices volume 2 tab 12

³⁸ Mr Burn's appendices volume 1 tab 14

58. Other alternative sites suggested by local residents are not owned by FC; the Delamere School site is too small and within Hatchmere village, the Marley Tile site is not available.
59. Public consultation regarding the draft Delamere project proposals was carried out, before finalising the master plan or submitting the application, at a series of briefing meetings with local councillors and parish councils as well as public meetings from late February to late March 2012³⁹.

Cabins development: tourism benefits

60. In parallel with proposals at the visitor centre site, the proposed holiday cabins on the Kingswood site would themselves promote wider accessibility to the forest as well as creating significant economic benefits. The Cheshire West and Chester's Rural Regeneration Strategy and Action Plan, 2011,⁴⁰ seeks to support sustainable economic development in the rural area. There is a shortage of family holiday accommodation in the area, identified in the Visit Chester and Cheshire publication 2020: Time to Meet the Challenge, which specifically notes a need for chalets and safari-style lodges⁴¹. Marketing Cheshire⁴², in support of the proposal, notes that the national average provision of self catering accommodation is 18% of total visitor accommodation, but in Cheshire and Warrington the proportion is only 6-7%.
61. The cabin development would meet this demand and enable those who do not live within easy travel distance of the forest to stay overnight. The site is close to the trunk and motorway road networks as well as being accessible by train. Two local railway stations are both used by forest visitors, some arriving with bicycles. At other FH cabin sites a shuttle bus is operated to link to public transport, where there is sufficient demand for this.

Economic and employment benefits

62. The proposed improvements to the visitor centre and associated facilities would themselves lead to an increase in the number of jobs on site and stimulate the local economy. In addition the proposed cabin development would create new jobs and economic benefits for the local economy.
63. Testimonials from numerous local businesses and local residents for the Blackwood Forest site show the cabin development that has been built there is welcomed⁴³. There is support from local business and organisations within the area and region who anticipate economic benefits from this proposal⁴⁴.
64. FH cabin sites are run year round at high recorded occupancy rates, in the region of 90% with an average occupancy of 4.33 people per cabin. The proposed cabins would be operated by FH on the same year round basis as elsewhere, with a directly employed on-site team; it would provide non-seasonal year round employment as well as a stable customer base for local

³⁹ Mr Burn's appendices volume 3 tab 11

⁴⁰ Mr Burn's appendices volume 4 tab 7

⁴¹ Mr Burn's appendices volume 1 tab 9, page 5

⁴² Mr Burn's appendices volume 3 tab 9, letter dated 26 September 2013

⁴³ Mr Burn's appendices volume 3 tab 8

⁴⁴ Mr Burn's appendices volume 3 tab 9

- businesses. Custom from the cabin users would also help to smooth the current financial peaks and troughs experienced by the existing forest businesses (cycle hire, Go-Ape and the café). In addition, the submitted Economic Impact Analysis shows that the cabin development would stimulate the local rural economy by around £36,000 per cabin per year – just over £2.5million per year. It would also create 50 - 60 new jobs (around 20 full time and 40 part time); at Blackwood Forest, Hampshire, a similar sized development, there are 17 full time and 44 part time employees all locally based⁴⁵.
65. The cost estimate for the proposed visitor centre building is around £3.1million, with the road access improvements, new car park, relocation of poly-tunnels, new trails and signage and conversion of existing centre into offices around another £2.4million. Nationally, FC spends £70 million per year, with a funding deficit of £20 million⁴⁶, which is met by the Government via DEFRA; this is despite recent staffing cuts of 20%. FC is unable to provide either the necessary capital funding or the ongoing cost of management and maintenance for the improved Delamere Forest visitor centre and facilities.
66. The FH cabin business would provide a revenue income to FC, guaranteed by a Framework Agreement, stepping up to £3,000 per cabin, £210,000 per year by the end of the first three years. This would be used as seed-corn funding to enable finance to be raised for the non-revenue generating visitor centre building, access improvements, trails and signposting⁴⁷. Post completion, this income would provide for the ongoing support and management of the Delamere Forest facility and enable ongoing investment to deliver FC objectives both here and at other woodlands and forests within the district⁴⁸.
67. As such, the two parts of the proposals are inter-dependant; without the cabins development the improvements to the visitor centre site and the wider forest facilities cannot be financed; without the proposed improvements there would be an ongoing process of gentle decline in the facilities, but it is likely that visitor numbers would continue to increase year by year, as they do currently, leading to increased pressure on the forest environment. Recognising the need to justify the cabin development in Green Belt terms, the applicants are committed to bringing forward the proposed improvements to the visitor centre and have provided a s106 Unilateral Undertaking to ensure that if the visitor centre and infrastructure improvements are not carried out within five years of the cabin development being brought into use, the cabin development would be removed and the site reinstated to its condition prior to development⁴⁹.

Green Belt balance

68. In addition to the physical improvements to the forest visitor facilities infrastructure including new trails, way-marks and signage, additional car parking, improvements to highway safety by way of speed limit reductions, access and junction improvements, provision of a footway on the west side of the road adjacent to Delamere Railway Station and a non-vehicular multi-user

⁴⁵ Mr Burn's appendices volume 3 tab 8 final table

⁴⁶ Inquiry document 4 Guardian website article page 2

⁴⁷ Mr Gilding tab M appendix 9

⁴⁸ Mr Burn POE page 20 and appendices volume 2 tab 9

⁴⁹ Mr Burn's appendices volume 2 tab 11

refuge at this junction, are the benefits identified to the local economy and local employment from both the cabins and the enhanced visitor centre. All of these would provide an enhanced quality of visitor experience for all users of the forest. All of these considerations together carry sufficient weight in favour of the development to amount to the very special circumstances necessary to outweigh the substantial harm by way of the inappropriate nature of the cabin development. The cabin development would accord with LP policy GS3 and the Framework in this regard.

The Case for the Cheshire West and Chester Council

Taken from opening and closing submissions and Mr Crowther's proof of evidence, report to committee and oral evidence.

69. The provision of a new visitor centre is not inappropriate development in the Green Belt and as such would be acceptable in principle. The starting point for assessing the cabins development is that it would be inappropriate development in the Green Belt, by definition harmful to its openness. Both parts of the proposals are of a high standard of design. The new visitor centre would replace poly tunnels that are visually prominent and would have additional planted screening around it and the new car park. It would enhance the character and appearance of the ASCV. The proposed cabins would respect the character of the forest and sit comfortably within it; this is evident from FH cabin developments elsewhere where the cabins integrate well with the trees.
70. Looking at the purposes of including land in the Green Belt: the development would not conflict with restricting the sprawl of large built up areas; does not conflict with preventing neighbouring towns from merging; and does not conflict with assisting in safeguarding the countryside from encroachment as it is designed to integrate within its woodland setting and would not be visible from outside the site.
71. The proposed development of 70 cabins within Kingswood, which is one of the quietest areas of the forest, would clearly have an effect on the character here and introduce significantly more activity than currently exists. This part of the forest is the furthest from easily accessible public roads and is understood to be an area least accessed by visitors; it is mainly used by local residents for recreation. The Council has assessed whether the change in activity that would arise would be harmful in terms of a number of matters, as set out below.
72. The cabins would be set within the forest with a 40m buffer of woodland at the edge and would not be visible from outside the forest. There would be additional planting to reinforce the buffer, secured by a condition. The cabins would be set sufficiently away from the two existing public footpaths that cross the site so as to only be visible in short views when passing through the site and the proposed new bridleway within the buffer strip would enable users to avoid the development, if they wish to. The proposed cabins would not harm the character and appearance of the ASCV.
73. Residents at the adjacent Kingswood Park fear noise disturbance; this is some 300m from the closest of the proposed cabins, a substantial distance. Although the proposed cabins are considered unlikely to cause any significant noise impact, were this to occur it would be dealt with by the on-site management staff for the development, in accordance with FH policy. Light spill would be controlled through the further approval of any external lighting.

