

DEVELOPMENT CONTROL AND REGULATION COMMITTEE
A report by the Executive Director for Economy and Infrastructure
28th February 2023

Application Reference No. 6/22/9004

Application Type: Full Planning Permission

Proposal: Planning permission for a 2 Mega watt (MW) ground mounted Solar Array and associated infrastructure on land off Dova Way, Barrow Island, Barrow-in-Furness.

Location: Land off Dova Way, Barrow Island, Barrow-in-Furness, Cumbria, LA14 2TZ

Applicant: Cumbria County Council

Date Valid: 31 October 2022

Reason for Committee Level Decision: Application made by Executive Director for Economy and Infrastructure

1.0 RECOMMENDATION

1.1 That Planning Permission be granted subject to conditions as set out in Appendix 1 of this report.

2.0 THE PROPOSAL

2.1 Planning permission is sought for a 2-megawatt (MW) ground mounted solar array installation and associated infrastructure on land off Dova Way, Barrow Island, Barrow-in-Furness. The applicant has indicated they would be seeking planning permission for 30-35 years.

2.2 It is proposed to install a ground based solar array on existing land currently vacant which is part of a larger site in use as a carpark on a temporary basis. The site is hard surfaced and gravelled and is suitable to accommodate new development, having been recently remediated.

2.3 The development will consist of several rows of solar tables containing the individual solar panels, all facing southward to absorb as much solar radiation as possible. The arrays will be fixed (non-tracking/moving).

2.4 As part of the proposal, there will also be some associated infrastructure to support the arrays, including two small substations (measuring 6 by 3 metres, with a maximum height of 2.7 metres) and an AC combiner to allow storage and distribution of electricity generated by the panels. The panels and tables themselves are modest in scale, ranging between 0.5 and 3 metres above ground level.

3.0 SITE DESCRIPTION

- 3.1 The site is located at land on Dova Way, Barrow and covers an area of approximately 3 hectares over two main areas, intersected by an access road. Land to the west of the application site is currently in use for car parking, on a temporary basis.
- 3.2 The area is generally industrial and urban in nature – there are a small collection of large industrial buildings to the south of the site and to the west. An area of housing is located to the north of the site on Barrow Island and this forms a dense terraced housing area. Part of the dock structure is located directly to the south of the site. Also close to the site is an area of allotments and gas works infrastructure.
- 3.3 The actual site of the proposed ground based solar array is remediated land with a gravelled surface, and part of the adjacent site is in use, on a temporary basis, as a car park. Both parts of the site have been previously cleared for development to proceed. The site is allocated in the Barrow local plan as an employment opportunities area.

4.0 SITE PLANNING HISTORY

- 4.1 Planning permission was granted in 2015 for remediation works to the wider site (6/15/9007). In 2017, permission was granted for remediation works to three plots of derelict ground to alter ground levels and provide development platforms ready for the site to be developed.

5.0 CONSULTATIONS AND REPRESENTATIONS

- 5.1 Barrow Borough Council Planning Department: Object to the proposal based on loss of part of the site allocated as an employment site (Waterfront Business Park). There is evidence of demand for employment land and the proposal does not represent an employment use and does not need to be located within the allocated site
- 5.2 Cumbria County Council (CCC) Highway Authority: No objection to the scheme and no conditions recommended
- 5.3 CCC Lead Local Flood Authority: No objection to the scheme and no conditions recommended
- 5.4 Barrow Borough Council Environmental Protection Department: No objection to the proposal, but request an assessment is made of glint and glare on the flight traffic of Walney Airfield
- 5.5 Civil Aviation Authority: No comments received at the time of report writing
- 5.6 CCC Ecological consultant: Concurs with the habitat regulation documents and assessment of likely significant effects (ALSE) and Appropriate Assessment (AA) on the European sites. Recommends that the County Council as competent authority adopts the habitat regulations assessments. Suggests an additional condition to provide a scheme for habitat creation on the site (grassland), to be approved prior to any development commencing on site.

