

## SCHEDULE A: Applications with Recommendation

20/0586

Item No: 02

Date of Committee: 10/09/2021

**Appn Ref No:**  
20/0586

**Applicant:**  
Mr R Little

**Parish:**  
Kirkandrews

**Agent:**  
Graham Anthony  
Associates

**Ward:**  
Longtown & the Border

**Location:** Land adjacent Richardson House, Gretna Loaning, Mill Hill, Gretna, DG16 5HU

**Proposal:** Creation Of A Lorry Park Up to 40no. Spaces Including Conversion Of Existing Buildings To Provide Welfare Facilities & Storage Unit; Erection Of Commercial Vehicles Maintenance Building & Associated Preparation Yard; Installation Of 2.5m High Acoustic Fence (Bund)

**Date of Receipt:**  
03/09/2020

**Statutory Expiry Date**  
29/10/2020

**26 Week Determination**

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### REPORT

**Case Officer:** John Hiscox

The application was deferred at the Development Control Committee on 11 June 2021, because new material was received that had the potential to have a significant bearing on consideration of the application. An Arboricultural Implication Assessment (AIA) was received further to conclusion of the committee report and prior to consideration of the application at the 11 June meeting. It was deemed too significant to be considered as supplementary information by either the Planning Service or the Committee, and substantial enough to warrant re-notification of third parties and consultees. The application was deferred for future consideration at the 11.6.21 Committee.

The AIA consisted of the following documents/plans:

- written report by 'arbconsultants ltd';
- Appendix 1: Site Location
- Appendix 2: Tree Survey Data Tables
- Appendix 3: Tree Survey Plan
- Appendix 4: Tree Constraints Plan Radii (TCP)
- Appendix 5: Tree Protection Plan/Proposed
- Appendix 6: Root Protection Area (RPA) Calculations

More recently, in August 2021, in the light of revisions to the scheme (identified in

Section 3 of this Report), a revised AIA (by the same author) was also submitted. It was revised to include protection and mitigation measures for the areas of trees situated north of the proposed maintenance/sales/office building, and north of the lorry park area. The main matters to note in the light of this most recent update are that more room has been created within which to site a protective tree barrier, and proposals for a transitional geogrid/cellular area between the development and trees have been abandoned. In relation to the latter item, the increased gap between development components and the trees is intended to alleviate concerns about root damage by providing a greater protected/undisturbed area.

The most recent revised scheme and AIA were reconsulted upon (third parties and relevant consultees) on 12 August 2021.

The Planning Service, in its original report intended for the 11 June Committee, discussed matters relating to trees (and other vegetation), concluding that although the application was deficient in respect of information relating to trees, in the overall balance there was enough information and understanding present to enable a positive recommendation to be made, although two Conditions of specific relevance were recommended, being Condition 5 (Landscaping Scheme) and Condition 11 (Tree Protection).

The most recent AIA now received has the potential to have a bearing on the planning recommendation, specifically having regard to the Conditions, but also in relation to the potential impacts on the tree resource which are now more clearly understood, in particular having regard to the detailed drawings showing how elements of the development would physically relate to retained trees, and to how mitigation could be achieved (for example, construction methods in proximity to retained trees).

The Committee is asked to note that two letters of representation were submitted further to the first re-advertisement/notification, and also to note that further consultation responses were received within the same period from Kirkandrews Parish Council and Natural England. Insofar as they relate to the application as a whole, the comments of consultees do not substantially change, although it is noted that Natural England clearly states that there is no objection, subject to mitigation in the form of compensatory habitat creation.

Kirkandrews Parish Council makes the following observations in the light of the original (June 2021) AIA, but has not made comments in relation to the August 2021 AIA or the revised layout:

*"Re clearance work - The work was definitely done to alter the hedges and gates, clear the ground, build up earth banks and cut down vegetation etc, carried out in April 2019 onwards during nesting season with little regard for any bird and wildlife habitats that were on site, long before any plans were presented. It has now been noted on the Arboricultural survey that these trees have been unsympathetically managed and the pruning appears to have caused cavities to these trees which have had a detrimental impact to them."*

Insofar as they relate to the publication of the AIA, the letters of objection (both of which are submitted by previous contributors - these are not the first objection letters

submitted by these third parties) identify the following matters as relevant to consideration of the application:

- (i) AIA was undertaken after substantial clearance of vegetation had been undertaken on the site;
- (ii) AIA suggests works undertaken to overhanging limbs of trees as part of site clearance have harmed trees;
- (iii) AIA identifies that development will cause harm to retained trees because hardstanding areas would be within the root protection areas identified;
- (iv) 'No-dig' cellular construction close to trees will not work in terms of preserving the trees, because it would not provide effective protection in these circumstances;
- (v) implementation (and subsequent maintenance) of the acoustic fence would require further invasive disturbance within the Root Protection Areas of retained trees due to associated groundworks and engineering required to make sure it is built properly;
- (vi) 'No-dig' area takes no account of this being an area proposed for drainage (shown being introduced over an area intended for drainage in drainage plan)
- (vii) While the purpose of utilising 'non-dig' surfacing is to avoid disturbance/severance of roots the tree report contradicts itself and includes specification for dealing with exposed roots, and implies it is acceptable to cut roots up to 45mm diameter. This renders the specification within the tree report useless for the purposes of protecting trees;
- (viii) an alternative layout that avoids conflict with trees would resolve issues relating to potential tree damage.

*Assessment of new information in the light of consultation responses and third party responses received:*

The matters identified within the third party representations and now properly understood due to the information provided in the AIA, confirm that the development would have the potential to be prejudicial to the future health of vegetation (in the absence of adequate protection) which, since the original Committee Report was published, has been made the subject of Tree Preservation Order TPO313. Imposition of the Order confirms how significant the trees are in terms of their amenity value and, as is reflected in the main Committee Report, in the absence of the trees, it is likely that the overall application would be viewed differently, because the success of the application depends on retention of these as a landscape and amenity resource, as well as being very likely to make a major contribution to the biodiversity improvements also identified as necessary (and required by conditions previously drafted).

However, the changes to the layout and to the protection/mitigation measures identified in the latest AIA and the revised drawings (plus the Amendment Schedule) now give confidence that the recommendation can remain as one for approval subject to conditions, without major changes to the drafted conditions schedule. This is because the increased separation between the trees and the development edge, along with the installation of the identified protection are sufficient to mitigate potential conflict and to enable both the trees and the development to co-exist.

This means that the development is not in conflict with Policy SP 6 and GI 6

because the proposals, including intended mitigation and associated development (i.e. acoustic fence and/or related construction and engineering works) would have the potential to protect the trees and would be unlikely to harm the roots, thereby avoiding tree dysfunction and death in the future.

## **ADJUSTMENT TO PLANNING RECOMMENDATION:**

The Committee is therefore requested to consider that (i) the principle of development remains as acceptable in terms of the overall planning recommendation; (ii) that the revised layout and mitigation are adequate to alleviate interim concerns about damage to the tree resource; and (iii) that implementation would not harm the trees' health in the long term, especially as they are now under protection from a Tree Preservation Order.

Changes to a number of Conditions (including deletion of previous Condition 11, which is no longer necessary in the light of the AIA, which contains recommendations that would be adopted through Condition 2) would be necessary to reflect the proposed revisions and inclusion of the AIA, but no new, individual conditions would be proposed over and above those stated in the 11.6.21 Committee Report. Said changes have been made to the relevant draft conditions and are included in this report.

### **1. Recommendation**

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

### **2. Main Issues**

- 2.1 Impacts on highway safety
- 2.2 Impacts on residential amenity
- 2.3 Impacts on tourism
- 2.4 Impacts on biodiversity
- 2.5 Landscape and visual impacts
- 2.6 Impacts on the water resource
- 2.7 Foul drainage
- 2.8 Crime prevention
- 2.9 User/resident safety
- 2.10 Impact on trees
- 2.11 Development principle

### **3. Application Details**

#### **The Site:**

- 3.1 The site is situated close to where the national border between Scotland and England occupies the line of the River Sark. In terms of nearby settlements, Gretna is the main substantial settlement which is approximately 1km to the west of the site at its nearest point, albeit on the other side of the River Sark and the M6/A74(M) motorways.

- 3.2 The nearest settlement of any substance within England is the hamlet of Blackbank, which arguably includes Rosetrees Lane, a line of 12 dwellings opposite (to the north of) the expansive 'DSDA' Ministry of Defence site, sometimes known as 'DLO Longtown'. Longtown itself is approximately 3.5km east north-east of the site.
- 3.3 The relatively modern A6071 highway is located to the south of the application site. There is no direct access off the A6071. A flat, triangular field is situated between the southern boundary of the main body of the site and the A6071.
- 3.4 The A6071 connects Longtown to Gretna via Junction 45 of the M6/A74(M) at Guardsmill.
- 3.5 The main railway line from England to Scotland is located a little over 300m south-west of the site.
- 3.6 The site has two accesses. The first is located approximately 60m north north-west of the A6071, and comprises a pull-in area adjacent to the U1059 unclassified public road with double metal gates set back from the road. This was already an access but it has been cleared and augmented in very recent times. The second access is located approximately 90m further along the unclassified public road, around the corner and beyond Richardson House, a vacant building having the form of an extended bungalow, but possibly last used as offices. This second access seems to have been formalised in lieu of a previous access to the ground within, which was further east until very recent times.
- 3.7 Located just beyond the northern boundary area, and generally separated from the site by mature trees and/or a man-made earth mound, is the operational and fairly substantial 'Scotts' commercial site which produces and distributes compost and related products from the site.
- 3.8 There is a dwelling called 'Mill Hill Bungalow' close to the unclassified public road at the western end of the operational 'Scotts' premises. East of the Scotts site and adjacent to the public road (Gretna Lonning) on the south side of the road) is a detached dwelling called 'Midways', and a little further to the east again is Barrasgate House, another detached dwelling.
- 3.9 To the south, and on the opposite side of the A6071, is a junction which appears to be appropriately formed where it meets the A6071, but beyond peters out into what may be a private lane. It appears to lead eventually to a smallholding of some kind, but not to a dwelling.
- 3.10 On the other side of the public road that runs along the site's western boundary are open fields, although these contain a main overhead electricity supply line and several very tall metal-framed pylons are present. Further again west is the Mill Hill farmhouse and farm holding, which is bounded on its west side by the mainline railway.

3.11 The surrounding land is generally fairly flat and intervisibility over distance across the landscape is possible, although it is regularly punctuated by trees, hedgerows, buildings and man-made structures.

## **Background**

3.12 It may be noted that Richardson House itself, and associated curtilage, is specifically excluded from this application. It is understood that a separate planning application may be forthcoming in relation to that part of the overall land shown to be within the ownership/control of the current applicants.

## **The Proposal**

3.13 The planning application relates to the re-development of the site/land at Richardson House, in order that a lorry park with associated operational buildings would be introduced. The proposals effectively come in two separate, but related parts. The first part entails the following items:

- (i) creation of a lorry parking area for up to 40 lorries (detachables, aka pantechicons)
- (ii) conversion of an existing toilet block into a cafe with customer toilets, kitchen and service area, resulting in a 10m x 7m (approx) building with a front porch canopy;
- (iii) formation of a roadway associated with the lorry parking area which creates an inwards/outwards loop
- (iv) introduction of 2 no. fuel islands which would be arrived at before the lorry parking area
- (v) erection of a 2.5m high close-boarded timber acoustic fence around the lorry park, cafe and fuelling area
- (vi) associated landscape planting alongside much of the southern site boundary

3.14 These items (i to vi inclusive) relate principally to the eastern section of the site and would all be served off the access closest to the A6071

3.15 The second part entails the following items:

- (vii) erection of a shed (788 square metres, as stated on submitted drawings) to provide a maintenance and service (workshop) building for up to 7 no. lorries (7 individual bays served by individual roller-shutter garage doors) plus associated office, meeting room, staff room and toilets
- (viii) formation of a hardsurfaced yard area associated with (vii) to be used as a preparation, sales and parking area
- (ix) formalisation of the new access to serve this area

3.16 These items (vii to ix inclusive) relate to the western area of the overall site and would all be served off the access furthest away from the A6071.

3.17 The western and eastern areas of the site would be connected via a locked gate, according to the plans. It is clearly the intention to segregate the lorry park from the service/sales/preparation area.

- 3.18 It is proposed to create a visibility splay to serve the southernmost of the accesses i.e. the access to the lorry park area. The submitted drawing shows northerly and southerly splays of 2.4m x 48m in each direction.

### **Revisions To The Proposal**

- 3.19 In August 2021, the proposed layout of the development was changed in response to matters identified to the applicants in relation to potential impacts on trees adjacent to the site. Instead of attempting to protect ground close to the tree canopy by introducing 'no-dig' technology, the footprint of both the aforementioned items at 3.13(i) and 3.15(vii) above have been moved away from the trees.
- 3.20 Item 3.15(vii) is the proposed maintenance, service and office building. It has been relocated 2m further away from the trees to allow room for introduction of a tree protection barrier in an appropriate location. The acoustic fence mentioned at 3.13(v) above is not proposed in this area of the site.
- 3.21 Item 3.13(i) is the proposed lorry parking area. The northern edge of the parking area has been relocated 4.1m in a southward direction to enable both the acoustic fence and tree protection barrier to be installed in an appropriate location.

### **Additional Information Received Subsequent To Finalisation Of Original Committee Report**

- 3.22 In June 2021, and just between finalisation of the committee report and the date of the scheduled Development Control Committee (11 June 2021) the applicants submitted an Arboricultural Implication Assessment (AIA). This item was deemed to be a new item for consideration that could materially affect or influence consideration of the planning application. The Committee, on 11 June 2021, opted to defer the application to enable this new material to be reconsulted upon. Reconsultation was duly undertaken with notification to relevant consultees and third parties taking place on 11.6.21 and 15.6.21 respectively.
- 3.23 In August 2021, further to dialogue between the Planning Service and the applicants, the proposed scheme was revised (see previous section). In alignment with the revisions, the AIA was also updated and resubmitted as part of the 'revisions package'.
- 3.24 One of the documents submitted with the revised scheme is entitled 'Amendment Schedule'. The document helpfully describes and illustrates the changes made to the scheme in August 2021.
- 3.25 The Committee is asked to note that the trees referred to are now protected by Tree Preservation Order ref. TPO313. At the time of writing, an instruction has been sent to the Council's Legal team to confirm the TPO, with no objections having been received during the consultation period for that specific item (the Order).

## 4. Summary of Representations

- 4.1 The application has been advertised by way of a site notice, a press notice and neighbour letters initially sent to four properties.
- 4.2 In response to advertisement of the original proposals, and to re-notification carried out in relation to revised proposals, a total of 33 letters of objection representing 20 households/third parties; and 14 letters of support representing 13 households/third parties have been received.
- 4.3 It may be noted that several households submitted new letters of representation, further to re-advertisement of the application in March 2021.
- 4.4 A summary of the issues of relevance raised in the letters of objection is as follows:

### Pollution:

- (i) development would add further air pollution to a locality already considered to be subject to higher-than-average pollution;
- (ii) development would add to carbon emissions, already higher-than-average in part due to proximity to main transportation routes;
- (iii) concerns about pollution of the water environment - can drainage infrastructure safeguard against this?
- (iv) concern relating to contamination potentially present within the site - adequate information?

