

Date: 25 November 2015



**Please note times of Site Visits
and meeting**

Town Hall, Penrith, Cumbria CA11 7QF
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Dear Sir/Madam

Planning Committee Agenda - 3 December 2015

Notice is hereby given that a meeting of the Planning Committee will be held at 11.30 am on Thursday, 3 December 2015 at the Council Chamber, Town Hall, Penrith.

1 Apologies for Absence

2 Declarations of Interest

To receive any declarations of the existence and nature of any private interests, both disclosable pecuniary and any other registrable interests, in any matter to be considered or being considered.

3 Planning Issues (Pages 3 - 34)

To consider the following applications which have been the subject of site visits:

15/0495 Outline application for erection of a storage building and all associated hardstandings, with approval sought for access, appearance, layout and scale for Omega Proteins, Greystoke Road, Penrith.

(item No 3 on agenda item 6 of the meeting of the Planning Committee held on 19 November 2015).

15/0459 Proposed solar farm and associated development including five inverter cabins, a substation, switchgear housing, two communication buildings, 28 CCTV cameras and perimeter fencing for TGC Renewables Ltd on land at Moss Thorn Farm, Pallet Hill, Penrith.

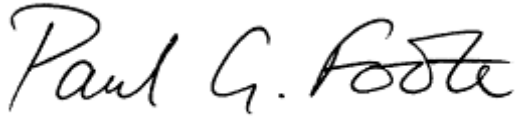
(item 9 on agenda item 6 of the meeting of the Planning Committee held on 19 November 2015).

4 Any Other Items which the Chairman decides are urgent

5 Date of Next Meeting

The next full meeting of this Committee will take place on 17 December 2015.

Yours faithfully



P G Foote
Director of Corporate and Legal Services

Democratic Services Contact: *Mrs Rosalyn Richardson*

Please Note: Access to the internet in the Council Chamber and Committee room is available via the guest wi-fi – no password is required

Encs

Background Papers

Item 3 Application files, letters of consultation, objection and support, internal memoranda and officers' notes.

For Attention

All Members of the Planning Committee, ie

Chairman – Councillor W Patterson (Independent Group)

Vice Chairman – Councillor J G Thompson (Conservative Group)

Councillors

Miss M Clark, Independent Group
A Armstrong, Conservative Group
I Chambers, Conservative Group
D Holden, Liberal Democrat Group
Mrs V Kendall, Conservative Group

J C Lynch, Conservative Group
Mrs E Martin, Conservative Group
H Sawrey-Cookson, Independent Group
J Tompkins, Liberal Democrat Group

Standing Deputies

M Eyles, Liberal Democrat Group
Ms P Godwin, Independent Group
A Hogg, Conservative Group
R Howse, Liberal Democrat Group

S Jackson, Conservative Group
K Morgan, Independent Group
Mrs S Orchard, Conservative Group
M Smith, Independent Group

For information – All remaining members of the Council

**PLANNING COMMITTEE
SITE VISITS**

Thursday, 3 December 2015

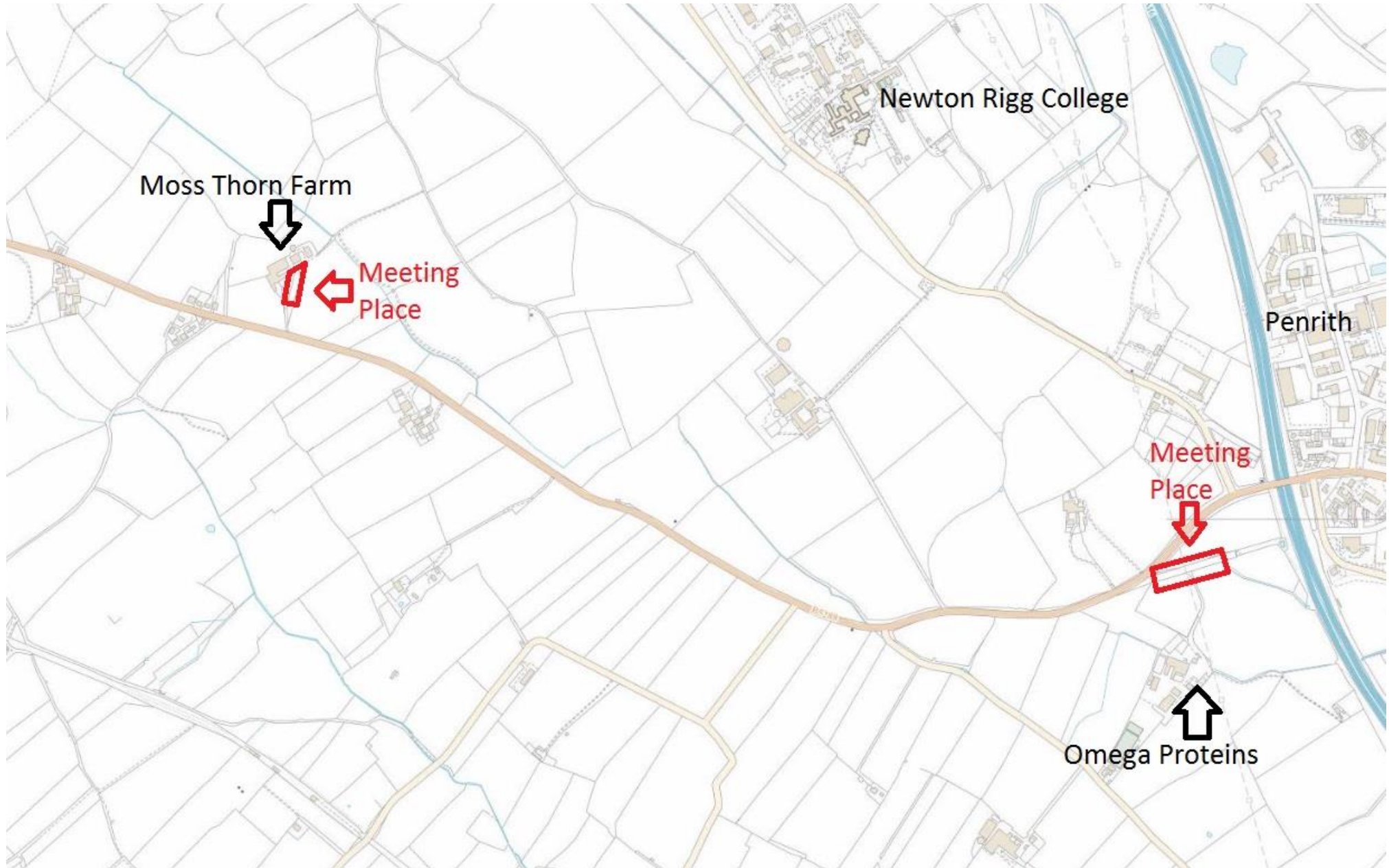
No	Time	Application No	Parish	Ward	Applicant/Site/Description
1	9.30am	15/0495	Penrith	Penrith West	<p>Omega Proteins Ltd</p> <p>Greystoke Road, Penrith, CA11 0BX</p> <p>Outline application for erection of a storage building and all associated hardstandings, with approval sought for access, appearance, layout and scale</p>
2	10.00am	15/0459	Catterlen & Dacre	Hesket	<p>TGC Renewables Ltd</p> <p>Land near Moss Thorn Farm, Pallet Hill, Penrith, CA11 0BY</p> <p>Proposed solar farm and associated development including five inverter cabins, a substation, switchgear housing, two communication buildings, 28 CCTV cameras and perimeter fencing</p>

