

SCHEDULE A: Applications with Recommendation

19/0556

Item No: 01

Date of Committee: 14/08/2020

Appn Ref No:
19/0556

Applicant:
BSW Timber Group

Parish:
Kingmoor

Agent:
WYG

Ward:
Belah & Kingmoor

Location: BSW Sawmills, Cargo, Carlisle, CA6 4BA

Proposal: Removal Of Conditions Of Previously Approved Permissions 90/1152 (Conditions 10, 11, 12, 16); 92/0219 (Conditions 7, 8, 9, 12); 92/0733 (Conditions 7, 8, 9, 11); 99/0313 (Condition 6); 01/0075 (Condition 6) And 15/0418 (5) Relating To Hours Of Operation; Restricting The Movement Or Operation Of Vehicles Or Plant Within And To And From The Sawmill; Restricting The Despatch Of Timber Or By-Products From The Site And Deliveries Of Timber; And Restricting The Maintenance, Repair, Servicing, Replacement Or Re-Fitting Works To Plant, Equipment Or Vehicles

Date of Receipt:
17/07/2019 10:00:42

Statutory Expiry Date
11/09/2019 10:00:42

26 Week Determination
06/07/2020

REPORT

Case Officer: Stephen Daniel

The application was deferred at the Development Control Committee meeting on the 19th June 2020 in order to allow a meeting to take place between the applicant's noise consultant (WYG) and officers in Environmental Health to discuss the noise assessment undertaken to date.

At the meeting, it was agreed that additional information was required to make the noise assessment more robust and, therefore, acceptable to Environmental Health Officers. A Noise Addendum Report was subsequently submitted on 15th July 2020 and this considers the following:

- the assessment of the potential change in ambient noise levels at nearby properties;
- details of baseline and predicted noise frequency spectra;
- expanded commentary of the results in line with the guidance presented within BS4142 and the 1/3 octave method presented within the standard; and
- quantification of the effects of the proposed barriers.

The conclusions from the Noise Addendum are summarised below:

- The updated change of noise levels assessment shows that with all noise sources operating at the development, the maximum change in noise levels expected as a worst case at the modelled receptors is 2.8dB. When taking out the contribution of noise levels from the Biomass Building (which currently is operational 24 hours), the maximum change in noise levels expected is 2.1dB, which falls below the Lowest Observed Adverse Effect Level (LOAEL) (noise level changes of ± 3 dB are generally imperceptible to the human ear).

- In line with the request from Environmental Health Officers, details of the assessment results at each receptor location have been presented in-line with the guidance presented within BS4142, including consideration of the 1/3 octave method which has identified no objective tones at off-site locations. Indeed, the analysis of the LAeq and LA90 at the short-term monitoring locations during the daytime and evening, when the site is fully operational are presented in the report and clearly show that there was no tonal noise at the attended monitoring in the surrounding area whilst the facility was operational.

- The BS4142 assessment shows that during the night-time period, specifically at weekends, noise rating levels have the potential to exceed existing background noise levels by up to 11dB at the closest receptor location (R08). However, when taking the context of the assessment into account, as required by BS4142, the overall change in ambient noise level at the closest receptor locations is predicted to be less than 1dB (A) at a location that experiences regular high noise levels events from passing traffic which have a higher noise level than the predicted contribution from the development proposals.

- Given the more variable nature of road traffic contributions (e.g. rapid onset, multiple sources), which occur in greater proximity to the sensitive properties, the lower contribution from night-time site operations is not expected to have an adverse impact.

- At locations within the wider area, although the nominal overall contribution to existing ambient noise levels may be higher, cumulative noise intrusion levels are expected to remain within the target BS8233 noise intrusion criteria that relate to internal resting conditions within bedrooms during the nighttime period. As such, there are not expected to be significant adverse impacts with respect to noise.

BSW has engaged the Alderley Consulting Group (ACG) to review the noise assessment that has been prepared by WYG. ACG considers that the approach by WYG to the original impact assessment comprehensively accorded with current best practice guidance. Equipment used to measure recorded noise values and its calibration traceability is 100% appropriate. Subsequent use of recorded data, computerised extrapolation of recorded data and presentation of findings conforms to established practice whereby BS8233/WHO criteria were considered along with BS4142 guidance. Albeit Environmental Health Officers requested additional depth of detail with respect to the BS4142 assessment, this has only required WYG to publish data and findings that had already been logged and processed; there was no need for any further at-site work.

The principal conclusion as originally stated in February 2020 remains the same on

the 14th July 2020 and in response to constructive criticism from Environmental Health Officers the latest expansion of the original conclusion also remains the same. This can be summarised as follows:

To reduce noise from fixed sources of noise within the development site, mitigation measures have been designed and their benefits calculated such that noise breakout from the main sawmill building and from the noise from the log sorting conveyors will be controlled to ensure that the maximum change in noise levels will fall below the “Lowest Observed Adverse Effect Level” as defined in BS8233; as such in-line with this Standard it can be considered that the change will not be significant. The BS4142 assessment demonstrates that noise as perceived off-site at local neighbouring residences will not have any potentially disturbing tonal nature and although empirically there is the potential for a significant increase in noise over existing background noise levels in consequence of operations at the sawmill, when taken in the overall context of the location of the sawmill and other 24-hour noise sources that affect the same neighbouring residences it is concluded that there are not expected to be significant adverse impacts with respect to noise.

ACG concurs fully with the conclusions as delivered by WYG that stem from a detailed professional assessment. The systems of assessment employed focus principally on the differences between the existing and the proposed development scenarios during the night-time thereby correctly drawing attention to and addressing the worst case scenario.

