

STRATEGIC PLANNING COMMITTEE REPORT

Planning Application Reference No. SL/2022/1159

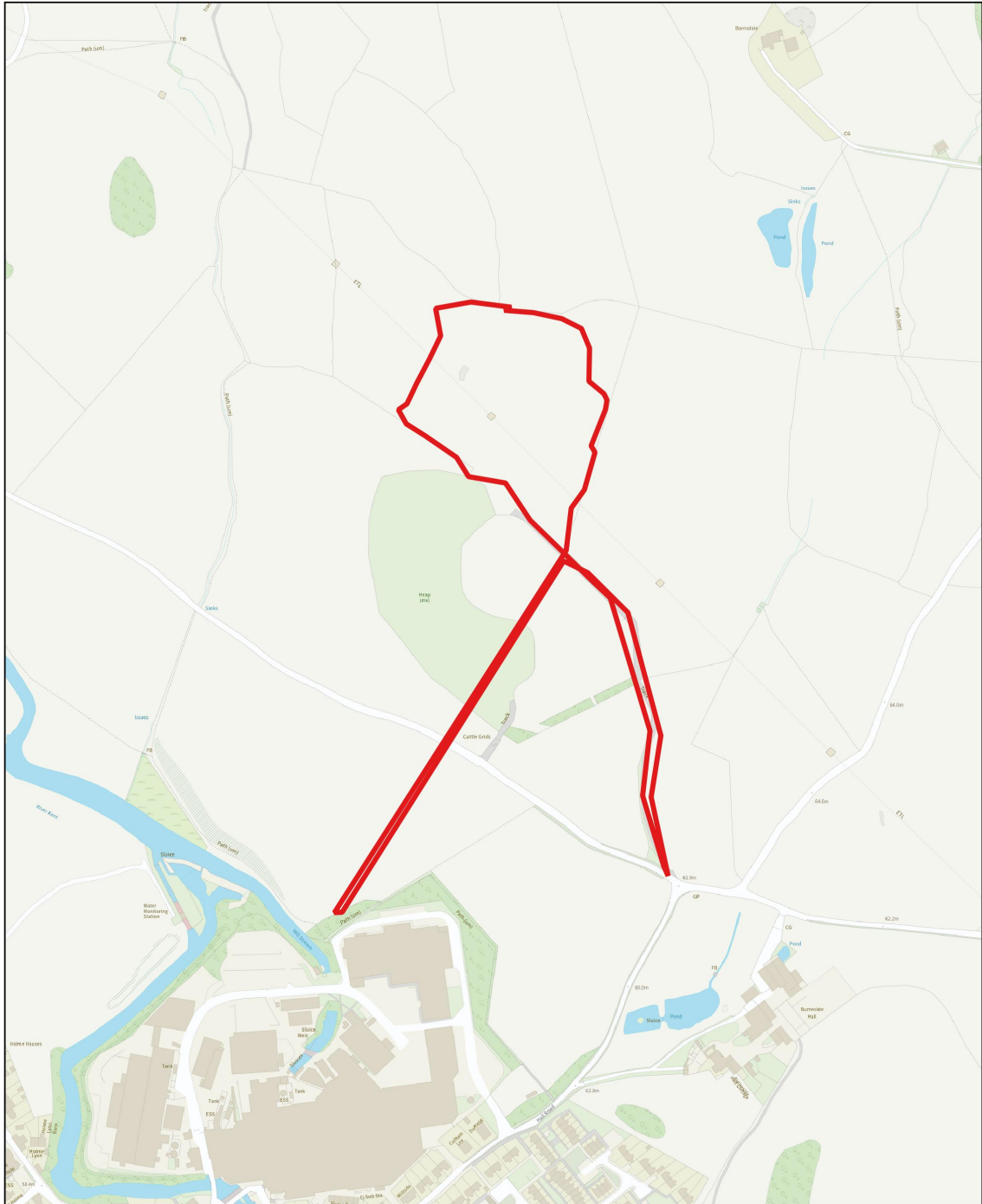
Proposal: Installation of a ground mounted 3MW solar photovoltaic array with associated infrastructure and landscaping