Planning Committee, Town Hall, Penrith
on Thursday, 3 December 2015 at 11.30am

Circulation:

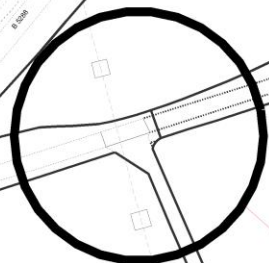
G Clark
K Hutchinson
D Addis
J Sykes
Lisa Tremble
Member Services Team Leader

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gRID rEF: 349909, 529687



**PARKING &
MEETING
PLACE**

APPLICATION SITE

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Grid Ref: 348608, 530601



APPLICATION SITE

PARKING &
MEETING
PLACE



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Date of Committee: 03 December 2015

Planning Application No: 15/0495 **Date Received:** 05 June 2015

OS Grid Ref: 349909 529687 **Expiry Date:** 22 September 2015

Parish: Penrith **Ward:** Penrith West

Application Type: Outline

Proposal: Outline application for erection of a storage building and all associated hardstandings, with approval sought for access, appearance, layout and scale.

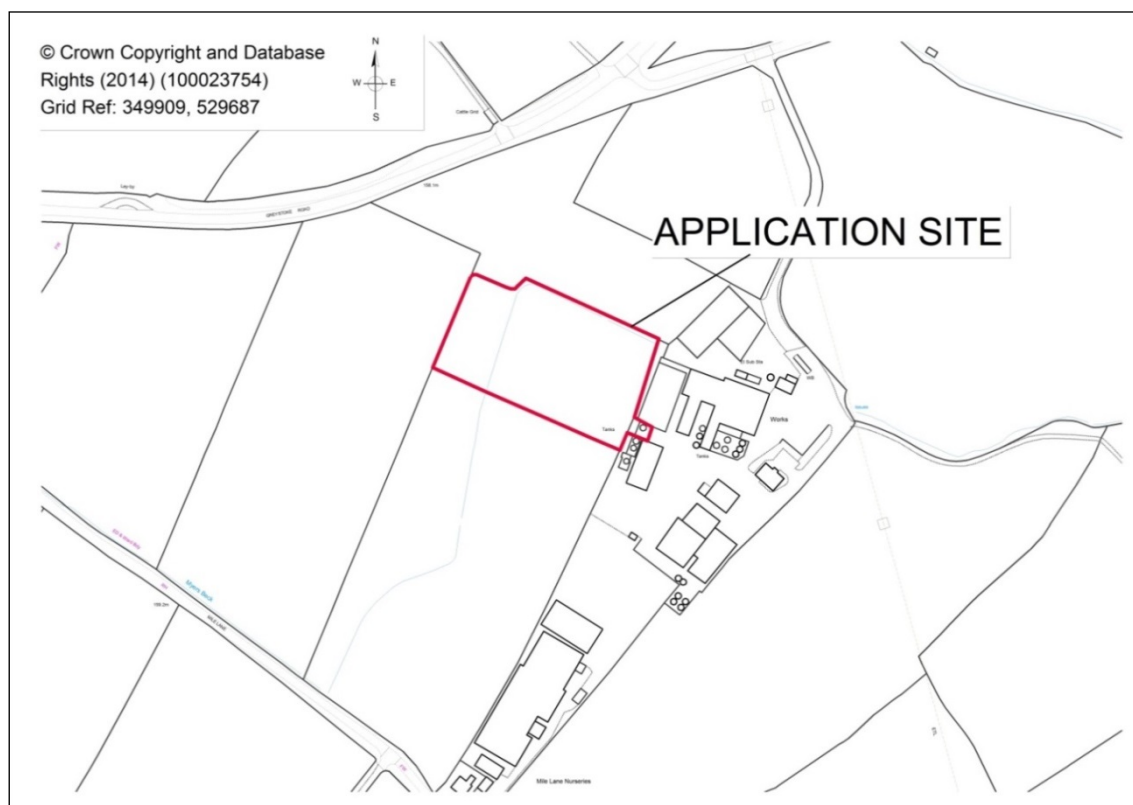
Location: Omega Proteins Penrith Ltd Greystoke Road Penrith CA11 0BX

Applicant: Omega Proteins Ltd

Agent: Mr Andrew Watt at Maze Planning

Case Officer: Mr Daniel Addis

Reason for Referral: The officer recommendation to refuse the application is contrary to the view of Penrith Town Council and the Councillor for Penrith West has requested that the application be heard at Planning Committee



1. Recommendation

It is recommended that planning permission be refused for the following reason(s):