Officers in Environmental Health have been consulted on the Noise Addendum. They are satisfied with the revised information and have withdrawn their objection to the proposal. They have suggested that the Noise Addendum A111870, submitted by the applicant on July 2020, should form part of the approved documents and that the following condition should be added to the consent:

Should noise complaints arise from the operation of the BSW site, it should be the responsibility of the applicant to investigate if agreed noise levels have been exceeded. A noise assessment must be carried out in accordance with BS4142 using the one-third octave method. The assessment methodology should be approved in writing by the Local Planning Authority before commencement. Within one month of notification of a complaint, BSW should forward the assessment to the Local Planning Authority and the applicant shall take such actions as are necessary to ensure that noise levels return to the agreed limit. The agreed noise limits are the predicted noise impact levels, contained within ‘Noise Addendum A111870,’ dated 14 July 2020.

Environmental Health Officers have confirmed that the following condition is no longer required as it is conflict with the condition suggested above:

Between the hours of 22:00 and 06:00, operational noise levels shall not exceed 45dB LAeq, 8 hours or 60dB L_{Amax}(15 mins) so as to comply with, with World Health Organisation standards for restful sleep. Operational noise levels shall be measured at free-field locations representing facades of residential dwellings or via a combination of measurement and propagative calculations.

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Whether The Removal Of Conditions Restricting The Timing Of Vehicle Movements To And From The Site Would Be Acceptable
- 2.2 Whether The Removal Of Conditions Restricting The Hours Of Use Of The Site Would Be Acceptable
- 2.3 Impact Of The Proposals On The Hadrian's Wall World Heritage Site Buffer Zone

3. Application Details

The Site

- 3.1 The existing sawmill site is situated approximately 500m to the east of the settlement of Cargo which lies to the north of Carlisle. The site covers approximately 15 hectares of land and is accessed via the main road (C1016) that lies to the west of the site.
- 3.2 BSW Timber Group (BSW) has occupied and operated from the site for over 30 years, and during this time the manufacturing processes and the site development has evolved. Currently, the main activities that take place are the conversion of round wood into sawn timber and co-products (chips, sawdust bark and shavings). Additional value is added to this sawn timber by further processing such as kilning, grading and crosscutting.
- 3.3 The site is adjoined to the north, east and south by railway tracks, sidings and storage areas, with the adjacent site to the north being occupied by Network Rail. Kingmoor Park Central lies to the east of the railway line, together with an area of land that is allocated for employment use. The land to the north of this is committed to residential development and forms part of the Story Crindledyke development.
- 3.4 Agricultural land and a used car dealership are located on land immediately adjoining the site to the west. The C1016 also adjoins part of the western site boundary and a large lay-by lies to the west of this road near to the main entrance into the site.

Background

- 3.5 BSW is the largest integrated forestry business in the UK. It is a family-owned business that has four main operating divisions: forestry, sawmilling, timber manufacturing and energy. The group has seven sawmills in the UK – in Newbridge-on-Wye, Southampton, Carlisle, Dalbeattie, Petersmuir, Fort William and Boat of Garten – and one in Riga, Latvia. The headquarters remain in Earlstoun, Berwickshire, where the business originated.

- 3.6 BSW has 1,300 employees nationally and is passionate about creating a sustainable future for British forests and woodlands, and as such the company is a proud member of 'Grown in Britain'. There are 162 direct employees on the site at the Cargo with an additional 21 office-based Group Company employees for BSW support functions.
- 3.7 The site operates a 75-hour week and annual input is 330,000 cubic metres of roundwood and it produces 178,000 cubic metres of sawn timber.

The Proposal

- 3.8 The site at Cargo is a key strategic investment location as part of the BSW portfolio. BSW operates seven sawmills across the UK, six of which have no planning restrictions on operating hours with Cargo being the only site that is restricted by hours of operation, which is making the site uncompetitive. To retain market share, it is essential that BSW has the operating flexibility to respond to surges in demand and to sustain customer confidence in continuity of supply. In addition, BSW's largest British competitor operates their largest sawmill complex only 25 miles north of Cargo without planning restrictions on hours. The BSW Cargo sawmill is therefore seriously disadvantaged by the restrictions on the operations imposed by the current planning conditions.
- 3.9 Whilst BSW has no immediate intentions to extend their sawmill operating hours, the lifting of some restrictive planning conditions would provide greater flexibility to enable them to make further investment in the Carlisle site to offset the challenging economic conditions affecting the business and to bring the site into line with other modern facilities in common with their other BSW site operations across the country.
- 3.10 The proposal is seeking to remove 15 planning conditions that relate to the following six applications:
- 90/1152 - sawmill development for the conversion of logs into sawn timber with by-products of chips, sawdust and bark (approved December 1990).
 - 92/0219 - the erection of six new kilns and an extension to sawmill building (approved June 1992).
 - 92/0733 - increase of storage areas for logs and sawn timber (approved March 1993).
 - 99/0313 - installation of cross-cut sawline incorporating new building to enclose automated saw equipment in lieu of existing manual chainsaw operations (approved June 1999).
 - 01/0075 - extension to sawmill building (revised proposal) (approved March 2001).
 - 15/0418 - single-storey extension to existing sawmill building (approved

July 2015).

- 3.11 The relevant conditions that require removal from the above planning decisions can be summarised as:

- restricting the use and hours of operation from 0600 to 2200 on Mondays – Fridays, 0800 to 1300/1800 on Saturdays and not permitting any work on Sundays or Bank Holidays;
- preventing the despatch of timber or by-products from the site and deliveries of timber to the site from 1800 to 0600 from Monday to Saturday, after 1300 hours on Saturdays and not at all on Sundays; and
- preventing the maintenance, repair, servicing, replacement or re-fitting works to plant, equipment or vehicles from 2200 to 0600 on Mondays to Fridays or before 0800 or after 1800 on Saturdays.

- 3.12 These conditions are repeated to varying degrees in each of the above planning decision notices but all have essentially the same effect. The exact wording of each of the 15 conditions that is seeking to be removed is set out below.