74. In respect of traffic generation, visitors numbers to the new centre are not predicted to rise significantly, but to increase gradually with time in response to the better facilities proposed. The improvements to the access road layout, to the road junction with Station Road and to pedestrian facilities are all considered acceptable. Similarly for the cabin proposal, the junction improvements at Ashton Road, the speed limit reduction and the surface and layout of the access track are all considered suitable for the predicted traffic volume by the Highways Department.
75. Measures proposed to safeguard pedestrians include chicane barriers and signage where existing forest routes cross the access track and vehicle speeds would be low due to natural traffic calming on this single track loose surface road. Existing rights of way within the forest would not be affected and access through the cabin development would remain unrestricted.
76. The site for the cabin development has been chosen to avoid areas of the forest with significant wildlife designations. The Council's biodiversity team have assessed the submitted survey information and raised no objections. Paragraph 118 of the Framework requires that local planning authorities in determining planning applications should aim to conserve and enhance biodiversity. The proposal would enhance biodiversity by enabling continuous cover management at the cabin site and by providing sustained funding for continuing planned management of the forest estate.
77. The submitted tree survey shows that for both parts of the proposal few trees would be lost and any loss would be compensated for by new planting; the vast majority of trees would be retained. A requirement for further micro-siting details of the cabins would ensure their optimum positioning to safeguard against unnecessary tree loss. A benefit of the scheme is the re-designation of this area of forest from planned clear-felling to retained mature woodland with management for enhanced biodiversity.
78. The British Pipeline Agency's pipelines, to the south of the cabin site, are not classified as major hazards and the BPA has confirmed that the proposal would not affect their interests as it would not be within the pipeline easement.
79. Objections raised that the cabins proposal would not be a low intensity recreation use in respect of LP policy RT24, misunderstand the application of the policy, which relates to recreational development; the relevant policy is policy RT9 which relates specifically to chalets for tourism and for such development in the Green Belt requires justification by very special circumstances.
80. The proposal as a whole would make a considerable contribution to the rural economy. The Government's Forestry and Woodlands Policy Statement seeks the greatest possible economic, social and environment benefit from our woodland assets, identifies the need to improve its economic performance and to place the Public Forest Estate on a more secure and sustainable financial footing through greater entrepreneurial activity. It recognises the importance of rural tourism and its potential for growth.
81. Delamere Forest has suffered a lack of funding for a significant length of time. The FC considers that the infrastructure for visitors to the forest is already inadequate and does not meet expectations. The visitor centre is small and outdated and car parks are fragmented and very inefficient, inadequate to cater

- for today's visitors. The FC is unable to fund the necessary improvements internally. At Delamere Forest the FC currently runs at a £140,000 shortfall per year despite recent staffing cuts.
82. The cabin proposal would provide the financial means to sustain the forest as a public asset into the future. On the basis of the guaranteed income stream that would be secured by the FH cabin development (up to £3,000 per cabin per year in the first three years) FC would be enabled to secure other investment and funding to deliver the public benefits of the visitor centre improvements for the Delamere Forest project. The income stream would be guaranteed by a legal agreement between FH and FC.
 83. The submitted Economic Impact Analysis (EIA) carried out by a professional economist for FH identifies the number of jobs that would be created in addition to the financial contribution to the local economy that would be made by the proposals individually and as a whole; these figures are similar to those resulting from the Council's own analysis carried out using a modelling tool developed for the Council by Regeneris Consulting Ltd, leading market economists.
 84. The Council's modelling tool was commissioned for the Cheshire West and Chester Growth Strategy 2013-2018 to provide economic impact assessments and inform decision making for the Council's development strategies in order to provide a consistent way to identify and quantify potential economic impacts arising from proposed developments. It uses data from a number of identified sources to inform the standard assumptions that provide the economic impact results⁵⁰. The tool was used by the Council's Programme Manager, Rural & Market Towns, to assess the proposal.
 85. The EIA using the Council's tool predicts that post-construction the cabin development would create 90 gross FTE jobs and contribute an average £2million gross value added (GVA) per year to the local economy. For the visitor centre post-construction there would be 245 gross FTE jobs and an average £5.9million GVA per year.
 86. Each of the economic analyses, by the applicants and by the Council, confirms that the numbers of jobs created and the added spending in the local economy would be significant.
 87. Both elements of the proposal achieve the aims set out in the Framework at paragraph 81 that once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; and to retain and enhance landscapes, visual amenity and biodiversity. The benefits, to the outdoor recreation facilities at Delamere Forest, would achieve these Framework aims.⁵¹
 88. The Framework, at paragraph 28, also requires that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a

⁵⁰ Mr Crowther's appendix AC2

⁵¹ Mr Burn's POE paragraph 4.1.4

strong rural economy, local plans should: amongst other things, support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. They should also support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. Both parts of the proposals would achieve these aims.

89. The visitor centre element of the proposal is acceptable in policy terms. The cabins would be inappropriate development, by definition harmful to the Green Belt. Overall, there would be no other identified harms arising from the proposal.
90. The combined benefits of improved visitor centre facilities and the improvements to car parking and access routes both for vehicles entering the forest and users within it, the guaranteed income stream to sustain it economically and the contributions to local employment and the local economy are substantial benefits which together carry significant weight and are sufficient to amount to the very special circumstances required to justify the cabin development.
91. The cabin development would provide the seed-corn funding that would bring about the benefits arising from the visitor centre improvements. Certainty in respect of delivery of the visitor centre is required and would be provided through the Unilateral Undertaking (UU) provided by the applicants. The requirement secured by it, is to remove the cabins if the new visitor centre and associated infrastructure is not delivered. This requirement may appear draconian but is key to realising the benefits of the scheme, which make it acceptable in Green Belt policy terms, and any lesser measure would not meet the need to make the development acceptable in planning terms. Thus the provisions of the UU meet the requirements of the Community Infrastructure Regulation (CIL) and paragraph 204 of the Framework that planning obligations should only be sought where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to it.

Case for the Rule 6 parties – Manley Parish Council (PC) and Communities⁵² Against Delamere’s Destruction (CADD)

Taken from opening and closing submissions and Mr Gilding’s, Dr Walton’s and Mr Frood’s proofs of evidence and oral evidence.

92. The Rule 6 parties acknowledge the limitations of the existing visitor centre and that the facilities could be improved, but are unconvinced that the scale of the proposed improvements is necessary. People come to the forest to get away from everyday stresses and to unwind, often with their families. The visitor centre and café are secondary destinations within it; the forest is the first destination.

⁵² CADD title as shown on Mr Gilding’s POE; CADD logo shows Campaign against Delamere’s Destruction

93. Monitoring and research reports carried out for FC in 2007 and 2012⁵³ show that despite the poor quality of the current visitor centre facilities, the wishes of visitors are for more attention to the forest resource itself and to the facilities that make a visit easier, like toilets and baby changing facilities (responses to surveys showed only 4% wanted café improvements and 12% better signposting). The visitor facility has been subject to a moratorium⁵⁴ on redevelopment while the FC has advanced the application proposals.
94. The FC aim to 'future proof' the centre is not based on a quantified prediction of growth of visitor numbers. The FC's own report *Delamere Forest Transforming a regional asset*⁵⁵ (submitted by Dr Stewart) endorsed the provision of various parking facilities scattered across the forest (with better signage) and counselled against the 'honey pot' effect of a central visitor centre drawing forest users to one point. A 'retread' of the current visitor centre is not suggested, but the Rule 6 parties consider that the key facilities wanted by visitors could be delivered in a smaller new building and so require less funding (cutting the coat to the cloth). The reported shortfall in FC finances to fund the Delamere project has not been quantified or evidenced.
95. The cabin development as well as harming the openness of the Green Belt through inappropriate development would encroach into it; a point accepted by the Council in cross-examination. LP policy RT9 is central to the principle of this part of the proposed development; the proposed cabins, situated 1.5km along a forest track would not have good accessibility via major roads and would not be easily accessed from either railway station by guests. Policy RT24 remains a significant consideration; the forest environment would be undermined by the proposed cabin development.
96. The applicants rely on the absence of complaints at other FH sites to show there would be no harm to amenity but the lack of a record of complaint does not demonstrate there is no cause for complaint. The high user numbers (360 bed spaces) for the cabin development and the relatively small area of forest increases the likelihood of conflict between the interests of cabin users and those of other forest users. The local population of Manley is only some 650 people. The 2013 Manley Parish Plan⁵⁶ records the residents' desire for improvements to paths and signage in the forest, but the plan finds that the cabin proposals would have a profound impact on the forest; 75% of the community who responded oppose it. This conclusion was reached following the consultation meetings about the proposal held by the applicants.
97. The two broad areas of benefit put forward as amounting to very special circumstances to justify the proposed cabins are the delivery of the Delamere Project for the wider redevelopment of the forest and the economic contribution to the local economy, as well as the creation of new jobs on site. The justification for the proposed cabins is that they would produce seed corn capital to spur the finance of the visitor centre project, but the relative scale of this funding has not been quantified.

⁵³ Mr Gilding's appendices 15 and 16

⁵⁴ The applicants' advocate noted to a lack of evidence in this regard – the point was made in closings not during cross examination.