The proposed building and associated service yard by their very nature and appearance represent a significant intrusion into the open countryside beyond a well-defined existing boundary limit to the facility which would harm the undeveloped character of the open countryside contrary to Saved Local Plan (SLP) policy SLPNE1 and Core Strategy (CS) policy CS3 where the need for the scale of the proposal to be at the specific site has not been identified and that the need does not outweigh the environmental cost contrary to SLPNE1 and has an unacceptable impact on the local built form and the landscape contrary to SLPEM5, whilst failing to respect and reinforce the local landscape character contrary to CS14, failing to complement and enhance the existing area and failing to protect or enhance the distinctive rural landscape contrary to CS18 and failing to propose high quality design and failing to protect the intrinsic character and beauty of the countryside contrary to the NPPF.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 Outline planning permission is sought for the construction of a storage building and hardstandings. The application is in outline with approval being sought for access, appearance, layout and scale. Landscaping is reserved for future consideration.
- 2.1.2 The proposal includes a negative pressure storage building measuring 90m in length and 29.9m in width. The building measures 7m to the eaves and 8.6m to the ridge. The building includes roller shutter doors and a personnel door on both east and west gables and a personnel door on both north and south elevations. The total floor area of the building is 2,706 sq.m. The building is industrial in appearance – a conventional steel portal frame structure with profiled cladding panels forming the external walls and dual pitched roof and roller shutter doors.
- 2.1.3 The proposed storage building is mounted on a concrete slab which measures 53.7m in width and 124m in length. The concrete slab is shown as a service yard on the proposed site plan.
- 2.1.4 The proposal also includes for the demolition and removal of an existing tank to provide vehicular access and a new concrete bund.
- 2.1.5 The building will allow trailers with raw materials to be stored indoors for short periods of time. The building will be a negative air pressure unit capturing odours and filtering them before they are released as part of an odour management process. The application also includes the creation of a permanent new pond as part of a flood risk attenuation scheme including wet meadow turf boundaries and submerged and emerging plants.
- 2.1.6 On 15 October 2015 additional information was submitted in support of the application as follows:
 - Flood Risk Assessment and Drainage Strategy
 - Landscape Strategy
 - Pond Planting Strategy
 - Summary of the Proposed Development.

- 2.1.7 This additional information necessitated a full reconsultation with all interested parties.
- 2.1.8 Following publication of the November Committee Report additional information was submitted by the applicant including plans for a recreational fishing pond near the site and significantly increased levels and areas of landscaping. Additional justification for the need for the proposal was also submitted by email dated 12 November 2015 and this is summarised later in the report.
- 2.1.9 With reference to the recreational fishing pond detailed above; the formation of this would be considered 'Development' subject to planning control i.e. an application. If these works are to be secured then a Grampian condition could be attached to the permission requiring that planning permission is granted for the works and/or the works completed prior to the shed being constructed.

2.2 Site Description

- 2.2.1 The site is an area of agricultural land bound in all directions by agricultural land other than to the east where the existing Omega Proteins site is located. The site is undulating and slopes (broadly) downhill west and northwest away from the existing Omega site. Site levels have been provided as part of the application – both existing spot heights and proposed levels. A drainage ditch bisects the site.
- 2.2.2 In light of the topography of the land site sections have been submitted which show that there will be a requirement for cutting and filling. Looking at the trailer shed east to west a maximum of 1.8m would have to be cut at the eastern side and approximately 1.4 m (max) would have to be filled at the western side. Looking at the trailer shed and the concrete service yard north to south approximately 0.5m would need to be cut at the southern end of the site and approximately 2.m (max) would have to be filled.
- 2.2.3 The ecological appraisal submitted by the applicant identifies that the site is arable farmland with a few broadleaved trees and species poor hedgerows.

3. Statutory Consultees

Consultee	Response
Highway Authority	No objection
Environment Agency	No objection
United Utilities	No response
Environmental Health	No objection
Flooding Authority	Objection

4. Parish Council/Meeting Response

Parish Council/Meeting	Please Tick as Appropriate			
	Object	Support	No Response	No View Expressed
Penrith Town Council		√		

- 4.1 In addition to supporting the application Penrith Town Council provided that "The Council requests that the Planning Committee seek reassurance that the extension does not further perpetuate any onerous odours from the building".

5. Representations

- 5.1 Letters of consultation were sent to nearby neighbours and a site notice was posted on 08 July 2015.

No of Neighbours Consulted	15	No of letters of support	0
No of Representations Received	4	No of neutral representations	
No of objection letters	4		

- 5.2 Letters of objection raised the following concerns which are material considerations to the application:

- Significant expansion into the open countryside on unallocated land
- Noise and floodlighting would harm amenity of nearby dwelling
- The building would be visible from a nearby dwelling
- Odour concerns
- The facility will do nothing for the local community
- Loss of good agricultural land
- Loss of clear boundary between open countryside and factory
- Ribbon effect of development continuing into the open countryside
- Unacceptable siting and scale
- Landscaping must be ensured through the application
- Significant concerns with the culverting of a watercourse
- Concern on whether or not sewage will be treated alongside other waste products through the effluent treatment plant (approved under 15/0025).
- The ecological assessment overstates the importance of trees and downplays the importance of the agricultural field particularly for birds.
- The field is arable, not grazing as indicated on the application forms
- Further details are required on the negative pressure environment and also how the connection will be made to the bio-filter for air cleansing
- Is the existing bio-filter adequate to cope with this additional facility?

- 5.3 Letters of objection raised the following concerns which are non-material considerations:

- Suspicions about future expansion plans
- We did not object to the building in the original application (15/0025 from which it was removed)
- Details of effluent from this application being transferred to the effluent treatment plant – no effluent will be created/displaced at the current application site – storage only.

- 5.5 Penrith Civic Society responded to the application and provided that:

“We are aware of the problems that have emanated from this plant over many years and our natural concern is that the development will result in increased throughput and, despite assurances of processes to suppress it, might result in further problems for the inhabitants of Penrith.

Having said that, the building is a basic industrial building, perhaps by its size not totally reflecting nearby agricultural buildings and the very large hardstanding equally seems to out-scale any agricultural use.”

6. Relevant Planning History

There is no relevant planning history on the site. However Members should be aware of the previous application (planning reference 15/0025) which included an effluent treatment plant and, originally when it was first submitted, a storage building which was subsequently removed from the application and then reapplied for at a new location under this current application.

Application No	Description	Outcome
15/0025	Outline application for effluent treatment tanks and associated plant and hardstandings with approval sought for access, appearance, layout and scale.	Approved with conditions at Planning Committee on 16 July 2015.