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



SL/2022/1159
Fields to the North James Cropper PLC & west of Garnett
Bridge Road, Burnside, KENDAL, LA9 6PZ



Scale 1:5000

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1. Summary

- 1.1 Full planning permission is sought for installation of a ground mounted 3MW solar photovoltaic array with associated infrastructure and landscaping.
- 1.2 The proposal will utilise the existing vehicle track associated with the former tip and incorporates landscape planting. This planting will provide biodiversity enhancements as well as mitigate views of the proposal from the surrounding area.
- 1.3 It is considered that the visual impact on the character and appearance of the wider area would be limited and screening will be provided to help mitigate the intrusion. The proposal would provide renewable energy to a local business, and support the transition to a low carbon future in a changing climate.
- 1.4 The application is presented to the Strategic Planning Committee as the site exceeds an area of 5 hectares.

2.0 RECOMMENDATION

- 2.1 It is recommended that the application be approved with conditions.

3.0 THE PROPOSAL

- 3.1 The proposal is for the installation of a ground mounted 3MW solar photovoltaic array together with associated infrastructure. The proposal will utilise the existing vehicle track associated with the former tip and incorporates landscape planting. This planting will provide biodiversity enhancements as well as mitigate views of the proposal from the surrounding area.
- 3.2 There will be a buried HV connection cable running from the proposed development to Croppers Paper Mill, with the proposal to generate approximately 2,400,000kWh per annum for the business and offset around 607 tonnes of CO2 annually.

4.0 SITE DESCRIPTION

- 4.1 The site comprises agricultural land associated with Burneside Hall and covers of an area of approximately 7.56 hectares. This is situated to the north of Burneside village and approximately 380m to the north of James Cropper Mill. The nearest residential properties are Barnsdale, situated in an elevated position approximately 330m to the north; Houseman Tenement Farm approximately 480m to the west and Burneside Hall approximately 450m to the south. A former tip site associated with the mill is immediately to the south of the site.
- 4.2 The Landscape character of the land is Drumlin Field, whose key characteristics are tracks of high drumlins, rounded tops with steep sides, distinct landform grain, hedges and stone walls form strong boundaries, streams and wet hollows are found in the valleys and dips between drumlins. The land is classified as Grade 4 Agricultural Land. The land rises towards the north.
- 4.3 The proposed solar panel array is situated in the north western part of the site with mitigation tree and scrub planting to the north east, south east, south and south west.

5.0 SITE PLANNING HISTORY

5.1 James Cropper Plc is an established paper mill situated on a site approximately 390m to the south, south west of the proposed solar array. There are numerous applications relating to the operation of that site. Immediately to the south the proposed site is a landfill site related to James Cropper.

5.2 There is no specific planning history for this site.

6.0 CONSULTATIONS

6.1 Arboriculturalist

Pre-Development Arboricultural Report provides an accurate representation of the trees on the site and providing the development is carried out in accordance with the recommendations of the Arboricultural report, the development should only have a minimal impact upon a small number of trees. No trees are proposed to be removed for the development.

6.2 Mitigation Tree and Scrub planting is proposed in various locations around the site, with shelterbelts, hedgerow improvements and wall repairs proposed to further screen the site. The woodland edge and mitigation tree planting requires careful planning to ensure the trees chosen are varied and suitable for the purpose. The tree and scrub planting adjacent to the overhead power lines must be low growing species that will not interfere with the easement for the power lines.

