

DEVELOPMENT CONTROL AND REGULATION COMMITTEE

Minutes of a Meeting of the Development Control and Regulation Committee held on Tuesday, 28 February 2023 at 10.00 am at Council Chamber - County Offices, Kendal

PRESENT:

Mr GD Cook (Chair)

Mr A McGuckin (Vice-Chair)	Mr D English
Mr RW Betton	Mr KR Hamilton
Mr RK Bingham	Mr AJ Markley
Mr A Bowness	Mr J Mallinson
Mrs HF Carrick	Mr W McEwan
Mr F Cassidy	Mr P McSweeney
Mr N Cotton	Mr MH Worth

Also in Attendance:-

Mr R Cryer	-	Lead Officer - Development Control
Mrs J Currie	-	Professional Lead - Democratic Services
Mr P Haggin	-	Manager Development Control & Sustainable Development
Mr E Page	-	Planning Officer
Ms J Petersen	-	Planning Officer
Mr A Sims	-	Countryside Access Officer
Mr I Blinkho	-	EPW - Lead Lawyer
Mr R Dobson	-	Item 8
Mrs J Ratcliffe	-	Item 8
Mr M North	-	Item 8
Mr C Hefferman	-	Item 8
Mr D Hunter	-	Item 12 and 13
Mr J Daplyn	-	Item 13

PART 1 – ITEMS CONSIDERED IN THE PRESENCE OF THE PUBLIC AND PRESS

102 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr F Morgan, Mr P Turner and Mr D Wilson.

103 CHANGES IN MEMBERSHIP

There were no changes in membership for this meeting.

104 DISCLOSURES OF INTEREST

Mr A McGuckin declared a non pecuniary interest in Agenda Item No 7 – Application Reference 1/22/9005 – Proposed Extension of time of the extraction of sand and gravel until 31 December 2032 and subsequent restoration by infilling and ancillary aggregate recycling at Faugh Sand Pit No 2 (Esk Quarry), Faugh, Brampton as he lived near the village, his wife signed the petition and his daughter and son in law live near the quarry.

Mr W McEwan declared a non pecuniary interest in Agenda Item No 13 - Application Reference No. 6/22/9004 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, Cumbria, as he is a member of Barrow Borough Council's Planning Committee.

105 EXCLUSION OF PRESS AND PUBLIC

RESOLVED that the press and public not be excluded during consideration of any items of business.

106 MINUTES

RESOLVED, that the minutes of the meeting held on 17 January 2023 be confirmed as a correct record and signed by the Chairman.

107 HIGHWAYS ACT 1980 SECTION 119 APPLICATION TO DIVERT PUBLIC FOOTPATH NO 302151 AT HAGGS BANK PARISH OF ALSTON MOOR

Mr R Betton arrived at the meeting during consideration of this item but did not vote.

Members considered a report from the Executive Director – Economy and Infrastructure which detailed an application received by the County Council to divert public footpath no 302151 at Haggs Bank in the Parish of Alston Moor.

Members recalled an earlier application to extinguish public footpath no 302151 when it was resolved that an order be made under Section 118 of the Highways Act 1980. The order was made but objections were received and the Order was not confirmed by the Secretary of State for the Environment, Food and Rural Affairs.

The extinguishment of the path was not accepted by the Inspector as he was not convinced the path was not needed for public use. He considered that the route would be used at least as often as other routes in the area. Furthermore, the Inspector found that whilst there would be some benefits to the owner, he was not persuaded that stopping up the right of way would resolve any of the security issues identified. This diversion found an appropriate balance in meeting the concerns of the landowner and achieving a better more convenient route.

The recommendation was moved and seconded and put to a vote, which was unanimous. It was,

RESOLVED, that, pursuant to the power set out at Part 2G paragraph 2.1(g)(iii) of the County Council's Constitution, an order be made under Section 119 of the Highways Act 1980 to divert public footpath no 302151 from A-B to C-D-E-B as shown on the plan at Appendix A and if no objections are received, the order be confirmed. In the event objections are received and not withdrawn, the matter may be referred to the Secretary of State for consideration.

108 APPLICATION REFERENCE NO. 1/22/9005 - PROPOSED EXTENSION OF TIME OF THE EXTRACTION OF SAND AND GRAVEL UNTIL 31 DECEMBER 2032, SUBSEQUENT RESTORATION BY INFILLING AND ANCILLARY AGGREGATE RECYCLING AT FAUGH SAND PIT NO. 2 (ESK QUARRY), FAUGH, BRAMPTON

Mr A McGuckin had declared a non-pecuniary interest in this agenda item and left the meeting at this point.