⁵⁵ Inquiry document 12B

⁵⁶ Mr Burn's appendices volume 4 tab 1

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98. The amount of capital revenue reported as arising from the cabins has reduced significantly during the application process; initially during consultations £4,000 per cabin per year (based on 78 cabins - £312,000 per year), revised at the application to £3,000 (amended to 70 cabins - £210,000 per year), this is a large reduction in the funding generated for the visitor centre. Finally at the Inquiry it was confirmed that the rental would only build up to this amount during the first three years (those stated to be 'ring fenced' to fund the visitor centre). Thereafter the income would reach the full £3,000 and be indexed. As such the actual income in the first three years is unknown. The economic case for the cabins to fund the delivery of the Delamere Project is thus overstated.
99. The Rule 6 parties accept that there would be an economic benefit to the local economy from the cabins proposal, but this has also been overstated. Although the applicants' witness, Mr Burn, was able to report a discussion with their consultant about the economic impact assessment (EIA)⁵⁷, a witness on this matter was not provided to enable questioning. The Council's Programme Manager, who ran their modelling tool, was also not available, despite correlation between the Council's analysis and the EIA being emphasised. The guidance⁵⁸ to the tool stresses that it is not intended as a substitute for a case by case analysis.
100. The Rule 6 parties' critique of the applicants' EIA, although not undertaken by a professional economist, has been made by a numerate individual with a research background who works in the business development sector. His re-assessment, set out below, of the economic benefits that would accrue from the proposed cabins show only 57.6 FTE jobs, not the 86.5 FTE jobs claimed from the applicants' EIA.
101. The reduction derives from a recalculation of the EIA figures given by the applicant for the revised size of the proposal (the EIA is based on 78 cabins, the proposal is for 70) and for a 2.7% adjustment to reflect the displacement acknowledged in the EIA (paragraph 7.5) of 2,500 visitor nights from within the area that would result from visitors shifting to the new cabin facility at the expense of existing accommodation.
102. In terms of financial benefit to the local economy⁵⁹, the main criticism is of the allowances included in the visitor spend figures for three categories: fuel; clothing; and eating and drinking out⁶⁰. The visitor spending figures include transport costs, but these would predominantly be fuel for car travel, which is most likely to be bought before travelling to the area and so has been deducted from the assessment. Even if this element is not discounted, the amount that would be spent on fuel, when spread between the nearby fuel retailers would not lead to an additional FTE job in any of them. The need for specialist outdoor clothing to enjoy a woodland holiday is likely to lead to visitors mainly making these purchases ahead of time to ensure suitable equipment on arrival. It is unlikely that FH visitors would shop locally for this – so a 50% discount has

⁵⁷ Mr Burn's appendix vol 2 tab 9

⁵⁸ Mr Crowther appendix 2

⁵⁹ In oral evidence Dr Walton explained his POE critique was based on UK Tourism report figures that took in the wider area, not just Cheshire West and Chester. As a result he tabled Inquiry document 8 which provide corrected figures, these are reported above.

⁶⁰ Inquiry document 18

been applied to the figure. Similarly, eating and drinking out are less likely with self-catering holiday accommodation as proposed – the allowance for this has also been discounted by 50%.

103. Re-calculating⁶¹ on the basis of these three considerations reduces the amount of spending that would lead to job creation in the local area. It was agreed at the Inquiry to retract the double counting alleged in this evidence and the £300,000 discount applied in this regard should be re-instated, but this equates to a difference of only 3 FTE jobs. In effect, the 58 FTE jobs predicted by the Rule 6 parties would rise to perhaps 61 FTE jobs.
104. The proposed cabins would be located, 200-300m from the Kingswood Park residential estate development and would affect the use of the Kingswood area of the forest by non-cabin residents. There would be a psychological barrier to free access to this area created by the presence of the cabins; walkers seeking to enjoy the wild natural environment would be put off entering the area by seeing the cabins and there would be no signage to indicate that access is not regulated. Despite assurances from the applicants that this would not occur, their own traffic consultant's report describes the proposed development as 'an exclusive area of the forest'⁶². The Delamere Spartans running club⁶³, with a membership of 75, has confirmed that it uses this part of the forest on a weekly basis, in darkness with head torches in winter; it is not clear that such night time group activities would be able to continue to pass through the cabin development without conflict with cabin guests.
105. The remote location of the proposed cabins would result in a wider effect on the forest through the use of the 1.5km long access track. It is currently used only by FC vehicles, which the applicants' traffic assessment (TA) acknowledges is occasional. The FC, confirmed at the Inquiry that large vehicles are used for thinning on a five year cycle and following clear felling there is a two year fallow period before re-planting activity. Such temporary operations are marked out by signs and notices, with forest users prevented from entering. The evidence from the FH site at Sherwood Pines is that there have been no known vehicular accidents recorded. However the existing level of use at this track is very infrequent; by comparison the traffic to the cabin site would change the dynamic of how the track is used and influence how users perceive the surrounding forest. While a 10mph speed limit is proposed for the track there is nothing to show how this would be enforced by FH.
106. Some cabins would have up to 10 bed spaces and users would require more than one vehicle. Vehicles would come and go throughout the day, with peaks as shown by the TA. Vehicles would be needed by staff on site, both those resident on site and coming in to work at the retreat. Deliveries would be needed not just for general supplies but also for the add on services offered by FH; occasion cakes, champagne and flower deliveries as well as at-cabin beauty treatment therapists. While the level of traffic anticipated by the TA is not considered significant in road safety and capacity terms, it would have a significant impact on how forest users perceive the cabin development and the

⁶¹ Inquiry document 8 (This re-calculation evidence was tabled to correct an acknowledged error in Dr Walton's POE.)

⁶² Mr Burn's appendices volume 2 tab 8 paragraph 3.2.1

⁶³ Inquiry document 14

route to it. The existing infrequently used access track would become an active road through the forest carrying daily traffic, not just for arriving and departing guests but also for those who are predicted to benefit local businesses by going out to source services in the wider community.

107. The FC has a duty to widen public access to the forest, but the benefits of the proposal must be weighed against the impact the 360 bed cabin development, which would in effect double the accommodation available in the adjacent village of Manley, as well as the impact vehicular use of the 1.5km long access track would have on existing forest users. The sum of the benefits put forward by the applicants is not sufficient to outweigh the harm to the Green Belt.

Interested persons – against the proposal

Summary of points taken from written statements⁶⁴ where supplied and oral evidence to the Inquiry by those listed in appearances.

108. Dr Stewart, a resident of Station Cottages on the private access lane to the visitor centre, is a member of the Delamere Forest Riding Club, which takes part in endurance riding events in Delamere Forest and at many FC forests elsewhere also. The Kingswood area of the forest, if developed for cabins as proposed would no longer be suitable for horse riders training for endurance events as there would be safety conflicts with cabin guests and the event would have to be re-routed.
109. The outdoor education centre at Fox Howe nearby brings children on night time walks in this part of the forest; this activity also would be affected.
110. With regard to the suggestion by the applicants that cabin users could arrive by train and use taxis to access the Kingswood site, taxi costs would be prohibitive as the nearest ones are based in Chester.
111. The applicants' traffic management plan for the visitor centre is biased towards the large concert event, which takes place once per year, without good provision for non-vehicle users. The plans should be peer reviewed for accessibility by the disabled. The proposal seeks to move the existing public right of way along the access lane. The alternative pedestrian route proposed is along an existing path where the gradient is too great for even sporting wheelchair users⁶⁵; such users and those with buggies are likely to have to continue to use the lane, which would become more dangerous with increased traffic to the new visitor centre. The proposed crossing points on the lane at the junction onto the pedestrian route would be better located away from the station access, with a pedestrian path on the south side of the lane for the first part from the junction. All of these design issues should be addressed prior to any approval of the scheme.
112. Commuted sums towards the improvement of local services including road junctions in the surrounding villages should be required as the effect of the development would be equivalent to that of 70 houses and there would be pressure from increased traffic in the villages.

⁶⁴ Inquiry documents 11, 14 and 15

⁶⁵ Inquiry document 12A

113. The Blackwood Forest site in Hampshire is not in the Green Belt, it is also in a county where 17.7% is classed as woodland or forest, of which FC manages 32% (or 5.5% of the county). By contrast the forest area managed by FC in Cheshire is only 0.35%⁶⁶. The publicly accessible forest in Cheshire and the northwest is small and it should be protected. Human use of the forest should be secondary to its ecological management and the proposal would cause irreversible damage to it.

Conditions

114. A list of 30 conditions was included with the Statement of Common Ground and discussed at the Inquiry. An updated version of this list was submitted electronically to the Planning Inspectorate after the close of the inquiry, to reflect only amendments agreed in discussion at the inquiry⁶⁷. Should the Secretary of State be minded to grant planning permission, the Schedule of Conditions appended to this Report at Annex A comprises those conditions that I consider should be imposed. The conditions comply with the Planning Practice Guidance.
115. A condition requiring compliance with the submitted plans (as amended) is recommended for the avoidance of doubt and in the interests of proper planning. To ensure the retention of healthy trees a scheme for further micro-siting of cabins 22 – 32 is necessary and may result in an amended plan. Further control of the materials to be used in both parts of the development is necessary to ensure visual compatibility with the natural surroundings. For the same reason and to ensure enhanced biodiversity, a scheme and timetable for implementation for hard and soft landscaping around the visitor centre is necessary as well as measures to safeguard trees during construction.
116. To secure biodiversity enhancement the Woodland Management Plan for the cabins site should be implemented and for the whole development an Ecological Method Statement for the construction phase is necessary as well as the provision of bird and bat boxes. Also to secure biodiversity enhancements further details of the proposed improvements to the onsite pond are reasonable. In the interests of wildlife protection, the removal of vegetation for construction purposes during the bird breeding season should be prevented and an updated badger survey and method statement for any mitigation recommended as well as a management plan for the protection of protected species, including the clearance and retention of vegetation are necessary. For similar reasons the type of hardcore for tracks paths and parking should be controlled to ensure chemical compatibility.
117. To limit light pollution and safeguard the natural environment further details of any outdoor lighting is necessary. To ensure sustainable forms of drainage, further details of surface water disposal for the visitor centre are necessary and of the proposed foul water package treatment system. To secure proposed renewable energy systems further details are reasonable.
118. To ensure the provision of new bridleways, trails and footpaths in the forest and improvements to existing ones a requirement to implement this part of the

⁶⁶ Inquiry document 15

⁶⁷ Inquiry document 24

proposals is necessary and to ensure compatibility with the natural environment the materials for construction of these should be restricted. To safeguard highway safety, the visibility improvements, private access road improvements and highways improvements should be implemented and parking provisions should be put in place before each relevant part of the development is brought into use. In the interests of promoting sustainable forms of transport cycle storage provision and a Travel Plan should also be put in place prior to occupation.