### Noise:

- (v) concern that proposed acoustic fencing would not be adequate to safeguard properties and wildlife against excessive noise;
- (vi) noise generated would exceed acceptable levels as decreed by the World Health Organisation; acoustic screen fence would not effectively mitigate against potential noise disturbance to local residents and animals (including livestock);
- (vii) adverse impact on social wellbeing of nearby residents due to nature of development and adverse impacts it would cause on communities due to increased vehicle movements in relation to settlements;
- (viii) concern that noise assessment has not considered potential impacts on Gretna including local businesses that would potentially be affected adversely by noise;
- (ix) concern that there are inconsistencies in the noise assessment in terms of predicted vehicle movements;
- (x) additional noise created by more vehicles attending and commercial workshop would be harmful to residential amenity;

### Light:

- (xi) development would introduce substantial light pollution which would

occur for 24 hours, impacting on wildlife, security and residential amenity;

Highway safety:

- (xii) traffic movement already exceeds legal speed limits on average - locality known for fast driving; local road network may be unable to safely absorb additional traffic;
- (xiii) traffic generated likely to further impact on safety of all local users including cyclists, horse riders, walkers, tourists;
- (xiv) incompatibility between additional traffic generated by the development and farm vehicle movement - each could impact harmfully on one another;
- (xv) transport assessment (including survey) undertaken during pandemic and therefore not reflecting true circumstances of usage;
- (xvi) site does not benefit from direct access off the motorway, meaning that traffic using the site would have to use small country roads;
- (xvii) likely to be danger arising from slow speed of lorries leaving motorway and associated overtaking/queuing;
- (xviii) junction of A6071 and service road is dangerous due to people overtaking when travelling from Gretna and not being aware of the existence of the junction;
- (xix) concern that site access is not adequate to safely allow entry and departure for all vehicles due to location/design/layout;
- (xx) concern that separation of users between the lorry park and the workshop/sales area does not accord with weight limitations on road;
- (xxi) general concern that local roads are not constructed to an adequate specification to permit additional vehicles (refers to weight limits on local roads);
- (xxii) the majority of commercial vehicles using the A6071 have their own depots within a 10m radius - the development would draw more traffic to the locality off the A7 and motorway;

Ecology:

- (xxiii) redevelopment of the site would potentially harm wildlife and habitat (much of site cleared at pre-application stage)

Adequacy of infrastructure:

- (xxiv) infrastructure present in locality has previously been deemed inadequate in relation to proposed housing - how can it be acceptable for 24-hour lorry park?
- (xxv) insufficient electrical infrastructure present to support future use of electric vehicles and to preserve electricity supply to other properties in the locality;

Appropriateness of site for this development:

- (xxvi) rejected housing application in 2015 was better suited to site than current development proposed - this proposal should be resisted;

- (xxvii) other sites likely to be available for this (type of) development which are better served by, or more accessible from the major road network; for example, 'Harker View' logistics 'hub' being developed at Junction 44;
- (xxviii) wrong site for this development - quiet, rural location - would be better suited to industrial location;
- (xxix) applicant could look at alternative of re-developing existing premises (in Harker);
- (xxx) not considered to be a shortfall in lorry park provisions in the locality at the present time - adequate facilities already in existence within 10-20 miles of the site;

Litter:

- (xxxi) additional litter discarded by greater number of road users would exacerbate existing litter problem associated with traffic using the locality;

Safety:

- (xxxii) concerns about potential usage of the development by vehicles carrying hazardous substances, especially in the light of the site being in a Ministry of Defence 'blast zone';

Impacts on residential amenity:

- (xxxiii) concern about ad hoc parking outside nearby residences and knock-on effects on amenity/safety;

Impact on local businesses:

- (xxxiv) the development would require transport deviating from their routes to get back onto the primary road network via Gretna, Springfield or Longtown; in relation to Gretna/Gretna Green, likely to adversely impact on wedding getaway culture

Lack of community engagement:

- (xxxv) failure of applicants to engage with local communities at pre-application stage;

Trees:

- (xxxvi) adverse impact on the health of trees nearby as a result of increased air pollution;
- (xxxvii) application does not provide adequate coverage in relation to trees on site; for example, there is no tree survey submitted

Employment:

- xxxviii) possibility that development would not create additional jobs because it

would involve redeployment of staff already working on applicants' existing premises;  
(xxxix) development could have an adverse impact on local employment, for example due to impacts on farming and tourism;

Uncertainty/lack of clarity:

(xxxx) lack of clarity in relation to whether fuel pumps are going to be provided;  
(xxxxi) questions have been inaccurately answered in the planning application form, suggesting that the form does not validly cover all relevant matters;  
(xxxii) submitted documentation has not adequately appraised all issues impartially;  
xxxiii) development would potentially exacerbate flooding issues relating to groundwater run-off in fields adjacent to the Solway;

4.4 A summary of the issues of relevance raised in the letters of support is as follows:

- (i) development would address lack of facilities for lorry drivers in the local area;
- (ii) increased opportunities for lorry drivers to take welfare breaks etc, important due to increasing limitations on drivers' safe working hours;
- (iii) development would not increase numbers of vehicles movements unacceptably - would be compatible with movements already taking place on the local road network;
- (iv) proximity of site to motorway would mean less vehicles driving through small towns;
- (v) development would help alleviate problems associated with drivers having to park in public lay-bys;
- (vi) employment opportunities would arise from the development - local job creation (during development and after implementation);
- (vii) presence of site would potentially reduce littering and urination in lay-bys;
- (viii) security/convenience for female drivers would be increased;
- (ix) development would bring back into use derelict site;

4.5 It should be noted that several objectors have mentioned the clearance of vegetation from the site prior to the planning application being made, along with the depositing of hardcore material and the installation of gates. The planning service considers that none of the works undertaken at pre-application stage were of a nature that gave rise to unauthorised works requiring to be redressed via planning enforcement.

## **5. Summary of Consultation Responses**

### **Kirkandrews Parish Council:**

24.3.21: Objects to the application on grounds of (i) impact on locality as habitat for wildlife; (ii) insufficient energy infrastructure to serve or futureproof development; (iii)

pollution of ground environment (diesel spillage); (iv) combined noise emanating from lorries using site, notwithstanding proposed acoustic fence; (v) potential impact of MOD blasts on site (safety).

23.9.20: Objects to the application on the grounds of (i) potential surface water management/pollution effects and uncertainties relating to the proposals (existing pond already filled in); (ii) service road (access lane) potentially not capable of accommodating traffic generated (existing 7.5T weight restriction mentioned); (iii) concern that the Transport assessment does not reflect wider road safety implications, with the site being described as 'within the strategic M6 corridor'; (iv) Transport Assessment potentially underestimates the likely generation of traffic associated with the development in the longer term; (v) impacts on health and wellbeing arising from additional traffic generated; (vi) disruption to local agricultural movements due to additional traffic utilising the local road network; (vii) adverse impacts on local businesses including nearby kennels, especially due to additional noise and light generated by the development; (viii) harmful impacts on local walking, running and cycling routes/increased likelihood of accidents with cyclists and pedestrians; (ix) inaccuracies within planning application submissions in relation to (1) unauthorised works carried out prior to the application being made; (2) absence of a tree survey; (3) relevance/importance of proposed opening hours; (4) generation/disposal of trade waste; (x) impacts on landscape and wildlife; (xi) more suitable sites for this development are available elsewhere.

#### **Cumbria County Council - (Highways & Lead Local Flood Authority):**

19.3.21: No objection to principle; advises in respect of matters that may lead to planning conditions: (i) upgrading of carriageway to accommodate traffic; (ii) provision of visibility splays at site access and at junction of service road with the A6071; (iii) suitable construction of the access area between the public road and the site; (iv) provision of a construction traffic management plan; (v) provision of a construction surface water management plan.

25.9.20: No objection to principle; considered there to be insufficient information in terms of both highway and drainage detail to make an adequate assessment before planning permission could be granted. Advised that if further information and clarity is not provided the application should be refused until it has been demonstrated that the proposal is acceptable in terms of (a) access; (b) visibility splays; (c) surface water drainage; (d) its effect on local traffic conditions and public safety.

#### **Highways England:**

No response.

#### **Cumbria Constabulary:**

23.3.21: Confirms application is compliant with Local Plan Policy CM 4, further to receipt of information from the applicants in relation to crime prevention.

22.3.21: Queries potential security issues relating to site perimeter, in light of new scheme with 2.5m acoustic fence.

16.9.20: Describes absence of adequate information relating to crime prevention - requests further specific information from applicants.

**MOD Safeguarding:**

14.10.20: No objection.

**Natural England - relating to protected species, biodiversity & landscape:**

29.9.20: Advises that because it is evident from the aerial photos supplied in the submitted Ecology Report that the site has been cleared in preparation for this proposal without relevant permissions in place; therefore prior to any approval the applicant will need to provide an updated Ecology Report which assesses the habitats that have been destroyed and how the application will provide a biodiversity net gain that not only seeks to compensation for the loss of habitat but provides additional habitat and provision for protected species.

4.9.20: Provides generic advice relating to a wide range of potential concerns.

**Local Environment - Environmental Protection (Env Health):**

No response.

**Local Environment, Waste Services:**

15.9.20: No comment as any waste facilities provided will be serviced by private trade waste contractors.

**Springfield & Gretna Green Community Council:**

9.9.20: Objects to the applications on grounds of (i) increased impact of traffic having to pass through villages of Springfield and Gretna Green (HGVs using the proposed site and wanting to head north to Scotland and access the M74 North or A75 West will have to use the B7076 Glasgow Road or the C141 A through the villages of Springfield and Gretna Green) - increased noise and incidents of speeding (ii) there are already truck stop facilities with in 20 to 30 minutes of the proposed site at Longtown, Carlisle and Ecclefechan - is there a need for another one?

**Dumfries & Galloway Council:**

No response.

**Gretna & Rigg Community Council:**

No response.

**Transport Scotland:**

9.3.21 & 28.9.20: No objection.

## **United Utilities:**

29.9.20: Advises that United Utilities does not have any wastewater assets in the area. Provides generic advice relating to drainage provisions, water supply and its own assets.

## **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 proposed development requires to be assessed against the National Planning Policy Framework (2019 - as amended in July 2021) and the Policies of the Carlisle District Local Plan 2015-2030 listed in paragraph 6.4 below.
- 6.3 The main issues, as listed earlier in the report, are as follows:
- (i) Impacts on highway safety
  - (ii) Impacts on residential amenity
  - (iii) Impacts on tourism
  - (iv) Impacts on biodiversity
  - (v) Landscape and visual impacts
  - (vi) Impacts on the water resource
  - (vii) Foul drainage
  - (viii) Crime prevention
  - (ix) User/resident safety
  - (x) Impact on trees
  - (xi) Development principle
- 6.4 Taking into consideration the range and nature of matters for consideration in respect of this major planning application, the following Policies of the aforementioned Local Plan are of relevance to this application:
- Policy SP 1 - Sustainable Development
  - Policy SP 2 - Strategic Growth and Distribution
  - Policy SP 5 - Strategic Connectivity
  - Policy SP 6 - Securing Good Design
  - Policy CC 4 - Flood Risk and Development
  - Policy CC 5 - Surface Water Management and Sustainable Drainage
  - Policy CM 4 - Planning Out Crime
  - Policy CM 5 - Environmental and Amenity Protection
  - Policy GI 3 - Biodiversity and Geodiversity
  - Policy GI 6 - Trees and Hedgerows
  - Policy IP 2 - Transport and Development
  - Policy IP 4 - Waste Minimisation and the Recycling of Waste
  - Policy IP 6 - Foul Water Drainage on Development Sites

**Applicants' Supporting Information:**

6.5 The application is supported by a number of significant documents. Each has been summarised below:

*Agent email 4 January 2021 (appearing on website as received 3 March 2021):*

- responds to consultation reply of Springfield and Gretna Green Community Council, advising in relation to highway usage and impacts on the local highway network (refers to Transport Statement);
- discusses suitability of the submitted ecological report in the light of the condition of the site when the application was in preparation; recommends condition relating to biodiversity to promote net gains;
- mentions that information relating to drainage has been submitted in response to the consultation reply of Cumbria County Council;
- mentions that a Transport Assessment Addendum has been submitted in response to the consultation reply of Cumbria County Council;
- describes potential crime prevention measures to be implemented including (i) Natural surveillance afforded by the vehicle flow position which offers clear view to the back of the site; (ii) establishing a secured perimeter through a combination of structure planting and security fencing (iii) security lighting (iv) access control managed by a number plate recognition barrier system; (v) commercial building designed to ensure resistance to forced entry (specification of exterior doors, roller shutters will satisfy such requirements); (vi) an effective alarm system implemented on site (vii) CCTV system linked to the applicant's phone to be installed.

*Planning, Design and Access Statement (Graham Anthony Associates, received 3 September 2020):*

6.6 This document has not been updated since the application was submitted in September 2020; a summary of the matters of most relevance and interest is as follows:

- application submitted in context of pre-application advice sought formally from local planning authority;
- none of the technical reports submitted in relation to highway safety, ecology, trees, landscaping, contamination, flood risk and drainage indicate any insurmountable matters that would preclude support of the application;
- the development would make maximum use of previously developed land and has excellent road and rail connections, supporting a key element of the

districts strategy to grow the economy;

- lists supporting documents submitted with the application (NB - identifies a Tree Survey - such an item has never been submitted);
- describes the characteristics of the site including its location in relation to the strategic transportation network and provides an aerial photograph of the site as it is now, with vegetation cleared and hardcore areas introduced;
- discusses the applicant's current operations in Harker and advises in relation to the decision to pursue this site on the basis of expanding because the existing site is now at maximum developable capacity;
- describes the likely activity at the new development along with access and landscaping proposals;
- under the heading of Planning Policy, states the following:

"The Development will make use of surplus, former MOD land within the strategic M6 Corridor, with such development seen as a key element of the strategy to grow the economy. The Commercial vehicle repair yard will further support the freight/ commercial industry and help support existing commercial operations in this locality. Furthermore, the development will provide employment to help offset the losses that have been incurred in traditional rural industries over recent years. This creates both social and economic benefits ensuring that rural communities have access to employment which in turn prevents outmigration. The proposed development will create strategic planting corridors that will connect areas of existing planting and promoting net gains in biodiversity. Furthermore, the application is supported by a detailed ecological assessment that confirms the proposal will incur no harm to any ecological features on site."

- seeks to justify the principle of development in relation to Policies IP 2 (Transport and Development) and EC 11 (Rural Diversification) of the Local Plan.

*Transport Assessment (SCP Transport, received 3 September 2020):*

6.7 Concludes/Summarises as follows:

- Analysis of accident data reveals that no road traffic accidents occurred during the most recent 5 year period available within the vicinity of the site.
- The three existing access points from the service road to the north of the A6071 are to be retained, whilst the junction between the A6071 and service road is to be widened to more comfortably accommodate passing HGVs, which will benefit both existing users and mitigate the additional trips generated by the development of the development.
- Internally within the lorry park an anti-clockwise loop arrangement is proposed with an automated gate system proposed at the exit to manage vehicle

movements. The swept path of a 16.5m articulated vehicle accessing the loop is accommodated.

- Appropriate visibility splays are achievable from each of the site access junctions and also the service road junction with the A6071.
- Based on robust assumptions it is calculated that the development would generate approximately 60 trips during the peak hours, equating to 1 trip per minute.
- The number of goods vehicle trips generated by the lorry park is robustly estimated at 40 movements during the peak hours or a vehicle movement every minute and a half. It should be noted that these movements are unlikely to be a primary trip and will already be passing the site on the A6071 or nearby on the local or strategic highway network.
- This is not considered to represent a material impact on the local highway network, whilst representative junction capacity modelling is not possible in the current conditions affected by the pandemic.
- In their pre-application comments, the local highway authority requested that the impact of the additional trips generated through the communities of Gretna and Gretna Green be considered to access the A74(M) to / from the north.