- 3.13 Application 90/1152 - sawmill development for the conversion of logs into sawn timber with by-products of chips, sawdust and bark. The relevant conditions that the application is seeking to remove from this planning decision are:

- Condition No. 10:

There shall be no movement or operation of vehicles or plant in the log or timber storage areas between the hours from 2200 hours to 0600 hours on Mondays to Saturdays; or after 1300 hours on Saturdays except in respect of vehicular activity relating to planned or routine maintenance, repair, servicing, replacement of machinery, plant or equipment or refitting works undertaken until not later than 1800 hours; or at any time on Sundays.

- Condition No.11:

There shall be no despatch of timber or by-products from the site and no deliveries of timber to the site between the hours from 1800 to 0600 from Monday to Saturday and after 1300 hours on Saturdays or at any time on Sundays.

- Condition No.12:

The proposed use shall only operate between the hours from 0600 to 2200 on Mondays – Fridays, 0800 to 1800 on Saturdays and not at all on Sundays or Bank Holidays.

- Condition No.16:

No maintenance, repair, servicing, replacement or re-fitting works to plant, equipment or vehicles, including testing, shall be carried out within the outdoor areas of the site between the hours 2200 – 0600 on Mondays to Fridays or before 0800 or after 1800 hours on Saturdays other than works of an essential and emergency nature where the works concerned are unable to be undertaken either during the intended production shift times or

between 1300 – 1800 hours on Saturdays when planned or routine maintenance, repair, servicing, replacement of machinery plant or equipment or refitting works can be specifically programmed.

- 3.14 Application 92/0219 - the erection of six kilns and extension to sawmill building. The relevant conditions that the applicant is seeking to remove are conditions 7, 8, 9 and 12 which are identical to the conditions listed in paragraph 3.13 above.
- 3.15 Application 92/0733 - increase of storage areas for logs and sawn timber. The relevant conditions that are seeking to be removed are conditions 7, 8, 9 and 11 which are identical to the conditions listed in paragraph 3.13 above.
- 3.16 Application 99/0313 - installation of cross-cut sawline incorporating new building to enclose automated saw equipment in lieu of existing manual chainsaw operations. The relevant condition that the application is seeking to remove from this planning decision is:
- Condition No. 6:
The proposed use shall only operate between the hours from 06.00 to 22.00 on Mondays to Fridays, 08.00 to 13.00 on Saturdays and not at all on Sundays or Public Holidays.
- 3.17 Application 01/0075 - extension to sawmill building (revised proposal). The relevant condition that requires removal from this planning decision is:
- Condition No. 6:
The use of the premises hereby permitted shall not commence before 0600 hours or remain in operation after 2200 hours on Mondays to Fridays, 0800 hours to 1300 hours on Saturdays and shall not operate at all on Sundays or Statutory Holidays.
- 3.18 Application 15/0418 - single-storey extension to existing sawmill building. The relevant condition that requires removal from this planning decision is:
- Condition No. 5:
The proposed extension shall only be used between the hours of 0600 to 2200 on Mondays -Fridays, 0800 to 1800 on Saturdays and not at all on Sundays or Bank Holidays.

4. Summary of Representations

- 4.1 The application has been advertised by means of a site notice and notification letters sent to 4 neighbouring properties. In response 4 letters of objection and 8 letters of support have been received. Cllr Trevor Allison supports the application; Cllr Helen Davison has concerns about the impact of the proposal on local residents; and Cllr Gareth Ellis has requested that the application be determined by the Development Control Committee.

4.2 The letters of objection raise the following concerns:

- can hear noise from the plant;
- the prevailing wind carries the noise of the machines working in and around the site to homes at Low Crindledyke;
- the site already operates long hours and concerned that the increased noise from 24 hour operation would be detrimental to residents sleep and health;
- proposal will have a detrimental effect on those who live nearby;
- the noise from the sawmill is loud enough to disturb sleep, especially through the summer when windows are open;
- proposal is not good for the environment or public health in what is becoming any increasing populated area with new housing development at Cargo and Crindledyke both of which are very near BSW;
- there would be a significant increase in traffic movements from large wagons;
- increased operating will benefit the company financially however the quality of residents' lives are of equal if not more importance;
- residents of Phase 1 Crindledyke are already subject to noise and dust from the Woodward, the Network Rail Site and NW Recycling - the Crindledyke housing estate will extend right up to the railway line and be less than 30m from these noisy dirty sites;
- the Council has said that only planning related considerations will be taken into account when reaching a decision but the whole of BSW's argument is an economic one;
- polices seek to protect the amenity of residential areas and ensure that there is no detrimental effect on residential amenity through noise, nuisance, damage to visual amenity or increase in traffic;
- the proposed development at Crindledyke will create a residential area very near to BSW - the noise from BSW can already be heard from the gardens of properties on Fenwick Drive - those in the next phase of Crindledyke will hear noise on a 24/7 basis - this could be avoided by the council ensuring that the amenity of future residents is protected by rejecting this application.

4.3 The letters of support make the following comments:

- the sawmill is a fairly large employer in the area and the company's growth plans for the Carlisle site would be helped by a decision that allows it to operate at different hours;
- the BSW operation at Carlisle is an important part of the success of the forest industry in the Carlisle and Borders Region - it is a major contributor to local employment directly within the site and also supports significant rural employment in the local forestry sector;
- BSW is one of the largest saw milling operations in the UK and lifting the current restrictions will allow the site to compete with other saw mills on a level playing field which is imperative to the long term prosperity of the site and the 140 direct employees;
- BSW helps to ensure the availability of local domestic timber for local and regional building, fencing and packaging businesses;
- as we move towards a new situation in Europe it is even more important to protect jobs and maintain a viable local economy;