119. In the light of comments by the Council's archaeology advisor, to safe guard archaeological remains known to exist in the vicinity, a scheme of investigation is necessary.
120. In the interests of residential and public amenity, a construction method statement and management scheme is necessary.
121. A condition limiting the cabins development to holiday use is necessary to prevent the creation of new dwellings in the countryside.

Obligation

122. The applicants have provided a Unilateral Undertaking made under section 106 of the Town and Country Planning Act 1990 relating to the proposal. This relates solely to a provision to ensure implementation of the visitor centre (hub) and associated development part of the proposal. It provides that if this part of the development is not delivered (constructed and opened to the public) within five years of any one of the cabins being brought into use, the applicants undertake to remove the cabins development and restore the site to its condition prior to development.
123. I must consider the Unilateral Undertaking against the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL) and the Framework. The provisions relate only to the proposed development and are thus related directly to it.
124. The requirement to completely remove the cabins development and restore the site to its forest state would be on first analysis a far-reaching measure in financial terms. However this directly relates to the applicants' reliance on the benefit of the revenue stream from the cabins part of the development as 'seed-corn' funding for the visitor centre and associated parts of the development, which are also put forward as benefits of the scheme in Green Belt terms. To achieve the funding basis the cabins would necessarily be commenced and occupied in advance of the visitor centre and the development as a whole would have commenced. Without completion of the visitor centre the major part of the benefits put forward in justification for the proposal would not be delivered. As such the parties agree that the requirement is the minimum necessary in the circumstances and that no other lesser sanction would be feasible.
125. The Council would be enabled by the terms of the undertaking to enforce this requirement and has confirmed that it has a track record of enforcing the removal of substantial built development⁶⁸.

⁶⁸ Inquiry document 7

126. I agree with the parties that were the development to be approved, the terms of the Unilateral Undertaking provided are the minimum necessary and are thus fairly and reasonably related to the development in scale and kind.

Inspector's Conclusions

The numbers in square brackets [] refer to earlier paragraphs in the report on which my conclusions are based.

127. Both parties have indicated that the proposed cabins amount to inappropriate development in the Green Belt. [32, 69]

128. Accordingly, the main considerations identified at the opening of the Inquiry were:

- i) whether the proposed replacement visitor centre would accord with development plan policies for Delamere Forest;
- ii) the effect of the proposed new cabins on the openness of the Green Belt and on the purposes of including land within it;
- iii) whether the proposed new cabins would preserve or enhance the character and appearance of the Area of Special County Value and the effect on the visual amenity of the Green Belt;
- iv) the effect of the proposed cabins development on local residential and recreational users of the Delamere Forest, with regard to noise, disturbance, access and highway safety;
- v) whether the proposed new cabins would accord with development plan policy, which seeks to safeguard designated sites of local and regional nature conservation and whether it would harm any protected species; and
- vi) whether the harm, by reason of the inappropriateness of the proposed cabins development, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development within the Green Belt.

Visitor centre improvements

129. There is little dispute that the proposed visitor centre building and new car park would be for recreational development in Delamere Forest as covered by LP policy RT24 and allowed for by national Green Belt policy in the Framework. Whilst objectors question the need for the size of the expanded facilities and suggest that these may not be the type of low intensity development envisaged by the policy, little specific critique of the proposed plans has been put forward. [21, 28, 92 – 94]

130. In my assessment, the type of provision indicated in the proposed plans would not be of excessive size; the existing facility is extremely modest, reflecting its age, and the proposed new centre would replicate the existing provision but with increased floor space, in particular substantially increased café and toilet provision. The new parking would formalise and partly replace existing overspill parking that already occurs on grassland around the existing tree nursery and office compound. [7 – 9, 12 – 14, 36, 81]

131. Alterations to the existing access lane, the proposed improvements at the junction to the public highway, the localised construction of a footway on the

west side of Station Road and the implementation of a reduced speed limit of 40mph on parts of Station Road and Ashton Road would all address identified traffic management problems. Whilst specific criticisms have been made by local residents and users of the access lane to the visitor centre in relation to the detail of the proposed non-vehicular route along it and the location of crossing points, none of these concerns is shared by the Highway consultee or the owners of the lane. It is for the applicants to resolve the detailed access and traffic management arrangements in accordance with professional advice; there is little to show that any of the points raised is fundamental to the acceptability of this part of the proposal. [14, 15, 111]

132. Overall, there is little convincing evidence that the visitor centre and associated proposals would so substantially increase or add to the existing facilities on the site as to be excessive in the context of the number of visitors to the forest or the type of events that already take place there. The proposal would be low intensity development as allowed for by policy RT24 and would amount to the provision of appropriate facilities for outdoor recreation. [21, 28, 38 – 40, 69]
133. Moreover, the new building and car park would be constructed on a site area currently developed and occupied by large poly-tunnels. The existing FC offices would be demolished and some of the poly-tunnels would be moved within the site, with the remainder relocated elsewhere within the forest estate at Lob Slack, an existing tree nursery within a disused quarry. The net effect on the openness of the Green Belt would be minimal and as such it would be preserved. Moreover, its visual amenity would be enhanced to a modest degree through the reduction in number of unsightly poly-tunnels. Additional planting would enhance biodiversity. [2, 4, 12, 13, 42]
134. The proposed building would be well mannered in appearance, in tune with the surrounding natural environment; it would be of 'natural' materials (stone and timber) with large expanses of glazing recessed below low overhanging roofs. The visual compatibility of the materials with its surroundings, including those for the large expanse of roof could be subject to further control through a materials condition. It would be set on low ground between the rising ground of Old Pale and the bulk of the forest. It would be unobtrusive within the surrounding landscape and the reduction in the overall number of poly-tunnels at this location would enhance the appearance of this countryside location within the ASCV and the Green Belt, in accordance with LP policies GS3, NE11, SPD5, BE1 and RT24. [9, 13, 14, 19 – 21, 23]
135. The proposed visitor centre would accord with development plan policies for Delamere Forest.

Cabins development: openness and purposes of the Green Belt

136. The 70 proposed cabins and associated reception, cycle store and maintenance yard buildings would be located within the existing forest. The Framework emphasises that the essential characteristics of Green Belts are their openness and their permanence. Whilst the applicants suggest that the forest trees by preventing views across the land minimise the effect of the proposal on openness, the Framework clarifies that openness is not a matter of the appearance of the land, but its openness, free from development. [48]

137. The Green Belt here, albeit forested, is largely free from built development. As such the 70 proposed cabins and the cluster of associated service buildings would introduce a substantial footprint of built form within the Green Belt, which would by definition fundamentally alter the openness of this part of it. In addition, on the basis of the 90% year round occupancy envisaged, the vehicles that would be parked adjacent to each cabin would further reduce its openness, albeit that this would be intermittent. Overall the openness of the Green Belt would be significantly harmed and in this respect the proposal would fail to comply with LP policies GS3 and RT9. [19, 22]
138. As it would introduce a sizeable complex of new buildings and some additional hardcore paved tracks across approximately 26.5ha, the proposed cabins development would inevitably also result in a significant encroachment into this natural and planted area of woodland forest countryside. This would harm one of the purposes of including land in the Green Belt. [10, 16, 17, 47]
139. The Framework advises that substantial weight should be given to any harm to the Green Belt. Accordingly, the harms caused by the inappropriate nature of the development, to its openness and by reason of encroachment all attract substantial weight against the application.