Members had before them a report from the Executive Director – Economy and Infrastructure concerning an application for planning permission for the extension of time for the extraction of sand and gravel until 31 December 2032, subsequent restoration by infilling and ancillary aggregate recycling at Faugh Sand Pit No. 2 (Esk Quarry), Faugh, Brampton.

This combined planning application had been submitted after discussions with the County Council on how best to regularise the operations and allow the remaining reserve at the site to be worked. To date, there was estimated to be some 240,000 tonnes of reserve at the site which had not been extracted under the existing planning permissions.

Members of the committee had visited the quarry on 10 January 2023 in an organised committee site visit. As part of the visit, members were driven along the route HGVs took to reach the site and the route vehicles took when leaving the site to return to the A69.

The Planning Officer drew members' attention to the Update Sheet and a further objection received from Mr B Cox, an update from Network Rail, Wetheral Parish Council and further comments received from a member of the public.

The Planning Officer took members through the report in detail, highlighting the following:-

- Site description, including a presentation of the haul route to and from the quarry and site history
- Planning assessment

The officer informed members that the proposal to continue extraction of sand for a further ten years and continuation of aggregate recycling unsurprisingly had generated a lot of local concern and opposition. The expectation from residents close to the site was that activity would end at the site in 2022 and restoration would begin. Such concerns were certainly material considerations in the consideration of this application and important to those who had voiced their concerns.

It was reported the quarry site was not in an ideal location, being located close to residential properties. However, both national and local planning policy attributed great weight to the extraction of minerals, and, of course, they could only be worked where they occurred. This, coupled with the strong evidence that there was an inadequate supply of sand and gravel for the local plan period, weighed in favour of the proposal to extract sand at the site for a further period of ten years.

There was undoubtedly going to be negative environmental impacts as a result of any continued operations in terms of noise, dust and vehicle movements and there would be some impacts on local residents, particularly given how close the quarry was to those residents. But, it was also clear from the consultants reports supporting the planning application and responses from consultees, that such impacts could be controlled and minimised to an acceptable degree, with the use of appropriate planning conditions as safeguards.

This had been the case during the long operational life of the site and, whilst it was true to say some complaints had been received about adverse impacts, those had in most cases been resolved with informal dialogue with the operator. This proposal allowed an opportunity to review controls at the site and the Planning Officer considered that with more robust planning conditions, particularly in regard to vehicle movements to and from the site, greater control could be exercised going forward to control activity at the site to protect the amenity of those most likely to be affected.

Mindful of the protection of the amenity of those closest to the site, an additional condition was proposed that a local quarry community liaison group be set up in order to provide an avenue for addressing any concerns about the operations at the quarry.

The officer, whilst recognising the concerns outlined recommended that planning permission be granted.

One of the members asked whether any consideration had been given to staggering the lorry access times to the site to avoid busy periods.

The Lead Officer said Condition 4 prohibited vehicle engines running outside the operational hours, and also explained that one of the recommended conditions controlled the hours of operation at the site, but explained it would be difficult to control the times that vehicles arrived and departed from the site during the working day.

One of the members asked why the County Council had only requested £25,000 as a developer contribution for the repair/reinforcement of a section of highway at Cairn Bridge, and not the full cost.

The Lead Officer responded to say that he felt it was unreasonable to ask them to pay more as only a third of the HGV traffic using this section of highway was associated with the application site.

Members asked if it was possible to go back to the developers for an additional contribution in 10 years time if the road deteriorates. The officer responded to say that in another 10 years the site should be restored but if a further time extension was sought, another planning application would need to be submitted and the highways contribution could be reconsidered then, if necessary.

One of the members asked what officers would do to ensure that the applicant did not breach any of the planning conditions, and whether the Council was able to monitor sites and take enforcement action if needed. The officer replied to say that the Council was able to monitor the site on a regular basis and if complaints were received the Council was duty bound to investigate these.

One of the members asked for clarification on why the company was allowed to carry out recycling activities without permission. The Manager Development Control and Sustainable Development clarified that the Council first became aware of recycling activity in 2015 and advised the operator that planning permission was required. The operator then engaged the Minerals Planning Group to make an application for the recycling operations which was submitted in 2020 but withdrawn in 2022 after it was agreed that it would be more appropriate to seek planning permission for both recycling and the extension of time to the quarry. The Manager acknowledged that it had taken several years for MPG to apply for permission, but at the time the level of complaints was relatively modest and the Council's planning Team was few in number. The Lead Officer confirmed that after the withdrawal of the planning application for recycling operations in 2022, enforcement action had been considered, however, it was concluded that it would not be expedient to initiate formal action prior to the receipt of the combined planning application for recycling operations and a time extension to sand extraction.