- the timber industry in the UK faces many challenges from imported products and BSW needs to have full flexibility to be able to compete in these markets;
- BSW has to compete with cheaper imported wood products and this can only be achieved through improved efficiencies and cost effective operations;
- primary processing of local wood products using locally sourced sustainable timber is key to global sustainability;
- limiting the sites operating hours is to limit the site's potential- BSW's competitors don't have the same restrictions;
- restricted operating hours is another disadvantage the Carlisle site has against competitors;
- the business needs to be able to operate at full capacity and grow to create jobs for the local community without unreasonable restrictions;
- in today's current market BSW needs to be able to operate as efficiently as possible in order to remain competitive;
- BSW are a major employer in the area and indirectly support a number of other companies which contributes to the local economy;
- extending the operating hours for BSW will allow greater output of productivity which will benefit all businesses associated with them;
- if BSW is restricted to current working practices there is the potential of lost business to competitors which will impact a number of businesses;
- the company will do everything it can to ensure that it acts in the best interests of the community if the hours of operation are extended;
- industrial activity will inevitably result in some local concerns but BSW works with its customers, suppliers and transport service providers to minimise the impact of their activities on their immediate neighbours and the wider community;
- all drivers of road haulage businesses visiting the site have been instructed and comply in using the most direct route to the A689;
- hauliers will be instructed to use direct main roads rather than travel through nearby villages;
- all haulage coming into and leaving the site will be via the bypass;
- it is likely that hauliers delivering to the adjacent railway are being confused with BSW hauliers;
- as a resident of Cargo for 20 years noise is not an issue - the sound of dogs at the local kennels close to the mill is more noticeable;
- the Port of Workington wished to offer its support to the application - BSW is a major customer, shipping cargoes of sawn timber into the port. It has attracted investment in plant and equipment, which has meant the port has expanded its workforce to facilitate the additional business from BSW;

- 4.4 Cllr Gareth Ellis has requested that the application is determined by the Development Control Committee.
- 4.5 Cllr Helen Davison has raised concerns on behalf of residents about the additional operation that will end up happening over night and the associated noise, which will have much more impact on residents than daytime noise.
- 4.6 Cllr Trevor Allison (who as City and County Councillor for the Dalston & Burgh represents Kingmoor Parish including Cargo and the Crindledyke

Estate) supports the application.

- it is clear from the number of cars in the car park that BSW is a very significant local employer. Some employees are from Cargo village close by the site.
 - after a career in manufacturing I am well aware of the impact of continuous working on operating efficiency and commercial viability. Compared to their other sites in Scotland which operate on a 24 hour basis, the Cargo site is at a commercial disadvantage. They are seeking to address this.
 - This is consistent with Policy SP1 3.2 *"The NPPF sets out a presumption in favour of sustainable development....an economic role contributing to building a strong responsive and competitive economy"* and Policy EC1 4.1 *"...a key element of the Plan's economic strategy is to support investment in existing sites to facilitate their modernisation and reconfiguration."*
 - In supporting this application appreciate that there are a small number of respondents with concerns about noise and traffic which may lead to the application going before committee rather than under delegated powers.
 - note that Rockcliffe Parish Council has no objection and that at their last meeting, Kingmoor Parish Council resolved to support the application.
 - A Cargo resident described BSW as a "good neighbour for the community"
- of the statutory consultees, Highways are now satisfied that the C1016 is capable of carrying any potential increase in HGV traffic. The recommendations from the City Council Environmental Health are negative and relate largely to potential noise and traffic nuisance.
- BSW and their neighbour Railtrack are located on the long established industrial land of the Marshalling Yard, sandwiched between the C1016 and the railway line. Cargo's Edenside estate is 400m from BSW with 4 dwellings opposite the entrance to the Rail site on the C1016 and BSW about 150m distance towards the CNDR roundabout. The Crindledyke estate is 1,700m north east of BSW at the other side of the Strategic Employment site plus an adjoining area designated for further industrial development in the CDLP.
- I subjectively assessed the noise generated by the site both during the day and early evening when traffic volumes had subsided. At Crindledyke a low distant noise could be heard from the land at the rear of both ends of Fenwick Drive but was non existent on the frontage. At the perimeter fence of the Rail and BSW sites at Cargo I judged both sites to be similar with most noise from fork lift truck activity. New buildings on the designated development site rather than open countryside may well have the same sound blocking effect as at Fenwick Drive.
- to put this in perspective, the traffic and industrial noise is far less than the 24 hour traffic noise at other locations such as the housing developments bordering the M6 motorway which have been granted permission.
- at Cargo, noise can occasionally be heard emanating from the operations on the other side of the C1016. Although I have never had a complaint in my time as a councillor, this can best be assessed by measurement as proposed by Environmental Health and addressed through "Conditions".

- in January 2019 as part of the Cargo Cycleway Project (which has wide support from Cargo residents) a traffic monitoring device (ATC) was installed for a week on the C1016 between the BSW site and the CNDR roundabout.

- HGVs represent 16.6% of total traffic, of which a significant proportion are clearly not BSW related. In fact some HGVs with timber are destined for the neighbouring Rail depot.

- best estimate suggest that there are already around 20 HGVs per day on the C1016 outside of BSW's current working day some during the early hours.

- the issue of turning right when exiting the BSW site I understand is the subject of discussions with the applicant. Turning left onto the C1016 is an issue that has been raised with me by residents and at the parish council. HGVs exiting to the left, cross over onto the opposite carriageway to make the turn. A re-profiling of the left hand side of the exit could facilitate a quieter smoother exit.

- the 7 day assessment illustrated a greater proportion of car traffic with an increase in late night/early hours movements.

- hopefully you will be able to address concerns expressed in submissions and use appropriate conditions to protect local residents.

5. Summary of Consultation Responses

Kingmoor Parish Council: - fully supports the application;

Rockcliffe Parish Council: - has no comments to make;

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections - the proposal will not be increasing the vehicle usage of the C1016 and the applicant has implemented a policy to prevent HGVs from entering the site via Rockcliffe;

Local Environment - Environmental Protection: - the conditions to be removed have been attached to the existing planning permission over a long period of time. The intention is to restrict noise levels generated on site and restrict noise created from vehicular movements to and from the site. The conditions are in place to protect residential amenity of nearby residents. The restrictions are also intended to reduce the likelihood of complaints and prevent the facility from causing a statutory nuisance.