Cabins development: character and appearance of the ASCV and the visual amenity of the Green Belt

140. The proposed cabins and the associated reception and service buildings have been carefully designed to blend into the woodland landscape and few healthy trees would be felled. They would be predominantly of timber cladding and glass, in a contemporary style. They would be prefabricated and constructed so as to have a minimal effect on the forest floor, suspended above it on steel piles, so that it would remain continuous and service runs would be routed underground along access routes. FC with FH have a proven track record of similar developments completed elsewhere and the photographs⁶⁹ submitted with the application to illustrate the construction process and finished buildings demonstrate the visual success of this approach. Although some cabins would be double height to accommodate a mezzanine floor, the angled forms, split pitch roofs and materials would not look out of place amongst the mainly mature and statuesque trees in this part of the forest. [13, 16, 17, 46, 47]
141. The cabins would be close to the northern edge of the forest, but with a proposed 40m buffer strip of additional tree and hedge planting (of appropriate woodland species) at this boundary. The reception and service buildings and car park would also have additional appropriate species buffer planting around them. The cabins would be spaced well apart and loosely arranged in a scattered manner around an existing network of unpaved tracks and paths, which would be widened and paved with hardcore to enable car access and linked to the existing hardcore surfaced forestry access track that partly skirts the site. The cabins would be set at ad-hoc angles between the trees and each would be set back, with a winding narrow pathway from a dedicated parking bay at the access track. [10, 16, 17]

⁶⁹ Application documents file folder 3 - Cabin photographs construction to completion

142. The proposed cabin development would not be visible from outside the forest. It would also not be seen in views from the residential complex at Kingswood Park. Nevertheless, from closer-to, within the forest, it would be seen from various view points along existing footpaths, as set out in the applicants' LVIA. For each of these the assessment found the visual impact of the proposed cabins development would be moderate or slight and I agree. The physical presence of the 70 cabins, the service buildings, the parked cars for each cabin and the increased quantity of hardcore surfaced access tracks would, taken together, not be unobtrusive and would inevitably alter the character and appearance of this part of the forest by reducing its natural undeveloped character, but this would be to a modest degree. [46, 47, 72]
143. Thus the proposed cabin development, because of its extent, would cause modest harm to the surrounding forest landscape; it would fail to preserve the natural character and appearance of this countryside location within the ASCV and would cause moderate harm to the visual amenity of the Green Belt contrary to this aspect of LP policies NE11 and SPD5. This moderate harm weighs against the proposal. In terms of design and layout, it would accord with the requirements of BE1 and RT9 but this neutral outcome does not weigh in its favour. [20, 22, 23]

Cabins development: residential and recreational user amenity – noise and disturbance, access and highway safety

144. The Rule 6 parties' fears regarding noise, disturbance and access relate to the anticipated intensification of use of the Kingswood part of the forest. This could arise from the cabins development, through the noise of comings and goings of user and staff cars and delivery and refuse traffic at the reception centre and maintenance yard. It would be generated by traffic noise and parking activities such as slamming doors, engines running, group conversations at loading and unloading of cabin residents' vehicles and the use of headlights at night. In addition the use of facilities such as the outdoor hot tubs associated with each cabin may also give rise to exuberant behaviour and occasionally to raised voices. The size of the cabin development in terms of its likely population (360 bed spaces at 90% occupation of 70 cabins with an average cabin use by 4.33 people) would introduce a year round significant increase in the number of people present in this part of the forest, by contrast with a local population in Manley and Kingswood Park of some 650 people. [49, 64, 71, 73, 96, 104]
145. FC and FH have experience of around nine recent similar developments in other locations. They report that very few incidents of noise or disturbance of the type envisaged arise at them. An Acoustic Assessment based on noise levels measured at a similar site already developed and being run by FH elsewhere, compared to background noise levels recorded in various parts of the Kingswood site has been submitted by the applicants. This includes background measurements taken at a point between the Kingswood Park residential complex and the proposed site. It shows that likely noise levels arising from the proposal would be lower than ambient noise within the forest at present. Whilst on the face of it this may seem counter-intuitive, it is reasonable to expect that the type of noise generation likely to arise from the development, as set out above, would be intermittent and localised, arising from individual cabins in dispersed locations across the forest site. [44, 45, 49]

146. In terms of the noise levels that may arise from vehicles arriving at and leaving the development, the Transport Statement was based on traffic generation at a similar existing operating site and thus included cabin users as well as service and delivery vehicles (including those associated with at-cabin added services and deliveries). It indicates low vehicle movements spread throughout the day outside peak periods. Peak flows would amount to 30 – 55 vehicles during two short periods on Mondays and Fridays and overall daily average flows of 185 – 196 vehicles. This level of traffic, even at the peak periods would not be so great as to generate excessive noise, particularly travelling at the reported low on-site speeds. In the absence of any persuasive evidence to the contrary and on the basis of the information before me there is little reason to conclude that undue harm would arise to residential and recreational user amenity through noise and disturbance. [50 – 52, 73, 96, 104]
147. There are also fears that use of the Kingswood area of the forest would be physically curtailed by the proposed development and thus harm user amenity. The cabin development would inevitably change the atmosphere of this part of the forest through its presence. It would be reasonable to experience a sense of intruding into the domain of the cabin users when passing through the site. Nevertheless, this sense of intrusion would be no greater than walking or riding through any rural residential development, particularly where for instance public footpaths pass through farmsteads; given the FC commitment to continuing open access, the development need not deter casual recreational users. [104]
148. It may be that in practice the conflict feared between cabin users and organised sporting activities such as group night time running or endurance horse riding could arise; should this occur it would be a matter to be resolved between the activity organisers and FC/FH on a case by case basis. In any event, the provisions made as part of the proposal for a new bridleway around two sides of the development to link to existing routes would ensure a continuity of routes for these activities in this part of the forest, albeit different ones to those currently enjoyed. As such these considerations are not overriding obstacles to the proposal. [17, 33, 104, 108]
149. Safety concerns have been raised with regard to the levels of traffic anticipated on the forestry access track, which is currently used only intermittently. The predicted traffic volumes are set out at paragraphs 50 and 51 above. In the context of extremely infrequent use, the expectation of up to just less than 200 vehicles per day would be a dramatic change. Nevertheless, the peak flow predicted during normal cabin residency is 11 per hour, arriving and a lower peak departing at the same time. By comparison, flows on Ashton Road through the forest close-by are 60 – 80 per hour in each direction. The higher peaks of 30 - 55 on arrival or departure days would occur during mid morning and late afternoon over two short one to two hour periods twice a week. [50, 51, 105, 106]
150. In road safety terms for recreational users of the forest and despite the existing lack of traffic, these predicted volumes would be low and new trails and routes would ensure that dual use of the forest access track could be avoided so that vehicle and user interaction would be minimal. In addition, positive measures are proposed to prevent forest users emerging onto the trafficked route unawares. Overall the likely effects arising from this consideration are not so significant as to warrant refusal. The proposal would not cause harm to

highway safety and would accord with LP policy T1 in this regard. This neutral outcome carries no weight in favour of the development. [23, 75]

Cabins development: ecology and protected species

151. Generalised concerns have been raised as to the potential effect of the proposal on the natural ecology of the forest and on protected wildlife. At present although the routes through the Kingswood part of the forest are lined by mature deciduous trees, it is for the main part a mono-culture of planted pines. This reduces the number of plant species present in the forest floor and the number and type of wildlife species that it supports. An Extended Phase 1 Habitat Survey and an Ecological Survey were carried out in April and May 2013. The ecological environment in the area was found to have poor diversity. The area is due to be clear felled in the next 20 years or so as part of the cycle of planned cropping and replanting under the existing FC management plan. As part of the proposals these mature trees would all be retained and a new Woodland Management Plan implemented, which would promote a richer naturally seeded species mix so as to enhance the habitat for flora and fauna, including protected species. The benefit of enhanced biodiversity adds modest weight in favour of the proposal. [10, 54, 55, 77]
152. Surveys to identify protected species have found none in the vicinity of the Kingswood site. Following comments by Natural England further survey work was undertaken and the Council has confirmed in response to those comments that its ecology officer raised no objections to the proposal on this ground. In the absence of any convincing evidence to the contrary I am satisfied that the proposal would not adversely affect any protected or other species. The proposal would therefore comply with LP policy NE1. This neutral effect carries no weight in favour of the proposed cabins. [23, 56]

Cabins development: alternative sites

153. Other FH cabins developments exist in nearby FC forests, such as Sherwood, but these do not serve the need for self catering accommodation in the region. Delamere Forest is the largest forest within wider Cheshire that is owned by FC; it is considered by them to be the only one of sufficient size to absorb the proposed cabins development. FC took into consideration a number of factors when considering alternative sites within Delamere Forest, including existing forest visitor use patterns, soil type, wildlife habitats and special designations including nature conservation (SSSI) and heritage (archaeology). Various sites within the forest were considered and discounted with the proposed site found optimal. [57]
154. Objectors have suggested two sites close to the edge of the forest, but neither is in FC ownership or suitable for the proposal. Although access would be via a 1.5km forest track, this leads via rural roads to major trunk roads and motorways within a relatively short distance – the M56 is some 16km away. The cabins site is also accessible from a railway station within the forest and another at its fringe, so that cyclists could arrive from further afield by this means. Locals question the reality of cabin visitors with luggage arriving by train (taxi bases are some distance away), but with forward planning these could be pre-booked and I note that FH operates a shuttle bus at another site, which could be put in place here, with sufficient demand. The proposal would therefore accord with this aspect of LP policy RT9. The lack of policy objection on this basis is a neutral factor. [6, 58, 61, 110]