7. Policy Context

7.1 Development Plan

Saved Local Plan Policies:

- NE1: Development in the Countryside
- EM7: Extension of Existing Sites and Premises

Core Strategy DPD Policy:

- CS1 Sustainable Development Principles
- CS2 Locational Strategy
- CS3 Rural Settlements and the Rural Areas
- CS12 Principles for Economic Development and Tourism
- CS14 Employment Development in Rural Areas
- CS16 Principles for the Natural Environment
- CS18 Design of New Development

7.2 Other Material Considerations

National Planning Policy Framework:

- Building a strong, competitive economy
- Promoting sustainable transport
- Requiring good design
- Conserving and enhancing the natural environment

National Planning Practice Guidance

The policies detailed above are the most relevant policies relating to this application.

8. Planning Assessment

8.1 Key/Main Planning Issues

- Principle
- Landscape and Visual Impacts
- Residential Amenity
- Natural Environment
- Built Environment
- Planning Balance

8.2 Principle

- 8.2.1 Saved Local Plan policy NE1 seeks to protect the undeveloped character of the countryside and requires an overriding need to be demonstrated. Saved Local Plan policy EM7 advises that the extension of existing employment sites will be judged against a range of criteria including the amenity of nearby residents, suitable servicing arrangements including access, parking and turning, the impact of the design and the impact on the landscape and nature conservation interests. Core Strategy (CS) policy CS1 sets out sustainable development principles, CS2 directs new large scale individual developments to Penrith as a Key Service Centre. CS3 seeks to protect the open countryside from inappropriate development, CS12 seeks to promote the diversification of the economy, CS14 encourages proposals which involve the expansion of appropriate businesses and CS18 requires a high quality design.
- 8.2.2 Whilst Saved Local Plan policies NE1 and EM7 are outdated (1996) their provisions accord with the National Planning Policy Framework (the NPPF) which, as one of its core principles, seeks to recognise the intrinsic character and beauty of the countryside. The NPPF is a material consideration in the determination of the application and weight must be given to the presumption in favour of sustainable development with a view to building a strong competitive economy, creating a high quality built environment and protecting and enhancing the natural, built and historic environments.
- 8.2.4 In considering the above ‘in principle’ policy context there is policy support to approve the application on the basis that it is an extension to an existing employment site in a sustainable location well related to Penrith. This relies on a need for the proposal to be at the specific site which has been set out in an email dated 12 November 2015 on the basis that the shed needs to be near existing operations, the previous site (on which the shed was proposed and subsequently removed) turned out to be unsuitable due to an overhead powerline and also that the developer does not own any land to the south or east of the site. Much of the ‘in principle’ policy support relies on other site specific considerations including the impact on the landscape and the amenity of the area which will need to be taken into account in the overall planning balance.

8.3 Landscape and Visual Impacts

- 8.3.1 The existing Omega Proteins facility is visible in the landscape due to its massing, light-colouring and tall chimneys. The application site is visible mainly from the Penrith – Greystoke road in short-range views although it will also be visible in the landscape from further afield. From the east, particularly from the M6, the proposed building would be screened to some extent by the existing facility. From the west the building would be back-dropped by the existing facility although it would be highly visible particularly from the Greystoke road (north) and Mile Lane (south) due to the topography of the land.
- 8.3.2 The applicant has submitted 6 computer generated images showing how the shed will appear from the Greystoke road to the north (3 photos) and Mile Lane to the south (3 photos). The photographs show how shed will appear in five year intervals – the first

following construction with no planting, the second with 5 years planting growth and the third and final showing 10 years planting growth. The trees on the visualisations are evergreens in full leaf and appear to reach a good height relatively quickly (five years) at year 10 the shed is obscured.

- 8.3.3 The additional landscaping details submitted following the November Committee Report being published will increase the landscaping of the site and overtime go some way to assimilating the shed into the landscape.
- 8.3.4 The Cumbria Landscape Character Guidance and Toolkit (the CLCGT) identifies the area in which the application site is located as Type 6 'Intermediate Farmland' – a large scale open landscape between lowland and rolling upland areas. The CLCGT recognises that in this area there has been an increase in large-scale farm buildings sometimes sited in prominent locations and requires new development to “respect the variable scale and character of the landscape, create focal spaces and is also well related to distinctive built forms” and “reduce the impact of large scale new buildings by careful siting and design and by the use of appropriate materials” and “retain the rural character of the M6 corridor and resisting large scale commercial development”.
- 8.3.5 The importance of protecting the landscape is noted throughout national planning policy and the development plan. Most recently a letter from the Minister of Planning dated 27 March 2015 advised the Chief Executive of the Planning Inspectorate of the importance of landscape character.
- 8.3.6 There are no public footpaths near to the site - the nearest being approximately 550m to the south of the site at its closest point. Views of the proposed building from the footpath would be glimpsed with the proposal seen in the context of the existing facility.
- 8.3.7 With regards to site levels and visual impact the landform slopes south away from the Greystoke road and towards the existing operations. In response to this a significant level of cutting and filling will be required to set the proposal onto a level platform/the service yard. The resultant landform will be man-made and at odds with the current gentle rolling landscape and depending on final detail on bunding this could add to the overall visual harm due to their engineered appearance and permanent change to the landform. Whilst approval is not being sought for landscaping at this outline stage, indicative details have been submitted that show a well-defined planting boundary which will in time help to assimilate the proposal into the landscape. Whilst a landscaping scheme is welcomed concerns remain that it would take years to establish and would not be fully effective when the trees were not in leaf.
- 8.3.8 Development Plan policies relating to landscape character and visual amenity seek to ensure that the landscape character is not significantly adversely affected by development and also that the visual amenity of an area shall not be unduly harmed. In this regard it is considered that whilst the proposal is adjoining the existing operation it will appear as a prominent and significant extension into the open countryside. The scale and massing of the proposed building in addition to the service area will have a significant impact on the character of the landscape and the visual amenity of the area. This is compounded by the prominence of the site and the well-defined and strong western boundary which encloses the current facility and terminates the visual influence the facility has on the attractive rural nature of the site.
- 8.3.9 It is considered that the proposal will have a significant and unacceptable level of harm both the undeveloped character of the landscape and the visual amenity of the undeveloped rural area contrary to NE1 and EM7 and also that it fails to reflect and

enhance landscape character contrary to CS3, CS14 and CS18 and also the provisions of the NPPF which recognise the intrinsic character and beauty of the countryside and requires high quality design.