6.3 There is a great opportunity to increase the biodiversity of the site through careful species selection. Hedgerow trees and shrubs should be a mixture of 6 to 8 species. I recommend that the applicants submit a detailed planting plan for the tree, shrub and hedgerow planting prior to the commencement of development, in the event that planning approval is granted. The landscaping plan should include species mix, spacing's, timing of planting, tree protection from herbivores, and a maintenance plan for a period of no less than five years from the date of planting.

6.4 Local Highway Authority

We have no objections to the proposal.

6.5 We accept the conclusion of the Glint and Glare Assessment which classifies the risk to road users on C5057 Garnet Bridge Road near Barnsdale (corresponding to receptors 18, 19, and 20 in the Assessment) as Low - None. The line of sight from the receptors to the solar arrays is not in a forward direction to the parts of the arrays that would generate glint and glare.

6.6 The temporary works to take place within the C5056 public highway and public footpath 575002 will each require a Temporary Traffic Regulation Order and must not take place without obtaining the necessary order. The improved access will require a permit under Section 184 Highways Act in addition to planning permission.

6.7 Lead Local Flood Authority

Further information should be submitted to satisfy the Local Planning Authority that

the development is acceptable in terms of flood risk and safeguarding watercourses in accordance with Local Plan Policy DM6.

- 6.8 Our understanding is that the Barnsdale Runner watercourse splits to the north of the site with one branch of the watercourse heading across the site in culvert through the solar arrays as indicated by the blue dotted line in the map below. This is the natural route for a watercourse because it follows the low ground as is indicated by the EA surface water flood risk mapping.
- 6.9 The watercourse should be protected and enhanced as it passes through the development site by restoring it to an open channel to provide benefits for flood risk and biodiversity and to mimic natural drainage patterns.
- 6.10 We accept that surface water flood risk will not be increased as a result of the proposal. The Flood Risk Assessment (FRA) proposes soil control measures to mitigate for any increased rates of runoff due to compaction or erosion. We agree with this and recommend that this mitigation is secured by condition.

6.11 Historic Environment Officer

I agree with the submitted heritage statement that there is a low potential for the construction of the proposed development to disturb significant archaeological assets. I therefore confirm that I have no objections to the application and I do not wish to make any recommendations.

6.12 Lake District National Park Authority

No response

6.13 Environment Agency

No objection to the proposed development, subject to the inclusion of the contaminated land condition.

6.14 Natural England

River Kent

The application site is located close to Barnsdale Runner watercourse, which is a tributary of the River Kent Special Area of Conservation (SAC).

- 6.15 To prevent contaminated run-off and silt entering the watercourse during the construction phase a detailed Construction Environmental Management Plan (CEMP) should be secured through an appropriate condition. The CEMP should also outline the pollution prevention measures that will be put in place for constructing the associated connection cable trench.
- 6.16 During the operational phase there is also a risk of compacted ground leading to increased silt laden surface water run-off entering the tributary. A Soil Management Plan should be secured through an appropriate Condition.

6.17 Protected Species

The submitted Preliminary Ecological Appraisal (PEA) recommends further Great Crested Newt (GCN) surveys. These will need to be undertaken prior to granting

planning permission and can't be conditioned. The other recommendations outlined in the PEA should be conditioned.

6.18 Burneside Parish Council

Burneside Parish Council supports renewable energy given the climate crisis and thus this application but would like to make the following comments:

- It was noted that the area of the proposed site does seem quite large and that it will be visible from a number of locations.
- It is noted that the screening planting does not appear to have been undertaken at the solar array that was granted permission and has been constructed south of Burneside village (approval condition).