Cabins development: economic, employment and tourism benefits

155. Delamere Forest is the second most visited forest in the FC national estate. The existing visitor centre for Delamere Forest is dated and small; the need for increased and improved facilities was first identified almost 20 years ago. All parties agree that the forest is much valued as a recreational resource by local people and visited by users from further afield, many from the large conurbations that surround it. Although local residents suggest that the proposed new visitor centre would exceed identified needs, little convincing evidence of this was put forward. Analysis of the plans show sensible provision of a reasonable size. In the context of steadily increasing visitor numbers and the Government's aims to ensure access to outdoor recreation opportunities, the proposed new visitor centre building and associated infrastructure improvements are needed and would be a tangible benefit in Delamere Forest. [28, 34, 36 – 40, 81, 87, 92]
156. The need for self-catering holiday accommodation in the district has been recognised by local organisations and the Council; current provision falls well below the national average for this type of tourism facility. FC considers that over-night accommodation within the forest would enable an enhanced experience of the forest and provide an opportunity for extended learning about the woodland environment. The proposed cabins would meet this suggested need and may also provide accommodation for visitors travelling to attend organised forest events such as sports competitions or weekend concerts. [44, 60]
157. Rental revenue from the cabins development would be ring-fenced proportionately over the first three years of operation and this income would be used as seed corn funding to attract further funding for the new visitor centre. This would be secured by the Framework Agreement in place between FC and FH (as landowner and developer-operator for the cabins). Without the cabins development, FC considers it would be unable to attract the necessary funding for the visitor centre development. [43, 65 – 68]
158. However, FC is a national organisation with a national budget, albeit that it currently runs at an overall deficit. During the Inquiry, information on the FC approach to funding was vague but the opportunity for cross funding between regions was tacitly acknowledged in the Inquiry – there is little to indicate that funding is strictly demarcated on a regional basis. Around nine similar cabin developments have been successfully implemented elsewhere in the country, but none of these is in the Green Belt. As the EIA was based on figures from an existing development, this indicates that each cabin development should generate similar revenue streams per cabin to that predicted in this case. Also the model may well be rolled out at other forest sites in due course; FC aims to reduce its reliance on public funds. [33 – 35, 43, 44]
159. It was not clarified for the Inquiry whether any of the cabin developments already built have been subject to the type of ring-fenced revenue income secured by a framework agreement between FC and FH as is proposed here, but it is difficult to understand why in the context of the national forest estate, such a funding stream and thus seed-corn funding for the proposed Delamere visitor centre, could not be secured through a cabin development in a less harmful location than within the Green Belt. Other FH cabin developments elsewhere are in sensitive locations, including AONBs, but none with the strong national

policy presumption against new development that there is here, within the Green Belt. [44, 66]

160. Whilst the benefit arising from the cabins development of funding support for the visitor centre attracts some weight in favour of the proposal, this must be tempered by the possibility that it could be secured by means of a cabins development elsewhere, not within the Green Belt. Similarly there is little to demonstrate that the need for self-catering holiday accommodation in the district could only be met by development within the Green Belt. With regard to the applicants' view that Delamere Forest is the only forest location within the northwest region of sufficient size to absorb a holiday cabins development, little convincing evidence was provided to demonstrate this aspect and the comparative sizes and locations of other forests in the district was not available to the Inquiry. Only very limited weight for the proposal can derive from these considerations. [57]
161. Economic benefits for the local economy would arise from the proposed development – both from the visitor centre and the cabins. Both would create jobs within the local economy, during construction and once operating. Both would also result in increased expenditure within the local economy with visitors to both the cabins development and the visitor centre expected to purchase goods and services locally, thus leading to a further increase in employment. An economic analysis has been provided by the applicants. The Council carried out its own modelling. These were both subject to critical analysis by the Rule 6 parties. Comparison and comment on these predictions at the Inquiry was hampered for several reasons – the applicants' EIA was based on an earlier proposal for 78 cabins, updated figures were not provided and the applicants' economic consultant was not at the Inquiry. Further, the results of the Council's economic modelling were presented in summary only.
162. Taking the cabins development alone and without accounting for increased spending locally, the appellant's calculations predict, at minimum, around 50 full-time equivalent jobs, net of increased local spending, (up to 90 according to the Council's prediction). This 50 – 90 FTE job prediction for the original slightly larger development spans the prediction of 61 jobs shown by the helpful recalculation of the applicants' EIA by the Rule 6 Parties, based on 70 cabins, and adjusted in accordance with their critique. Their calculation however combined job creation and increased local spending which was provided separately in the appellant's predictions and is not easily directly comparable.
163. Nevertheless, despite the different bases for the calculations, and, whilst the Rule 6 Parties' challenge to some of the assumptions on which the applicants' analysis was founded was not wholly convincing (for instance the assumption that most outdoor clothing would be bought elsewhere not in the district, before travelling to the site, and their retraction in the inquiry of alleged double counting), even taking their critique into account, there is broad consensus that there would be a tangible increase in overall employment in the local area as a result of the cabins proposal. The new visitor centre would also lead to a material increase in local jobs and increased spending in the local economy. Taken all in all, the proposal would provide a significant boost to the local economy, which weighs strongly in its favour. [63, 64, 66, 83 – 85, 102, 103]

Whether the harm to the Green Belt by reason of the inappropriateness of the proposed cabins development and any other harm, is clearly outweighed by other considerations

164. The totality of the harm to the Green Belt caused by the inappropriate nature of the proposed cabins development, to its openness, by encroachment and the harm to its visual amenity attracts substantial weight against the development. In addition there is the modest harm to the character and appearance of the ASCV.
165. The existing visitor centre no longer accommodates all the functions that are needed to best enable access to Delamere Forest as a recreational facility for the public. The proposed new visitor centre and infrastructure improvements would provide better facilities and result in the re-location of some (but not all) unsightly poly-tunnels, thus enhancing the visual amenity of the Green Belt to a modest degree. It would also improve existing deficiencies in parking provision, access congestion during large events and would include the introduction of reduced speed limits on public highways through the forest. The cabins development would assist towards securing the funds needed for all of these benefits.
166. On the face of it, in combination, these would provide a strong benefit in favour of the cabins development. However, as set out at paragraphs 158 and 159 above, there is little to demonstrate that this support funding could not be secured by a similar means through a FC/FH cabins development elsewhere, without inappropriate development in the Green Belt. The FC need to reduce reliance on public funding through commercial development of FH run cabin developments could also be met by development not within the Green Belt, elsewhere in the forest estate regionally or nationally. The need for self-catering holiday accommodation for tourists in the district could be met by other developments than the proposed one, outside the Green Belt elsewhere in the district. As such these considerations provide minimal weight in favour of the cabins development.
167. The enhancement to biodiversity at both the visitor centre and Kingswood areas of the forest attracts modest weight in favour of the proposal.
168. Finally, there are substantial economic benefits that would undoubtedly result from both parts of the proposal, but those attributed to the cabins could be achieved by development outside the Green Belt as referred to above and this reduces the strong weight to be attached to it. The economic benefit that would arise through the proposed visitor centre development is, nevertheless, significant.
169. In favour of the proposal are: the significant economic benefit from the visitor centre; the modest weight arising from the visual amenity improvement through re-location of poly-tunnels, the access and traffic management improvements and the enhanced biodiversity at both sites; and the minimal weight arising from the funding benefit to secure the visitor centre. I have carefully weighed the totality of these material considerations against the totality of the substantial harm to the Green Belt and the modest harm to the character and appearance of the ASCV. However, these material considerations when added together are not sufficient, on balance, to clearly outweigh the totality of the

harm to the Green Belt by way of inappropriateness, and the other identified harms.

170. I conclude therefore that these considerations do not amount to the very special circumstances required to justify the proposal in the Green Belt. The proposed development would be contrary to LP policies GS3, NE11, SPD5 and RT9.

Recommendation

171. I recommend that planning permission be refused. However, in the event that the Secretary of State disagrees with my assessment of the balance to be struck in this case and decides to grant planning permission, I recommend that the appropriate conditions be applied. The reasons for these and my findings regarding the submitted s106 Unilateral Undertaking are set out above and the conditions are set out in the schedule attached at Annex A at the end of this report.