8.4 Residential Amenity

- 8.4.1 The supporting information submitted with the application explains that the purpose of the building and service yard is to improve the overall environmental performance of the existing facility.
- 8.4.2 Concerns have been raised by a number of objectors relating to odour, noise and light pollution. In response to these concerns the Council's environmental health department has been consulted and responded that it has no objection to the application.
- 8.4.3 In addition to environmental health the Environment Agency has also responded to the application and has advised that it has no objection to the application.
- 8.4.4 The development plan seeks to protect the amenity of residents and businesses through CS18. With the benefit of the supporting information which demonstrates that the proposal will improve the emissions of the facility, it is considered that the proposal accords with this part of the policy.

8.5 Natural Environment

- 8.5.1 The application included a preliminary ecological appraisal (including an extended phase 1 habitat survey) which concluded that subject to the removal of vegetation being carried out outside the bird breeding season, there were no restrictions on developing the site from an ecological perspective. Whilst there is a drainage ditch on the site little reference was made to this in the appraisal.
- 8.5.2 The proposal also includes a new pond which when established will help lift the biodiversity credentials of the scheme by attracting local wildlife. The pond will also help with water management and reduce the risk of flooding elsewhere. The Lead Local Flooding Authority maintain an objection to the application however it appears likely that this can be resolved and a site meeting to agree a way forward has been arranged.
- 8.5.2 With appropriate mitigation as suggested in the ecological appraisal it is considered that the harm identified to the natural environment would be limited and the potential improvement through landscaping the proposal accords with CS16 which seeks to protect and enhance the natural environment.

8.6 Built Environment

- 8.6.1 There are two nearby listed buildings at Lingstubs – approximately 250m north of the site. Given the topography of the land and the separation distance it is not considered that the proposal would have an impact on their settings in accordance with CS17. There are no schedule monuments or conservation areas nearby that would be affected by the proposal.

8.7 Planning Balance

- 8.7.1 The proposal would result in a significant, man-made and overly engineered extension into the open countryside through the well-defined existing western boundary of the current facility. As a result of this it is considered that due to the proposals' impact on landscape character and the visual amenity of the area the application is contrary to the development plan.

- 8.7.2 Notwithstanding the concerns with the visual impact of the proposal this must be set against the benefits of the scheme which include the expansion of an existing business in a sustainable location well related to Penrith and the creation of a community fishing facility. The NPPF supports sustainable development however in order for development to be considered sustainable it must meet all three dimensions – economic, social and environmental. Whilst the economic and social benefits are recognised it is considered these are not outweighed by the environmental harm.
- 8.7.3 It is considered that the need for the development of this scale at this site has not been fully justified and that the visual impact and landscape harm is significant and contrary to the development plan. The provisions of the NPPF have been applied however due to the applications environmental shortcomings it is not considered to be sustainable development and hence there is no overriding support from the NPPF as a material consideration.
- 8.7.4 There may be an opportunity for the shed to be located on a different site adjacent to the facility which would have a reduced and potentially acceptable visual impact. Should the current application be refused there exists an opportunity for a free pre-application planning advice meeting should this be of assistance to the developer.

9. Implications

9.1 Legal Implications

- 9.1.1 The following matters have been considered but no issues are judged to arise.

9.2 Equality and Diversity

- 9.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

9.3 Environment

- 9.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

9.4 Crime and Disorder

- 9.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

9.5 Children

- 9.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

9.6 Human Rights

- 9.6.1 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. Conclusion

- 11.1 It is considered that the proposal does not accord with the Development Plan for the following reasons which are not outweighed by material considerations:
- The proposal represents a significant extension into the open countryside for which an overriding need has not been demonstrated.

- The proposed building and associated service yard by their very nature and appearance will have a significant impact on the undeveloped character of the landscape and the visual amenity of the area extending beyond a well-defined and strong existing western boundary.

Gwyn Clark
Head of Planning Services

Checked by or on behalf of the Monitoring Officer	✓
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Background Papers: Planning File

Date of Committee: 03 December 2015

Planning Application No: 15/0459 **Date Received:** 26 May 2015

OS Grid Ref: 348608 530601 **Expiry Date:** 27 August 2015

Parish: Catterlen and Dacre **Ward:** Hesket

Application Type: Full

Proposal: Proposed solar farm and associated development including five inverter cabins, a substation, switchgear housing, two communication buildings, 28 CCTV cameras and perimeter fencing.

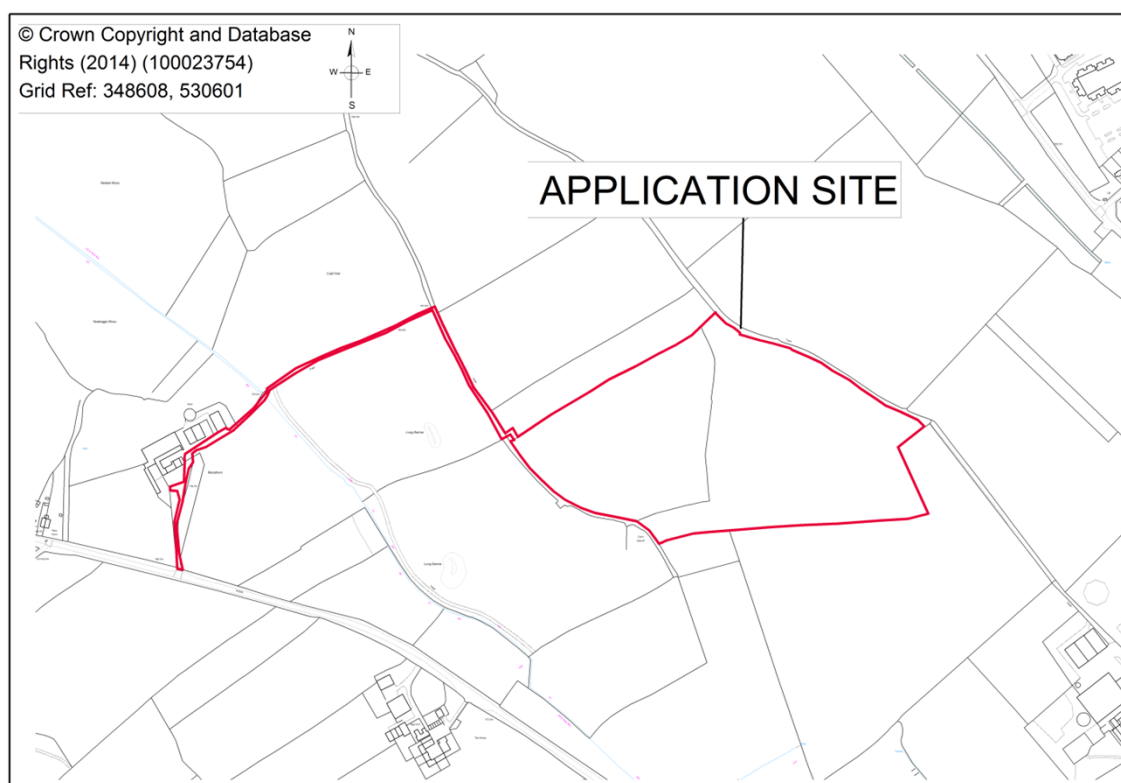
Location: Land near Moss Thorn Farm, Pallet Hill, Penrith