6.19 Neighbours / third parties

16 responses were received, raising the following issues and objections:

- James Cropper PLC have a huge factory roof space that they could use more effectively for solar panels(they have a small amount on a few spaces at the moment) and therefore the scale of this planning is uncalled for
- They could install a covered car park with solar panels above, much less detrimental on the beauty of the land surrounding the factory
- This particular field is well away from their factory and will destroy virgin field used for agriculture
- The field is close to natural ponds and wet land so is of great environmental significance
- There seems little screening of the development and no information of the type to enhance biodiversity
- Mark Cropper has other land which better lends itself to a solar farm, such as the adjacent wasteland
- Loss of good quality grazing land and main cow pasture for one of the few remaining local dairy farms and sole dairy farm in Burneside, which will compromise the viability of that farm
- The loss of the thriving farming community is disgraceful and shortsighted
- The footprint of imported foods is impacting on the environment and firms wishing to offset their carbon footprint should do so within the boundaries of the factory
- Supporting local farming will help reduce food miles helping protect the environment and battle global warming
- In January 2022 Mark Cropper took 1200 acres of farmland back into his own hands some of which is adjacent to the paper mill and closer in proximity. This would better lend itself to the solar panels
- Detrimental to natural beauty of the area
- Visual impact on the national park
- Glare from the panels
- No benefit to the wider community
- A recent proposal to build a house on a green field site for a local resident was rejected so we why would this proposal be considered when it is clearly more invasive

- The factory site itself is already very much unsightly so perhaps a wind turbine could be effected there which wouldn't affect wildlife, and could also offer locals cheaper electric
- Whilst renewable energy is always welcome this should not be to the detriment of other businesses
- The Design and Access Statement advises the site is low quality agricultural land. This is incorrect the land is good quality and main cow pasture
- There is no map showing the extent of the full land ownership of the applicant. This is important in assessing the current location for the Solar Farm
- The proposal does not follow the sequential test for solar farms, alternative sites should be considered
- The applicant sets a precedent by siting the solar farm a considerable distance away from the connected factory. Therefore all land within the same radius should be considered, which includes a better site to the north west

7.0 RELEVANT PLANNING POLICY

7.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 Local Plans

South Lakeland

Core Strategy October 2010 – adopted 20 October 2010

South Lakeland Development Management Policies Development Plan Document – adopted 28 March 2019

7.3 Other Material Considerations

National Planning Policy Framework (NPPF)

7.4 The NPPF sets out governments planning policies for England and how these are expected to be applied. This is a material consideration in planning decisions.

7.5 At the heart of the NPPF is a presumption in favour of sustainable development (Paragraph 11). However, Paragraph 12 confirms that the presumption does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. In this case, the relevant sections of the NPPF are:

7.6 The following sections are considered relevant to this application:

2. Achieving Sustainable Development
4. Decision making
- 14 Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural world.

8.0 ENVIRONMENTAL IMPACT ASSESSMENT

- 8.1 The proposal does not comprise Schedule 1 development, as defined in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017) ('the EIA Regulations').
- 8.2 The development falls within Schedule 2, Part 3(a) of the EIA Regulations, as it relates to an "industrial installation for the production of electricity", where the area of development exceeds 0.5hectares. The site is also located within a SSSI Impact Risk Zone whereby SSSI's are considered to be a "sensitive area", as defined in regulation 2(1) of the EIA Regulations. Notwithstanding this having regard to the EIA Screening Matrix in Schedule 3 of the EIA Regulations, it is considered that the proposed development would not have a significant effect on the Environment, having regard particularly to the magnitude and spatial extent, nature, intensity and complexity, probability of the impact, expected onset, duration, frequency and reversibility of the impact and the possibility to effectively reduce the impact.
- 8.3 It is not therefore deemed to amount to EIA development requiring the submission of an Environmental Statement (ES).

9.0 PLANNING ASSESSMENT

The main issues under consideration are:

- The principle of the development including assessment of agricultural land and site selection.
- The effect of the proposal upon the character and appearance of the landscape of the surrounding area.
- The effect of the proposal on the nearby heritage assets.
- The effects of the proposal upon the living conditions of nearby local residents.
- Biodiversity and ecological impacts.
- Highways and flooding impacts.