*Transport Assessment Addendum (SCP Transport, received 3 March 2021):*

- 6.8 Purpose of the document to respond to highway safety matters raised in the consultation response of Cumbria County Council;
- describes agreement between applicants' transport consultant and Cumbria County Council that a planning condition could appropriately deal with matters relating to vehicular access, including (i) visibility splays from the site access, (ii) swept paths and (iii) the weight limit traffic regulation order on the access road;
  - describes/explains traffic speed survey undertaken to ascertain speeds of vehicles using the stretch of public road between the A6071 and the proposed site access;
  - advises that the recorded speed would give rise to requirement for visibility splays of 2.4m x 35.8m to the north and 2.4m x 36.7m to the south;
  - proposes relocation of weight limitation signs to a location further north beyond the lorry park access when approached from the south;
  - corrects previous error relating to potential access to the lorry park from the north; confirms all access to/from the lorry park will be from the A6071 (swept paths shown in updated drawings);

*Flood Risk Assessment (Reford Consulting Engineers Ltd, received 3*

September 2020):

6.9 Concludes that:

- The Site lies within Flood Zone 1, the lowest risk which is identified as land assessed as having a less than 1 in 1000 annual probability of river or sea flooding (<0.1%)
- The Environment Agency Risk of Flooding from Surface Water map indicates the site is at a very low risk of surface water flooding;
- The risk of fluvial flooding is very low;
- The risk of flooding from canals, reservoirs and other artificial sources is low;
- The flood risk from groundwater is low;
- The risk from sewer flooding and pluvial runoff is low;
- The risk of flooding from the development drainage is low.

Drainage Strategy (Reford Consulting Engineers Ltd, received 3 March 2021):

6.10 Confirms trial pits created within the site to test permeability/make-up of the soil; confirmed soil is red clay and not suitable for infiltration;

- Confirms surface water and foul water are already managed on site (separate systems) and that no public sewers are present in the locality; an existing drainage system comprising a piped network and drainage ditches alongside the unmade tracks is said to collect surface water runoff from the existing site. The surface water is then said to pass through an underground chamber and be attenuated within the existing pond that lies at the development site's south eastern corner, prior to discharging via an existing outfall under the A6071 into a culverted drain, classed as an 'ordinary watercourse', that flows to the south.
- Foul water is said to be treated by septic tanks
- Proposes that the existing surface water management items would be incorporated into the scheme that would serve the development, as far as is practicable;
- Surface water management would be augmented with the introduction of (i) a Hydrobrake control system to control discharge rate before water disperses into the ordinary watercourse via culvert under the A6071; (ii) additional underground attenuation apparatus within the sales and preparation yard area; (iii) a fuel interceptor relating to run-off from hardstandings (installed after the Hydrobrake on the north side of the A6071); (iv) separate surface water drainage system around the fuel islands with a second fuel interceptor;
- foul water from the developed site would be treated in a new sewage

treatment plant (septic tanks no longer to be used);

Noise (Acoustic) Assessment (Martin Environmental Solutions, received 3 March 2021):

- 6.11 confirms that potential impact on neighbouring amenity is the reason the report has been produced;
- advises that the World Health Organisation recommends that maximum sound levels at night should not regularly exceed 45dB(A) within bedrooms to prevent sleep disturbance;
  - advises that relevant British Standard includes recommendation that the 'daytime' period internal noise levels should be 35dB LAeq,16hr, for resting in living rooms and bedrooms while for night time a level of 30dB LAeq,8hr is recommended;
  - provides in-depth coverage of how and why noise assessments are undertaken, and relevant policy/guidance/standards;
  - describes how and when the assessment was carried out on the site in January 2021;
  - provides a summary of the sound recording results and makes recommendations specifically relevant to the proposed development, being (i) incorporation of existing earth bund on north-east boundary into sound attenuation regime; (ii) proposed earth bund or close-boarded fence (2.5m high) around the lorry park to act as sound attenuation in relation to amenity of dwellings in vicinity;
  - advises that operation of the maintenance shed would not promote unacceptable levels of noise;
  - concludes that development could go ahead, with mitigation, without causing unacceptable levels of noise.

Preliminary Ecological Assessment /Hedge Survey (Openspace, received on 3 September 2020):

- 6.12 An Executive Summary of this report is usefully provided. It has been reproduced here as it gives appropriate coverage to the subject matter/conclusions within:
- The bare ground, disturbed ground/ephemeral vegetation, species-rich secondary vegetation, semi-improved neutral grassland and damp semi-improved neutral grassland are of limited conservation interest in terms of the vegetation, with no impacts expected from the removal of this habitat and no mitigation required.
  - There are two hedges along the western boundary of the site, a length of derelict hedge and a length of native species-rich hedgerow with trees. The

current proposal does not require the removal of these hedgerows and therefore no impact is expected and no mitigation is required. If any hedgerow is to be removed, mitigation measures, including the planting of native hedgerow, will suitably offset the impact of removal. Recommendations on hedge protection have been provided;

- One ash tree has been identified as having low potential for roosting bats. This tree is not proposed for removal in the indicative outline plans. Should this tree be removed or require significant pruning a full preliminary ground based roost assessment may will be required to determine the status of any potential roost feature.
- Protection measures should be put in place to protect the roots system of the retained hedges and the RPA of the retained trees.
- The water feature around the septic tank and the attenuation pond on site are suitable for Great Crested Newts and therefore eDNA surveys should be conducted to determine presence or absence prior to any works being undertaken on site.
- Pollution control measures should be put in place to reduce the impact on the water courses on site.
- The four buildings on site have potential to be used by roosting bats. Only the derelict toilet block is currently proposed for conversion/refurbishment. A preliminary roost assessment will be required to determine the status of any potential roosts within the building prior to commencement of works.
- There are habitats on site with some suitability for use by local populations of bats, birds and other species. Recommendations on further survey effort required, timing, methods, good practice and habitat enhancement have been provided in this report.
- All European protected species and species of conservation concern should be considered at all times during construction, and if individual animals are suspected or appear within the construction phase, works must stop and further guidance to protect from harm and disturbance should be sought by contacting an approved ecologist.
- There is an opportunity to increase the biodiversity of the site. The proposed landscape plan to accompany a planning application should be produced in accordance with the National Planning Policy Framework (NPPF) in order to 'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...' and the local planning authority should take into account the policies contained in the Framework when making any decision. The proposed landscape features need to be created in a way that they are suitable for and will be used by wildlife. The proposed landscape plan should also use UK native species from reputable sources.

*Contaminated Land Phase One Desk Study (Martin Environmental Solutions,*

2019):

6.13 This report appears to have been commissioned in relation to a potential residential development at Richardson House, prior to the current application being submitted. However, it does relate to the application site and is therefore relevant. A summary of its conclusions is as follows:

- no contaminants identified on or off site that are likely to present a significant possibility of significant harm to any identified receptor;
- the area to the rear, north, of the site together with the grassed field area to the east and south of the site are to form commercial uses and hardstanding for vehicles as such there is limited potential for any contamination to affect receptors.

### **Consideration of Development Proposals:**

6.14 To enable full consideration of whether the principle of development can be accepted in the light of the development shown in the application, it is necessary to first appraise various aspects of the development, in the light of information submitted by the applicants, relevant responses of specialist consultees, and views of the public and/or their representative Parish/Community Councils. Whether or not individual (or linked) aspects of the development are deemed acceptable will, ultimately, enable it to be concluded whether or not the principle is acceptable.

#### **(i) Impacts on highway safety**

6.15 The A6071 is a busy connecting route between Longtown and Gretna, providing access to and from the motorway for a range of vehicles, including lorries. It is a relatively fast road, including at the point where the U1059 meets it, just south of the application site. The junction is not heavily used at present but is fully useable by most vehicles, albeit with a weight limitation of 7.5 tonnes from the edge of the A6071 to the southernmost site access.

6.16 The development would, according to the application, and specifically in terms of the lorry park section of the development, be accessed only from the south i.e. it would not be accessed from the C1002 road from Mill Hill (to the north).

6.17 The applicants' stated intention is to pick up passing trade from vehicles already using the A6071, and not to advertise or try to divert vehicles off the motorway to visit. This approach is based on an understanding that the route is already used by a significant number of potential customers, and that the development is located adjacent to that oft frequented route. As such, the indication from the applicant is that it is not advocating a substantial increase in the number of vehicles using the A6071 to access the development, because they would already be utilising that route.

6.18 During the consideration period for the application, the applicants have sought to provide an appropriate level of information relating to how the development would impact on highway safety, and how it has been designed to ensure it is

compliant with highway safety objectives as observed in detail by Cumbria County Council, in particular, in its role as highway safety advisor to Carlisle City Council.

- 6.19 Policy IP 2 from within the Carlisle District Local Plan is the most pertinent to consideration of the current application. Of particular relevance is the first paragraph of the Policy, which states:

*"All new development will be assessed against its impact on the transport network. Development that will cause severe issues that cannot be mitigated against will be resisted. Development likely to generate significant levels of transport within isolated and poorly accessible areas will be resisted unless a clear environmental, social or economic need can be demonstrated."*

- 6.20 Of further relevance is the section of the Policy under heading 'Travel Plans and Transport Assessments' specifically because, due to the nature of the development proposed, a Transport Assessment and an Addendum to the initial assessment have been provided. This section reads as follows:

*"Development which through reference to national guidance requires the submission of a Transport Assessment and/or Travel Plan, should, in addition to responding to national guidance, demonstrate how:*

- 1. the needs of cyclists and pedestrians will be met and prioritised on site;*
- 2. the development will help to reduce the need to travel, particularly by private motor car;*
- 3. the movement of freight and goods by rail will be maximised where possible and appropriate;*
- 4. the site will safely and conveniently connect to public and green transport routes, and contribute to creating a multifunctional and integrated green infrastructure network;*
- 5. the accessibility needs of more vulnerable people have been taken into account;*
- 6. the impact of heavy goods vehicles accessing the site, where this is a required aspect of operations, will be minimised, including restrictions on operating hours and how route plans involving the movement of HGVs will avoid residential areas where possible; and*
- 7. all other sustainable transport concerns will be addressed."*

- 6.21 **Policy EC 11** 'Rural Diversification' is also of relevance in this context, requiring that new development permitted in the context of the policy must include adequate access and car parking arrangements and not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network.

- 6.22 Within the updated NPPF is Chapter 9 'Promoting sustainable transport'. In the context of appraising this application, the pertinent advice (with irrelevant text removed and replaced with ".....") appears within **Paragraph 104**, as follows:

*"Transport issues should be considered from the earliest stages of.....development proposals, so that:*

*a) the potential impacts of development on transport networks can be addressed;*

*b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*

*c) opportunities to promote walking, cycling and public transport use are identified and pursued;*

*d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*

*e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places."*

- 6.23 **Paragraph 105** follows on, advising that:

*"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."*

- 6.24 **Paragraph 109** is of specific relevance to the proposed development. It states:

*"Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use."*

- 6.25 Paragraphs 110 to 113 inclusive, under the heading 'Considering development proposals', are all of relevance in relation to highway safety:

**Para. 110:** *"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

*a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*

*b) safe and suitable access to the site can be achieved for all users; and*

*\*\*NB - Criteria c) not listed here - new insertion in July 2021 NPPF Update\*\**

*d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

**Para. 111:** *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

**Para. 112:** *"Within this context, applications for development should:*

*a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

*b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

*c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

*d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*

*e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations."*

**Para. 113:** *"All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed."*

6.26 Not all of the aforementioned national or local policy text is specifically focussed on highway safety, but this provides a broader context for consideration of the application in a transport context, and includes a number of references to ensuring development is not prejudicial to highway safety.

Increased volume of traffic:

- 6.27 It is acknowledged that usage of the site would be likely to generate a noticeable level of new traffic, especially because the existing site is not in use. Despite assurances from the developer that there is no intention to try to attract customers other than those who are passing or who are aware of the site through word of mouth, a successful development will undoubtedly be popular and will attract new customers.
- 6.28 The A6071 route is already busy with commercial traffic, to a great extent because it connects the A7 at Longtown with the M6/M74 motorways, meaning that traffic can swiftly and easily cut across and can either approach, or leave Scotland on either the main route to the Scottish Borders or on the more westerly main route that heads towards Dumfries and Galloway, the west coast, Glasgow and Edinburgh.
- 6.29 A dedicated lorry park with capacity for 40 lorries, a fuelling station, and an associated sales/preparation area would undoubtedly give rise to an increase in traffic movement in both directions on the A6071, but this increase has been appraised in detail by specialist consultees at Cumbria County Council and, presumably, by colleagues at Transport Scotland, leading to conclusions on both sides of the Border that the resultant development has no attributes that would render it to be unsupportable, taking into consideration proposed access arrangements, the likely level and nature of movement, and mitigation proposed in terms of modification to the junction(s) and provision of visibility splays.
- 6.30 It is likely that although public perception is that the development would add significantly to the amount of commercial traffic on the local road network, it would not likely be particularly noticeable because the proposed development is (a) only for lorries; and (b) of a reasonably modest scale overall. Further, it is accepted that current traffic movement includes commercial vehicles passing through the locale at a significant level, and although this would be increased, it does not give rise to a brand new principle not previously experienced. The existing highway network leading to and from the site via the A6071 is adequate to accommodate any additional traffic generated by this specific development.
- 6.31 Of specific note is the fact that users of the lorry park who wish to join, or rejoin the M74 in a northerly direction would have to drive through Gretna via the B7076 (along Glasgow Road) to get to the one-way junction that connects Gretna to the motorway because there is no return slip-road route to enable vehicles to go back onto the motorway from Junction 45. Although this is considered to be not ideal, it would potentially exacerbate current circumstances by a modest amount, but not so much as to render the proposal unacceptable.

Turning/Manoeuvring/Entering/Departing from the site:

- 6.32 Driving in this locale requires more than average concentration and care to be taken, because it is a fast stretch of road which, despite the presence of

junctions and associated signage, and because it is utilised by such a range of vehicles, regularly promotes overtaking manoeuvres. Arguably, highway safety concerns could arise from the introduction of the development with more traffic using the U1059/A6071 junction and therefore with more vehicles slowing down on approach, and with more vehicles necessarily exiting from the U1059 carefully and slowly onto the A6071. This would have the potential to create conflict, more so than at present.

- 6.33 However, despite this, the locality is not the subject of a high number of recorded traffic incidents; plus, the development proposes to improve the layout of the access so that it would be able to safely accommodate the lorries coming and going.
- 6.34 The site layout is such that vehicles would drive through/around the lorry park area in a one-way anti-clockwise loop system, so there would be adequate room to manoeuvre safely for users.
- 6.35 Again, Cumbria County Council has appraised the ability of the site to safely accommodate traffic and has assessed that the development would not be prejudicial to highway safety, as long as works are undertaken to the junctions and access to enable them to be safely used by lorries.
- 6.36 It should be noted in this context that it would be unacceptable for commercial vehicles to seek to approach the development from the north if they opted to exit the M74 at either the Gretna Services sliproad exit or the sliproad exit at Junction 22 of the M74, because this would lead to potential use of the site accesses in a way that has not been designed to cater for the manoeuvring of lorries.