- 5.7 CCC Emergency Planning: No objection but do have specific procedures in place if an incident should occur. An informative should be added to any decision notice to alert the applicant to the need to liaise with emergency planning officers if necessary.
- 5.8 Cumbria CC - Historic Environment Officer: No objection, with limited intrusive ground-breaking there is unlikely to be any impacts on the original timber dock
- 5.9 Electricity northwest: The scheme could have an impact on operational land and electricity distribution assets. In the event that planning permission is granted, the applicant should verify details with electricity northwest. Also consider the applicant should be referred to two documents enclosed with the consultation response which detail safe practices for development in proximity to overhead lines and underground services.
- 5.10 Environment Agency: No objection, but do recommend a condition for the submission and approval of a remediation strategy for the site to ensure the previous remediation work undertaken at the site is not adversely affected and groundwater is protected
- 5.11 Health and Safety Executive: No significant concerns raised, solar farms are not usually a relevant development in proximity to major hazard sites as they do not introduce people to that area.
- 5.12 National Air Traffic Services: No objections based upon application information
- 5.13 National Grid – electricity transmission: No comments to date
- 5.14 Natural England: have limited capacity to review the information in relation to ecological impacts, but identify that an updated ecological survey maybe needed at a more suitable time of year due to the potential for breeding birds to use the site
- 5.15 United Utilities: either request additional information in terms of finished floors levels and ground levels, or recommend a condition be imposed if planning permission is granted to allow details of a surface and foul water drainage system to be approved.
- 5.16 Ministry of Defence (MoD) – Safeguarding: Site is located outside their safeguarding area so no objection or comments
- 5.17 BAE systems Marine Ltd – Submarines: No comments to date
- 5.18 Gas network (South Cumbria): No comments to date
- 5.19 CCC policy officer: The site is located within a Minerals Safeguarding Area, but it is a temporary development and not likely to sterilise the reserves of sand and gravel. In addition, the site is located within a safeguarding area which extends to two other sites allocated for sand and gravel (M12 and M27), so the proposal would not prevent access to the mineral resource in the future and would comply with criteria 4 of policy DC15
- 5.20 Old Barrow Electrol Division - Helen Wall: No comments to date

5.21 One representation has been received which expresses disappointment that the site will now have a solar array placed on it when it was to be managed as a compensatory habitat for the Barrow Waterfront development (the compensatory site referred to is located at Sandscale Park and is the subject of planning application 6/22/9003 for a solar array, but reference to this application is made in the representation). The concerns raised is that the installation of the solar array on the Sandscale Park site will prevent the management of the grassland for ecological benefit. I do not consider this to be material to the determination of this planning application.

6.0 PLANNING POLICY

6.1 [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. Government policy is a material consideration that must be given appropriate weight in the decision making process.

6.2 The [Cumbria Minerals and Waste Local Plan 2015-2030](#) was formally adopted on 6 September 2017. The key policies relevant to the determination of this planning application are considered to be:

DC15 - Minerals Safeguarding
SP1 – Sustainable development

6.3 The New Barrow local plan 2016-31 was formerly adopted on 4 June 2019. The following polices of this plan are considered relevant to this proposal;

DS1 – Sustainable development

DS2 – Sustainable development criteria

DS3 – Development strategy

DS5 – Design

DS6 – Landscaping

C1 – Flood risk

C3a – Water development

C4 – Contaminated land

C5 – Promoting renewable energy

C6 – Renewable energy and low carbon energy proposals

P1 – The Port of Barrow

EC1 – Waterford Business Park

EC2 – Provision of employment land

EC3 – Managing development of employment land

EC4 – Loss of employment land and sites

HE1 – Heritage assets and their setting

N1 – Protecting and enhancing landscape character

N3 – Protecting biodiversity and geodiversity

6.4 [The National Planning Policy Framework](#) (NPPF) was published in a revised and updated form in July 2021. The national online [Planning Practice Guidance](#) (PPG) suite was launched in March 2014 and is continually updated. Both are material considerations in the determination of planning applications. The following sections and paragraphs of the NPPF are considered to be relevant to the determination of this application:

- Section 1: Introduction
- Section 2: Achieving sustainable development
- Section 4: Decision taking
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment

7.0 PLANNING ASSESSMENT

A screening opinion has been adopted by the County Council on the 17 October 2022 in relation to the proposal - this opinion concluded that the project was not EIA development. The screening opinion was adopted after submission of the planning application and considered information within the application to help inform the opinion – I therefore see no reason to update or alter/revise the screening opinion now adopted.