A member asked a number of questions the first of which was about the dust assessment mentioned in the report. He had not seen the survey. He also asked about light pollution, the impact, if any, on the watercourses nearby, and also HGV movements to and from the site and the closeness of these to the houses.

The Lead Officer responded to say that the studies had been examined by the relevant consultees who had agreed with the conclusions of these studies.

The Lead Officer suggested that it could be possible for a condition to be used to control the aspect of light pollution, if needed.

The officer said HGVs do travel close to the properties in the village but the noise impact of this had been assessed and speed limits had been suggested to try to reduce noise and vibration.

The officer emphasised that waste handled at the site was only permitted to be inert in nature, and would therefore not create any pollution risk to the watercourses or generate any leachate. Waste washing would require a bespoke permit from the Environment Agency.

One of the members asked what would happen to the site if permission was not granted for this application proposal. The officer confirmed that the site would need to be restored and that currently approved restoration scheme involved the import of materials to achieve agreed ground levels.

The Chair then invited those registered to speak to address the Committee.

The first to speak was **Mrs Julie Ratcliffe** a local resident from Heads Nook, who spoke to say the following:-

'Local residents impacted by this planning application have so many concerns that it would take far longer than the five minutes allocated to list them, so in pursuit of brevity I've chosen three of the most worrying.

I'm Julie Ratcliffe and I've lived in Heads Nook since 2007. Over that time, I've witnessed the change from quiet rural village with little through traffic on its narrow, C-classified road, to the equivalent of living on a trunk road with, currently, upwards of 25 32- and 44-tonne wagons passing within a few feet of houses throughout the day.

The contents of these wagons – some still unsheeted – is a constant talking point. Assuming the material is in-bound for restoring the site, it should be inert. For recycling, demolition rubble might be expected, but organic materials that stink and attract flocks of gulls would surely have no purpose. And in a bizarre coals-to-Newcastle reference, we can add sand to the list.

And probably the biggest concern: other developed countries such as the US and Canada have acknowledged that fine silica particles are a danger to health and sand quarries must be sited at least a kilometre from housing. Residents in Faugh live feet from the perimeter of this quarry.

88 of us have written (some in considerable detail), to object to this planning extension and 260 have signed a petition against it. The objections are précised in the report by the Executive Director for Economy and Infrastructure and the petition gets a mention too. But this is the only reference there is to the impact on local residents that granting this approval will deliver. And we've had to identify and raise every single one ourselves.

Cumbria Minerals and Waste Local Plan 2015-2030 is referenced in the Executive Director's report and 21 key policies are identified as being pertinent. Not one

addresses the impact on the local community. To that, add 7 policies in the Carlisle District Local Plan 2015-2030 and five sections of the National Planning Policy Framework (NPPF) and the national online Planning Practice Guidance (PPG). Again, no mention of the potential impact on residents.

Interestingly, a tiny colony of Great Crested Newts that has been found at the site Does merit a mention in the extensive paperwork attached to this application, and the actions required to protect their environment are listed. The considerably larger colony of humans that lives alongside and on the access routes to the quarry receives no such consideration.

Many of us have had cause to contact the planning office over the past few years to report a variety of issues pertaining to the site and its operations and when we did, we were met with an unanticipated three-word phrase – “enforcement is discretionary”.

This came as quite a surprise, particularly as the title of the committee contains the words control and regulation. It seems that whatever contraventions of planning might be reported, the planning office chooses whether or not to intervene.

If this planning application is approved, it is predicted the number of wagons passing our doors daily to dump loads at Esk Quarry will increase to 30 a day (although elsewhere in the application, the figure of four an hour is mentioned which, over a twelve hour working day, could add up to 48, practically double the current numbers.) If this quota is exceeded and we appeal for help to the planning office, will we be told “enforcement is discretionary”?

If more suspicious material is conveyed through our communities to be dumped or buried at the site and we report it, will we be told “enforcement is discretionary”?

If conditions are applied to the granting of permission and we become aware of contravention and report it, will we be told “enforcement is discretionary”?

A look at the county council’s vision statement reveals “the council’s core purpose is to serve the people of Cumbria” and that it aims to “protect the vulnerable” and priorities include enabling communities to live safely, promoting health and well-being, and providing safe roads.