Wenda Fabian

Inspector

APPEARANCES

FOR THE APPLICANTS (the Forestry Commission and Forest Holidays):

Mr Martin Kingston QC	instructed by Mr A Burn, Concept Town Planning Limited
He called	
Mr Adrian Burn BSc (Hons) Dip TP MRTPI	Concept Town Planning Limited
Mr David Williamson BSc (Hons) MICF	Head of Recreation and Public Affairs, Forestry Commission England

FOR THE LOCAL PLANNING AUTHORITY (Cheshire West and Chester Council:

Mr Daniel Dickinson	Solicitor, Cheshire West and Chester Council
He called	
Mr A Crowther BA MRTPI	Principal Planning Officer, Cheshire West and Chester Council

FOR MANLEY PARISH COUNCIL and COMMUNITIES AGAINST DELAMERE'S DESTRUCTION (CADD) (the Rule 6 parties):

Mr Anthony Gill of counsel	instructed by Ms Collette Mc Cormack, Winckworth Sherwood LLP
He called	
Mr Nigel Gilding	organiser, CADD and member Manley Parish Council
Dr Ian Walton	resident Manley Parish, local business, innovation consultancy
Mr Stephen Frood	Chair, Manley Parish Council

INTERESTED PERSONS:

Councillor Eleanor Johnson	Ward Councillor
Mrs Ruth Davenport	local resident
Dr Jane Stewart	local resident
Mrs Jane Colville	Chair, Ashton Hayes Parish Council
Mr Peter Willis	Mouldsworth Parish Council
Mr Tim Holloway	Chair, Delamere Spartans running club
Mr Stephen Powell	local resident
Mr Dave Larkins	Cheshire resident
Mrs Dorothy L Reed	local resident

DOCUMENTS – tabled at Inquiry

- 1 Opening statement on behalf of the Forestry Commission and Forest Holidays (the applicants)
- 2 Opening statement on behalf of the Cheshire West and Chester Council (the Council)
- 3 Opening submissions on behalf of Manley Parish Council and CADD
- 4 Copy of letter from members of the Independent Panel on Forests (undated) and e-bulletin print out from the Guardian website, dated 17 June 2014, relating to the letter
- 5 A1 version of Dwg P788/120revA (A3 version submitted at Mr Burn's appendix volume 2 tab 7)
- 6 List of Forest Holiday sites and details
- 7 Copy extract 'Talking West Cheshire' 22 February 2011, article concerning demolition of house following enforcement action by the Council
- 8 Supplementary Evidence for the Economic Impact and Job Creation (Dr Walton) two documents – '2.7% cannibalisation' and '7.3% cannibalisation'
- 9 Plan, Blackwood Forest Holidays site hand annotated to show noise survey measurement locations
- 10 Google aerial photograph of appeal site hand annotated to show noise survey measurement locations
- 11 Written statement of Councillor Eleanor Johnson, hand annotated
- 12 Bundle of documents labelled A – F referred to by Dr Stewart in oral evidence:
- 12A Evidence of concerns from disabled user regarding access plans
Correspondence Feb – March 2014
- 12B FC publication 'Delamere Forest – Transforming a regional asset'
- 12C Emails 4 October 2013 and 19 November 2013
- 12D Case Study – 'Parks Runs' in Delamere Forest
- 12F Case Study – Traffic Management at Concerts
- 13 Copy of letter dated 19 May 2014 submitted in respect of the application by Ashton Hayes Parish Council
- 14 Written statement by Mr Tim Holloway
- 15 Written statement by Mr Stephen Powell
- 16 Letter dated 19 June 2014 from Carter Jonas on behalf of The Crown Estate
- 17 A2 versions of 7 drawings: Recreation & Access; Design Concept; Current Species; Nature Conservation & Heritage; Felling Plan; Soils; Habitat Map (A4 versions submitted in Mr Burn's appendix volume 1 tab 14)
- 18 Extract from UK Tourist 2010 pages 48 and 52
- 19 Closing submissions on behalf of the Applicant
- 20 Closing submissions on behalf of the Council
- 21 Closing submissions on behalf of the Manley Parish Council and CADD

DOCUMENTS – provided at site visit

- 22 Plan Delamere car parks
- 23 Map & Guide Delamere Forest

DOCUMENT – provided after close of inquiry

- 24 Agreed Planning Conditions, June 2014 (amended as agreed in discussion session at inquiry)

Annex A

Recommended conditions in the event the planning permission is granted on a permanent basis:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - CFD-DFP-LA-L00 'Site Boundary'
 - CFD-DFP-LA-L03 Rev PLA1 'Forest Wide Masterplan'
 - CFD-DFP-LA-L04 'Visitor Centre Area Concept and Zones'
 - CFD-DFP-LA-L05 'Visitor Hub Masterplan'
 - CFD-DFP-LA-L06 'Visitor Hub Detailed Landscape Plan'
 - CFD-DFP-LA-L07 'Full Site Sections'
 - CFD-DFP-LA-L08 'Picnic Terrace Section'
 - CFD-DFP-LA-L09 Rev PL1 'Visitor Hub Planting Plan'
 - CFD-DFP-LA-L10 'Landscape Specification Planting Palette'
 - CFD-DFP-LA-L11 'Kingswood Planting Plan'
 - CFD-DFP-LA-L12 'Central Building Planting Proposals'
 - CFD-DFP-LA-D01 'Tree Pit Details'
 - CFD-DFP-LA-D02 'Knee Rail Details'
 - CFD-DFP-LA-D03 'Typical Road Crossing for Forest Holidays Access Road'
 - Broxap Specification - Cycle Stands (10.06.2013)
 - Forestry Commission Picnic Table
 - Visitor Centre - Site Furniture Pack
 - Landscape Management and Maintenance Plan
 - Delamere Visitor Centre Drawing Binder
 - Proposed Delamere 'Visitor Centre Elevations'
 - Proposed Delamere 'Visitor Centre Ground Floor Plan'
 - 002 Rev A - 'Delamere Visitor Centre Plans as Proposed'
 - PL(00)004 '1 Bed Cabin. Plan, Elevations and Photo's'
 - PL(00)019 '2 Bed Cabin. Plan, Elevations and Photo's'
 - PL(00)033 '2 Bed DDA Cabin. Plan, Elevations and Photo's'
 - PL(00)040 '3 Bed Cabin. Plan, Elevations and Photo's'

- PL(00)090 '4 Bed Cabin. Plan, Elevations and Photo's'
- Drawing Pack - 'Treehouse Design'
- PL(00)200 Rev A/A 'Central Building - Ground Plan Sections'
- PL(00)200 Rev A/B 'Central Building - Ground Plan Elevations'
- PL(00)200 Rev A/C 'Central Building - Ground Plan'
- CP131-04-001 Rev C 'Proposed Site Plan'
- CP131-04-002 'Maintenance Area'
- CP131-04-004 'Proposed Vehicular Track Upgrade Plan'
- 'Show Home Lighting Pack - Silver - Mackworth Lodge' 2 Bed Unit
- 'Show Home Lighting Pack - Silver - Mackworth Lodge' 3 Bed Unit
- CP131-04-003 'Cycle Store'
- 'Aerial View with Proposed Layout'
- Drawing Ref: FH-DEL-TPP-03A - Tree Protection Plan
- Drawing Ref: FH-DEL-TPP-04A - Tree Protection Plan
- Drawing Ref: FH-DEL-TPP-05A - Tree Protection Plan
- Banners Gate Drawing Reference: P788/120A - Proposed Improvements to Station Road
- 'Delamere Forest Park Archaeological Assessment (November 2012)', prepared by L-P Archaeology
- 'Delamere Forest Visitor's Hub Archaeological Assessment (January 2012)', prepared by L-P Archaeology
- 'Addendum to Desk Based Assessment for Land at Delamere Forest', prepared by L-P Archaeology
- 'Tree Survey, Arboricultural Constraints, Arboricultural Method Statement and Additional Tree Felling Plans', prepared by Alan Motion Tree Consulting Ltd;
- 'Woodland Management Plan 2013-2018 and Beyond (May 2013)', prepared by Alan Motion Tree Consulting Ltd
- 'Tree Survey of Visitor Hub (December 2012)', prepared by Old Oak Tree Care
- 'Transport Statement - Development of Lodges' (August 2013), prepared by Banners Gate Highways and Transportation
- 'Transport Statement - Visitor Hub (August 2013)', prepared by Banners Gate Highways and Transportation
- 'Extended Phase 1 Habitat Survey, Visitor Hub (April 2013)', prepared by Collins Environment Consultancy Ltd

