



To: the Chair and Members of the Strategic Planning Committee

# Supplement

Dear Member

## **STRATEGIC PLANNING COMMITTEE SUPPLEMENT**

Further to the agenda for Strategic Planning Committee on 11 January 2024 please find enclosed an Update Report for planning applications before the committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Linda Jones'.

**Linda Jones**  
**Chief Legal and Monitoring Officer**  
**Westmorland and Furness Council**

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## UPDATE REPORT FOR STRATEGIC PLANNING COMMITTEE

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### ITEM 7

#### Planning Application Reference No. SL/2022/0305

**Proposal:** Erection of 111 houses, 6 bungalows and 8 apartments with associated roads, car parking, landscaping, infrastructure and access from Beetham Road, Land off Beetham Road, MILNTHORPE (AMENDED SCHEME)

**Location:** Land off Beetham Road MILNTHORPE

### UPDATE

Officers have now received an updated Tree Survey Report, which includes at Appendix E a Tree Protection Method Statement. The Council's arboriculturist has confirmed that provided development proceeds in accordance with this Statement the retained trees and hedges on the site should be suitably protected from development activity. Therefore, it is recommended that condition 9 is updated accordingly to read as follows:

Condition (9): No development other than approved works to retained trees and hedges shall commence until tree and hedge protection measures have been installed in accordance with the provisions of Appendix E of the submitted Tree Survey Report prepared by PDP Associates, updated January 2024. Development in this context includes the introduction of any machinery or material to site. Thereafter, the installed measures must be retained for the duration of the construction phase of the development.

Reason: To protect existing trees in accordance with policy DM4 (Green and Blue Infrastructure, Open Space, Trees and Landscaping) of the South Lakeland Development Management Policies Development Plan Document.

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### ITEM 8

#### Planning Application Reference No. SL/2022/1159

**Proposal:** Installation of a ground mounted 3MW solar photovoltaic array with associated infrastructure and landscaping

**Location:** Fields to the North James Cropper PLC & west of Garnett Bridge Road, Burneside, KENDAL, LA9 6PZ

Applicant: Mr Mark Cropper

Committee Date: 11 January 2024

Reason for Committee Level Decision: Site area 7.56 hectares

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#### Addendum to the main report

The original recommendation subject to conditions, included a number of pre-commencement conditions. These need to be accepted by the agent. On 8<sup>th</sup> January the agent advised that they had concerns over the wording of conditions 5, 6, 7, 9, 10 and 11. With regard to condition 10 this was a minor reordering of the text and an increase of time for the installation from 25 years to 40 years and condition 11 replaced the word 'farm' with 'array'. These changes were agreed.

With regard to conditions 5, 6, 7 and 9, these had been included for the submission of details prior to the commencement of development, which the agent rejected. They proposed alternate wording, with a change in the timescale for submission of the details.

Following due consideration of their suggestions the Council responded to advise:

Condition 5: Given that a key consideration in the assessment of the proposal as a whole is the potential visual impact of the development on the wider area, it is important to ensure that any landscape mitigation is delivered in a timely manner. It is also noted that the scheme requires the inclusion of details of existing vegetation to be retained and tree protection measures, which would need to be considered in the early stages of the development rather than at the end just before the array becomes operational. Accordingly I propose to amend the condition as follows

‘A detailed landscaping scheme for the tree, scrub and hedgerow planting shall be submitted to, and approved in writing by the Local Planning Authority within 3 months of the date of this approval hereby granted.. The scheme shall include details of: (i) planting plans; (ii) existing vegetation to be retained; (iii) written specifications and schedules of proposed plants noting species mix, planting sizes and proposed numbers/spacing’s; (iv) an implementation timetable; v) tree protection measures from herbivores and (vi) a schedule of landscape maintenance proposals for a period of not less than five years from the date of completion of the scheme. Thereafter, the development and the approved landscaping scheme shall be implemented and maintained in accordance with the agreed details and timetables.

Reason: To safeguard and enhance the character of the area and increased biodiversity net gain in accordance with Policy DM4 (Green and Blue Infrastructure, Open Space, Trees and Landscaping) of the Development Management Policies Development Plan Document.