*Pedestrian/Cyclists/Horserider safety:*

- 6.37 The development is intended to be accessed only from the main A6071 via the short section of the improved U1059, and although it is likely that walkers, runners, cyclists and horseriders will be active at a low level in the locality, if they are using the main road and junction(s) in this area there is already a level of risk involved because there is no dedicated series of pavements, rights of way or trails - users would be active on the public road network notwithstanding the existence of a development such as that now proposed. The locality does not lend itself to leisure uses 'per se' although the public is fully entitled to use the road network.
- 6.38 Any change or increase of usage resulting from the development would not impact on a specific leisure resource such as a national cycle trail or a long distance path, and therefore such increases could be accommodated without giving rise to overriding, or severe road safety concerns.
- 6.39 In relation to highway safety especially bearing in mind the applicants' commitment to ensuring all access points are constructed to accord with acceptable safety standards, the application would broadly comply with the aforementioned Policy IP 2, and relevant advice from within the NPPF in the Paragraphs listed above.

- 6.40 However, given that usage of the junction would change, increase and be affected by improvements to visibility, plus the presence of the lorry park resources and associated sales/preparation area of development, which in itself is a significant introduction with the potential to generate traffic over and above the lorry park operations, if planning permission is granted it would be appropriate to impose a condition requiring a scheme of signage to be submitted to, and approved by the local planning authority, in conjunction with Cumbria County Council. This would ensure all possible actions have been taken to increase safety for, and minimise risk to highway users.
- 6.41 It would be expected that any such signage scheme would include signs advising drivers of there being no access to the development from the north (only from the A6071).

(ii) **Impacts on residential amenity:**

- 6.42 As discussed in the previous section, there would be an increase in traffic utilising the road network in the immediate locality. This, in itself, could give rise to actual, or perceived impacts on residential amenity; or in other words, how others in occupancy of properties nearby live in, use and enjoy those properties.
- 6.43 In addition to the potential impacts of additional traffic, the development could, by virtue of its nature, scale of use, the nature and number of vehicles coming and going, and the day-to-day (and night-by-night) activities at the lorry park in particular, promote nuisances from noise, vibration, light and air pollution. The site has never before been brought into use for such a substantial commercial use, and inevitably future circumstances will be compared against the existing circumstances of what is essentially a relatively (or partially) undeveloped and inactive site that extends for the most part into what is fundamentally an agricultural field.
- 6.44 There is no residential or other amenity impact assessment submitted at this time, but the noise assessment is intended to look at how the development would impact on residential amenity, so it is relevant within this section.
- 6.45 Of the greatest relevance within the Local Plan are Policies SP 6 'Securing Good Design', and CM 5 'Environmental and Amenity Protection'. Criteria 8 of Policy SP 6 states:

*"Proposals should ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable conditions for future users and occupiers of the development."*

- 6.46 Policy CM 5 is of relevance in this context. It states (with irrelevant text omitted using "....."):

*"The Council will only support development which would not lead to an adverse impact on the environment or health or amenity of future or existing occupiers. Development will not be permitted where:*

1. *it would generate or result in exposure to, either during construction or on completion, unacceptable levels of pollution (from contaminated substances, odour, noise, dust, vibration, light and insects) which cannot be satisfactorily mitigated within the development proposal or by means of compliance with planning conditions;*

.....

5. *proposals for new hazardous installations (e.g. certain gases, liquids and explosive chemicals) pose an unacceptable risk to the health or safety of users of the site, neighbouring land and/or the environment.*

*Proposals may be required to submit detailed assessments in relation to any of the above criteria to the Council for approval. Where development is permitted which may have an impact on such considerations, the Council will consider the use of conditions or planning obligations to ensure any appropriate mitigation measures are secured."*

- 6.47 Within the NPPF is Chapter 15 'Conserving and enhancing the natural environment; within that Chapter are the Paragraphs most relevant to the proposal in the context of residential amenity impacts. **Paragraph 185** states:

*"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."*

**Traffic Movement:**

- 6.48 It is considered that traffic increases relating to the A6071 as a whole, as reflected in the previous section of this report, are likely not to be of great influence because it is already a busy commercial connecting route. In any event, in the vicinity of the development site, there are no properties close to, and accessed from, the A6071 directly, so the potential affects of traffic movement on residential amenity, in this context, are likely to be negligible.
- 6.49 Properties served off the stretch of road north of the site (Gretna Lonning) should also not be noticeably affected because no traffic using the proposed

development should be attempting to access the site via this stretch of road. Examples are Wood Villa, Midways and Barrasgate.

6.50 What would potentially be very noticeable, given that there would be an intensification of use to the junction of the U1059 and the A6071 and the associated stretch of the U1059 providing access to both parts of the development, is the change in experience for those residents living in properties in the hamlet known as Mill Hill, which are all served off the public road that connects to the U1059 approximately half way between the two commercial accesses proposed. Properties in this hamlet/building group include:

- Mill Hill Farm (operational commercial farm)
- Roses Halt
- Station Cottages
- Graham Arms House
- Guards Mill Cottage
- Meadowbank
- Mill View
- Guards Mill Farm (operational commercial farm)

6.51 Clearly, some of the traffic utilising the junction and the stretch of road from the A6071 to where the lane to Mill Hill begins is currently agricultural traffic, which would include tractors, trailers, implements and lorries.

6.52 Intensification of use of the junction/connection stretch of the U1059 would undoubtedly lead to an impact on the day-to-day movements of persons living and working in the Mill Hill hamlet. The proposed lorry park and preparation/sales areas, if the development becomes operational and is a success, would attract considerable numbers of users in their vehicles, and with many of these being lorries, at times this would be to the inconvenience/detriment of local amenity because residents would be more likely to encounter lorries as they go to and from their homes. This would lead to actual change and also a potential perception of negative change, because presently the locality is fairly quiet and vehicle movement is likely to be limited to residential and agricultural traffic. Although the 'Scotts' commercial site nearby on Gretna Lonning operates with the use of lorries delivering materials and products, its vehicles would not tend to use the connecting section of the U1059 because it does not lend itself to an easy passage for long commercial vehicles (and has the 7.5 tonne weight restriction), and the much better alternative junction with the A6071 is available at the eastern end of Gretna Lonning.

6.53 It is considered that this specific effect of the development is relevant to consideration of the overall balance of impacts and compliance with national and local policy, as set out above. In this particular respect, the proposals are not fully compliant with either Policy CM 5, Policy SP 6 or the NPPF.

Noise:

6.54 Presently, the locality is considered to be subject to noise arising from a

variety of sources including traffic from the motorway and other public roads, agricultural activity including vehicles and machinery, commercial activity at the Scotts commercial site and the nearby commercial wind farm north of Mill Hill.

- 6.55 It is highly likely that the overall level of perceived noise would presently lessen at night as activities dissipate, although the major roads would still be in use throughout the night, and the wind farm would tend to be operational on a 24-hour basis.
- 6.56 The site itself is currently noise-free, as there is no activity taking place, and over the course of time previous uses of the site have drifted away so that for all intents and purposes, this is a redundant site with no current usage; although, it may be accepted that the presence of existing development on the site including the bungalow/office buildings (not within the current application site, but forming part of the overall unit) and the rather dilapidated service buildings imply that activity could take place if it simply meant bringing these available volumes back into (an authorised) use.
- 6.57 It is intended that the lorry park would be operational on a 24-hour basis, according to the application. This is stated within the Noise Report/Assessment submitted earlier this year. The maintenance/preparation side of the development is not intended to be in operation at night-time.
- 6.58 The application/development currently includes a proposal for an acoustic fence (2.5m height) around the lorry park section. The fence has been proposed further to the findings of the noise assessment and was not an original component of the proposed development. This is the only recommendation of the noise assessment and is proposed to render noise emanating from the site as acceptable in relation to residential properties that may be affected. The recommendation in the noise assessment is for either a bund (presumably formed from earth) or a fence.
- 6.59 It is envisaged that a 24-hour, operational lorry park would promote noises from manoeuvring vehicles, reversing horns, air brakes, air horns, vehicle doors closing, cumulative noise arising from people working at and using the site, and vehicle movements associated with operational deliveries and staff. The preparation/sales area would also generate noise during the daytime, but this would likely be a less intensely used area and visitations from users are likely to be far less than those from users of the actual lorry park.
- 6.60 Due to the presence of the aforementioned noise-generating entities mentioned earlier in this section already in existence in the locality, it could not reasonably or logically be described as a 'tranquil' or peaceful location. In particular, proximity to the M6/M74 motorway corridor means that the wider locale is highly unlikely ever to be fully at rest. Ambient daytime noise already includes the range of noise generating activities/entities; and night-time would be subject to a lesser, but still noteworthy range of such activities, because it would include less traffic and less commercial/agricultural activity but would still include traffic on arterial routes and the wind farm.

- 6.61 In the locality, other than the wind farm, all commercial activities tend to cease overnight. The introduction of a 24-hour lorry park, therefore, would change the circumstances significantly in terms of the promotion of a site which is actively in use at night. However, it would be logical to expect that not as many lorries would use the lorry park in terms of dropping in and out at night-time - many would likely be sleeping in their cabs overnight, and in that respect operational activity at night is likely to be less intense than during the daytime. There is likely to be a proportionate drop in activity overnight, in line with most (although not all, as many lorry drivers do drive the nightshift) sleeping patterns and habits.
- 6.62 Notwithstanding the likelihood that night-time operations would be less intensive than daytime uses, movement of vehicles slowing down to access the junction or to enter the site itself, plus movement of vehicles exiting the development would include rises and falls of noise emanating from the vehicles, and this may be noticeable, more so at night-time than during the daytime.
- 6.63 The noise assessment has been accepted as fit for purpose by the Carlisle City Council Environmental Health Service (EHO), has been carefully considered, and has found to conclude acceptably that no overriding noise concerns arise. It is accepted that the acoustic fence would be adequate/appropriate for the purpose of containing site noise to the extent where any noise emanating from within the site would not exceed acceptable levels.
- 6.64 Furthermore, it has been agreed by the EHO and the applicants that a Noise Management Plan would be required to ensure any ongoing problems can be managed and mitigated if they occur. The planning service accepts this position in respect of on-site noise management. If the development goes ahead, measures put in place to offset, manage and mitigate noise would be able to address issues arising in an appropriate way.
- 6.65 Unfortunately, these management/mitigation tools would not overcome the potential noise emanating from vehicles accessing and departing the site, as described in Paragraph 6.62 above, and if it is accepted that the development can go ahead, it must also be accepted that night-time movement would have the potential to generate noise which could register audibly at residences in the locality. However, there are no dwellings in such close proximity to the site that this would be likely to be an overriding matter, and although it cannot be assumed 'across the board', it is very likely that most properties in the locality already have significant noise attenuation in place, for example newer, more soundproof windows and doors which are not left wide open at night.
- 6.66 With respect to noise, therefore, it can be concluded that there are no overriding issues arising that would put the development in conflict with the aforementioned Policies SP 6 and CM 5, or the NPPF, if the development goes ahead with the acoustic fence implemented.

Light pollution:

- 6.67 As yet, no lighting information has been provided. It is known that the site will require to be lit, and it is assumed that a range of external lighting would be required throughout the site to ensure it is operationally safe during hours of low light or darkness, which would include night-time hours.
- 6.68 The site presently does not include any lighting, therefore its appearance would significantly change when it is required to be artificially lit. At night, it is likely that the development would stand out in the locality visually, because being operational 24-hours means keeping a site operationally safe at all times.
- 6.69 Adjacent to the site to the north are areas of mature woodland, which would help to absorb and/or 'backcloth' some of the new lighting, when viewed from certain directions. However, judgement as to whether or not light proposals are acceptable cannot be formed at the moment, because the applicant has opted not to provide lighting information.
- 6.70 The option not to provide a lighting scheme at this stage/prior to determination was taken despite suggestions by the planning service that information would be more appropriately be provided before the recommendation is made, to help inform it.
- 6.71 The Committee is asked to note that dialogue between the applicants and the EHO about lighting has resulted in an interim conclusion that the matter of lighting could be dealt with via planning condition(s). However, the Committee is also asked to note that this proposition does not sit entirely comfortably with the planning service, because lighting of the site is fundamental, not optional to the applicants and so it is known that substantial lighting is likely to be required. Not knowing where lighting apparatus would go, the type of lighting intended and not having proposals to manage and mitigate so that lighting is not problematic is not conducive to enabling a fully informed recommendation.
- 6.72 With this in mind, the potential impacts of lighting on the residential amenity of nearby occupiers cannot be fully considered. However, on balance it is unlikely that the absence of such information would preclude support of the application, because the local planning authority would retain its full prerogative to accept or not accept any lighting scheme put forward in response to conditions imposed.
- 6.73 With regard to potential impact of light pollution on residential amenity, subject to the imposition of suitable conditions, it can therefore be concluded that the development could accord with Policies SP 6, CM 5 and the NPPF.

Vibration:

- 6.74 Vehicular movements of lorries can promote vibration in the ground that transfers to adjacent properties and ground. Taking into consideration how close the site is to private residences, and the provision for commercial vehicles only to approach the site from the south via the A6071 and the improved section of the U1059, vibration is unlikely to become a significant

concern because vehicles will be travelling slowly and carefully on approach and departure from the lorry park and the vehicle sales/preparation area - this is inevitable taking into account the junction and road layout.

- 6.75 That is not to say that vibration would not occur, and would not occasionally be felt at a very low level, but it is unlikely to become a significant or overriding concern at this particular site, under general/normal day-to-day scenarios.
- 6.76 One scenario that could occur is that a number of vehicles on site together, for whatever reason, leave their engines running or their compressors (for example if vehicles are refrigerated) are simultaneously in operation. This can give rise to perceived noise that has vibrational tones in it, which can be sensed in the hearing. As this is more a noise matter than a vibration matter, but as the two are linked, it would be reasonable and appropriate to suggest that the Noise Management Plan mentioned in a previous section could become a Noise and Vibration Management Plan, if planning permission is granted. This could enable the application to accord with Policies CM 5 and SP 6, and with the NPPF.

*Air pollution:*

- 6.77 There is no supporting information submitted that relates to potential air pollution associated with the development. This was not identified as a specific requirement at pre-application stage, and has not been requested during the consideration period. It has also not been requested by the EHO during the consideration period, or identified as an outstanding item that would prevent appropriate assessment of the application.
- 6.78 An air pollution assessment would look at the potential impacts of fumes and dust generated by a development, and would offer mitigation if required. Of these two matters, it is more likely that the emission of fumes, which include particulates, would be relevant to this application.
- 6.79 Not having any information relating to air pollution causes a degree of concern, given the nature of the development and the number of new vehicular movements in the locality, and the potential effects of those movements on the air quality available at residences such as Red Brae, Mill Hill Bungalow, Midways, Wood Villa and Barrasgate.
- 6.80 Air quality impacts have not been called into question to date, and therefore it would be unreasonable at this stage to require a pre-determination air quality assessment - especially having regard to guidance received from the EHO, which does not seek to challenge the absence of such information.
- 6.81 However, consideration must be given to imposing a condition requiring an air quality assessment to be undertaken if planning permission is granted, to enable potential effects to be identified, and mitigation to be proposed in response. Such mitigation could include dense planting of new vegetation in areas between the site and the aforementioned residences, or to augment existing vegetation by improving the quality of existing woodlands and

hedgerows.

- 6.82 In respect of potential air pollution, it can be accepted that, subject to appropriate mitigation secured via planning condition(s), the development could accord with Policies SP 6, CM 5 and the NPPF.