- 'Protected Species Report (Ecological Survey) (May 2013)', prepared by Collins Environmental Consultancy Ltd
 - 'Addendum to May 2013 Extended Phase One Habitat Survey, Pond Surveys' (July 2013), prepared by Collins Environmental Consultancy Ltd
 - 'Addendum to May 2013 Protected Species Report (Ecological Survey)': prepared by Collins Environmental Consultancy Ltd
 - 'Delamere Forest Park Hydrological Appraisal & Pollution Prevention Control Plan (April 2013)', prepared by AECOM
 - 'Construction Management Plan (April 2013)', prepared by Forest Holidays
 - 'Treehouse Construction Detail', prepared by Concept Town Planning Ltd
 - Renewable Energy Calculation prepared by Forest Holidays LLP
 - Noise Management Plan
- 3) Notwithstanding condition 2 above, the cabin development shall be carried out in accordance with the approved plan CP131-04-001 Rev C only in respect of cabins 1-21 & 33-70. A scheme for the siting of cabins 22-32 and associated parking and paths shall be agreed on site with the Local Planning Authority prior to the commencement of development of these units and any changes made in respect of the layout of the cabin development shall be provided on a revised layout plan and the development shall be implemented in accordance with the agreed scheme.
- 4) No development of the Visitor Centre shall commence until samples of the materials to be used in its construction have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved materials. The cabins, central building, bicycle store and maintenance area shall be built in accordance with the following materials:
- The timber cabins and central building are to be stained using Sadolin Ultra Wood Stain in dark oak (product code SU5073517). The roofing material for the cabins shall be Quinn Rathmore Black roof tile.
 - The enclosure of the maintenance yard will be formed by a six foot high close boarded fence using 4 inch vertical timbers. The fence will be stained using the same Sadolin Ultra Wood Stain in dark oak as used for the cabins. The roofing material for the maintenance yard will be constructed from powder coated corrugated steel sheeting in olive green colour.
- 5) Before the Visitor Centre and associated car parking area hereby permitted is commenced a scheme of landscaping of the site shall be submitted to and approved by the local planning authority, the landscaping scheme shall include the following:
- Details of hard landscaping
 - Planting plans

- Written specifications of cultivation; tree, shrub, hedge or grass establishment
 - Schedules of plant species, plant sizes and proposed numbers/densities
 - A programme of implementation
- 6) The approved landscaping shall be completed in accordance with the following:
- All hard and soft landscaping shall be completed in accordance with the approved scheme, within the first planting season following the completion of the development hereby approved, or in accordance with a programme agreed with the local planning authority;
 - All trees shrubs and hedge plants supplied shall comply with the standards of British Standard 3936 - Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance shall be carried out in accordance with the requirements of British Standard 4428 (1989) Code of Practice for General Landscape Operations;
 - All new tree plantings shall be positioned in accordance with the requirements of Table 2 of British Standard 5837 A Guide for Trees in Relation to Construction;
 - Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of like size and species to those originally required to be planted.
- 7) Within the area of the proposed Visitor Centre, as identified on site plan CFD-DFP-LA-L00 Site Boundary;
- a. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans unless otherwise agreed in writing by the local planning authority. Any lopping or topping shall be carried out in accordance with British Standard BS3998 Tree Work or any future revision of the document.
 - b. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and the specification of the replacement tree shall be agreed in writing by the local planning authority.
 - c. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans before any equipment, plant machinery or materials are brought onto the application site for the purposes of implementing the development hereby approved. Such fencing shall be maintained in situ for the duration of the construction works. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within the areas protected by the fencing shall not be altered in any way.
- In this condition a "retained tree" means an existing tree which is to be retained in accordance with the approved plans. Paragraphs (a) and (b)

- above shall have effect until the expiry of 5 years from the date of occupation of the approved development for its permitted use.
- 8) The works set out in the submitted Woodland Management Plan referenced in Condition 2 shall be carried out over the 20 years period from the date of the commencement of development.
 - 9) Before development commences a phased programme for the implementation of the proposed footpath/bridleways (both new and improvements to the existing, including signage) shall be submitted to and agreed in writing with the Local Planning Authority and thereafter the development shall be carried out in accordance with the agreed timetable. Details of the proposed materials and maintenance of the proposed footpaths/bridleways shall also be submitted to and agreed in writing with the Local Planning Authority, before commencing construction of the agreed phase of development of the footpaths/bridleways and shall thereafter be carried out in accordance with the agreed details.
 - 10) No excavation or clearing works shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved scheme.
 - 11) The improved access on Ashton Road shall not be brought into use for the purpose of the development until visibility splays of 160 by 2.4 metres (measured down the centre line of the access road and the nearside channel line of existing highway) have been provided at each side of the point of access indicated on the approved plan. The splays shall be kept clear of any object, vegetation or other obstruction of a height exceeding 1.05 metres above the level of the adjacent carriageway at all times thereafter.
 - 12) The cabin development hereby approved shall not be occupied until the Ashton Road access works and the implementation of a 40mph speed limit as detailed on drawing P783/102A, is completed in accordance with the approved plans.
 - 13) The Station Road access, footway works, equine crossing and implementation of the 40mph speed limit as detailed on approved drawing P788/120A and CFD-DFP-LA-03 PL1, shall be completed in accordance with the approved plans and made available for use prior to the opening of the Visitor Centre hereby approved. Details of lighting on Station Road along the length of the road covered by the approved drawing shall be submitted to and approved in writing before development of the Visitor Centre commences. The development shall only be carried out in accordance with the approved details.
 - 14) For each phase of the development (the cabins and Visitor Centre) hereby approved, each phase shall not be occupied until the parking spaces, shown on the approved plans have been laid out and made available for use. The parking spaces shall be retained at all times thereafter.
 - 15) No development of the visitor centre phase of the development shall commence until details of the secure and covered parking facilities for

cycles have been submitted to and agreed in writing by the local planning authority. The development hereby approved, shall not be occupied until the cycle parking has been provided in accordance with the agreed details and retained at all times thereafter. The cycle parking for the cabin phase of the development shall be carried out in accordance with the approved plans listed in Condition 2.

- 16) Details of all the improvements proposed to the private access road off Station Road including proposed signage, shall be submitted to and agreed in writing by the planning authority. The approved works shall all be implemented before each associated phase of the development is occupied.
- 17) No part of the visitor centre development shall be used until a Travel Plan has been submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including the provision for the appointment of a Travel Plan Co-ordinator, targets, a timetable and enforcement mechanism) and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan.
- 18) No development shall commence until an Ecological Method Statement for the Construction Phase of the development has been submitted to and agreed in writing with the Local Planning Authority and shall be carried out in accordance with the approved detail.
- 19) No alkaline materials shall be used in the construction of the proposed roads, paths and parking areas to be implemented as part of the approved development.
- 20) For each phase of the development and prior to occupation, the bird and bat boxes detailed within the submitted Ecological Report referenced at condition 2 shall be implemented and maintained thereafter, as specified in the reports.
- 21) No vegetation removal shall be undertaken during the bird breeding season (1st March to 31st August inclusive).
- 22) Prior to occupation of the cabin development details of the Management and Restoration of the on-site pond shall be submitted to and agreed in writing with the Local Planning Authority and any agreed works shall be implemented in accordance with the approved detail.
- 23) Prior to the commencement of the development, an updated Badger Survey and method statement detailing any mitigation to avoid harmful impacts to badgers, where required, shall be submitted to and approved in writing by the Local Planning Authority and any agreed works shall be implemented in accordance with the approved detail.
- 24) No development of the Visitor Centre and associated car parking area shall commence until a scheme detailing all external lighting equipment is submitted to and approved by the Local Planning Authority. The approved external lighting plan shall be implemented in accordance with the approved details and thereafter retained. No other external lighting equipment may then be used within the development.

The external lighting for the cabin phase of the development shall be limited to the following:

- no external lighting for the paths and roadways is permitted;
 - cabin lighting is limited to 2 no. external lights fitted at positions underneath the overhanging eaves. The light units will be fitted with a 14 watt, 800 lumen bulb and activated by a PIR sensor.
- 25) Prior to the commencement of development a management plan for the protection of protected species and the clearance and retention of vegetation shall be submitted and approved in writing by the Local Planning Authority and any agreed works shall be implemented in accordance with the approved detail.
- 26) In accordance with the submitted detail no surface water collection shall be undertaken in respect of the cabin development. Before development of the visitor centre commences details of any proposed surface water collection or disposal shall be submitted to and agreed in writing with the Local Planning Authority and carried out in accordance with the approved detail.
- 27) Before occupation of the cabin development details and specification of the package treatment system specified in the Hydrological Report at Appendix 2 shall be submitted to and approved in writing by the Local Planning Authority. Foul waste for the visitor hub shall discharge to the public sewer.
- 28) Prior to occupation of both the cabins development and the visitor centre details of the renewable energy systems to be implemented in respect of each part of the development shall be submitted to and agreed in writing with the Local Planning Authority and any agreed works shall be implemented in accordance with the approved detail.
- 29) Before the commencement of both the cabin development and the visitor centre a Construction Method Statement and Management scheme in respect of each part of the development shall be submitted to and approved in writing by the local planning authority. No development shall take place except in accordance with the approved Construction Methodology Statement. The scheme shall be carried out in accordance with BS: 5228 and shall include: a) measures to control dust, noise, vibration, light and odour and appropriate mitigation techniques that prevent unnecessary disturbance to neighbouring properties; b) it shall provide detailed management / operation for the construction of the development; c) the hours of operation shall not be outside 08.00 - 18.00 Monday - Friday; 08:00 - 13:00 Saturdays and not at all on Sundays and Bank Holidays; and d) the scheme shall be adhered to at all times during the construction phase of the development unless otherwise approved in writing by the Local Planning Authority.
- 30) The holiday accommodation hereby approved shall be for holiday use only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names and main home addresses of all occupiers of the holiday accommodation and shall make this register available at all reasonable times to the local planning authority on written request.



Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.