Principle of development

- 9.1 Core Strategy policy CS1.1 Sustainable Development Principles in relation to this proposal require opportunities are taken to mitigate against climate change, protect the countryside for its intrinsic beauty, take account of and enhance landscape character and ensure high quality design.
- 9.2 Policy CS7.7 advises that the Core Strategy will support the realisation of opportunities provided by energy development and the low carbon economy through supporting, in principle (where protection of the environment is assured and designated areas are safeguarded), appropriately locates schemes which will increase energy production from the full range of renewable sources.
- 9.3 Policy DM21 seeks to promote and encourage appropriate renewable energy proposals where they:
1. Minimise landscape impacts and protect landscape character, based on a thorough landscape and visual appraisal where required;

2. Respect local character and the historic environment;
3. Fully assess their potential impact on nature conservation interests and can demonstrate that any adverse impacts can be avoided or sufficiently mitigated;
4. Safeguard residential and local amenity by fully assessing and appropriately mitigating potential effects including visual intrusion, glint and glare, shadow flicker, noise, smell or other pollutants;
5. Are sensitively designed in response to their context to minimise their visual impact, paying careful attention to the scale, siting and massing of the technology and associated structures and supporting infrastructure;
6. Incorporate appropriate landscaping to mitigate their visual impact and enhance their surroundings;
7. Are compatible with existing civil or military aviation or telecommunications installations and will not affect their operations;
8. Can be satisfactorily served by the local highway network and will not have unacceptable impacts on it during their constructions and operational phases;
9. Include measures for the removal of the technology and restoration of the site should the technology become non-operational; and
10. Will not have unacceptable cumulative adverse impacts with other installed permitted renewable and low carbon energy projects and vertical infrastructure structures.

9.4 Paragraph 157 of the NPPF also advises that the planning system should support the transition to a low carbon future in a changing climate. Furthermore Para. 163 advises when determining planning applications for renewable and low carbon development, LPAs should not require applicants to demonstrate an overall need for renewables or low carbon energy and recognise that even small scale projects provide a valuable contribution to significant cutting greenhouse gas emissions and approve the application if its impacts are (or can be made) acceptable.

9.5 The proposal is for the installation of ~6,800 ground mounted solar photovoltaic modules orientated in a southerly direction. The proposed development will be constructed on agricultural land and is expected to have an operational life of 40 years. The energy generated from the solar array will be used by Croppers Paper Mill although there will be a connection to the National Grid to redirect the energy generated in the event of this being surplus to the Paper Mill's needs and usage at any given time.

9.6 Adopted policies are largely supportive of renewable energy developments in open countryside locations as long as they do not have a severe landscape impact. Therefore subject to other policy requirements the proposal would be acceptable in principle.

9.7 **Design/Character and Appearance**

Core Strategy Policies CS1.1, CS8.2; DMDPD Policies DM1 and DM2, in addition to the NPPF all require development to be of a high quality that maintains or

enhances the quality of the existing character and distinctiveness and makes an overall positive contribution to the locality.