The residents of Faugh and surrounding communities certainly feel vulnerable, but they don’t feel protected and they have real fears about their safety, health and wellbeing. If it weren’t for the support and concern of their local councillor Roger Dobson, they would feel overlooked and ignored.

If research from the US is borne out and health is affected, what will the planning office tell us then? Will it still be “enforcement is discretionary” and does this discretion in reality simply reflect a complete lack of care for those impacted and if this is the case, what narrow margin might inevitably separate this lack of care from a charge of negligence?’

Next to speak was **Mr Mick North**, who raised the following points with the Committee:-

'Hello, my name is Mick North and I've lived across the road from the quarry entrance for almost 20 years.

The previous permission for sand and gravel extraction applied a condition on vehicle numbers so that no more than 30,000 tonnes a year could be exported, the reason being, and I quote, 'to ensure traffic movements do not exceed current levels in the interest of highway safety'.

30,000 tonnes can be hauled using only 5 or 6 trucks a day. This was actually a reduction on a previous limit of 50,000 tonnes, and the officer's report noted that 'the Highway Authority consider that the proposals are more favourable than the extant consent because the reduced annual output would reduce traffic levels and the potential for structural damage to the road network due to loading intensity.'

This was in 2012. Why was reducing traffic impact considered to be a positive outcome then, and why is massively increasing it considered to be desirable now? From 5 or 6 trucks a day to 20 something, to 30?

The Planning Statement for the current application argues that the quarry's waste permit allows it to process a maximum of 75,000 tonnes a year, but because the cap on HGVs movements – 22 a week – this limit would never be reached.

This isn't true. If you do the maths, that limit will easily be reached, and could easily be exceeded. 30,000 tonnes of sand or gravel can be shifted in around 60 movements a week. 75,000 tonnes of waste could be done with 148 movements. That only accounts for 208 of the 2230 weekly limit.

Nobody seems to be doing the sums. Has no-one noticed that approval would give the green light to over 100,000 tonnes of exported material a year, as well as 75,000 tonnes coming in? It would say 'yes' to almost 2 million tonnes of material on our roads over the next decade.

And what will happen if the dormant Hanson quarry next door to this one applies for an extension when its current permission runs out next year? Do your officers think the same road, and the same communities, can take another 20 or 30,000 tonnes a year?

The apparent lack of attention to detail extends to the claims made on behalf of recycled aggregates in reducing demand for primary, quarried material. It is claimed several times in the documentation that recycled can be substituted for primary, but this is only true if the recycled material is rigorously screened and washed, and this application clearly states no washing will take place.

This means that its suitability as an alternative to primary materials is very limited. Its uses are confined to sub-base, basic drainage, bulk infilling, landscaping. It is no substitute for washed and gravel in the production, say, of concrete. A properly

equipped technically sophisticated recycling process can produce recycled sharp ad soft sand, and several grades of gravel, but what's proposed here is not in that league. The only washing going on here is greenwashing.

Finally, I want to talk about the word 'ancillary'. Everyone seems to be ignoring what it means. In 2015, when the applicant was found to be processing waste without planning permission, it was noted that the activity was of a scale that could not be considered ancillary to the main operation of the site.

As you know, ancillary means secondary. But of recycling could not be considered ancillary in 2015, how can it be defined as such now? If you put the processing of 75,000 tonnes of recycled waste alongside the extraction of 30,000 tonnes of sand and gravel, isn't it obvious which of those activities is ancillary.

Officers seem determined to believe that recycling is some kind of environmentally friendly sideline taking place inside the confines of a traditional, historic sand quarry that's been there practically forever. The reality is that a previous operator, Tarmac, abandoned the site because it judged the remaining reserves to be of insufficient quality or quantity. The next owner did nothing with the place for ten years. The current owner's relationship to sand is inscrutable because, on common with many other operators, Wannop Ltd, has provided no sales data to the Council in all the years of its occupancy. Does that sound like an established and active quarry to you?

A neighbour who cannot be here today told me that if the Council approves this application it will feel like we are being handed a 10 year sentence for something we haven't done. Your officers seem happy to roll with some questionable figures, and, from an office 50 miles away, to declare the impact of this development on our communities as acceptable. It adds a whole new dimension to the idea of remote working. Councillors, I hope that you can give us a fairer hearing than that.'

Mr Bingham left the meeting at this point.

The Local Member for Hayton and Corby, **Mr Roger Dobson** then spoke to say:

'I want to focus on four key issues:

- Compliance
- Location
- Whether we need sand and recycling at Faugh
- Health

COMPLIANCE

We are not resourced for extensive monitoring of compliance and are reluctant to enforce.