There are a large number of residential receptors in the vicinity of BSW. This proposal would increase the levels of noise, which is likely to affect these properties. This is of particular concern during night time hours. The surrounding rural area is inherently quiet during the night, therefore any increase in noise, above background levels, has the potential to be problematic.

The existing conditions which limit noise are not considered to be sufficient to protect nearby residents from noise nuisance. HGVs associated with BSW routinely use the C1016 towards Rockcliffe and the C1015 towards Todhills and pass a number of residential properties and housing estates. They also routinely use the Network Rail entrance to the site which is located directly opposite several residential properties. The noise caused by HGV movements could result in disturbance during the night if the conditions are removed.

The applicant has provided insufficient information to allow a decision to be made on this application at this stage. There is a notable absence of any on site noise monitoring or any report detailing current noise emissions from the site. It is recommended, as a minimum, that the applicant carries out a noise report in accordance with BS4142, using the one-third octave method. This should detail all current and expected future noise levels at several of the nearest sensitive receptors.

The application is contrary policies SP6, SP9 and HO12 of the Carlisle District Local Plan 2015-2030.

A Noise Assessment was submitted in February 2020, but this is not in accordance with BS4142 as requested - it needs to be revised to include a full BS4142 assessment. More information is requested in relation to the tonal nature of the noise; how the existing baseline levels were obtained at the nearest resident receptors; the application of a 30db sound reduction for single glazed window; and the proposed on-site mitigation measures, including why the measures have been selected and expected noise attenuation levels that will be achieved. The report demonstrates that the proposal is expected to exacerbate night time sound levels at the nearest residential receptors.

Historic England - North West Office: - does not wish to offer any comments.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP1, SP2, SP5, SP6, SP9, IP2, CM5 and HE1 of the Carlisle District Local Plan 2015-2030. Both national and local plan policies seek to promote economic development and also to protect residential amenity.

6.3 The proposal raises the following planning issues.

1. Whether The Removal Of Conditions Restricting The Timing Of Vehicle Movements To And From The Site Would Be Acceptable

6.4 Whilst there are no properties opposite the main access to the site, a number of HGVs travelling to and from the sawmill site used the route through Cargo and Rockcliffe. A number of residential properties lie in close proximity to the roadside along this route and the Council was concerned that noise and vibration from these HGVs during the evening, at night and at weekends would have an adverse impact on the living conditions of the occupiers of these properties.

6.5 As a consequence, planning conditions were placed on applications 90/1152 (condition 11), 92/0219 (condition 8) and 92/0733 (condition 8) to prevent the despatch of timber or by-products from the site, and deliveries of timber to the site, between 1800 and 0600 Monday to Saturday and after 1300 hours on Saturday and at no time on Sundays. Further conditions (condition 10 on application 90/1152 and condition 7 on applications 92/0219 and 92/0733) also prevent the movement of vehicles in the log storage areas between 2200 hours and 0600 hours on Mondays to Saturdays or after 1300 hours on Saturdays with none permitted on Sundays.

6.6 The introduction of the Northern Relief Road has enabled commercial traffic to access the BSW site directly from the M6 via junction 44 and the A689. The total distance travelled by vehicles between Junction 44 to the sawmill site is 2.5 miles, which can be covered in 5 minutes comprising a mix of dual and single carriageway and which is suitable for HGVs. In addition, commercial traffic travelling to West Cumbria can likewise use the new A689, which by-passes any local settlements around the west of Carlisle before reaching the A595 the main strategic route to Workington and Whitehaven.

6.7 These changes have meant that commercial vehicles using the BSW site no longer need to use the local minor roads (such as via the road up to Rockcliffe, or via Harker) to get access to the wider local and national transport network.

6.8 A Traffic Management Plan has been submitted with the application. This includes a copy of a letter which has been sent out to all hauliers accessing the site. This letter gives explicit instructions that all vehicles are to approach the sawmill site from the south along the A689. The instruction includes a map showing that vehicular access to the site from the northern direction is not permitted by BSW. This instruction has now been put in place since November 2019 as part of the overall management plan for the site.

6.9 In addition, BSW has erected a directional sign at the exit from its site making it clear that all HGV vehicles leaving their premises must not turn right (towards Cargo/ Rockcliffe). BSW is also proposing to put in place

CCTV camera surveillance at the entrance and exit to the site so that they can monitor all vehicles entering and leaving their site. Should any HGV driver not abide by the new instruction they will be contacted and will be informed as to how they will be expected to reach the site in future. In addition, BSW has produced an engineering drawing and has a quote for improving the access for vehicles turning left out of the site and these works are currently awaiting budget approval.

- 6.10 In light of the above, the existing conditions referred to in paragraph 6.5, to restrict the timing of the despatch of timber or by-products from the site and deliveries of timber to the site and the conditions to prevent the movement of vehicles in the log storage areas at certain times are no longer considered to be necessary. A new condition has been added to the permission to ensure that HGVs visiting the site comply with the Traffic Management Plan (which requires HGVs visiting and leaving the site to use the Northern Relief Road). The existing condition that limits noise levels at the site boundary would be replaced by a condition that would measure noise levels at any existing properties and this in with current planning guidance and World Health organisation standards for restful sleep. In addition, the condition that restricts the number of HGV movements entering and leaving the site to 208 in total per working day would be retained.