- 9.8 The proposed development comprises the installation of ground mounted solar photovoltaic modules orientated in a southerly direction. Each module will measure 1755mm by 1048mm and will be raised approximately 800mm above ground level. The modules will be mounted on fabricated metal frames anchored to the ground with steel piles driven to a depth up to 1.5 metres. No foundations will be required.
- 9.9 The modules will be laid out in parallel rows running east to west across the field(s). There will be a 5 metre spacing between each row for ease of access and to prevent any overshadowing. The solar arrays have been positioned to take account of the overhead power line and there is 20 metre easement, where no solar arrays will be positioned, to maintain access to the overhead cables by Electricity North West.
- 9.10 The application is accompanied by a Landscape and Visual Appraisal Report, which identifies the low and slightly undulating nature of the landscape in the site extends around the site and this undulating landform quickly screens views of the site from distances greater than 150m west, 300m east, 700m north and 600m south. The higher landform of the Lakeland Fells and Yorkshire Dales is visible in all directions and provides a backdrop to views from in or near the site; this rising landform also creates small areas where the site is visible from outside its immediate vicinity.
- 9.11 The panels would be tilted from the horizontal giving rise to a maximum height to the top of the panel of no more than 3m from ground level. The panels are designed to absorb light and hence minimise solar glint and glare. The proposals also include perimeter stock-proof fencing, access tracks and all ancillary grid infrastructure and associated works.
- 9.12 The proposal includes siting of the PV panels and associated infrastructure within lower lying parts of the site, avoiding distinctive and elevated drumlin topography. Planting mitigation is also proposed to minimise the visual intrusiveness of the proposal. This includes roadside hedgerows to be gap planted and maintained at 2-3m in height; additional hedgerow planting along the southern stock proof fencing boundary and existing field boundary hedgerow gap planting improvements and additional native woodland tree and woodland edge scrub planting blocks to the north east, east and south west of the panels.
- 9.13 The report concludes that the development would have limited impact on the landscape fabric, and the scale of the development would be in keeping with the local landscape. The existing field pattern and boundaries would be retained, and the low-level development would follow the local contours of the landscape avoiding the distinctive, rounded, elevated tops of the local drumlin topography. New hedgerow and woodland tree and scrub planting and field boundary improvements would be beneficial in nature.
- 9.14 The visual effects would be limited to local areas up to 400m from the site and occasional areas on higher ground of approximately 1.2km from the site. The low level nature of the development would mean that effects would be limited, views of the skyline would not be broken and longer distance views of the surrounding hills and towards the LDNP would not be interrupted.

9.15 In consideration of point 9 of DM21, a condition could be included to ensure all equipment if removed from the site should the equipment cease to be used or become redundant.

9.16 **Designated Heritage Assets**

9.17 There are a number of listed buildings and structures within 1km of the application site with the closest being Burnside Hall and Laithwaite Farmhouse. However given the intervening rolling landscape and screening it is considered there will be no effect on these buildings or their setting.

9.18 **Residential amenity**

9.19 DMDPD policy DM1 requires that all development ensures the delivery of acceptable levels of amenity, privacy and overshadowing for existing, neighbouring and future users and occupants.

9.20 The nearest properties are Barnsdale, situated in an elevated position approximately 330m to the north; Houseman Tenement Farm approximately 480m to the west and Burnside Hall approximately 450m to the south. Given the undulating nature of the site and surrounding areas, much of the proposal would not be visible from the wider area, although parts may be visible from Barnsdale and Houseman Tenement Farm situated on higher land levels to the north and east. Proposed planting along the intervening boundaries would further mitigate any impact.

9.21 Given the degree of separation and extent of the screening it is not considered that the proposal would significantly impact on the amenity of the neighbouring occupiers.

9.22 **Biodiversity**

9.23 DMDPD policy DM4 and para 174 (d) of the NPPF requires all development to result in environmental net gains for biodiversity.

9.24 The application was submitted with a Preliminary Ecological Appraisal and a Biodiversity Net Gain Assessment.

9.25 The Preliminary Ecological Appraisal concluded that if the recommendations detailed in the report and good working practices are implemented, then no ecological features are expected to be adversely impacted by the proposed development. However it also identified that further surveys should be undertaken of the pond to the north of the site to determine if a GCN population is still present and to determine population size.

9.26 Natural England responded to advise that they had no overall objections subject to a condition for the submission of an Environmental Management Plan, which could be secured by condition. However in line with the submitted PEA a further Great Crested Newt survey would be required to be carried out prior to the granting of any approve.

9.27 A Great Crested Newt Survey Report was subsequently provided. The results from the 2023 survey confirm the presence of GCN within 73m of the proposed site, it is therefore considered that the survey area could be inhabited by a small

population of GCN during the terrestrial period of their year. Given the data collected and the local records obtained it can be concluded that terrestrial and/or aquatic GCN are likely to be present or passing through the works area and therefore a European Protected Species Mitigation Licence will be required to undertake the works.