Condition 6: The proposed amendment to include ‘intrusive ground works’ is not considered acceptable. As a trigger this is not specific enough and is open to speculation as what could be considered ‘intrusive’. As the primary concern relates to the provision of the cabling, I would suggest the followings amendment

‘Prior to the installation of electric cabling linking the array to the mill. a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- a. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
- b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  - c. The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: These details are required to be approved to prevent harm to the environment in accordance with Policies DM1 and DM7 of the Development Management Policies Development Plan Document and the National Planning Policy Framework - Chapter 15, Conserving and enhancing the natural environment.'

Condition 7: The proposed amendment is unacceptable. The condition has been requested for the prevention of compaction of the soil during the operational phase to prevent silt laden surface water run-off entering the adjacent watercourses including the River Kent and Tributaries SSSI. The potential for compaction would be relevant from the commencement of the development including increased traffic movements over the site, delivery of materials etc. Therefore it is not unreasonable to require the Soil Management Plan prior to the commencement of works.

The agent has confirmed that they will revert to the original wording of condition 9 and accept the pre-commencement conditions. As such the following amendments to the proposed conditions are as follows:

#### Time Limit for Commencement

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### Approved Plans

2. The development hereby granted shall be carried out in accordance with the drawings hereby approved:

Site Plan, NJCPV-SitePlan-RevD-151222-ARC received 19/12/2022  
 Substation enclosure plan, 081214-DNOC-SEP-20150116-r100, received 19/12/2022  
 Ground Mounts, NJCS-Ground Mounts RevA- 151222-AC, received 19/12/2022  
 General Layout, NJCPV – Application Boundary RevH-061222-ARC, received 19/12/2022  
 Application Boundary, NJCPV – Application Boundary RevE-050922-ARC, received 23/01/2023  
 Rail Based Receptors, NEO01126/0031/A, received 23/01/2023  
 Road Based Receptors, NEO01126/0021/A, received 23/01/2023  
 Residential Based Receptors, NEO01126/0011/A, received 23/01/2023  
 Heritage Statement, received 19/12/2022  
 Planning Statement inc Screening Request, received 19/12/2022  
 Design and Access Statement, received 19/12/2022  
 Pre-development Arboricultural Report, received 19/12/2022  
 Preliminary Ecological Report, received 19/12/2022  
 Biodiversity Net Gain Assessment, received 19/12/2022  
 Landscape and Visual Appraisal Appendices 0102, received 19/12/2022  
 Landscape and Visual Appraisal Appendices 0102 13122, received 19/12/2022  
 Soloar Module Glare and Reflectance Technical Memo, received 23/01/2023  
 Visibility Assessment Evidence, received 23/01/2023  
 Rail Receptor Glare Report, received 23/01/2023  
 Road Receptor Glare Report, received 23/01/2023  
 Residential Receptor Glare Report, received 23/01/2023  
 Glint and Glare Assessment, received 23/01/2023  
 Flood Risk Assessment, received 27/02/2023  
 Great Crested Newt Survey Report, received 06/07/2023

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

3. The development hereby approved shall be carried out in complete accordance with the recommendations included within the Preliminary Ecological Appraisal.

Reason: For the avoidance of doubt and to prevent harm to protected species in accordance with Policy DM1 of the Development Management Policies Development Plan Document and Policy CS8.4 of the South Lakeland Core Strategy.

4. The development hereby approved shall be carried out in complete accordance with the mitigation strategy included within the Great Crested Newt Survey Report received 06/07/2023.

Reason: For the avoidance of doubt and to prevent harm to protected species in accordance with Policy DM1 of the Development Management Policies Development Plan Document and Policy CS8.4 of the South Lakeland Core Strategy.

## Landscaping

5. A detailed landscaping scheme for the tree, scrub and hedgerow planting shall be submitted to, and approved in writing by the Local Planning Authority within 3 months of the date of this approval hereby granted. The scheme shall include details of: (i) planting plans; (ii) existing vegetation to be retained; (iii) written specifications and schedules of proposed plants noting species mix, planting sizes and proposed numbers/spacing's; (iv) an implementation timetable; v) tree protection measures from herbivores and (vi) a schedule of landscape maintenance proposals for a period of not less than five years from the date of completion of the scheme. Thereafter, the development and the approved landscaping scheme shall be implemented and maintained in accordance with the agreed details and timetables.