7.1 I consider the key planning issues and material considerations relevant to the proposed scheme to be:

7.2 **Would the development conflict with policies of the Barrow Local Plan that allocates the site as an employment opportunities area (Barrow Waterfront Business Park)?**

7.3 The site of the proposed array is part of a site allocated as the Waterfront Business Park, Barrow (referred to as site EMR03) in the Barrow local plan. This allocates the site as a strategy employment site for uses classes B1, B2 and B8 (classes E1(g), B2 and B8 from September 2020) due to an amendment to the Use Classes Order. The allocated site is therefore reserved for employment generating uses. Uses classes B1, B2 and B8 broadly cover storage and distribution uses, office uses and general industrial uses.

7.4 In terms of the site allocation as the Waterfront Business Park, policy EC1 of the Barrow local plan is relevant. The site forms part of the larger designated area of this site, which extends to a total of 18.4 ha of land. The site of this proposal is 3.6 ha and therefore accounts for around one fifth of the total site allocation area.

- 7.5 Policy EC1 requires that any development within this area should contribute positively to this high-quality employment location and would be subject to assessment of other policies in the local plan.
- 7.6 Policy EC2 of the new Barrow local plan requires the supply of good quality employment land and floorspace, ahead of employment demand. Any proposal for non-employment uses will be resisted under this policy, unless there is no reasonable prospect of the site being used for employment purposes. It is clear therefore that other uses on the site will not be permitted unless the exception under policy EC4 (below) can be met.
- 7.7 Policy EC4 concerns loss of employment land or buildings. It states '*in determining planning applications for non-employment uses which involve the loss of land and/or buildings which are either identified, currently used or were last used for industrial, business, office or other employment uses (B1, B2, B8), developers will be required to provide a statement to the satisfaction of the Local Planning Authority demonstrating that; (a) There is no demand for land/buildings on the site for employment purposes, including commercial evidence as to how the site has been marketed over the previous 12 months and (b) interventions to improve the attractiveness of the site for employment uses are not feasible*'.
- 7.8 The proposed solar farm is not an employment use and is contrary to the provisions of policy EC2. However, the applicant has provided additional information in relation to policy EC4 and a possible exception under this policy. The following information has been provided in support of the solar farm on the allocated employment site, summarised in the following paragraphs.
- 7.9 A statement has been received from the County Councils Estates and Investment Manager (Commercial Property and Investment) to confirm the extent of marketing of the site over an extended period. This statement confirms that there has been marketing of the site by various means to attract suitable employment generating end users. This period of marketing, from 2011, has not resulted in any significant interest from suitable end users and was mostly from local business who were ultimately discouraged due to financial constraints.
- 7.10 Independent marketing of the site was undertaken from March 2022 by Edwin Thompson (Chartered Surveyors) and the applicant has provided a short statement from the marketing company which again confirms that there has been little interest in the site and indeed no firm offers have been accepted either for the whole site or any part of it. They also offer their view that, as only 20% of the site will be occupied by the solar farm, this would in no way hamper the ability of the remainder of the site to be used for allocated uses. Furthermore, they consider that in the event planning permission is granted for the solar array, it would offer an opportunity for the supply of electricity to business located on the remainder of the site.
- 7.11 Further to the above information, the Capital Programme Control Manager has provided an additional statement in relation to the proposed solar array. It is suggested that the scheme will result in an indirect job increase of 56, generation of additional GVA for Cumbria, and was supported by the Cumbria Local Enterprise Partnership (CLEP) who have changed the outcomes for the site to include the solar array, in recognition that the site is not being developed as intended, in March 2022.