Applicant: TGC Renewables Ltd

Agent: TGC Renewables Ltd

Case Officer: Mr Daniel Addis

Reason for Referral: The application is for a significant solar farm in the open countryside and the officer recommendation is contrary to the view of one of the Parish Councils.



1. Recommendation

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

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.

2. The development hereby granted shall be carried out strictly in accordance with the details and plans hereby approved as listed below:

Plans:

- i. Site Boundary Plan – received 27 May 2015
- ii. Site Design A4 - received 27 October 2015
- iii. Site Design 346-06-PV Moss Thorn Farm (D2) - received 27 May 2015
- iv. Site Design 346-06-PV Moss Thorn Farm (D3) - received 27 May 2015
- v. Site Design 346-06-PV Moss Thorn Farm (D4) - received 27 May 2015
- vi. ES352-A2-025/02G – Substation Details - received 27 May 2015
- vii. 2V Racking System Rev 2 - received 27 May 2015
- viii. NT12135 – Planting Plan - dated 9 July 2015
- ix. TGC/PV001 Rev A1 – 2.0m Deer Fence – received 27 May 2015
- x. TGC/PV003 Rev A1 – Inverter Cabin – received 27 May 2015
- xi. TGC/PV004 Rev A2 - CCTV System - received 27 May 2015
- xii. TGC/PV009 Rev A1 – Comms Building - received 27 May 2015
- xiii. TGC/PV010 Rev A3 – Switchgear Housing – received 27 May 2015

Reports:

- i. Design and Access Statement - received 27 May 2015
- ii. Opportunities Register - received 27 May 2015
- iii. Flood Risk Assessment - received 16 June 2015
- iv. Ecological Appraisal - received 19 June 2015
- v. Provisional Traffic Management Plan - received 22 June 2015
- vi. Community Consultation Report received 22 June 2015
- vii. Archaeological Desk Based Assessment received 29 June 2015
- viii. Agricultural Land Classification Report – dated 9 July 2015
- ix. Landscape and Visual Impact Assessment – dated July 2015

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

3. The permission hereby granted shall expire 25 years from the date when electrical power is first exported ('first export date') from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the local planning authority no later than one calendar month after the event.

Reason: To ensure the landscape impact of the development only exists for the operational lifetime of the development.

4. Within 6 months of the cessation of energy generation from the site, or a period of 25 years and 6 months following from the date when electrical power is first

exported, whichever is the sooner, all infrastructure associated with the solar farm will be removed from the site and the site restored to its original condition in accordance with decommissioning scheme which shall be first agreed in writing with the local planning authority.

Reason: To ensure the landscape impact of the development only exists for the operational lifetime of the development.

5. There shall be no fixed external lighting installed on the site without the prior approval by the Local Planning Authority.

Reason: In the interests of the amenity of the area and to minimise the landscape impacts of the development.

6. The Planting Plan 'Figure 20' of the Landscape and Visual Impact Assessment dated July 2015 shall be implemented in full no later than the end of the first available planting season following the commencement of the development. The planting shall be maintained in accordance with the Planting Plan for the lifetime of the permission including the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species.

Reason: To ensure compliance with the details submitted with the application and to secure biodiversity enhancements and improved screening.

7. The Recommendations included within chapter 4 of the All Ecology Ecological Appraisal dated June 2015 shall be implemented in full within the first calendar year following the commencement of the development.

Reason: To ensure compliance with the details submitted with the application and to secure biodiversity enhancements.

8. The Recommendations included within chapter 9 of the Flood Risk Assessment Incorporating Sustainable Drainage Strategy dated 04 June 2015 shall be implemented in full within the first calendar year following the commencement of the development.

Reason: To ensure compliance with the details submitted with the application and to ensure that the proposal does not result in an increased risk of flooding

Informative:

United Utilities has advised that the proposed site is within the Cumwhinton Water Treatment Works Safeguard Zone drinking water catchment. The Safeguard Zone has been designated due to deteriorating water quality through colour from run-off on the catchment. When the future construction of the solar farm is implemented, the contractor needs to be aware of carrying out construction and anchoring the solar panels in adverse/poor weather conditions could contribute to the colour issues from run-off through the construction activities into the River Eden.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 Full planning permission is sought for the siting of a solar farm and associated development including five inverter cabins, a substation, switchgear housing, two

communication buildings, 28 CCTV cameras and perimeter fencing. The proposal would have a capacity of 5.76 Megawatts Peak (MWp) which would generate 4.84 Gigawatt hours (GWh) of electricity each year – enough to power approximately 1,470 homes. Planning permission is sought for 25 years from the date that electricity is first exported to the grid.

- 2.1.3 The electricity generated from the solar farm will connect directly into the national grid. The connection point is approximately 2.2km from the site access towards Penrith, just west of the flyover. The application includes the connection route within the application site boundary.
- 2.1.4 The application is supported by a Design and Access Statement, an Opportunities Register, a Floor Risk Assessment an Ecological Appraisal, a Traffic Management Plan, a Community Consultation Report, an Archaeological Assessment, an Agricultural Classification Report, a Planting Plan and Landscape and Visual Impact Assessment.
- 2.1.5 The applicant advises that the benefits of the proposal are far reaching and include tackling climate change, a community benefit payment (not a material consideration), the opportunity for local business to benefit from the local supply chain, the potential for job creation, cheaper electricity and a more diverse energy supply.