2. Whether The Removal Of Conditions Restricting The Hours Of Use Of The Site Would Be Acceptable

- 6.11 The applicant is keen to remove the conditions which currently restrict the hours that the site can operate. Five applications that have previously been approved contain conditions that restrict the hours of use of the site (conditions 10, 12 and 16 of application 90/1152; conditions 7, 9 and 12 of application 92/0219; conditions 7, 9 and 11 of application 92/0733; condition 6 of application 99/0313; condition 6 of application 01/0075; and condition 5 of application 15/0418). The site is currently permitted to operate from 0600 to 2200 hours from Monday to Saturday and from 0800 to 1800 hours on Saturdays (with some parts of the site only allowed to operate until 1300 hours on Saturday). There is an existing condition in place which restrict noise levels at the site boundary and this would remain in place (but would be amended to bring it in line with current best practice).
- 6.12 Following initial comments from Environmental Health, the applicant has submitted a Noise Assessment. This considers the effects of extended night time operations at the BSW site at existing and proposed residential receptors. A monitoring survey was undertaken to characterise the baseline ambient noise levels currently experienced on the site using nine locations. These locations included sensors positioned in proximity to the nearest residential properties that are located opposite the entrance to the Network Rail site as well as nearby residential properties in the village of Cargo itself. It should be noted that there are no residential properties located opposite the BSW site entrance, apart from a dilapidated building beside the lay-by opposite the entrance.
- 6.13 The Noise Assessment incorporated a range of potential mitigation

measures that are proposed to be implemented at the site. The assessment included the beneficial effects of closed roller-shutter doors to the main building. The other measures chosen to be taken forward as being the most effective in terms of noise reduction are the installation of 4.5m high barriers adjacent to the log sorting and conveyor machinery. These on-site mitigation measures could be ensured by planning condition.

- 6.14 The Noise Assessment measured the external noise levels at nearby sensitive receptors based on measurements undertaken during the existing baseline night-time period monitoring. The Noise Assessment then measured the external noise levels at nearby sensitive receptors with combined sources of potential noise associated with extended operating hours, including all measured operating activities during the day.
- 6.15 The Noise Assessment demonstrates that existing internal noise levels at the nearest residential receptors are predicted to be within the BS8233/WHO noise intrusion criteria at the majority of existing receptors with windows closed. The internal noise levels at two properties (Chapel Cottages and Wood Villa which lie adjacent to the C1016) which are the two closest receptors to the site, are currently above the BS8233/WHO noise intrusion criteria with windows open and closed. This is likely to be due to noise from traffic travelling along the C1016, from HGVs accessing the Network Rail site which has an access opposite these dwellings, from the railway and possibly from the neighbouring kennels.
- 6.16 Even with the extended operating hours (including continuous use of the log sorters and conveyors, main sawmill building and vehicle movements around the site) the internal noise levels from the proposed development are predicted to be within the BS8233/WHO noise intrusion criteria at the majority of existing receptors with windows closed. The internal noise levels at two properties (Chapel Cottages and Wood Villa) would be above the BS8233/WHO noise intrusion criteria with windows closed. Existing night time noise levels at these dwellings are, however, already above the BS8233/WHO noise intrusion criteria.
- 6.17 The Noise Assessment includes a cumulative comparison of the difference between the existing conditions and the contribution from the proposed development involving night time operations. The conclusion from the cumulative comparison is that the use of the site during the night is not expected to significantly increase existing noise levels. The expected increases range from 0.1dB (at Chapel Cottages and Wood Villa) to no greater than 1.4dB at all receptors, which is considered to be not significant. Accordingly, the proposed operations are not expected to have a significant 'adverse impact' on health or quality of life at nearby dwellings and satisfies the relevant policy considerations set out in the NPPF.
- 6.18 It should be noted that the Noise Assessment represents a worst-case scenario. The likelihood is that the effects would be less than demonstrated in the Noise Assessment.
- 6.19 It is worth pointing out that the vast majority of the HGVS (82.76%) travelling

along the C1016 are not attributable to BSW. The entrance to the Network Rail site is located 245m to the north of the BSW site entrance and this site accounts for a number of the HGV movements, with HGVs delivering timber and concrete sleepers for subsequent loading onto freight trains for onward transit. The use of the Network Rail site is unrestricted and contributes to the existing night time noise. This has perhaps led to a degree of public misunderstanding as to where noise actually emanates from in the locality.

- 6.20 Officers in Environmental Health note that the Noise Assessment refers to BS8233 and that it is not in accordance with BS4142. The report should be revised to include a full BS4142 assessment. It has also requested more information on: the tonal nature of the noise which might lead to a tonal penalty being applied; as to how the existing baseline levels were obtained at the nearest residential receptors; the application of a 30db sound reduction for single glazed windows; and the reason why the on-site mitigation measures have been selected and the expected noise attenuation levels that are expected to be achieved. The report states that night time sound levels at the nearest residential receptors do not meet the requirements of BS8233, either before or after the proposed extension of hours and demonstrates that the proposal is expected to exacerbate this noise problem at these properties.

- 6.21 Environmental Consultants at WYG have provided a response (dated 7th April 2020) to the issues raised by Environmental Health.

- as part of the noise survey and noted within the noise assessment, attended noise measurements of operational activities and machinery were undertaken across the application site. In total 19 measurements were taken of different machinery across the application site. From the measurements, only the use of the log conveyor into the building displayed tonal characteristics but no readily distinguishable tonal noise was observed off-site.

- a Noise Assessment in line with BS4142 has been undertaken. Whilst this identifies that during the night-time noise levels have the potential to be significantly above existing background levels, this is based on the worst-case assumption of all the machinery and processes operating at once (which is unlikely).

- although the attended baseline noise survey measurements were not taken at the façade of nearby dwellings due to the number of dwellings and access restrictions at third-party properties, they were taken at representative locations for the closest existing receptor locations. Additionally, long-term noise measurements were taken around the application site to gather representative typical free-field noise levels of the processes that occur at the site.

- a single glazed window was used as a worst-case assumption within the noise assessment for the existing residential dwellings. Based on the sound insulation software Insul 9.0, a single glazed window of 6mm thickness would be expected to achieve an overall reduction of 30dB Rw, which is

considered representative of typical residential dwellings (although it should be noted that many benefit from double glazing).