- 7.12 The statement goes onto to explain the climate change benefits of the project, which are also covered in paragraphs 7.54 and 7.55 of this report. Of course, the solar array will generate electricity and it is envisaged that this will be used to directly supply local businesses on the waterfront site, would provide an example of solar infrastructure on the site and would be likely to increase the viability of the site for other users.
- 7.13 The Capital Programme Control Manager confirmed that Dova Way was selected as one of the few sites in the Council's ownership that was suitable for a solar array. Confirmation has also been provided in terms of the considerable investment that has been made in the site to increase its attractiveness for employment uses – suitable development platforms have been formed at the site and infrastructure installed, largely through funding by the Cumbria Local Enterprise Partnership (CLEP).
- 7.14 Barrow Borough Council have objected to the proposal and accept that the proposal is sustainable development but that the site has a greater strategic value in being reserved for employment and supply chain use than as in use as a solar farm. Furthermore, the borough Council is of the view that the solar farm could be placed on any other site and does not need to be located on this allocated site. The exception identified in policy EC4 is therefore not met.
- 7.15 The Borough Council's objection cannot be easily discounted. The allocation of the land for employment use was made as recently as 2019 in the adopted Barrow local plan. It therefore carries significant 'weight' in the planning process unless the proposal satisfies the two exception tests set out in policy EC4. Although I am extremely cautious about setting aside the Borough Council's objections, I believe on balance the evidence of lack of interest in the site over a long period of time, coupled with the considerable investment that has been made to make it more attractive suggests that this is a type of development that can meet the exceptions test. My view is reinforced by the confirmation of Edwin Thompson's opinion that because only 20% of the site would be lost, the remainder would not be sterilised for employment use.
- 7.16 **What impacts will the proposal have on the amenity of nearby dwellings?**
- 7.17 The site is located to the south of a residential area consisting of mainly terraced properties. At its closest point, the site is within 90 metres of the nearest properties. I consider there would be little material physical impact on the amenity of these properties. The proposed solar tables are at most, 3 metres in height and, at the separation distance that exists between the residential properties and the development, there will be negligible physical impacts upon these properties in terms of loss of light or physical overbearing impacts.
- 7.18 The application is supported by a glint and glare assessment. This assessment considers the impact the ground-based array would have on the closest residential receptors to the site – in this case the southernmost dwellings within the residential area to the north of the site. Six representative dwellings were assessed closest to the site at a height of 4.5 metres to simulate an observer looking out of a first-floor window towards the development – this will give a conservative approach to identifying any impacts and a 'worst case scenario'. Boundary walls and a high wall present beyond the southern boundary of the dwellings will serve to prevent glare at ground floor level. The assessment predicted that glare or glint would not be experienced by observers in the nearest dwellings to the site to any significant degree.

7.19 In consideration of the result of the glint and glare assessment, I consider therefore that the array would not lead to unacceptable impacts upon residential amenity as the closest dwellings to the site have been assessed.

7.20 What impacts will there be on the highway network?

7.21 The development in itself is not likely to lead to any significant implications for the highway network. Once constructed and in place, the development would only require minimal maintenance at infrequent intervals and so traffic to the site would be very limited.

7.22 During construction/implementation of the scheme, there would be more significant impacts on the local highway network. Access to the site will be via Dova Way, which is a generally lightly used, single carriageway which already serves the parking area and other industrial units in the area, but ultimately terminates at the site and does not allow through connection to other parts of the road network. I consider this highway would be suitable to carry any construction traffic and will not require any upgrading work. Transportation of the components of the solar panels and tables will only require standard HGVs and other vehicles and will not consist of any abnormal or wide loads which may need special arrangements to gain access to the site.

7.23 I consider the construction impacts would be acceptable and for a limited period and I do not consider them to be of a scale which would require the submission and agreement of a construction traffic management plan. This is a view confirmed by the local highway authority who have not requested a condition to be imposed to require the agreement of a construction traffic management plan before the scheme is implemented.

7.24 As part of the glint and glare assessment, the impact of the array on the road network was considered to predict whether there would be any detriment to road users because of glint and glare. The conclusions of the assessment found that glare would be experienced by users of St. Andrews Street (residential access) and Ramsden Dock Road to the north, but not to critical levels and these two routes are unlikely to be significantly affected by the project. Dova Way is likely to be affected by glare, however, the level of glare would again be outside the critical level and would be experienced mainly between March and October. Users would only experience a very small fraction of this glare as they will be moving along these highways and not stationary in the path of the glare and so the predicted impacts are likely to be significantly reduced by the movement of vehicles and highway users. In this regard, the glint and glare assessment is likely to overestimate the impacts. Dova Way is also not a significant commuter route but rather an access highway to a small number of commercial buildings on this part of the site.