2.2 Site Description

- 2.2.1 The application site extends to 14.2 hectares and this includes an extensive grid connection route (connection to be provided underground), existing access tracks which serve the farm, and the fields on which the solar panels would be located. The area of agricultural land on which the panels will be located forms two elevated and undulating fields that slope down from west to east. Agricultural land surrounds the site in all directions with the main network of farm buildings located approximately 400m west of the fields in which the panels are proposed. There are a number of trees and hedges surrounding the site in all directions.
- 2.2.2 Access to the site would be taken from the public road using the existing access point which currently serves the farm. The existing access track would be used to access the two fields.
- 2.2.3 No footpaths cross the site although there are a number of footpaths located north, east and west at various distances of between 700m – 900m. The village of Catterlen is approximately 1.1km north of the site with Newton Rigg approximately 400m east at its closest point.
- 2.2.4 The closest residential property to the fields on which the solar panels will be located is Wreay Bungalow located approximately 350m south west at the closest point. Adjacent to Wreay Bungalow are six other properties all at a similar distance from the fields. Mossthorn Farm House is approximately 420m west of the fields on which the solar panels will be located.
- 2.2.5 The Lake District National Park is located approximately 2.5km south of the fields on which the solar panels will be located.
- 2.2.6 There are no other solar farms of this scale within the District. The Council has issued a Screening Opinion for a similar sized site solar farm approximately 2km from the site although no application has been submitted.

3. Statutory Consultees

Consultee	Response
Highways Authority	No objection
Environment Agency	No comment
United Utilities	No objection
County Archaeologist	No objection
Natural England	No objection - the proposal will not affect any statutory protected sites.
Planning Policy Team	There are planning policies in the development plan which could both allow the proposal to be approved or refused. A site specific assessment taking all material considerations into account is required.
Lake District National Park	No significant effects likely
Cumbria County Council	Conforms with strategic policy; no objection
Environmental Health	No objection

4. Parish Council/Meeting Response

Parish Council	Please Tick as Appropriate			
	Object	Support	No Comments/Objections	No View Expressed
Catterlen	√			
Dacre			√	

4.1 Catterlen Parish Council responded as below:

“With regards to the above planning application for a proposed solar farm and associated development on land near Moss Thorn Farm, Pallet Hill, Penrith for TGC Renewables Ltd.

With due regard to the need for renewable energy, the Catterlen Parish Council is in favour of Solar P.V.

However, having conducted a site visit to determine the visual impact of the proposed 14.20 hectares solar farm it was noted that the site is located on rising ground and will be a major visual intrusion, observed from all points of the compass.

It was also noted in particular that the solar farm if approved will be highly visible from a very large part of Penrith Town.

The Catterlen Parish Council recommends Eden District Council Planning Committee should arrange a site visit to enable a true appreciation of the scale and visual prominence of this site.”

5. Representations

5.1 Letters of consultation were sent to near neighbours and a site notice was posted on 16-06-15.

No of Neighbours Consulted	68	No of letters of support	0
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No of Representations Received	0	No of neutral representations	0
No of objection letters	0		

5.2 The applicant provided the following text by letter to the Council on 02 November 2015:

“Renewable energy makes both economic and environmental sense. We all have to challenge ourselves to be as green as possible. Dairy Farming is under financial pressure at the moment and this is our way of helping the situation”.

6. Relevant Planning History

There is no relevant planning history

7. Policy Context

7.1 Development Plan

Eden Local Plan Saved Policies

NE1: Development in the Countryside

NE13: Protection of Trees

BE9: Protection and Recording of Archaeological Remains

NR1: Protection of Groundwater

Core Strategy Policies

CS1: Sustainable Development Principles

CS12: Principles for Economic Development and Tourism

CS16: Principles for the Natural Environment

CS17: Principles for the Built (Historic) Environment

CS18: Design of New Development

CS20: Renewable Energy

7.2 Other Material Considerations

National Planning Policy Framework (NPPF)

Building a strong, competitive economy

Supporting a prosperous rural economy

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

Conserving and enhancing the historic environment

National Planning Practice Guidance (NPPG)

Solar PV Road Map October 2013

Solar Strategy 08 October 2013

Consultation on changes to financial support for solar PV 22 July 2015

Speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry 25 April 2013

Written Ministerial Statement – Solar energy: protecting the local and global environment 25 March 2015

National Energy Policy

Cumbria Landscape Character Guidance and Toolkit

The policies detailed above are the most relevant policies relating to this application.

8. Planning Assessment

8.1 Key/Main Planning Issues

- Principle
- Benefits
- Landscape and visual impacts
- Residential amenity
- Natural environment
- Built environment
- Infrastructure

8.2 Principle

- 8.2.1 The principle of the proposal could be supported by Core Strategy policy CS20 which supports renewable energy proposals where there are no significant unacceptable effects which cannot be mitigated or are not outweighed by the national or regional need for renewable energy development or the wider environmental, social and economic benefits that the scheme may bring.
- 8.2.2 The principle of renewable energy development is also supported at a national level through the National Planning Policy Framework (the NPPF). Of particular note is paragraph 93 which advises that “planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure” and paragraph 98 which recognises that “even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions”.
- 8.2.3 National Planning Practice Guidance (the NPPG) makes it clear that the need for renewable energy does not automatically override environmental protections or the planning concerns of local communities. NPPG also advises that “renewable energy developments should be acceptable for their proposed locations”. With regards to solar farms specifically NPPG advises that “solar farms can have a negative impact on the rural environment, particularly in undulating landscapes” although the “visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”. It is clear from NPPG that the loss of the best and most versatile agricultural land would need to be justified by compelling evidence.

8.3 Benefits

- 8.3.1 The proposal would result in an important contribution to the national renewable energy resource and the reduction of greenhouse gases through the operation of the solar farm. At a local level the electricity generated from the solar farm will connect

directly into the grid. The electricity generated alongside the ground rent will be a guaranteed and secure income to the farm. Local contractors and businesses have the potential to benefit from the knock on effect of the proposal in the area. A community fund for local projects is also proposed by the applicant however this is not a material planning consideration.