Eddie Wannop Ltd has a culture of rule breaking. The conditions proposed in this report stand no chance of being observed or enforced.

LOCATION

Faugh No 2's location is unique. In a village and adjacent to 24 houses. I cannot find another sand quarry in Cumbria or outside Cumbria in this situation. I cannot find another recycling site adjacent to housing and so poorly served by the road network. In 1951 the quarry was two fields and quarry trucks were small. Today 44 tonne trucks are almost four times the size. From the A69 to the quarry is three miles of narrow country lanes. Front doors are less than a metre from the road.

Recycling at Faugh does not minimise waste road miles as required by policy (SP13)

The report says "*I cannot identify any significant safety issues*"

There are profound safety issues. Some people in Heads Nook who do not own a car have to walk or cycle one and a half miles dodging trucks on a narrow country road without a pavement to reach the shops, the bus-stop, the doctor and the school. One family walks a five year old to school. In the winter they walk in the dark.

NEED

The Local Aggregates Assessment is based on sales of sand and reserves with planning approval. The Assessment factors in construction developments. The current forecast predicts that there could be a shortfall within the rolling seven year horizon.

I agree with this calculation. But we should recognise that its methodology may be misleading. We rely on sales and reserves data supplied by the quarry operators. Even if their data is accurate there is the problem of non reporting (in 2020 five of the twelve quarries failed to report) The calculation is part based on estimated sales and reserves. Until the Esk planning application arrived in October reserves were estimated at 88,000 tonnes; that has now been revised to 240,000 tonnes. In effect there was an error of 270%. The product of aggregate recycling is not included nor is sand dredged from the sea.

WE do not need Faugh's sand We should trust the market. In my Division alone, Brocklewath Quarry closed before its reserves were exhausted, Kirkhouse had a ten year extension because sales were less than expected, Faugh No1 has been dormant for years and since 1991 there seems to have been little demand for sand from Faugh No 2.

If demand rises then planning permissions will be extended to those areas we know of. It will become commercially viable to dredge from the sea. Other sand deposits will be identified and recycling will be more thorough. The Local Aggregate Assessment will no longer forecast a shortfall.

HEALTH

Vibration is suffered by properties that are close to the southern access road. This impacts on residents' physical and mental health.

The Officer says “*the risk to anyone residing close to a quarry is negligible*”

History is littered with examples of people closing their minds to emerging truths concerning health.

Eleven MPs worry about quarries. They are promoting a Bill requiring that a quarry is at least 1,000 metres from housing. North America already has planning restrictions on sand quarries.

The worry is Ultrafine PM2.5 particles can enter the blood stream relatively easily.

Sir Chris Whitty’s December 2022 report: Air Pollution refers to Short-term exposure to PM2.5 It says there is a substantial evidence base linking short-term variations in PM concentrations with variations in mortality risk.

On Sunday an NHS consultant wrote to me

I have searched the world’s most comprehensive biomedical literature database back from the present day to 1946. I have only found two research papers researching respiratory symptoms and lung function tests in individuals residing near quarries. Both papers reported significantly higher respiratory problems and symptoms. One paper reported significantly worse lung function test results in those that lived near to quarries compared to controls that lived further away. Interestingly the lung function results worsened the nearer to the quarry that individuals lived. The evidence available only provides evidence of harm not safety.

No-one knows if Esk quarry threatens the health of residents. **We do** know that when the wind blows sand is deposited on surrounding properties . We know that heightened concentrations of PM2.5 will be present in the air around Faugh. We do not know if this is a threat to all residents, or just to small children, pregnant mothers and those with existing respiratory conditions or to no-one.

In the absence of more research we should err on the side of safety.

It is difficult to reject the Officers recommendation; they are our trusted expert advisors. However, they are not expert on health and road safety. You have to balance the interests of a small community versus the interests of the County. But there is no conflict of interest.

Cumbria doesn’t need Esk sand and it certainly does not need extra road miles to recycle at Faugh. There will be no Job loss: extracting sand and recycling aggregates will be carried out by the same number of people employed somewhere better.

Please do not put residents and children at risk; do not deter them from active travel by imposing unnecessary truck miles on a deteriorating, inadequate road network. Please do not take risks with peoples health by increasing PM2.5

Like the Mayor of London arguing to extend the low emission zone I want to be on the right side of history.

Everyone should have the right to breathe clean air.

Thank you.'