7.25 Overall and with the assessment carried out, I consider there would not be unacceptable impacts and risks to road users because of predicted glare or glint from the solar array and therefore there would be no significant highway safety implications as a result during the operational phase of the development.

7.26 What impacts will there be on statutory protected sites and will the proposal result in biodiversity net gain?

7.27 The site is not located within any statutory designed site, however, it is located within close proximity (about 350 metres) of protected sites, namely the

Morecambe Bay and Duddon Estuary Special Protection Area (SPA); the South Walney and Piel Channel Flats Site of Special Scientific Interest (SSSI); the Duddon Estuary SSSI; the Duddon Estuary Ramsar site; Morecambe Bay Special Area of Conservation (SAC), and Morecambe Bay Ramsar site.

- 7.28 The application is supported by a Preliminary Ecological Assessment (PEA) along with a Habitats Regulation Assessment in the form of an Appropriate Assessment (AA) and Assessment of Likely Significant Affects (ALSE).
- 7.29 The conclusion of the survey work is that, although the site is located close to the statutory designated sites, the habitat at the site is common and generally of low ecological interest. None of the features for which the sites are designated are located within the application site. The site is mainly sealed artificial surfaces and fringed by neutral grassland. It is likely that birds, mammals, and invertebrates may use the habitats surrounding the site, but it is unlikely that the site would itself be suitable habitat for the interested species.
- 7.30 Overall, the likely effects on the proposed scheme on the statutory protected sites are limited and classified as low, except for birds. There is potential for the site to be used by wading birds, and migration across the site is possible. However, mitigation is considered possible to include avoiding the ground nesting season to carry out the works to install the solar panels, or, if this is unavoidable, a pre-commencement survey is recommended. I consider it would be appropriate to recommend a suitable condition to prevent installation work during the bird nesting season.
- 7.31 The Councils consultant ecologist have reviewed the supporting habitat regulation assessments submitted and accepts them as providing a good overview of the site and its value. The ecologist recommends that the Council adopts the ALSE and AA. The ecologist recognises that the site previously had a higher ecological value as grassland, however, there is an opportunity to manage and enhance the existing marginal areas of grassland on the site – a condition is recommended to approve details of a scheme of habitat management and enhancement, post construction.
- 7.32 I consider, given the ecologist endorsement as above, that there is a low likelihood of impacts on the European protected sites and consider conditions can be used to control when commencement works are begun on the site in connection with the installation of the array to further mitigate against any possible negative impacts, together with the habitat enhancement scheme.
- 7.33 In terms of measuring biodiversity net gain, the application is supported by a biodiversity net gain analysis using the latest biodiversity metric 3.1.
- 7.34 Overall, the project is considered to maintain relevant habitats on the site, and achieves an overall biodiversity net gain of 35.1%, well above the required 10% uplift in net gain, though this requirement will not become mandatory until late in 2023. The net gain is mainly achieved by maintaining habitats on the site. Protection of nesting birds during installation of the array, long term protection of bird nesting habitat and increasing opportunities for pollinators will deliver the net gain identified. The development of the site as a solar array will prevent other development occurring, for example, buildings or hardstanding areas, which could result in the loss of bird nesting habitat. Enhancement of the habitat (neutral grassland), around the edge of the site, will result in enhanced floristic diversity.

7.35 Overall, therefore, I conclude that the proposal complies with policy N3 of the Barrow local plan and paragraphs 179 and 180 of the NPPF.

7.36 **What impact will the scheme have on the landscape character of the site and surrounding area?**

7.37 ***Operational impacts***

7.38 The application is accompanied by a landscape and visual impact assessment (LVIA). The site is not located close to or within any specific protected landscape areas, being located some distance from the Lake District National Park and some 14 miles from the Arnside and Silverdale ANOB. The site is located within the West Cumbria Coastal Plain National Character Area (NCA) and is set amongst a predominantly urban environment with few discerning landscape features.