**(iii) Impacts on tourism:**

- 6.83 Tourism in Carlisle District, generally speaking, is reliant on its visitor offer, which includes at least one world class site, being the Hadrian's Wall World Heritage Site and associated long distance walking route. Other major assets include Carlisle Castle, Talkin Tarn, the excellent network of walking and cycling routes and the presence of two Areas of Outstanding Natural Beauty. Outwith its built up areas, much of Carlisle is agricultural land and some of it is designated forestry land with public access. In and around the rural areas, a range of larger and smaller tourism accommodation sites exist which help to support the local economy very significantly.
- 6.84 Adjoining Carlisle District, and of particular relevance in this scenario where a lorry park would be introduced adjacent to the A6071 and require users to approach or depart via the local road network, is Dumfries and Galloway Council's area within which, just over the national border and in Scotland, is the world famous Gretna Green/Gretna wedding getaway network of attractions and supporting assets.
- 6.85 It has been suggested that the lorry park would adversely impact on the attractiveness and prosperity of Gretna as a destination because it would promote an increase in traffic through the settlement and cause its quality to diminish. To a certain extent, this matter has been appraised already under the heading of 'highway safety' (specifically, within paragraph 6.31) and the general view of the planning service is that any increase in the level of movement, although perceptible would be highly likely to be so problematic as to promote a reason to refuse the application. As a side effect of development, residents and businesses within the Gretna Green/Gretna settlements may notice a slight increase in traffic using its roads, but Gretna's brand and presence in the local economy is so strong that it could not reasonably be concluded that the lorry park could trigger any significant diminishment to tourism, having particular regard to the fact that similar traffic utilises the road network at present. Any increase, although unlikely to be highly perceptible, could be accommodated without significant concern arising, and in this regard the application would comply with Policies SP 6 and SP 2 of the Local Plan.

**(iv) Impacts on biodiversity:**

- 6.86 The site is bounded in part by roads, in part by the Scotts commercial site, in part by mature woodland, in part by open paddock (east of/attached to the site) and in part by man-made embankments. Also belonging to the site is Richardson House, which in effect has a 'curtilage', the possibility of which is accentuated by its exclusion from this application. Said curtilage includes some vegetation. The overall site includes traditional hedgerows and trees on

its margins. The overall setting is agricultural but further to the north-east and east are substantial woodlands/plantations, and to the north is the wind farm mentioned earlier in the report.

- 6.87 The site has been partially cleared in recent times. The central area was populated by trees and hedgerows to a significantly greater extent than it is now. It is evident that the site was 'prepared' to be transferred to a new use: the apparent open area was increased and hardcore has been brought in and laid down in areas that may previously have included grass and other vegetation.
- 6.88 It is easy to see that the site has changed much in terms of its characterisation by vegetation since, for example, Google Earth street photography was taken in 2010 and 2011 in the locality. What was until recently a heavily vegetative site has been denuded of much of its potential habitat, in order to make the site easier to develop.
- 6.89 This is unfortunate, and disappointing. It is a practice thought to have been curtailed in recent times because generally it is recognised by all responsible parties concerned that any such intervention should be done sensitively and with a view to maximising the ecological potential of a site even it is developed. However, two things must be noted:
1. This intervention was not undertaken by the current applicants.
  2. None of the interventions gave rise to any breach of planning legislation or regulations.
- 6.90 The site itself has limited ecological value at the moment but relates to ecological assets including woodlands, and is of sufficient size that, if development goes ahead in the light of this application, opportunities to substantially improve the biodiversity quality of the site are available.
- 6.91 The Preliminary Ecological Assessment mentioned earlier identifies that (i) further investigation would be required in relation to protected species; and (ii) that the site has the potential to be improved in terms of its ecological contribution.
- 6.92 The most pertinent Policy from within the Local Plan is GI 3 'Biodiversity and Geodiversity'. This is a comprehensive and detailed policy, but its main objectives (in relation to this planning application) may be summarised as follows:
- biodiversity should always aim to be conserved and enhanced in the context of developments;
  - developments should incorporate and integrate existing biodiversity assets;
  - mitigation and improvement should be secured to offset development effects during the planning process.
- 6.93 Policy SP 6 is also of relevance, in particular Criteria 8 which requires that development proposals *"should aim to ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats through*

*avoidance, including alternative design. If the loss of environmental features cannot be avoided, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought."*

6.94 In terms of the NPPF, Chapter 15 'Conserving and enhancing the natural environment' is highly pertinent to this application. In particular, the following may be noted:

**Para. 174** (with non-relevant text replaced with ".....") states:

*"Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

.....

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

.....

*f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."*

**Para. 180** states;

*"When determining planning applications, local planning authorities should apply the following principles:*

*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

.....

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."*

- 6.95 The application is for a lorry park and associated commercial development, which in itself does not seem to lend itself to alignment with biodiversity conservation; and the site has been altered so that its current ecological value has been diminished, although not by the current applicants. It would seem that the clearance of the site was not for the purpose of reducing biodiversity, but for the purposes of increasing the potential developability of the site.
- 6.96 Supporting information submitted with the application indicates recognition that improvement to biodiversity would be appropriate, and that it would be achievable. The site is well related to mature woodland, hedgerows and there is plenty of space within which to undertake planting and/or protective measures.
- 6.97 However, to date the potential measures proposed are quite limited and there is no committed approach to provision of substantive improvement to habitat or to any specific feature that could be enhanced or made the focus of a scheme of enhancement. The site plan indicates 'proposed planting' along the southern embankment, but this area was already well populated with trees before site clearance was undertaken, so this amounts merely to putting back what was felled, to a great extent. It would be difficult to describe this as enhancement, as such and in the light of the previous felling/clearance undertaken.
- 6.98 Essentially, at this stage enhancement of biodiversity at the site has not been a primary focus of the application; therefore the application is lacking in terms of its attention to this matter, and as a result the aforementioned objectives of Policies from the Local Plan, and the NPPF have not been adequately responded to. However, neither the site nor its surroundings are deemed to be of a highly sensitive nature, i.e. no protected/designated areas such as Sites of Special Scientific Interest. Supporting information is positive in a biodiversity context because it tends to support enhancement and recognises the opportunity that is available. Therefore, if there is a willingness by the applicants to accede to a condition that requires greater focus on biodiversity improvement, e.g. to submit a biodiversity protection and enhancement plan which goes a lot further than the current application does, there is no reason why the application could not meet the objectives of SP 6, GI 3 and the NPPF.
- 6.99 To conclude in respect of biodiversity, therefore, as long as all are in agreement with a condition requiring matters of biodiversity to be looked at again in more detail, and to include proposed mitigation and enhancement to an acceptable level, the application has the potential to comply with relevant national and local planning policy, and biodiversity matters would not preclude support of the application.

**(v) Landscape and visual impacts:**

- 6.100 All development must visually harmonise, as best it can taking into consideration its nature, with its surroundings. The potential acceptability of development can be aided by intelligent design including the proposed use of sympathetic materials and by taking advantage of existing topography and

vegetation.

Landscape impacts:

- 6.101 Generally, the locale is not noteworthy in terms of its landscape quality. It is relatively flat, it includes major infrastructure including the motorway, bridges, pylons, large commercial wind farm, commercial and agricultural structures. It is neither pristine nor of landscape interest by comparison to many of the better landscape settings in the District and beyond in most directions. In this context, it not especially sensitive to change.
- 6.102 Landscape impacts, therefore, are likely to be relatively low in terms of any noteworthy harm arising from the development, and it could accord with Policy GI 1 of the Local Plan.

Visual impacts:

- 6.103 This is potentially a more complicated matter for consideration, because the development would introduce not only a new large building in the preparation/sales section of the site; it would also tend to be populated by a fleet of various lorries which, by their nature and having regard to the proposed layout and expectations of visitation by vehicles, would introduce a moving visual impact over time, as well as a static visual impact caused by the presence of parked vehicles. This would certainly cause visual change to the locality, which is presently not in use, quiet and generally backdropped by mature vegetation.
- 6.104 Further, visual impact of development would occur due to lighting both from the vehicles (bearing in mind that this is intended to be a 24-hour facility) and from the lighting placed within and around the development, details of which are not yet known.
- 6.105 The principal Policy from within the Local Plan in the context of visual impact is SP 6 'Securing Good Design', which states (with irrelevant text omitted and replaced with "....."):

*"Development proposals will be assessed against the following design principles. Proposals should:*

- 1. respond to the local context and the form of surrounding buildings in relation to density, height, scale, massing and established street patterns and by making use of appropriate materials and detailing;*
- 2. take into consideration any important landscape or topographical features and respect local landscape character;*
- 3. reinforce local architectural features to promote and respect local character and distinctiveness;*

.....

5. ensure all components of the proposal, such as buildings, car parking, and new connections, open space and landscaping are accessible and inclusive to everyone, safe and well related to one another to ensure a scheme which is attractive and well integrated with its surroundings;

.....

9. include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;

10. ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features, or cause visual cluttering;

....."

- 6.106 Also of relevance in this context is **Policy EC 11** 'Rural Diversification', which requires that proposals must be compatible with their rural setting and be in keeping, in terms of scale and character, with the surrounding landscape and buildings.
- 6.107 Chapter 12 of the NPPF is 'Achieving well designed places', and while none of the specific Paragraphs are reproduced here, it is clear from the Chapter that the Government places great emphasis on ensuring that any new development with the potential to cause significant visual impacts must be well designed to integrate harmoniously with its surroundings.
- 6.108 The site benefits from reasonably good containment in visual terms, in particular because its southern edge is bounded by an earth bund along much of its length, providing a level of screening across the relatively flat ground when viewed from the south, including the A6071. The curtilage and building forming Richardson House also intervene within the site in terms of breaking up the internal openness, although as mentioned earlier, the site used to be a lot gentler (visually) and included many trees in areas now cleared of vegetation. The site is very well backdropped when viewed from the south (for example, on approach in either direction along the A6071), and screened when viewed from the north, as a result of the presence of Mill Hill Wood and also the buffer created by the Scotts commercial development.
- 6.109 The bund would not prevent views to within the site for users of vehicles with higher seating positions such as lorries and buses/coaches at present.
- 6.110 The only significant new planting proposed relates to proposed new vegetation along the length of the bund. This would introduce landscaping that would be likely, in time, to provide additional screening and reduce the visibility of the development.

**New building:**

- 6.111 Looking first at the buildings intended to be placed, physically, on the development as permanent structures, the only item shown in the proposed plans is the preparation/sales shed in the western section. Within the eastern section (lorry park) no new buildings are proposed. No canopies are proposed adjacent to the fuel islands. Existing buildings are to be retained and upgraded to their new uses.
- 6.112 The new building would be very well backdropped by the existing woodland area behind which, according to the location plan, is at least partially controlled by the current applicant. The presence of the woodland, taking into consideration its scale, means that it provides visual mitigation by reducing the potential starkness of the new building, which is intended to be clad externally with coloured metal profiled sheeting (it is intended to be a fairly standard utilitarian building - hybrid agricultural/industrial in appearance) and which would have an upper height of between 7.5 and 8m.
- 6.113 Although it is the only building proposed, it would be large, of functional appearance and potentially highly visible without mitigation. Notwithstanding the quality of the surroundings in visual terms, it would be important to ensure that it is not only backdropped for the future by the existing trees, but also that additional landscaping is provided to further limit visual impacts. From this it may be concluded that as long as the landscaping is provided and maintained appropriately, the visual impacts could be accepted and would not be so harmful as to conflict with Policy SP 6, Policy EC 11 or the NPPF. However, to date the landscaping proposed for screening/visual purposes does not attempt to mitigate potential visual impacts of the building - the proposed landscaping is strategic and structural, being on the southern boundary only and not targeting the building. For this reason, to ensure the development is compatible with Policy SP 6 and EC 11, it would be necessary to require, by condition, an augmented and improved landscaping proposal for the site, if planning permission is granted.
- 6.114 The committee may note that the original Proposed Site Plan, submitted in September 2020 and supported by an Indicative Planting Plan, included more landscaping than currently proposed and did appear to target the preparation/sales area with new native planting proposed on two sides (south and east). Additional planting was also shown to be provided on the eastern boundary of the lorry park area. The current, revised Proposed Site Plan seems to show that these areas have been removed from the proposals for reasons that are not entirely clear, but are likely to have been influenced by the introduction of the 2.5m high acoustic fence now proposed.

**Stationary/moving vehicles:**

- 6.115 The visual experience of the resultant development (notwithstanding any movement during construction) would include a potentially high level of presence and movement associated with the stationing, arrival, manoeuvring and departure of vehicles. Up to 40 lorries would be able to utilise the park when it is at full capacity and, given the size and bulk of large lorries including detachables, this would without doubt be noticeable - it would change the visual nature of the site substantially. The lorries would stand out against the

backdrop of trees and woodland. Visual impacts would likely be experienced at night-time too, but that particular aspect is given more focussed coverage in subsequent paragraphs.

- 6.116 If planning permission is granted, the visual intrusion caused by the lorries would arguably be detrimental to the local visual environment and the lorries would likely be the most prominent static and moving visual component/aspect of the development. Mitigation would likely only be relevant if it provides as much screening as possible, which makes the landscaping mentioned in previous paragraphs (relating primarily to the new building) just as important, if not more so, in respect of the lorries.
- 6.117 From a developer/operator point of view, it might be argued that greater visibility would enhance potential trade, but any such argument in this case would not be sustainable because the applicants have already indicated that publicity would be limited and word of mouth, remembering that this is a local business already operating out of a premises in Harker, would be invoked to ensure the existence of the facility would be known. Adequate and appropriate signage installed in accordance with the scheme likely to be necessary (see Paragraph 6.40 above) would ensure users know where the site is and how to safely access it.
- 6.118 Lorry parks, and indeed service stations open to all the public can be greatly enhanced by appropriate landscaping and other planting, not only for the purposes of reducing visual impact but also to improve the quality of the environment within the development for users. If the application is supported, it would be essential to ensure visual impact of the lorry element is minimised; and at present, as suggested earlier in this report, proposed landscaping is inadequate and would require improvement/augmentation to render it acceptable in relation to the development proposed. New landscaping would have to be empathetic, targeted and proposed within a specialist-led formal landscaping scheme for it to serve its most valuable mitigation purposes.
- 6.119 Essentially, an improved landscaping scheme, although highly unlikely to fully screen the facility, would help greatly to reduce potential visual impacts of lorries and enable the application to accord with Policies SP 6 and EC 11 purely in relation to this factor. That is not to say that all visual harm would be fully offset, but the potential is there for a landscaping scheme to be implemented that would be adequate to render visual impacts acceptable.

#### **Lorry lights/security & site lighting:**

- 6.120 Although mentioned as a separate topic, consideration of the potential visual impacts of lighting has already been provided to a certain extent within this report. Visual impact is highly likely, but it will be possible to assess and negotiate to agreement in respect of on-site lighting at a 'post-determination' stage.
- 6.121 The provision of such a lighting scheme via condition, which has been agreed as an acceptable way to enable this element of the development to be considered (this action endorsed by the Carlisle City Council EHO), would not

extend to coverage of lighting emanating from vehicles, however. Although vehicle movement is likely to be lower during most hours of darkness than it is during daylight hours, lorries are known for occasionally being very well lit with extra light adornments in some cases, but even without them the headlamps, sidelights and rear lights can make lorries stand out in darkness to what some may perceive as an accentuated degree. The presence of lit-up lorries during hours of darkness would certainly change the visual nature of the site by comparison to what it looks like now.