The last person to speak was **Mr Chris Hefferman**, the agent of the applicant, who made the following points

- The clear and demonstrable need for new and maintained sand and gravel reserves within Cumbria and the role which this site plays
- The clear direction from central government to aggregate recycle where possible and move waste up the hierarchy to avoid landfilling
- The unambiguous conclusions of the TA and the Council's own highways engineers and experts that the scheme does not present unacceptable highway impacts
- This scheme, if approved, affords the Authority a clear set of conditions by which to regulate HGV movements, tonnages and potential environment impacts
- No objection from: The Environment Agency, Natural England, Highways, Lead Local Flood Authority or Ecology specialists, appointed by the Council
- The site is also tightly regulated by an EA permit which officers have seen alongside the site's monitoring report demonstrating full compliance. A modern planning permission and a modern Environment Permit is a 'belt and braces' approach to regulation
- You can only work minerals where you find them
- The supporting statement and environmental assessments are exhaustive, they are a comprehensive suite of independent studies which draw unambiguous conclusions in support of the scheme which are supported by The council's counterpart specialists
- The operator welcomes the planning condition which requires an ongoing community liaison group where residents can voice any concerns arising
- A substantial net gain in biodiversity is afforded by the site's restoration scheme which will commence in tandem with the remaining extraction of reserves.
- A significant financial contribution would be made by the operator to the Council's highways department if the scheme is approved despite surveys demonstrating that the operator is not the principal cause of the route's deterioration.

The Chair thanked all of the participants for their statements.

Some members expressed concerns about this application and how the conditions would be monitored, but the recommendation was moved and seconded and put to a vote. With 8 voting for, 5 against and no abstentions it was

RESOLVED, that subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to require a financial contribution of £25,000 to be paid for the repair/reinforcement of a section of highway at Cairn Bridge, planning permission be GRANTED subject to conditions as set out in Appendix 1 of the report.

The meeting then broke at 11.35 and reconvened at 11.45

109 APPLICATION REFERENCE NO.1/22/9006 - LATERAL EXTENSION TO THE EAST FOR THE QUARRYING OF SAND AND GRAVEL - LAND ADJACENT TO CARDEWMIRES QUARRY, CARDEWLEES, DALSTON, CA5 6LF

The Committee considered a planning application which sought a lateral extension to the east of Cardewmires Quarry, Cardewlees, Dalston.

The Planning Officer drew members attention to the update sheet which detailed a further response from the Environment Agency.

The officer took members through the report describing the site and its surrounds, detailing the proposal and highlighting aspects relevant to the key issues of landscape and visual impact, noise and dust.

The officer considered that strong evidence existed that there was an urgent need to release additional sand and gravel reserves in order to contribute toward maintaining a minimum seven year landbank throughout the plan period.

A number of representees had raised concern that the proposal would negatively impact upon a nearby recently established camping enterprise that has positively contributed to the local economy. It was acknowledged that this proposal would bring mineral working closer to the campsite, however the submitted noise impact assessment (NIA) indicated that the worst case scenario noise impact of the extension would not be noticeably greater than that arising from the existing operational site and this proposal would not extend beyond the current permitted operational life of the existing quarry.

Further to the NIA, the applicant had agreed to reduced hours of working in the proposed eastern extension area and to better site and acoustically contain the feed hopper.

The Planning Officer considered that the working scheme had been sensitively designed and would result in negligible additional adverse impacts for those staying at the campsite, and therefore recommended that permission be granted subject to conditions.

With no questions from members the recommendation was moved and seconded and voted upon with all members voting in favour. It was

RESOLVED, that Planning Permission be GRANTED subject to the conditions set out in Appendix 1 to this report.

110 APPLICATION REFERENCE NO. 2/22/9008 - EXTENSION AND ALTERATION OF EXISTING SCHOOL TO FORM A SIXTH FORM CAMPUS FOR PUPILS FROM MAYFIELD SCHOOL, WHITEHAVEN INCLUDING NEW VEHICLE ACCESS AND EXTERNAL WORKS AT ST JOSEPH'S SCHOOL, MOUNTAIN VIEW, COCKERMOUTH, CUMBRIA, CA13 0DG

The Committee considered a planning application for an extension and alteration of a former primary school site to form a sixth form campus for pupils from Mayfield School, Whitehaven including creation of new vehicle access and external works.

The Planning Officer explained that a single storey extension was proposed to the eastern elevation of the existing school, on an area that was previously utilised for soft play. The proposed extension would create two classrooms, link corridor, assisted shower room, workshop and greenhouse. The scheme also proposed the relocation of the previously approved summerhouse.