7.39 The proposed scheme would be well screened by urban forms in the area – to the south there are large industrial units and to the north of the site is located a residential area. The scale of the solar tables is small – their maximum height would be 3 metres and, although they would cover a large area, the overall landscape impact would be limited.

7.40 Visibility of the development from other receptors would also be limited – only those receptors immediately adjacent to the site are likely to be affected and able to obtain views of the site and development. The character of the site and its immediately surrounding area is mainly urban, with a dominance of artificial features and structures on the site and in its vicinity. There is little vegetation of note in the area.

7.41 The magnitude of change to the landscape once the solar array is in operation would be minor. No landscape features will be removed or significantly altered once the scheme is operational and the low-lying nature of the site serves to reduce any visual impacts. The surrounding built environment serves to contain the site visually and provides quite an effective screen around it from other surrounding areas.

7.42 In terms of the effect on the main landscape character type relating to the site (West Cumbria Coastal Plain National Character Area), only a small area of this landscape type would be affected. The urban nature of this part of the landscape type and the presence of man-made features serves to reduce the impact that the scheme will have significantly.

7.43 ***Construction impacts***

7.44 Impacts of the scheme during its construction are potentially greater. During the construction phase of the development there will be increased activity at the site due to associated vehicular traffic and movements, and plant and machinery on and near the site required to allow implementation of the scheme. During this phase, site preparation works, movements of machinery and equipment are likely to have greater physical and perceived impact on the immediately surrounding area. Site compounds and laydown areas would result in some temporary changes to the character of the landscape and visual appearance of the site. However, such impacts will generally be short lived and readily reversible once the solar tables are in position and become operational.

- 7.45 Overall, I consider that the scheme would have limited landscape impacts and the magnitude of change would be low. Any adverse impacts experienced during the construction phase would quickly reduce into the following operational phase. The development will also be temporary and removal of the array from the site at the end date will allow the site to be restored much as it was prior to development.
- 7.46 I consider therefore that the proposal complies with policy N1 of the Barrow local plan.
- 7.47 **Does the proposed solar array result in any implications for flood risk**
- 7.48 Most of the site is located within flood zone 1 and is at low probability of flooding. Some areas of the site are prone to accumulation of surface water; however, this appears to be because of the topography of the site rather than any significant flood risk. The extreme southern part of the site is located in flood zones 2 and 3, but there are flood defences in place to protect against river and tidal flooding.
- 7.49 The proposed development would not significantly alter the topography of the site and the solar tables themselves would be located on pads which would slightly elevate them about the level of the site. The associated infrastructure needed to support the development would be located away from areas of the site known to be vulnerable to pooling of surface water.
- 7.50 A comprehensive flood risk assessment has been submitted in support of the application and does not identify any significant increased risk of flooding because of the installation of the ground-based array, both in terms of the site and any flood risk increase on other sites close by. The Environment Agency do not object to the development or disagree with the findings of the FRA.
- 7.51 I consider that the development would not lead to significant increases in the likelihood of flooding to other areas and as such effects can be controlled by surface water and soil management regimes to control runoff from the site, although it is noted that the installation of the array would not fundamentally alter the permeability of the surface of the site. A condition is considered appropriate to ensure drainage systems and mitigation measures are submitted for approval prior to installation taking place at the site.
- 7.52 Given the above, I am of the opinion that the proposal complies with policy C1 of the Barrow local plan.
- 7.53 **Will the proposal affect any features of historical importance?**
- 7.54 There are only two historic features existing as records at the site – Barrow Island Sheepfold and the Timber Dock structure. These exist as records only, there is no physical evidence available on the site of these features. This is mainly because the site has been redeveloped and remediated and the features affected have been filled in. It appears there could be remains of the timber dock below ground but there are no above ground features. For the installation of the panels, there would be limited ground works needed, and so any remains are unlikely to be significantly affected. In terms of direct effects on historic features, I consider these to be minimal and minor. Given this, the historic environment officer has no objection to the scheme and does not recommend a condition requiring a scheme of archaeological recording or investigation at the site, as the site has been redeveloped and remediated and such an investigation would be

disproportional to the scheme and its likely affects – I concur with this view.