- 9.28 The report advises that the fields offer poor habitat, but the dry-stone walls offer suitable refuges. Additionally, the walls connect the ponds to areas of suitable overwintering habitat in the old quarry. A one-way amphibian fence should be installed around the working area. It is considered that pitfall trapping will not be necessary given the footprint of the solar development is within the low-quality habitat. Any works to disturb drystone walls will need to be supervised by the ecologist under the EPS licence and any GCN found moved to a suitable refuge on site.
- 9.29 Natural England were consulted on the Great Crested Newt Survey but did not respond to raise any further objections.
- 9.30 With regard to Biodiversity Net gain, the site comprises predominantly pasture land which is categorised as Grade 3 and 4. The area the solar panels will occupy will be on Grade 4 land, with the Grade 3 land to the south. It is also noted the intention for the grass to be reinstated and continued use for grazing.
- 9.31 The Biodiversity Net Gains Assessment identifies the base level of the current biodiversity and puts forward proposed habitat enhancements. These include lowland mixed deciduous woodland and mixed scrub planting. In addition to providing screening to mitigate the visual impact of the proposal, this achieves a BNG in habitats of 9.48% and hedgerow units of 100%.
- 9.32 It is accepted that the proposed solar farm would not have considerable effects on the surrounding ecology and would result in a biodiversity net gain.
- 9.33 **Access and flooding**
- 9.34 The proposal incorporates the existing field access and access track, formerly used for the tip. The proposal includes the repositioning of the gateway approximately 7m further into the field. This will allow construction traffic to access the site without causing any obstruction to the highway. A Glint and Glare Assessment has also been submitted.
- 9.35 The Highways Authority have confirmed that the Glint and Glare Assessment which classifies the risk to road users on C5057 Garnet Bridge Road near Barnsdale (corresponding to receptors 18, 19, and 20 in the Assessment) as *Low - None*. The line of sight from the receptors to the solar arrays is not in a forward direction to the parts of the arrays that would generate glint and glare. As such they have no objection to the proposal.
- 9.36 The application is accompanied by a Flood Risk Assessment which identified that the site lies within flood zone 1. The site is at medium risk of surface water flooding, however this poses no risk to the panels at 800mm above ground water. There will be negligible increase in low permeability cover on site resulting in negligible surface runoff.
- 9.37 The Lead Local Flood Authority advised that the FRA proposes soil control measures to mitigate for any increased rates of runoff due to compaction or erosion

was agreeable. However they requested further information with regard to a culverted watercourse. They have advised that they understand that the Barnsdale Runner watercourse splits to the north of the site with one branch of the watercourse heading across the site in a culvert through the proposed solar arrays. The applicant has responded to advise that there is no evidence of a culvert traversing the site and mapping which dates back to the 1800s does not at any point show an open watercourse which could have been culverted. The information was passed to the LLFA, who have not responded further. In view of this it is considered that it could be conditioned for the provision of further ground investigation works to determine if and where the culvert may be prior to construction.

10.0 CONCLUSION

In summary, it is considered that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions proposed, any potential harm would reasonably be mitigated.

- 10.1 Under Section 149 of the Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions (i) eliminating discrimination, (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are age (normally young or older people) disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.2 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

11. RECOMMENDATION

It is recommended that planning permission be granted subject to the following conditions:

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. No development shall commence until a detailed landscaping scheme for the tree, scrub and hedgerow planting has been submitted to, and approved in writing by the Local Planning Authority. 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. No development approved by this planning permission shall commence until 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 of the commencement of the generation of electricity shall be provided to the Local Planning Authority no later than 14 days after the commencement of the generation of electricity. The Solar Panels and associated infrastructure shall be removed from site before the expiry of 25 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 turbine 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 farm 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