The Planning Officer considered the small extension, siting of summerhouse and workshop, alterations to the access road and widening of the driveway entrance to be acceptable, and considered the proposed alterations to the school would be minor and that the capacity of the site would be significantly decreased from when St Joseph's was at its prime. The proposal would bring back into use a school which had been left empty and would become a derelict disused building. It was therefore recommended that this application be granted subject to conditions.

The recommendation was moved, seconded and voted upon. With an unanimous vote it was

RESOLVED, that planning permission be GRANTED subject to conditions set out in Appendix 1 of this report.

111 APPLICATION REFERENCE NO 2/23/9002 - ST JOSEPH'S SCHOOL, COCKERMOUTH

The Committee considered a planning application for the installation of temporary portacabin classroom buildings on the hard surfaced play area of St Joseph's School Cockermouth for a temporary period, in association with works to create a new sixth form campus for pupils from Mayfield School, Whitehaven.

The accommodation would provide two classrooms, lobby, w.c. facilities and storage. A ramp and steps would allow access from the existing play area to the temporary classrooms. Additional rear openings would provide steps as emergency exits.

The Planning Officer reported that there had been no objections to the proposals, and the siting of the modular classrooms would be acceptable until new permanent classrooms were completed. She therefore recommended that planning permission be granted, subject to conditions.

With no questions from members the recommendation was moved and seconded and put to a vote, which was unanimous.

RESOLVED, that planning permission be GRANTED subject to conditions set out in Appendix 1 of this report.

112 APPLICATION REFERENCE NO. 4/22/9004 - CONSTRUCTION OF A MULTI-USE GAMES AREA (MUGA) AT BRANSTY PRIMARY SCHOOL, MONA ROAD, WHITEHAVEN, CA28 6EG

Members considered a planning application to construct a hard surfaced Multi-Use Games Area (MUGA) at Bransty Primary School, Mona Road, Whitehaven.

The Planning Officer showed members plans, aerial images and photographs of the site and its surrounds and detailing the proposal, pointing out key elements of context.

The Planning Officer considered that the proposal would provide an enhanced sports facility for the school that would maximise the productive use of an area of grassed playing field whilst maintaining its openness and boosting opportunities for pupils to improve their health and well-being. He was therefore recommending that planning permission be granted subject to conditions.

The recommendation was moved and seconded and put to a vote, which was unanimous.

RESOLVED, that planning permission be GRANTED subject to the conditions set out in Appendix 1 to this report.

113 APPLICATION REFERENCE NO. 6/22/9003 - PLANNING PERMISSION FOR A 2 MEGA-WATT (MW) GROUND MOUNTED SOLAR ARRAY AND ASSOCIATED INFRASTRUCTURE ON LAND AT SANDSCALE, BARROW-IN-FURNESS, CUMBRIA, LA14 4QS

Mr Betton left the meeting at this point.

Members considered a report on an application for planning permission for a 2 mega-watt (MW) ground mounted Solar Array and associated infrastructure on land at Sandscale, Barrow-in-Furness, Cumbria.

The Lead Officer – Development Control took members through the report showing them plans, aerial images and photographs of the site and its immediate surrounds and the proposal. The Lead Officer explained that an assessment of whether glint and/or glare from the solar array would adversely affect flight paths of aircraft from nearby landing sites, had been carried out and that this concluded that there would be no significant glare affecting pilots using the airfield and the scheme would not lead to hazardous situations for aircraft.

The Lead Officer considered that the proposed solar farm struck an acceptable balance between benefits and impacts, and whilst there were some landscape impacts, effects on sensitive receptors from glint and glare, and the possibility of some disruption to users of the public right of way during the construction and decommissioning phases, he felt these to be relevantly limited. He therefore recommended that planning permission be granted, subject to condition in Appendix 1 of the report.

Mr Betton returned to the meeting at this point. He did not take part in the vote.

One of the members asked if it would be possible to amend Condition 3 of the planning permission to provide more precise criteria for when the solar array should be removed.

The Lead Officer highlighted the difficulties of establishing a precise performance based threshold which could easily be ascertained/measured and felt the current wording was sufficient and noted the economic imperative for ensuring the productivity of the panels and re-use of the site at the end of the operational life of the solar array.

The Chair then invited the registered speakers to address the meeting.