- 6.122 A substantive landscaping scheme would have the potential to mitigate the effect of lorry lights to some extent, although full mitigation could not be reasonably expected. Lorry lamps are powerful and penetrative, and even if landscaping is provided which is comprehensive and fit for purpose, it would take many years to mature to the stage where it properly reduces the visual impacts of the lights on the vehicles, especially while they are moving and the lamps are sweeping around in arcs or otherwise changing direction.
- 6.123 This means that if the development principle is to be accepted, notwithstanding mitigation it will have to be accepted that the lights from moving and sometimes static vehicles, potentially up to 40 lorries at any one time on the lorry park area after dark, will have a significant, and additional negative effect on the locality because it would cause the site to be highly noticeable - this could be experienced at any time during hours of darkness and would potentially have the effect of causing visual incongruity.
- 6.124 The requirement for a condition has already been identified in relation to site lighting, should planning permission be granted. Such a condition is likely to enable a good degree of certainty in relation to future effects of such lighting. One option available to the local authority would be to impose a separate condition relating to the management of vehicle lighting impacts on the site, or to extend the lighting condition to cover this issue as well. It would not provide for as much certainty as it would for site lighting, and would depend to a great extent on the site operators being vigilant and active in ensuring any management/mitigation proposals are implemented and monitored. However, it would ensure all steps have been taken to ensure this area of concern has been mitigated as far as possible, and would place the onus on the applicants/operators to come forward with a suitable scheme. With this in mind, it is considered that the visual impacts of lighting are unlikely to be of such an extreme nature that they would render the application unacceptable, and with appropriate mitigation in place, the application could accord with Policy SP 6 and Policy EC 11.
- 6.125 Applying or extending the condition in this manner would also provide further opportunity to consider if and how any lighting from vehicles could potentially impact on residential amenity of nearby occupiers.

**(vi) Impacts on the water resource:**

- 6.126 First, it may be noted that the application site is not within either Flood Risk Zone 2 or 3, which by default means it is within Flood Zone 1. The application is accompanied by both a Drainage Strategy and a Flood Risk Assessment

that jointly conclude no significant issues concerning potential flood risk or surface water management. The planning service accepts this position, and acknowledges that the consultation responses of Cumbria County Council indicate satisfaction that surface water management has been appropriately covered in the application.

- 6.127 It is known that the site is generally not suited to infiltration because of its geological make-up. It is also acknowledged that the scheme would introduce new development components that would require surface water to be channelled through and to existing and proposed discharge and attenuation points. Surface water is channelled via on-site ditches and pipes, is treated via a filtration pond and is then appropriately discharged to the water environment. Additional on-site measures to prevent pollution of the water resource are proposed, have been considered and have been deemed to be acceptable by relevant consultees.
- 6.128 The submitted Drainage Strategy is fit for purpose and includes detailed recommendations that have informed a proposed surface water management scheme. Having regard to all consultation responses and the information contained within the Drainage Strategy it is considered, subject to securing implementation of the surface water management via an appropriate condition in the event of planning permission being granted, that the development would accord with Policy CC 5 in this context.

**(vii) Foul drainage:**

- 6.129 The Drainage Strategy mentioned under the previous heading also provides coverage of intended foul water management, indicating that it would require to be served by a new sewage treatment plant, to take the place of an existing septic tank (in a similar location towards the south-east corner of the site). The treated effluent from the plant would be released into the water environment via an existing outfall into a culverted drain.
- 6.130 There are no public sewers available in the locality, hence the requirement for the new treatment plant to be provided.
- 6.131 The sewage treatment plant would require approval under the Building Regulations, which would ensure it is installed in accordance with accepted standards.
- 6.132 This mode of management of future foul drainage is considered to be appropriate to the development in principle, and would enable the application to accord with Policy IP 6 of the Local Plan. However, the application lacks details in respect of the proposed location of the plant, therefore if planning permission is granted, it would be appropriate to require this information to be submitted and considered via planning condition.

**(viii) Crime prevention:**

- 6.133 The proposed development is of a nature that requires consideration to be given to how it would respond to potential threats from criminal activity. Policy

CC 4 of the Local Plan requires that *"new development should make a positive contribution to creating safe and secure environments by integrating measures for security and designing out opportunities for crime."*

6.134 During the consideration period for the application, Cumbria Constabulary as specialist consultee queried a range of matters relating to crime prevention, the applicant responded and this enabled the consultee to conclude all reasonable steps were to be taken to enable the application to accord with Policy CM 4.

**(ix) User/resident safety:**

6.135 This matter is mentioned having regard to concerns stated in objection(s) regarding potential parking of vehicles associated with the development in locations where they could prejudice the safe passage of road network users. The road network, in this context, includes public pavement and the users includes children.

6.136 Specifically, mention is made about the potential for the development to give rise to parking of lorries and other vehicles associated with the development in Blackbank.

6.137 The site is generous and offers parking for 40 lorries, therefore adequate space would be available within the site to ensure that traffic could be accommodated. Further, Blackbank is situated over 1km away and does not have direct sight-lines to the site for the proposed development; therefore, it is highly unlikely that vehicles unable to use the new site would 'retrench' to Blackbank instead while they wait for space within the lorry park. It is more likely that they would find other locations to stop within more spacious locations or other facilities.

**(x) Impact on trees:**

6.138 The Committee is asked to ensure that this section is read in conjunction with the Addendum to the report, relevant to revisions made in August 2021, which have been made specifically in relation to impact on trees. Otherwise, this section of the main report has not be altered to avoid confusion (this paragraph 6.138 is the only new paragraph - the remainder of the paragraphs under this heading have not been amended since the report was published in advance of the 11 June 2021 Committee, at which the application was deferred). The Addendum report explains how an Arboricultural Implication Assessment (AIA) has been submitted alongside revisions to the layout.

6.139 The site overall has been changed substantially in terms of its tree cover, prior to the current application being submitted. As mentioned earlier in the planning report, many trees (and likely ground cover, shrubs and possibly hedges) were cleared out to prepare the site for some kind of development, but no planning breach has occurred with the removal of the vegetation.

6.140 Although the site still contains a number of individual trees dotted within and on the edges, and includes groups of trees and part of Mill Hill Wood along

the northern boundaries, and despite reference to it in the Planning, Design and Access Statement, there is no tree survey accompanying the application. This was highlighted by the Kirkandrews Parish Council in its consultation response.

6.141 The role of the trees in relation to the development proposed is an important one. The woodlands to the north, in particular, provide essential backdrop/assets in terms of potential amenity, landscape and visual impacts. It is highly likely, in the context of the planning application and the previous interventions where many trees were felled, that remaining trees and woodlands affected by, or adjacent to the development would require to be protected by a Tree Preservation Order. This would be the case whether or not the current proposal gains planning permission, as it would be essential to prevent further unwarranted diminishment of the trees as a multipurposeful resource, although it is noted that there is no stated intention to fell further trees, within the application. There is an indication that the applicants recognise the potential environmental value of the site and are willing to enhance it.

6.142 Policy GI 6 of the Local Plan 'Trees and Hedgerows' is relevant to consideration of this aspect of the development. It states (with irrelevant text omitted and replaced with "....."):

*"Proposals for new development should provide for the protection and integration of existing trees and hedges where they contribute positively to a locality, and/or are of specific natural or historic value. Planning conditions requiring protective fencing around trees to be retained, in line with the current and most up to date British Standard: BS 5837 will be used to ensure adequate protection of valued trees during construction.*

*Tree Surveys: Where trees and hedges are present on a development site a survey, in accordance with the current and most up to date British Standard: BS 5837 must be carried out by a qualified arboriculturist and presented as part of the planning application.*

*Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.*

*Proposals which would result in the unacceptable or unjustified loss of existing trees or hedges or which do not allow for the successful integration of existing trees or hedges identified within the survey will be resisted.*

.....

*Landscaping and Replanting: Any proposals for onside landscaping schemes should seek to incorporate the planting of native tree species where practicable. Where trees are lost due to new development, the Council will require developers to replant trees of an appropriate species on site where it is practicable to do so, or to contribute via planning conditions and/or legal agreement, to the replanting of trees in an appropriate, alternative location.*

*The extent of replanting required will be representative of the age, number and size of trees, or length of hedgerows, originally lost.*

*All new development should also have regard to the current Trees and Development Supplementary Planning Document."*

- 6.143 This Policy is supported by Criteria 8 of Policy SP 6 which, generally, requires trees, hedges etc. to be protected, included, or mitigated for if removed. Broadly, this approach aligns with Chapter 15 of the NPPF.
- 6.144 The absence of a tree survey, which would normally include reference to tree protection, retention, categorisation and replacement of felled trees, is not helpful in this instance, particularly with recent history including such a noteworthy level of vegetation removal. The fact that the document is mentioned as being submitted in the Planning, Design and Access Statement means that there is an expectation that it should have materialised so that it could be scrutinised, along with all other documents submitted, by all interested parties.
- 6.145 The preliminary Ecological Appraisal makes reference to trees in a biodiversity context but is not in itself a tree survey and does not perform the function of one.
- 6.146 Practically, and having regard to the site and its environs/margins as it stands today, there is room in amongst the trees for the development to be implemented. If (i) a Tree Preservation Order is made, if (ii) appropriate conditions add protection, and if (iii) the developer adheres to the protective requirements, it would be possible to avoid any further significant intervention relating to trees on or adjacent to the site. The Proposed Site Plan clearly identifies that the areas intended for actual development do not further impinge on the canopies of trees, which means that it would be straightforward to install protective barriers in appropriate locations to protect remaining trees during construction.
- 6.147 This is a sensitive topic to consider, especially because of the previous site clearance which has changed the character and environmental value of the site substantially, although as noted earlier, it was not the current applicant's undertaking. It is necessary to look at what is present now, whether development would enable all existing tree cover to be preserved or indeed enhanced; and whether adequate proposals for replanting are in place to offset tree loss and to improve the visual and environmental quality of the locale.
- 6.148 It has already been noted in the Landscape and Visual Impact section of this report that the current proposals for on-site planting (landscaping) are inadequate and that such proposals have been substantially reduced since the application was originally submitted. It has also already been recognised that there would be a requirement for proposed landscaping to be improved if planning permission is granted, and that conditions relating to this matter would be included as part of any positive recommendation.

- 6.149 It may be further noted that the landscaping scheme could legitimately be extended to include coverage of all existing trees, shrubs and hedgerows, their protection and a proper regime of new planting, including maintenance proposals. This could enable the application to accord to some extent with Policy GI 6 at the point of recommendation, although in the absence of the Tree Survey discussed in the Policy, the application would not be fully compliant and, therefore, is still not fully aligned with the Policy.
- 6.150 It is challenging to summarise in relation to trees and hedgerows at this point as a singular issue, mainly because it is considered that the subject/resource/asset has not been given its full attention during the application process: (a) by the developer in opting not to provide adequate information; and (b) by the local planning authority in not being able to make a full and proper assessment because the information is not present.
- 6.151 To omit a Tree Survey despite it being promised as part of the application package is remiss of the developer and unfortunately causes this aspect of the application to be deficient at this time. However, and this is not to be taken lightly because it is tantamount to a modest leap of faith, having regard to comments above about including outstanding tree and hedgerow matters in the context of an enhanced landscaping proposal, it could be accepted in the overall planning balance that the matter is not overriding. Whether or not this is the case will be discussed under the next heading.

**(xi) Development Principle:**

- 6.152 Up to this point in the report, despite uncertainties of differing levels relating to trees, landscaping, lighting, visual impacts, amenity impacts and drainage, every one of these topics has been discussed in the light of opportunities that are likely to be available to propose planning conditions, if the application is supported, to ensure that outstanding information is provided and that (a) implementation and (b) operation could be carried out acceptably.
- 6.153 All of the matters covered thus far indicate that in themselves and, to a great extent in combination, none promote such conflict with local and national policy that any would be overriding.
- 6.154 Having assessed the individual areas of concern/interest, to some extent that is likely to inform how the principle is perceived. For example, no specialist consultees have identified overriding concerns relating to highway safety, nuisance, crime, amenity or drainage. There is an outstanding concern stated in the second consultation response by Natural England about the relevance of the Ecological Appraisal, but this can be taken into consideration in the wider assessment; and, in any event, if the application is approved it would be conditional in respect of biodiversity - a further ecological assessment and mitigation would inevitably be required due to the nature and potential magnitude of the development.
- 6.155 The Policies of most relevance in terms of the development principle tend to be strategic and so include SP 1 'Sustainable Development', SP 2 'Strategic Growth and Distribution', and SP 5 'Strategic Connectivity'. EC 11 is also

relevant at this point of analysing whether the principle is acceptable.

6.156 **Policy SP 1** states:

*"When considering development proposals Carlisle City Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will always work proactively with applicants, and communities, jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions of the District.*

*Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood development plans) will be approved without delay, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:*

- 1. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
- 2. specific policies in the NPPF indicate that development should be restricted."*

**Policy SP 2** (with irrelevant text omitted and replaced with ".....") states:

*"To ensure that objectively assessed development needs are met, and met in the most sustainable manner, strategic growth within the District of Carlisle will be governed by the following principles:*

.....

- 2. Sufficient land will be identified to create the right conditions for economic growth:*
  - a) the focus for development will be within the urban area of Carlisle and locations which can maximise the benefits of Carlisle's highly accessible position in relation to the M6 Corridor; and*
  - b) whilst efforts will be focussed across the Plan period on realising the residual capacity within existing employment areas, this approach will be complemented by the allocation of an additional 45 Ha for employment related purposes.*
- 3. Development of surplus land at Ministry of Defence (MOD) Longtown, which lies within the strategic M6 Corridor and benefits from excellent road and rail connections, will also be supported as a key element of the strategy*

*to grow the economy, and to secure modal shifts in freight transport.*

.....

*6. Where possible and appropriate, the re-use and redevelopment of previously developed land will be encouraged across the District. ....*

.....

*8. Within the open countryside, development will be assessed against the need to be in the location specified."*

**Policy SP 5** (with irrelevant text omitted and replaced with ".....") states:

*"The City Council will support improvements to the transport network, in partnership with delivery partners and operators, including the Highway Authority, in order to support the District's growth aspirations and Carlisle's role as a strategic transport hub.*

*Proposals in line with the objectives of the 3rd Cumbria Local Transport Plan will be supported. Interventions to facilitate growth as identified in the Infrastructure Delivery Plan will be prioritised. Opportunities will also be taken to:*

- 1. increase the provision for walking and cycling, including improved connectivity across the District;*
- 2. retain and enhance existing public transport services and to improve and modernise key public transport infrastructure including Carlisle Railway Station and interchange;*
- 3. promote economic growth and seek to attract new and growing investment along the M6 corridor;*
- 4. improve transport networks for all modes to ensure access and movement are maintained;*

.....

*7. secure a modal shift in the transport of freight from road to rail and improve connections with the Port of Workington;*

.....

*Land will be safeguarded and/or allocated through the planning process to support the realisation of new or improved transport infrastructure."*

**Policy EC 11** states:

*"Development proposals to diversify and expand upon the range of sustainable economic activities undertaken in rural areas will be supported*

*and encouraged both through the conversion of existing buildings and well designed new buildings. Any new building must be well related to an existing group of buildings to minimise its impact and blend satisfactorily into the landscape through the use of suitable materials, design and siting.*

*Proposals must:*

- 1. be compatible with their existing rural setting;*
- 2. be in keeping, in terms of scale and character, with the surrounding landscape and buildings;*
- 3. include adequate access and car parking arrangements; and*
- 4. not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network."*

6.157 Within Chapter 2 of the NPPF ('Achieving sustainable development) is **Paragraph 8**, which states:

*"Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities health, social and cultural well-being; and*
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

**Paragraph 9** is also of specific relevance. It states:

*"These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area."*

6.158 Within Chapter 4 of the NPPF, which is also of a strategic nature ('Decision-making'), the following paragraphs are of relevance to the application:

**Para. 38:**

*"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."*

**Para. 55:**

*"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."*

6.159 Also of strategic relevance to economic development is Chapter 6 'Building a strong, competitive economy', within which the following paragraphs are of particular relevance:

**Para. 81:**

*"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."*

**Para. 83:**

*"Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations."*

**Para. 84(a):**

*"Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;"*

**Para. 85:**

*"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."*

6.160 All of the above policies point towards one overarching question: Is this the right development in the right place? If it is accepted that the design, layout and scale of the development could be appropriately accommodated at the site, and that conditions could effectively respond to outstanding technical and practical matters, more strategic considerations are required, which in this case are:

1. Does the development need to be in the location specified?
2. Would this constitute re-development of previously development land?
3. Is the location right for this type of development?
4. Does 'need' for the development influence consideration of the application?
5. Is the promotion of support for road freight sustainable?
6. Does the application represent proposals that represent community need and that have benefitted from pro-active engagement with communities?