- the changes in noise levels at nearby properties are not expected to be significant. Indeed, cumulative noise intrusion levels at the location where the largest nominal change in noise level is predicted (1.4 dB at Cervantes in Cargo) are below the BS8233 guideline values. At the closest properties to the development site where the residual acoustic environment is dominated by regular contributions from passing road traffic along the road parallel to the site, the predicted contribution to overall noise levels is 0.1 dB (noise level changes of up to ± 3 dB are generally imperceptible to the human ear, and the overall contribution does not exceed this and is, therefore, considered not significant). As a consequence, internal resting conditions are not expected to be adversely affected.

- as detailed in the WYG Noise Assessment February 2020, mitigation measures are proposed to control noise from within the site at-source, including the provision of localised 4.5m high acoustic barriers adjacent to the log sorting machinery and conveyor. Furthermore, the assessment includes the beneficial effects of closed roller-shutter doors to the main building. The closed roller-shutter door is proposed as a mitigation measure to ensure noise levels from the machinery that operate inside the building are kept to a minimum. The inclusion of a 4.5m barrier adjacent to the log conveyor belt is deemed the most appropriate form of mitigation along a noisy section of machinery to assist in controlling noise levels at source. Consideration was given to the provision of acoustic barriers at the boundary of the site, however, given the distance from the fixed machinery on site and variable locations of mobile plant and the presence of large stocks of timber across the site which provide some screening already, the effectiveness of alternative barriers would be reduced.

6.22 Officers in Environmental Health still consider that a full BS4142 noise assessment should be carried out. This should disclose the monitoring results and be in line with the BS4142 methodology in order to make an informed decision and give confidence that nearby residents will not be adversely affected by activities from this site in the future. Any further monitoring and assessment should be undertaken once “lockdown” restrictions are lifted and the site is operating at “normal” level. Concerns have also been raised about why the measurements were not taken at the façade of the properties and that a difference of 11dB at the nearest properties which has been identified in the latest noise report is significant.

6.23 Environmental Consultants at WYG have provided a response (dated 11th May 2020) to the issues raised by Environmental Health.

- the previous WYG response (Dated 7th April 2020) includes a specific assessment in accordance with the requirements of BS4142:2014 + A1:2019 which measured the existing baseline conditions and sources of noise separately. As the application is to extend the operating hours to include night-time, measurements of the machinery were undertaken during the daytime period during existing operational hours, whilst measurements

of the existing baseline noise levels were undertaken during the night-time period. The source noise levels from each individual measured operation were then input into Cadna noise modelling software to propagate the noise levels to the nearby properties and compared to the representative background (LA90) noise levels. This approach is outlined at section 7.3.6 of BS4142, which outlines a method to “determine the specific sound level by calculation alone if measurement is not practicable, for example if the source is not yet in operation.” This approach also allows for the specific source level to be calculated where it is “composed of contributions from several sources which have been measured separately and, if necessary, corrected for propagation effects.” This approach also allows for specific configurations of plant and activities to be represented, as well as for mobile plant to be assessed at different locations and reduces the uncertainty of measuring noise levels from multiple sources at receptor locations that may not be readily identifiable, or influenced by external noise sources.

- the baseline noise monitoring locations are considered to be representative of existing night-time conditions at the closest sensitive receptors, in the absence of the specific noise source. It should be noted that this approach is outlined within BS4142 (section 8.1.2), which states that “where possible, measure the background sound level at the assessment location(s), if this is not possible measure at an alternative location where the residual sound is comparable to the assessment location(s).” In this instance, it was not possible to measure in all private gardens or at the facades of each property that was assessed during the night-time period. However, long-term and short-term noise meters were located close to representative residential receptors used within the assessment. Furthermore, in accordance with BS4142 (section 6.2) noise measurements were undertaken 1.2m-1.5m above ground and were located at least 3.5m from reflective surfaces such as buildings etc.

- as detailed in the previous set of WYG comments, although the BS4142 assessment identified rating noise level which is up to 11dB above background at Wood Villa, Cargo, it was identified that the assessment undertaken is considered to represent a worst case scenario with all plant operating simultaneously, which is highly unlikely to occur. Additionally, the residual acoustic environment is considered to remain constant, with regular contributions from passing road traffic along the road adjacent to the site and railway noise affecting the closest sensitive receptor locations. Considering the more variable nature of road traffic contributions (e.g. rapid onset, multiple sources) which are also expected to be slightly noticeable to residents who are already awake, the contribution from night-time site operation is not expected to have an adverse impact.

- 6.24 The agent considers Environmental Health Officer's request for a full BS4142 monitoring and assessment to be undertaken once “lockdown” restrictions are lifted and the site is operating at “normal” level is both unrealistic and seriously damaging. ‘Lockdown’ is going to extend for the foreseeable future and BSW need a positive decision to get the flexibility they need – this is now getting very urgent. There seems to the agent to be no comprehension of the damage that is being done to the UK economy with

Covid, and at this time Officers should be even more conscious of the need to find positive ways to enable economic development to take place, and to allow businesses to operate flexibly, such as BSW.

- 6.25 Whilst Environmental Health Officers consider that a full BS4142 noise assessment should be submitted, the applicant has provided a robust noise assessment, as well as an additional assessment which considers the effects of the proposals in line with the guidance presented within BS4142, which demonstrates that, with appropriate mitigation (which would be secured by condition), the increased noise from the operation of the site at night time would not have a significant impact on the amenity of occupiers of existing dwellings (with the overall change in noise exposure being a maximum of 1.4dB at all receptors).
- 6.26 The existing condition that limits noise levels at the site boundary would be replaced by a condition that would measure noise levels at any existing properties and this in line with current planning guidance and World Health Organisation standards for restful sleep. A further condition has also been added to the permission which requires the applicant to investigate any noise complaints from the operation of the plant to assess if the agreed noise levels have been exceeded. The applicant would be required to submit a noise report to the local planning authority and take such actions as are necessary to ensure that noise levels return to the agreed limit.
- 6.27 In light of the above, the proposal to remove, the existing conditions referred to in paragraph 6.11, which restrict the hours that the site can operate, would be acceptable.