Mr Dale Hunter the agent for this application addressed the meeting. He raised the following points:

- Potential impacts on aviation infrastructure as a result of glint and glare and the assessments prepared in relation to this
- Overwintering and breeding waterbird populations on the Duddon Estuary, undulating sand dunes and barrier effects
- Access arrangements from A590 and crossing the railway line
- Health and Safety Executive spatial web app
- Agricultural land classification, spatial constraints and nature of the development

The Chair thanked Mr Hunter for his presentation.

Upon conclusion of the public participation, and there being no further questions the recommendations were moved and seconded and out to a vote. The vote was unanimous.

RESOLVED, that Planning Permission be GRANTED subject to conditions as set out in Appendix 1 of the report.

114 APPLICATION REFERENCE NO. 6/22/9004 - 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, CUMBRIA, LA14 2TZ

Mr W McEwan declared a non-pecuniary interest in this item as he was a member of Barrow Borough Council's Planning Committee.

The Committee considered a report on an application which sought planning application of a 2 Mega watt (MW) ground mounted Solar Array and associated infrastructure on land off Dova Way, Barrow Island, Barrow-in-Furness.

The Lead Officer informed members that Barrow Borough Council had objected to the proposal as it would result in the loss of part of a site allocated for employment use. However, despite repeated requests the Borough Council had not provided any information to evidence interest on the use of the application site for employment related purposes.

It was reported that Cumbria County Council had marketed the site a number of times but there had been no significant interest from suitable end users.

The Lead Officer understood the desire of Barrow Borough Council to retain the land for employment use, but the evidence suggested little or no interest from developers despite the amount of public investment that had been made to try to attract employment uses.

Given that around 80% of the allocated land could still be retained for employment use, the officer was satisfied that there would be not significant unacceptable impacts on the allocated site. Given the strong support for renewable energy proposals, and the lack of a demonstrable prejudice to the allocated site, he therefore recommended that planning permission be granted, subject to the conditions listed in Appendix 1 of the report.

One of the members from Barrow in Furness understood that employment at BAE Systems was due to increase from 10,000 to up to 17,000 over the next few years and he asked how confident the County Council was that this would not become an obstacle in future of this application was granted.

The Lead Officer said he was confident this would not be a problem as this application would only use 20% of the site.

Another Barrow member had heard a rumour that BAE were looking for land to use as a car park. The Lead Officer was not aware of this and currently had no information on this, but the application in front of members must be decided on current evidence.

Members asked if it would be possible to defer this application pending evidence from Barrow Borough Council. The Manager Development Control and Sustainable Development reassured members that the County Council had requested the evidence twice from the Borough Council, but that had not been forthcoming. He reminded members that applications could only be assessed on available evidence.

The Chair then invited the registered speakers to address the meeting.

First to speak was **Mr James Daplyn** on behalf of the applicant who made the following points.

- The Barrow Waterfront site had been developed over a number of years and Barrow Borough Council had already used some of this for office workspace.
- Outlined the funding from Cumbria Local Enterprise Partnership to further develop the site.
- Despite the marketing of the site for employment use over a number of years the site is still standing empty
- The positive outcomes that a solar farm will bring (carbon reduction and income generation) in relation to the above points
- He confirmed that only 20% of the site would be used up by this application and the Council would continue to market the rest for employment use.

Next to speak was **Mr Dale Hunter** the agent for the application, with the following points:-

- Waterfront Business Park EMR03 designation
- Limited proportion of area utilised
- Currently vacant land and implications in planning terms
- Temporary nature of the development
- Cumbria County Council's Carbon Management Strategy 2022
- Minimal works required to install and decommission the solar farm
- Alternative sites considered

One of the members asked about other potential sites that could have been used instead, and whether other sites had been considered. The agent confirmed that over 63 sites were looked at as part of this project.

The recommendation was then moved and seconded and out to a vote, which was unanimous. It was

RESOLVED, that Planning Permission be GRANTED subject to conditions as set out in Appendix 1 of the report.

115 APPLICATIONS DETERMINED UNDER DELEGATED POWERS

RESOLVED, that the list of applications determined under delegated powers be noted.

116 APPLICATIONS PROPOSED TO BE DETERMINED UNDER DELEGATED POWERS

RESOLVED, that the list of applications proposed to be determined under delegated powers be noted.

117 FORWARD PLAN

RESOLVED, that the Forward Plan be noted.

118 DATE AND TIME OF NEXT MEETING

Due to local government reorganisation this would be the last meeting of the County Council Development Control & Regulation Committee.

The Chair thanked all members for all the time and effort they had expended during their time as members of the committee and to all the officers for their hard work and diligence whilst working for the County Council.

Members and officers then thanked the Chair and gave him a round of applause.

The meeting ended at 1.10 pm