Reason: To safeguard and enhance the character of the area and increased biodiversity net gain in accordance with Policy DM4 (Green and Blue Infrastructure, Open Space, Trees and Landscaping) of the Development Management Policies Development Plan Document.

## Contamination

6. Prior to the installation of electric cabling linking the array to the mill a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
  - a. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site
  - b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  - c. The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: These details are required to be approved before the commencement of development to prevent harm to the environment in accordance with Policies DM1 and DM7 of the Development Management Policies Development Plan Document and the National Planning Policy Framework - Chapter 15, Conserving and enhancing the natural environment.

7. No development approved by this planning permission shall commence until a Soil Management Plan has been submitted to and approved in writing by the Local Authority. This should include details for the prevention of compaction of the soil during the operational phase to prevent silt laden surface water run-off. Thereafter, the construction phase of the development shall proceed in accordance with the approved Soil Management Plan.

Reason: These details are required to be approved before the commencement of development to prevent harm to the environment in accordance with Policies DM1 and DM7 of the Development Management Policies Development Plan Document and the National Planning Policy Framework - Chapter 15, Conserving and enhancing the natural environment

8. No development shall commence until a Construction Environment Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environment Management Plan shall include:

- details of designated areas for construction vehicle parking, manoeuvring, loading and unloading;
- details of storage areas for construction plant and materials;
- details of measures to control the emission of dust and dirt during construction;
- measures to control noise and vibration from plant, equipment and procedures during construction, including from any rock pecking and excavations;
- confirmation of an embargo on the burning of waste material;
- details of a construction lighting scheme, designed to minimise light spillage from the site boundary;
- procedures for the cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- procedures for the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- management of junctions to and crossings of the public highway;
- details of surface water management during the construction phase and
- a biosecurity protocol to protect the adjacent River Kent SSSI.



Thereafter, the construction phase of the development shall proceed in accordance with the approved Construction Environment Management Plan.

Reason: In the interests of safeguarding the amenity and ecological interest of the existing area in accordance with: (1) Policy CS8.4 (Biodiversity and geodiversity) of the South Lakeland Core Strategy; and (2) Policies DM4 (Green and Blue Infrastructure and Open Space) and DM7 (Addressing Pollution, Contamination Impact, and Water Quality) of the Development Management Policies Development Plan Document.

#### Ground Investigation

9. No development approved by this planning permission shall commence until a comprehensive ground investigation is carried out to establish the course of any culverted watercourse traversing the site. The details of the finding of the ground investigation shall be submitted to and approved in writing by the Local Authority.

In the event that a presence of a culvert is established, details of the revised fixings of the photovoltaic panels to be erected near to the culvert shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the panels shall be installed in accordance with the approved details.

Reason: These details are required to be approved before the commencement of development to prevent harm to the environment and increased risk of flooding both on and off site in accordance with Policies DM1, DM6 and DM7 of the Development Management Policies Development Plan Document and the National Planning Policy Framework - Chapter 15, Conserving and enhancing the natural environment

#### Renewable energy

- 10 Written Notification shall be provided to the Local Planning Authority no later than 14 days after the development becomes operational, defined as the commencement of the generation of electricity. The **Solar Panels** and associated infrastructure shall be removed from site before the expiry of 40 years from the commencement of the generation of electricity.

Not later than 12 months before the expiry of the permission hereby granted, a decommissioning and site restoration scheme shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented within 12 months of the expiry of the permission hereby granted.

Reason: To ensure that the solar array is removed once the temporary period of installation has expired in order to protect the surrounding landscape in accordance with Policies DM1 and DM2 of the Development Management Policies Development Plan Document and Policies CS8.2 and CS8.10 of the South Lakeland Core Strategy.

11. Within 12 months of the solar array hereby permitted ceasing to be used for the generation of electricity, it shall be permanently removed from the land and the site restored in accordance with a

decommissioning and site restoration scheme which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the solar panels are removed should they become redundant in order to protect the surrounding landscape, in accordance with Policies DM1, DM2 and DM21 of the Development Management Policies Development Plan Document and Policies CS8.2 and CS8.10 of the South Lakeland Core Strategy.