3. Impact Of The Proposals On The Hadrian's Wall World Heritage Site Buffer Zone

- 6.28 The only physical changes to the site that would result from this application would be the erection of two sections of 4.5m high acoustic fencing within the site. The fencing would be set back within the site and would largely be screened by the existing buildings or the existing boundary treatment. The proposal would not, therefore, have an adverse impact on the Hadrian's Wall World Heritage Site Buffer Zone

Conclusion

- 6.29 The proposal to remove 15 conditions from 6 planning applications that relate to the following matters are considered to be acceptable:
- restricting the use and hours of operation between the hours from 0600 to 2200 on Mondays – Fridays, 0800 to 1300/1800 on Saturdays and not at all on Sundays or Bank Holidays;
 - preventing the despatch of timber or by-products from the site and deliveries of timber to the site from 1800 to 0600 from Monday to Saturday, after 1300 hours on Saturdays and not at all on Sundays; and
 - preventing the maintenance, repair, servicing, replacement or re-fitting works to plant, equipment or vehicles from 2200 to 0600 on Mondays to

Fridays or before 0800 or after 1800 on Saturdays.

- 6.30 The existing condition that limits noise levels at the site boundary would be replaced by a condition that would measure noise levels at any existing properties and this in with current planning guidance and World Health organisation standards for restful sleep. New conditions have been added to the permission to ensure that HGVs visiting the site comply with the Traffic Management Plan (which requires HGVs visiting and leaving the site to use the Northern Relief Road); to secure the implementation of the mitigation measures outlined in the Noise Assessment; and to require the applicant to investigate any noise complaints from the operation of the plant to assess if the agreed noise levels have been exceeded. The applicant would be required to submit a noise report to the Local Planning Authority and take such actions as are necessary to ensure that noise levels return to the agreed limit.

7. Planning History

- 7.1 There is an extensive planning history relating to the use of the site as a sawmill.

8. Recommendation: Grant Permission

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
1. the submitted planning application form, received 17th July 2019;
 2. Location Plan/ Site Plan (Dwg No. R-GO-GE-02-00-002), received 17th July 2020;
 3. Planning Statement, received 17th July 2020;
 4. Noise Assessment, received 10th February 2020;
 5. Letter from WYG dated 7th February 2020 (received 10th February 2020), which contains the Traffic Management Plan;
 6. Noise Addendum, dated 14th July 2020 (received 15th July 2020);
 7. the Notice of Decision;
 8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. Should noise complaints arise from the operation of the BSW site, it should be the responsibility of the applicant to investigate if agreed noise levels have been exceeded. A noise assessment must be carried out in accordance with BS4142 using the one-third octave method. The assessment methodology should be approved in writing by the Local

Planning Authority before commencement. Within one month of notification of a complaint, BSW should forward the assessment to the Local Planning Authority and the applicant shall take such actions as are necessary to ensure that noise levels return to the agreed limit. The agreed noise limits are the predicted noise impact levels, contained within 'Noise Addendum A111870,' dated 14 July 2020.

Reason: To ensure that the proposal would not have an adverse impact on the living conditions of the occupiers of neighbouring properties, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

3. Prior to the site being brought into use between 2200 hours and 0600 hours Monday to Saturday, after 1300 hours on Saturdays or on Sundays, the mitigation measures contained within the Noise Assessment (produced by WYG dated February 2020 Report, received 10th February 2020) shall be fully implemented and shall remain in place at all times thereafter.

Reason: To ensure that the proposal would not have an adverse impact on the living conditions of the occupiers of neighbouring properties, in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

4. All HGVs entering and leaving the site shall do so in accordance with the details set out in Traffic Management Plan contained within a letter from WYG dated 7th February 2020 and received on 10th February 2020.

Reason: To protect the residential amenity of existing areas in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. Unless otherwise approved in writing by the local planning authority, the number of heavy goods vehicle movements entering and leaving the site shall not exceed 208 in total per working day.

Reason: To ensure that the proposed development does not generate an unacceptable burden of heavy goods vehicles, in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

6. A record of all heavy goods vehicles entering or leaving the site shall be maintained by the application at all times and access to this record shall be afforded to the local planning authority as requested.

Reason: To ensure that the traffic levels entering and leaving the site can be monitored, in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

7. The existing landscaping along the boundaries of the site, which helps to screen the site, shall be maintained to the satisfaction of the local planning authority.

Reason: To ensure that the proposal does not adversely affect the visual amenity of the area, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

8. Materials shall not be stacked or deposited at a height exceeding 4m above the adjacent ground level of the proposed site.

Reason: To ensure that the proposal does not adversely affect the visual amenity of the area, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

9. No cross-cut operations shall be undertaken within the open areas of the site.

Reason: To ensure that the proposal would not have an adverse impact on the living conditions of the occupiers of neighbouring properties, in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

10. Kiln drying of timber shall take place prior to any treatment process or impregnation.

Reason: To ensure that the proposal would not have an adverse impact on the living conditions of the occupiers of neighbouring properties, in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

11. All fuel and chemical tanks shall be surrounded by protective sealed bund walls with no outlets, the capacity of which shall be equal to the largest tank within the bund plus 10%.

Reason: To ensure that the proposal would not have an adverse impact on the environment, in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

12. All areas used for the handling, loading and unloading of fuels, oils, chemicals, or effluents must have an impermeable base to prevent discharge of contaminated drainage or accidental spillages to underground strata or surface waters.

Reason: To ensure that the proposal would not have an adverse impact on the environment, in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

13. Only totally uncontaminated surface water shall be discharged to any watercourse.

Reason: To ensure that the proposal would not have an adverse impact on surface water, in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

19/0556 Aerial Location Plan