7.55 There are several heritage features within the study area of the site which could be indirectly affected, to include several listed buildings, six conservation areas and one registered park and garden. However, the study area is quite significant, extending to some 3km from the site to consider any indirect effects on features of interest. The features identified with this area are mostly inward looking and located in urban and industrial settings whereby they are effectively screened from the development site. Their settings are unlikely, therefore, to be significantly affected because of this scheme.

7.56 Carbon reduction and climate change impacts

7.57 One of the main benefits of the scheme, once it is fully operational, is the potential it has to reduce carbon emissions through the generation of renewable energy. At the moment, the array will supply electricity directly to the local network and it is predicted that the scheme will effectively save the emission of 547 tonnes of CO₂ per annum.

7.58 The scheme will also result in direct reductions in other harmful emissions including sulphur dioxide and nitrogen dioxide. I consider that the scheme therefore fulfils an important role in addressing climate change and as such is in compliance with the NPPF and the new Barrow local plan.

Other Material Considerations

7.59 Minerals safeguarding

7.60 The application site falls within an area safeguarded for the extraction of sand and gravel. However, it only covers a small part of a larger area designated for the minerals safeguarding extending to the east beyond the docks area and incorporating Rooscote Quarry and two allocated sites beyond (M27 preferred area and M12 area of search). Given this and the limited effect on the safeguarding area, I consider the scheme would not lead to sterilisation of known sand and gravel reserve nor prevent access to the minerals resource in the future.

7.61 The proposal is also for a temporary period, although it is recognised this could be for a considerable length of time – perhaps up to 35 years. I consider therefore that the scheme could fall under criteria 4 of policy DC15 as a possible exemption under this policy (temporary development), however, I consider that the proposal will not come into conflict with this policy and its aims and objectives.

7.62 Implications for land contamination

7.63 The site has been the subject of planning permission for remediation in the past, with planning permission granted in 2017. Remediation works have been carried out recently on the site and, given that limited ground-breaking is required to install the solar tables, it is highly unlikely that any contaminants would be mobilised by the implementation of the scheme. I consider it would be appropriate to control any construction aspects in terms of potential contamination risk by the submission and approval of a construction environmental management plan (CEMP) and pollution prevention plan – I consider these can be required by a condition.

7.64 Impact of flight paths of the nearest aerodromes

- 7.65 As part of the glint and glare assessment, the possible and predicted effects on any nearby airfields has been considered. The closest airfield to the site is Walney Airport, about 3.6km to the north of the application site. This airfield has three runways, although only two are in operation. As part of the assessment, flights maps have been consulted and circling is included as part of this. However, as the circling extends to 8 miles from the airfield, much of this was discounted as the impact of solar arrays is typically evident within only 3.2 km of an airfield when considering circling aircraft.
- 7.66 The results of the analysis confirm that there will be no glare of any level experienced by pilots in their approach to the airfield. As a result, the proposal is not considered to be a hazard to aircraft.
- 7.67 One helipad was identified at Furness General Hospital. However, this helipad is located some 3.9km to the northwest of the site and as limited information was available in relation to the pad, it was discounted from the assessment.
- 7.68 It should be noted that solar panels are designed to absorb as much light as possible to maximise the use of incoming solar radiation. Furthermore, a matt finish is used to further reduce any glint and glare. As a result, such impacts are kept to a minimum.