**Need to be in this location:**

- 6.161 This site has not been compared 'sequentially' to any other potentially available sites in the District, or indeed outside the District, which is relevant given the proximity of the site to the national border with Scotland. It therefore has to be considered in terms of its own merits, having regard to its nature and its relationship with surroundings, including the strategic road network.
- 6.162 The site has been selected on the basis that it is conveniently and strategically located between two arterial routes which already connect via the A6071, and which already accommodate a high level of traffic, including lorries and other commercial vehicles. Indeed, the applicant's ethos is apparently one which expects 'passing trade' and 'word of mouth' to promote a successful level of usage to make the development viable.
- 6.163 The site has also inevitably been selected because it is 'available' whereas other sites with similar, or better credentials are not. This, arguably, supports a case for 'need' because options to develop on other land are not available.
- 6.164 It may be difficult to find a reason to resist the application on the basis of whether it needs to be in this location.

## **Previously developed land?**

- 6.165 It could be argued that the site has to some extent got a 'previously developed' character because previous uses were implemented, although they have not been operational for many years and the overall site returned to nature by some degree; plus, it already contains a number of items indicating development (notwithstanding the recent introduction of the hardcore areas, which in itself does not indicate or support the site being previously developed).
- 6.166 It cannot be accepted that the overall site is previously developed because part of the site remains as paddock/field and part is actually woodland. Its previously developed character is dissected and has been diluted by time and by vegetative reclamation.
- 6.167 The site feels like it has been the subject of human intervention on more than one occasion, which is true having regard to the planning history and the presence of buildings and drainage infrastructure. However, it is not in the truest sense a brownfield site and therefore any inference of a previously developed nature must be looked at precautionarily and guardedly, because it is not obvious. Its 'partially previously developed' nature can be accepted and may be influential.

## **The right location?**

- 6.168 Notwithstanding earlier comments relating to 'need', consideration must be given to whether this type of development would be more appropriately guided to an available (or potentially available) site closer to an existing commercial, industrial or urban locale.
- 6.169 Close to Junction 44, and within Kingstown Industrial Estate is a comparable (although slightly larger) facility being the Carlisle Truckstop. It could be argued that where Carlisle Truckstop is makes that a more logical location because it is much closer to distribution centres. The proposed development under consideration has no immediate relationship with any other commercial transport or distribution cluster other than the Scotts operational site to the north of the application site. It is not next to an industrial estate like the similar truckstop at Whitesyke, off the A6071 between Longtown and Brampton. It is not within an existing rest area/services facility like at Gretna Services and is less well sited than the Ecclefechan Truckstop which is immediately adjacent to, and easily accessed from the M74 motorway without having to go through any settlements.
- 6.170 However, acknowledgement must be given to the fact the applicants (Robert Little) currently operate a more modest site within Harker, which in itself is arguably less logical than the aforementioned sites in Paragraph 6.168, although it is not far from Junction 44 via the A7. Whether the site currently proposed is any less well located to the strategic road network is open to debate, but there are similarities, and the applicants are alleged to run the existing operations in Harker efficiently and to have outgrown that limited site, hence the push for expansion on a large site elsewhere.

6.171 There is certainly a case to be made that the site is not so far away from the strategic/arterial road network to render it an illogical choice; indeed, it would be unlikely that the current application would be in front of the local authority if it were not considered to be in a workable location with good access to the main road routes, taking into consideration the type of vehicle that would be using it. Poor connectivity would be a disincentive to potential users.

**'Need', taking into account the existence of other facilities:**

6.172 Mentioned on several occasions in objections is that existing facilities exist in Carlisle, at Gretna Services, at Ecclefechan and in Longtown. The applicants' existing site, although not a lorry park as such, represents at least in part another facility for the sale and preparation of commercial vehicles. Interested parties are asking why there needs to be another facility when these already exist.

6.173 The planning system is not entitled to quell competition or to manipulate the market; moreso, it is vital that competition exists to ensure that the best developments thrive and to ensure the market is not false. The existence of other facilities as mentioned would not provide a reason to resist a further development of this type, if the applicants deem it to be viable. The applicants operate a known, successful local business in the commercial vehicle arena, and as such cannot be approaching the new site without first having understood that it could be successful financially.

6.174 There is no area of the aforementioned national or local policy that would preclude support of the principle of another facility of this nature, as long as it does benefit from being the right development in the right place.

6.175 It would be true to say that the presence of lorries parking overnight in lay-bys in the District is observable on many occasions, and that the development would provide another resource and potentially fulfil an ongoing need to ensure adequate provision continues, especially because overnight lay-by parking, as evidenced in both letters of support and objections submitted, is seen to be problematic for a number of reasons.

**Sustainability of development supporting road freight:**

6.176 This consideration is, in current times, in a juxtaposition. On the one hand, national and local policy is aiming to shift transport away from roads and onto other modes such as rail. The ongoing transportation of goods etc via road freight invokes greater fossil fuel usage, and pollution of more than one kind.

6.177 Road transportation is in transition, however, and alternative fuel solutions including electric vehicles are having to be found because the long term use of fossil fuels will end at some stage when the resources actually run out. Although only a very small percentage of vehicles on the road are powered by alternative means at present, realistically road freight will continue into the future by utilising other fuelling technologies.

6.178 It would not be logical, therefore to conclude that the application would give rise to an unsustainable form of development simply because it would support future road freight. Transportation is in transition away from fossil fuels and (note: new road routes are still being developed and existing road routes are constantly being upgraded in the UK) although it may still take a long time for a full transition, it is inevitable.

### **Community engagement:**

6.179 This is an area that the application does not represent well. It does not reflect a community-led development, was not the subject of any known pre-application community engagement and has divided the community somewhat in terms of the number and nature of representations received. Many of the objections are known to be from local residents; whereas, the source of letters of support is more varied and represents a less geographically coherent community.

6.180 Both Kirkandrews Parish Council and Gretna Green & Springfield Community Council have both objected to the application; whereas, Gretna and Rigg Community Council has opted not to comment.

6.181 In this respect, the application does not comply with the NPPF because no account has been taken prior to submission of what the development might mean to the community. The development would impact on nearby settlements and rural communities, but how said communities feel about that has only been possible to judge, to a great extent, since the application has been submitted.

6.182 While the application has been 'live', i.e. since September 2020, there has been no new evidence introduced that indicates taking opportunities to gauge local opinion, for example by holding events (these are likely to have been required to be 'virtual' events) or by communicating by letter to local bodies, residents and businesses within a chosen radius.

6.183 It could be argued that the level of interest in the application, although noteworthy, is not high and does not represent a substantial campaign either for or against. However, the local Mill Hill (hamlet and surroundings) community is not particularly populous and as such interest was perhaps never likely to be strikingly high. It does, however, represent a reasonable level of local interest. Whether or not this would be such a significant issue as to require the application to be refused would need to be looked at in the overall balance.

### **Conclusion:**

6.184 The development of a lorry park and associated preparation/sales facility in this location is not necessarily what would be thought of as first choice, if alternative proposals were forthcoming. The locality, though, is by no means pristine and includes the Scotts commercial site to the north, so although it has been concluded that the site is not fully previously developed, it is previously partially developed and relates to other commercial

(non-agricultural) major activity close by. It can be accepted, to some extent, that the development would give rise to a form of rural diversification.

- 6.185 A range of individual subject areas have been appraised and have led to the conclusion that although on a number of levels the application is deficient in its current form, in practical terms it would be acceptable to address all outstanding individual matters such as landscaping, trees, drainage, noise, light and air pollution through planning conditions. Imposition of a Tree Preservation Order on trees at the northern peripheries of the site would be appropriate, and would help protect the woodland areas as amenity and biodiversity assets.
- 6.186 The intended development would add another facility, this being a 24-hour facility, for overnight parking of lorries whereas in the broader locale there are at least four other such sites in operation in Carlisle, Longtown, Gretna and Ecclefechan. All of these sites have differing facilities available, but in essence all are of a 'truckstop' nature.
- 6.187 The development would enable a local business to operate from a larger site, and in so doing expand and diversify an existing successful business, which is already set in a semi-rural location (Harker) and which would move to another semi-rural location.
- 6.188 Although the development would undoubtedly give rise to impacts which local residents and businesses become aware of through activity, movement, light, air quality and noise impacts, these either have, or could be mitigated acceptably.
- 6.189 It is important to support local economic development if possible, and to ensure local and national policy requiring every effort to be made to support applications for sustainable development is observed. Economic objectives must be balanced against social and environmental objectives. Rural diversification must be supported where it is appropriate to a rural location.
- 6.190 It is, however, important also to acknowledge that there is no evidence of community engagement at any stage during the planning process which, given the scale and nature of development, is likely to have been beneficial to all concerned, including the potential developer.
- 6.191 It is partially due to the way the application was submitted without community engagement, and with certain information not clear or absent in the application, that a significant level of community interest has been generated post-submission indicating objections in respect of various matters, all of which have been given coverage in this report. In response, a number of letters of support were submitted pointing out the benefits of the development. Some are for, and some are against the application. Of the three Parish/Community Councils consulted, those two most likely to be affected have submitted detailed objections, and the other has opted not to submit a response.
- 6.192 However, there are no overriding objections submitted by specialist

consultees including those with an interest in safety and crime prevention, and those interested in pollution (i.e. Environmental Health). All such consultees are content that outstanding matters relating to safety and amenity can be addressed through conditions, post-determination of the application.

- 6.193 It is therefore not considered that there are any singular or overlapping matters outstanding that would prevent the application being supported, either in relation to individual/technical matters or in relation to the principle, which would accord, on balance, with the aforementioned strategic policies within both the Local Plan and the NPPF.
- 6.194 The application, therefore, is recommended for approval subject to a number of conditions requiring matters still outstanding to be addressed either before or during development, as per the procedural norm and in line with recommendations within specialist consultees' responses.
- 6.195 It may be noted that potential ground contamination has not been discussed in the report because the findings of the contamination report are accepted and have not been challenged by the Council's EHO. However, as a precautionary measure, standard conditions relating to the discovery, during development, of unforeseen contaminants would appropriately be included in any planning permission granted.

## **7. Planning History**

- 7.1 In 2016, planning application ref. 15/1079, for the demolition of Richardson House; erection of dwellings and ancillary infrastructure was refused.
- 7.2 In 2008, under County Council ref. 08/9024/CTY, Carlisle City Council made observations in relation to a Section 73 application for the modification of Condition 6 of 1/02/9010, to authorise the use of Wood Villa for offices and the construction of the revised vehicular access (retrospective). Said County Council application was granted.
- 7.3 In 2002, under County Council ref. 02/9010/CTY, Carlisle City Council made observations in relation to a 'County Matter' planning application, for change of use and extension to Wood Villa to form offices, construction of new access road and car park, provision of despatch office and weighbridge and other ancillary development associated with existing peat processing works. Said County Council application was approved.
- 7.4 In 1979, a planning application was made under ref. 79/0226 for the erection of a bungalow. The application appears to have been refused.
- 7.5 In 1977, a planning application was made under ref. 77/0223 for a caravan site and toilet block. The application was approved, and may have led to one or more of the items now present, in dilapidated condition, on the site.
- 7.6 In 1971, under ref. BA5249, planning permission was granted for the use of land as a caravan site.

## 8. Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form;
2. document entitled 'Amendment Schedule', ref. GA3237 – Amendment Schedule 11-08-21, received on 11 August 2021 and published to the Council's website on 12 August 2021;
3. drawing ref. GA3237-SP-01A 'Amended Existing Site Plan', received on 3 March 2021;
4. drawing ref. GA3237-PSP-01D 'Amended Proposed Site Plan', excluding references to proposed landscape planting, received on 11 August 2021 and published to the Council's website on 12 August 2021;
5. the Arboricultural Implication Assessment (Arbconsultants Ltd dated 7 August 2021) including Appendices 1-6 inclusive and all stated recommendations therein, received on 11 August 2021 and published to the Council's website on 12 August 2021;
6. the amended Drainage Strategy (Revision A, Reford Engineers Limited, December 2020), received on 3 March 2021;
7. drawing ref. GA3237-PPBLK-01 'Proposed Toilet Block' (Depicting Toilets, Kitchen, Seating Area and Service Area), received on 3 September 2020;
8. drawing ref. GA3237-PSHED-01 'Proposed Shed Plans and Elevations', received on 3 September 2020;
9. drawing ref. GA3237-LP-01 'Location Plan', received on 3 September 2020;
10. the Planning, Design and Access Statement, received on 3 September 2020;
11. the Notice of Decision;
12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

- Reason:** To define the permission.
3. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

4. The development arising from this planning permission shall be at all times operated in accordance with a site specific Noise and Vibration Management Plan, which shall first have been submitted to, and approved in writing by the local planning authority.

**Reason:** To ensure that the development does not have an adverse impact on the residential amenity of nearby occupants of private dwellings due to operational noise occurring within the site, and to accord with Policies CM 5 and SP 6 of the Carlisle District Local Plan 2015-2030.

5. Notwithstanding any information already submitted with the planning application, a comprehensive landscaping scheme shall be implemented in strict accordance with a detailed proposal that has first been submitted to and approved in writing by the local planning authority. The scheme shall include details of the following where relevant (this list is not exhaustive):

- new areas of trees, hedgerows and shrubs to be planted including planting densities
- new groups and individual specimen trees and shrubs to be planted
- specification/age/heights of trees and shrubs to be planted
- existing trees and shrubs to be retained or removed
- any tree surgery/management works proposed in relation to retained trees and shrubs
- any remodelling of ground to facilitate the planting

- timing of the landscaping in terms of the phasing of the development
- protection, maintenance and aftercare measures

**Reason:** To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity, in accordance with Policy SP 6 and GI 6 of the Carlisle District Local Plan 2015-2030.

6. Prior to their use as part of the development hereby approved, full details of all materials to be used on the exterior of the buildings, including roofs, walls and cladding, shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in strict accordance with the approved details.

**Reason:** To ensure the development is acceptable visually and harmonises with existing development, in accordance with Policies SP 6 and EC 11 of the Carlisle District Local Plan 2015-2030.

7. No lighting shall be installed as part of the development unless otherwise in accordance with a scheme of lighting that has first been submitted to, and approved in writing by the local planning authority. The scheme shall include details relating to the following (this list is not exhaustive):

- (i) floodlighting including support column specifications;
- (ii) ground level lighting for parking/manoeuvring areas;
- (iii) lighting installed on any building, tree, gate, fence or other structure for the purposes of illumination of the site or security;
- (iv) any lighting associated with the fuel pumps and/or the surrounding area that relate to fuelling activities;
- (v) any lighting to be installed in relation to, or as part of any signage components;
- (v) the level of luminance and the projected extent of light emanating from each element of the lighting scheme (light mapping)

**Reason:** The application does not currently include information relating to proposed site lighting, which will be necessary as part of the development in relation to the proposed operational hours and activities identified in the approved documents. The detailed information required by this condition will enable the local planning authority to further assess the acceptability of the lighting required, to ensure it is compatible with the locality in terms of (a) its overall appearance and potential visual impacts and (b) its relationship with existing properties nearby, and that it is in accord with the objectives of Policies SP 6, EC 11 and CM 5 of the Carlisle District Local Plan 2015-2030.