8.4 Landscape Character

- 8.3.1 The landscape is classified as Type 6 Intermediate Farmland in The Cumbria Landscape Character Guidance and Toolkit. The guidance describes Type 6 as large-scale open landscape of intermediate farmland that occurs between lowland and rolling upland areas. The land use is predominately grazing land bound by hedgerows and stone walls. Although there are no sub types there are characteristic changes within the type reflecting local geology and vernacular. The guidance does not provide any advice on solar farms although it does advise that vertical structures (examples given as turbines and telecommunication masts) should be avoided where they degrade the rural character of the area.
- 8.3.2 The adjoining landscape characters (to the south of the site) are Type 12b Rolling Fringe and Type 12c Limestone Foothills. Type 12b is described as large-scale undulating topography creating a simple, open landscape with an intimate feel which allow open, uninterrupted views across moorland to a backdrop of hills which are sensitive to prominent infrastructure of other development. Type 12c is described as rolling undulating topography with occasional plateaus and significant areas of commercial forestry plantations with an overarching sense of remoteness which is sensitive to large scale development.
- 8.3.3 The applicant has submitted a landscape and visual impact assessment (LVIA). With regards to impact on landscape the LVIA concludes that the impacts of the proposal would not exceed moderate to slight adverse and they would be limited to the immediate area surrounding the site. With regards to visual effects the LVIA concludes that visibility of the site would generally be limited to within 2km. There are no other solar farms within the area and therefore cumulative impact is not an issue.
- 8.3.4 With regards to the effects of the solar farm on the character of the landscape; the solar panels will appear as a large man-made installation sited on a prominent site in an undulating landscape. The landscape is not overly sensitive to a development of this nature and the site will be well screened by existing and proposed vegetation. The overall sensitivity of the landscape is reduced by the proximity of the M6 and railway corridor and also the Penrith to the east of the site although increased with the National Park to the south and west of the site. On balance it is considered that the proposal will have an adverse effect on the character of the landscape however it would be limited in nature and temporary for up to 25 years.

8.5 Visual Impacts

The sensitive visual receptors in the locality primarily include residential properties and recreational users. Further afield visual receptors will include users of the M6 and residents of Penrith and further afield.

The nearest residential properties are the houses at The Wreay and also Mossthorn Farm House. From these properties, due to the topography of the land and the extensive (existing and proposed) planting which surrounds the site, particularly to east, south and west, views of the solar farm will be limited and significantly screened. No viewpoints have been prepared from these nearest properties as part of the LVIA. It

is considered that the visual impact of the proposal from these properties would be negligible.

Beyond the nearest properties outlined above there are a high number of residential properties at Newton Reigny to the north of the site also Penrith to the east. The solar farm will be visible from these areas however it is considered that the sensitivity of the receptors at this distance would be significantly reduced. Any views of the solar farm would be seen in the context of the wider landscape with negligible harm.

The solar farm will also be visible from parts of the network of nearby public footpaths. None of the footpaths cross the site and the harm created by the solar farm to the users of the footpath would be slight and short-lived as the users of the footpath pass through the landscape.

Taking into account the scale and location of the solar farm, the topography, the extensive screening, both existing and proposed, and the sensitivity of nearby residential properties and users of the nearby footpaths, combined with the overall sensitivity of the area, it is considered that the solar farm would have a very limited harm on visual amenity.

8.4 Residential Amenity

- 8.4.1 The details submitted with the application show that the proposal will raise no issues with noise at nearby properties.

8.5 Infrastructure

- 8.5.1 The proposal includes the grid connection from the site which will run underground and along the Greystoke to Penrith road to the south of the site. This cable route will follow the public road and raises no planning issues.

8.6 Natural Environment

- 8.6.1 An ecological appraisal has been carried out in support of the application. The appraisal confirms that all existing hedgerows and trees will be retained and managed to maintain the quality of the hedgerows. The appraisal also highlights that the fields would continue to be used for agriculture (grazing) while the solar farm is operational. The appraisals propose a number of enhancements and these are secured by planning condition.

8.7 Built Environment

- 8.7.1 There are no listed buildings or conservation areas that would be affected by the 'proposal. There several scheduled monuments near to the application site; 'Long Cairn 330m east of Mossthorn' located approximately 70m west of the access track; 'Long Cairn 370m ESE of Mossthorn Farm' located approximately 127m southwest of the access track and 'Bowl barrow 350m north east of The Wreay' approximately 10m west of the application site. Due to the presence of these scheduled monuments there has been ongoing dialogue between the applicant and the county archaeologist. As a result of this dialogue the County Archaeologist has raised no objection to the application.

8.8 Planning Balance

- 8.8.1 There is policy support for renewable energy development at the international, national and local level. Importantly where harm is identified the benefits must outweigh the harm (NPPF test and also Core Strategy policy CS20 test). The proposal would result in far reaching benefits through the generation of electricity through a renewable source and improvements to the natural environment. The harm as a result of the

proposal would be to the character of the landscape, the visual amenity of the area and the setting of three nearby listed buildings. On balance it is considered that the harm on the character of the landscape and the visual amenity of the area is not significant and is outweighed by the benefits of the proposal in accordance with CS20 and the NPPF.

8.8.2 With regards to other site specific issues there are no significant or adverse effects identified that would prevent the application from complying with the development plan or introduce conflict with the NPPF or PPG.

8.8.3 In summary it is considered that the proposal accords with the development plan when taken as a whole and is further supported by material considerations including the NPPF and PPG.

9. Implications

9.1 Legal Implications

9.1.1 The following matters have been considered but no issues are judged to arise.

9.2 Equality and Diversity

9.2.1 The Council must have regard to the elimination of unlawful discrimination and harassment, and the promotion of equality under the Equality Act 2010.

9.3 Environment

9.3.1 The Council must have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.

9.4 Crime and Disorder

9.4.1 Under the Crime and Disorder Act 1998, the Council must have regard to the need to reduce crime and disorder in exercising any of its functions.

9.5 Children

- 9.5.1 Under the Children Act 2004, the Council has a duty to safeguard and promote the welfare of children in the exercise of any of its functions.

9.6 Human Rights

- 9.6.1 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. Conclusion

- 11.1 It is considered that the proposal accords with the Development Plan for the following reasons:

- The proposal is for a renewable energy development which is supported in principle subject to there being no unacceptable effects which cannot be mitigated.
- The proposal will result in a limited and localised impact on the landscape and the visual amenity of the area.
- The proposal will result in limited harm to the setting of three nearby scheduled monuments.
- The proposal will result in a net enhancement to the natural environment through planting and improved boundary treatments.
- There are no site specific issues that conflict with any part of the Development Plan.

Gwyn Clark
Head of Planning Services

Checked by or on behalf of the Monitoring Officer	✓
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Background Papers: Planning File

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