8.0 CONCLUSION

- 8.1 Taking a contrary view to the recommendation of the Borough Council is uncomfortable and we would prefer to be together on this matter. However, whilst I understand their desire to retain the land for employment use, the evidence suggests little or no interest from developers despite the amount of public investment that has been made to try to attract employment uses. Given that around 80% of the allocated land could still be retained for employment, I am satisfied that the two exception tests set out in Policy EC4 have been met and there would be not significant unacceptable impacts on the allocated site.
- 8.2 In addition, there is strong policy support for renewable energy schemes, both in the NPPF, at paragraph 158 and in the new Barrow local plan within policy C6 (renewable energy proposals). I consider that the proposal aligns with policy C6 in terms of its limited environmental impacts and minimal effects on local amenity and that it will not result in any cumulative effects with other similar developments in the area.
- 8.3 The National Planning Policy Framework (NPPF), at paragraph 158, as stated above, also provides support for renewable energy proposals and states that applicants are not required to demonstrate a specific need for such proposals and also gives weight to the importance of small-scale proposals in terms of their contribution to reducing emission of greenhouse gases.
- 8.4 Given the strong support for renewable energy proposals, and the lack of a demonstrable prejudice to the allocated site, I recommend that planning permission is granted, subject to conditions listed in Appendix 1.

Human Rights

- 8.5 Given the nature and purpose of the proposed development no Convention Rights as set out in the Human Rights Act 1998 would be affected

Angela Jones
Executive Director for Economy and Infrastructure

Contact: Mr Richard Cryer

Electoral Division Identification: Old Barrow

Development Control and Regulation Committee – 28 February 2023

Appendix 1 – PROPOSED PLANNING CONDITIONS

Time Limit for Implementation of Permission

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Scheme

2. The development hereby permitted shall be carried out in accordance with the following:
 - a. The submitted Application Form – dated 28 September 2022
 - b. Supporting statement C5077-1328, version 2, dated 26 October 2022
 - c. Plans numbered and named:
 - i) C5077-100 – site location plan
 - ii) C5077-101 – site layout plan
 - iii) C5077-101a – existing site plan
 - iv) C5077-102 – site topography plan
 - v) C5077-103 – typical solar panel elevations
 - vi) C5077-104 – substation
 - vii) C5077-105 – AC combiner
 - d. Figure 1 – direct impacts on cultural heritage features
 - e. Flood assessment – C5077-1328, version 1
 - f. Study area plan, figure 5.1, version 1
 - g. Landscape Character Types, C5077-1328, Figure 2
 - h. Landscape designations, C5077-1328, Figure 5.3
 - i. Solar ZVT, figure 5.4
 - j. Hydrological context map,
 - k. Appendix 9, HRA screening document
 - l. Appendix 9.2, Appropriate Assessment
 - m. Appendix 9.3, Preliminary Ecological Assessment
 - n. Appendix 9.4, Biodiversity net gain analysis
 - o. The details or schemes approved in accordance with the conditions attached to this permission.

Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

3. No development approved by this planning permission shall not 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;

1. 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

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.

3. The results of the site investigation and the detailed risk assessment referred to in (2) 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.

4. 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 (3) 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: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

4. Within six months of the development being decommissioned or the development failing to produce electricity the owner shall remove all arrays, associated plant and equipment and undertake restoration measures to reinstate the site to its pre-development condition to the reasonable satisfaction of the Local Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

5. Prior to the commencement of development, details of a sustainable surface

water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof).
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to completion of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6. Prior to completion of the implementation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and

b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained, and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

7. All construction work should be undertaken outside of the bird nesting season. The bird nesting season is between 1st March and 31st August inclusive. If this is not possible, a suitably qualified ecologist must be present to oversee construction work and carry out a bird nesting assessment of the site and if appropriate, an exclusion zone set up around any vegetation to be protected until any dependent young have vacated the area.

Reason: To ensure biodiversity is taken into account and demonstrate the Local Planning Authority's compliance with the National Planning Policy Framework and the NERC biodiversity duty as reflected in Barrow Local Plan policies N3 and N4

8. No site construction work shall take place outside the hours of;

07:00 to 18.00 Monday to Friday

08:00 to 13:00 Saturdays

No working on Sundays, Bank or Public

Reason: To minimise impacts on the amenities of nearby residents.

9. No works shall commence on site until a site-appropriate scheme of post-construction habitat enhancement and management has been submitted to and approved by the Local Planning Authority. The scheme shall then be implemented as approved.

Reason: In order to deliver Biodiversity Net Gain, and to accord with policy N3 of the Barrow local plan and paragraphs 179 and 180 of the National Planning Policy Framework (2021)

Development Control and Regulation Committee – 28 February 2023
Appendix 2 - PLAN OF SITE LOCATION/EXTENT