8. The development shall be operated at all times in strict accordance with a

mitigation strategy relating to minimisation of the effects of vehicle lights during hours of darkness, that has first been submitted to and approved in writing by the local planning authority. The strategy should include mitigation relating both to vehicle lights on commercial vehicles stationed within the site and to vehicles entering and departing the site.

**Reason:** To minimise the potential impacts on the residential amenity of occupiers in the locality, to ensure that the development accords with Policies SP 6, CM 5 and EC 11 of the Carlisle District Local Plan 2015-2030.

9. Prior to its installation as part of the development hereby approved, drawn details, an ongoing maintenance scheme and a specification of the acoustic fence shown in the approved drawings and required to mitigate noise emanating from the site shall be submitted to, and approved in writing by the local planning authority. The fence shall be installed in strict accordance with the details approved in response to the condition prior to the lorry park becoming operational, and shall be retained and maintained thereafter in accordance with the approved scheme.

**Reason:** Inadequate detail has been provided in relation to this item, which is essential in terms of its noise reducing properties in respect of potential noise emanating from the site, and to ensure that the development is in accord with Policies SP 6, CM 5 and EC 11 of the Carlisle District Local Plan 2015-2030.

10. The development shall operate in strict accordance with a schedule of opening/operating hours relating to both the lorry park area and the maintenance/sales/preparation area, that has first been submitted to, and approved in writing by the local planning authority.

**Reason:** To prevent disturbance to nearby occupants in accordance with Policies CM 5 and SP 6 of the Carlisle District Local Plan 2015-2030.

11. Prior to the commencement of development, an air quality assessment shall be submitted to and approved in writing by the local planning authority, identifying consequential impacts of the development in respect of local air quality, and identifying mitigation measures to minimise air pollution. The development shall thereafter be operated at all times in strict accordance with the mitigation measures agreed in response to this condition.

**Reason:** To ensure that the development operates in such a way that impacts on the air quality afforded to nearby properties is minimised, to enable the application to accord with Policies CM 5 and SP 6 of the Carlisle District Local Plan 2015-2030.

12. The new vehicle workshop associated with the maintenance of commercial vehicles shall be utilised only for the purposes of the repair and maintenance of commercial vehicles, and shall not be utilised for any other purpose in

Class B2 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

**Reason:** To ensure that the development remains compatible with surrounding uses, and to accord with Policy CM 5 and EC 11 of the Carlisle District Local Plan 2015-2030.

13. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained in strict accordance with a specification (including timing/phasing) that has first been approved by the local planning authority.

**Reason:** In the interests of highway safety and to accord with the National Planning Policy Framework (2019) especially Paragraph 108.

14. The carriageway of the access onto the U1059 shall be designed, constructed, drained and lit to a standard suitable for adoption by the County Council and in this respect further details, including longitudinal/cross sections, shall be submitted to and approved in writing by the local planning authority before any work commences on site. All works approved in response to this condition shall be undertaken in strict accordance with the approved documentation before the development becomes operational.

**Reason:** To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and to accord with Policies SP 6 and IP 1 of the Carlisle District Local Plan 2015-2030.

15. Development shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- (i) pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Highway Authority at the applicants expense;
- (ii) details of proposed crossings of the highway verge;
- (iii) retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- (iv) cleaning of site entrances and the adjacent public highway;
- (v) details of proposed wheel washing facilities;
- (vi) the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- (vii) construction vehicle routing;
- (viii) the management of junctions to and crossings of the public highway and other public rights of way/footway;
- (ix) surface water management details during the construction

phase.

Development of the site, in the context of this permission, shall be undertaken in accordance with the CTMP at all times.

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network, in the interests of highway and pedestrian safety and to accord with Paragraph 108 of the National Planning Policy Framework 2019.

16. No development shall commence until the visibility splays shown in drawing ref. SCP/190638/F03 forming part of the submitted Transport Assessment Addendum (SCP, 4 December 2020) have been provided. Notwithstanding any provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays at any point in the future.

**Reason:** In the interests of highway safety, to ensure compliance with Policy SP 6 and IP 2 of the Carlisle District Local Plan 2015-2030.

17. A scheme of signage shall be implemented on land within the control of the developer and on the highway network in accordance with details that have first been submitted to, and approved in writing by the local planning authority. The scheme shall including the following (this list is not exhaustive):

- (i) directional signage proposed on any public highways intended to direct vehicles to the site;
- (ii) any signage required for security purposes;
- (iii) signage advising of local weight limits in effect further to partial reconstruction of the U1059 public highway;
- (iv) details of any illumination proposed in relation to said signage;
- (v) details of timing of implementation, maintenance and repair of said signage.

**Reason:** To ensure that signage for the development is included at the development stage, in order that it does not accrue on an ad hoc basis, and in order that it would align with highway safety objectives to accord with Policies SP 6 and IP 2 of the Carlisle District Local Plan 2015-2030.

18. A Biodiversity and Habitat Protection and Enhancement Strategy, informed by a detailed, supplementary, updated Ecology Report relating to the site, shall be submitted to and approved in writing by the local planning authority, which shall include details of all measures proposed to protect, improve and

augment the site, to support and promote a net gain in biodiversity.

**Reason:** In the context of the proposed development, taking into consideration the relatively recent clearance of a substantial amount of vegetation within the site in preparation for development, the site offers opportunities to secure a net gain for biodiversity, in line with Paragraph 175 of the National Planning Policy Framework 2019 and Policy GI 3 of the Carlisle District Local Plan 2015-2030.

19. Surface water shall be treated, channelled and attenuated in accordance with the Drainage Strategy (Reford Engineers Ltd, December 2020, Revision A) forming part of this planning permission, and identified in Condition 2 as an approved document.

**Reason:** To protect the water environment, and to accord with Policy CC 5 of the Carlisle District Local Plan 2015-2030.

20. The development shall not be brought into operational use until details of the proposed sewage treatment plant including its precise location have been submitted to and approved in writing by the local planning authority, and the plant has been installed and made operational.

**Reason:** The application does not contain adequate detail relating to the sewage treatment plant, therefore this information is required to ensure that the development will accord with Policy IP 6 of the Carlisle District Local Plan 2015-2030.

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# EXISTING SITE PLAN

GRETNA LOANING, MILL HILL, GRETNA, CARLISLE, DG16 5HU

KF-Y



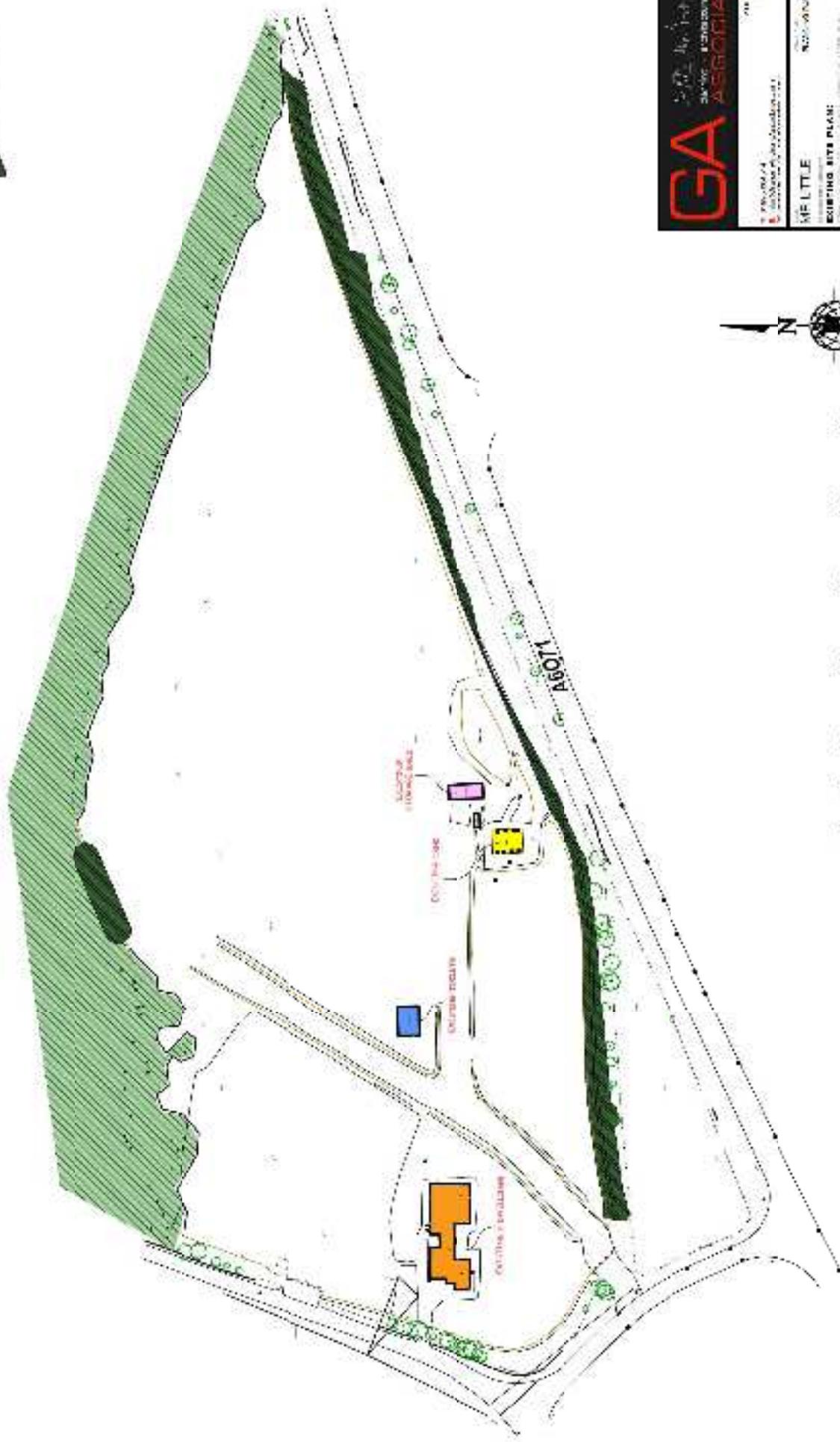
EXISTING TREES



EXISTING PLANTING



EXISTING KERBSIDE



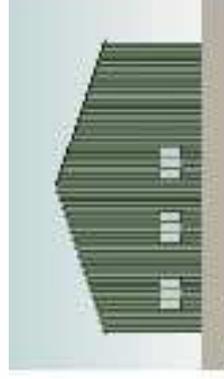
**GA ASSOCIATES**  
2015-2016  
2017-2018  
2019-2020  
2021-2022  
2023-2024  
2025-2026  
2027-2028  
2029-2030  
2031-2032  
2033-2034  
2035-2036  
2037-2038  
2039-2040  
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2089-2090  
2091-2092  
2093-2094  
2095-2096  
2097-2098  
2099-2100

MR LITTLE  
EXISTING SITE PLAN  
DATE: 15/03/2024  
PROJECT: GNS2024-001-01A  
SCALE: 1:1250

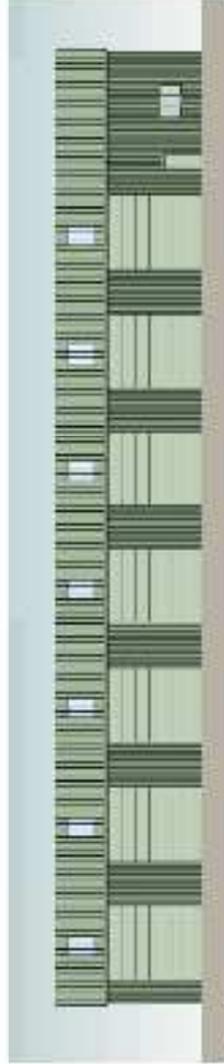


# PROPOSED SHED PLANS & ELEVATIONS

GRETNA LOANING, MILL HILL, GRETNA, CARLISLE, DG16 5HU



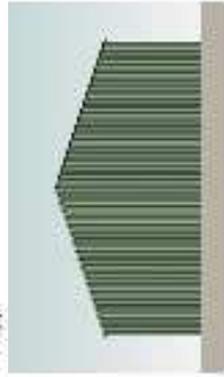
**East**  
1 : 200



**South**  
1 : 200



**North**  
1 : 200



**West**  
1 : 200

**GA**  
Gretna Architecture  
1. GRETNA ARCHITECTURE  
2. GRETNA ARCHITECTURE  
3. GRETNA ARCHITECTURE

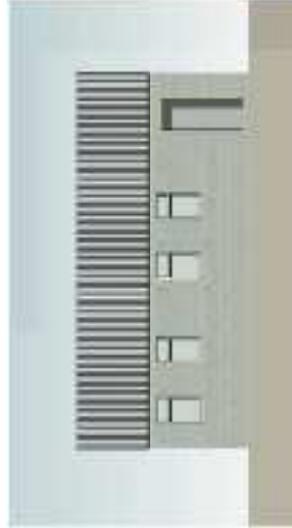
1. GRETNA ARCHITECTURE  
2. GRETNA ARCHITECTURE  
3. GRETNA ARCHITECTURE

1. GRETNA ARCHITECTURE  
2. GRETNA ARCHITECTURE  
3. GRETNA ARCHITECTURE

1. GRETNA ARCHITECTURE  
2. GRETNA ARCHITECTURE  
3. GRETNA ARCHITECTURE

# EXISTING TOILET BLOCK

GRETNA LOANING, MILL HILL, GRETNA, CARLISLE, DG16 5HU



**South**  
1 : 100



**West**  
1 : 100



**North**  
1 : 100



**East**  
1 : 100



V-SUM-30/ML150 10/12

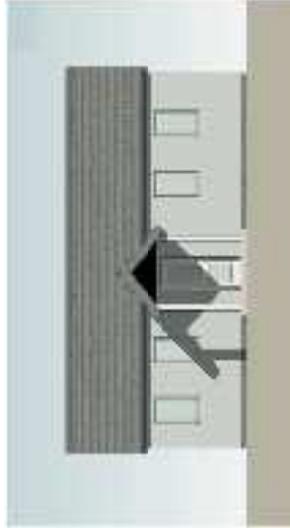
GA  
Geometric Architecture

1. PROJECT: V-SUM-30/ML150 10/12  
2. PROJECT LOCATION: MILL HILL, GRETNA, CARLISLE, DG16 5HU  
3. PROJECT TYPE: ARCHITECTURAL ELEVATIONS  
4. DATE: 10/12/2012

GA  
Geometric Architecture  
1. PROJECT: V-SUM-30/ML150 10/12  
2. PROJECT LOCATION: MILL HILL, GRETNA, CARLISLE, DG16 5HU  
3. PROJECT TYPE: ARCHITECTURAL ELEVATIONS  
4. DATE: 10/12/2012

# PROPOSED TOILET BLOCK

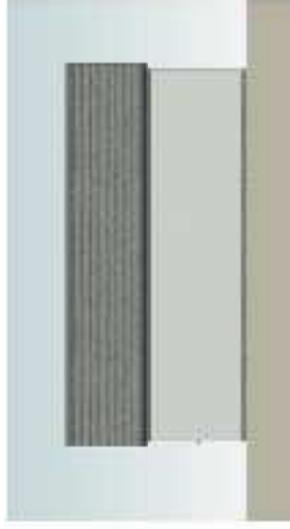
GRETNA LOANING, MILL HILL, GRETNA, CARLISLE, DG16 5HU



**South**  
1 : 100



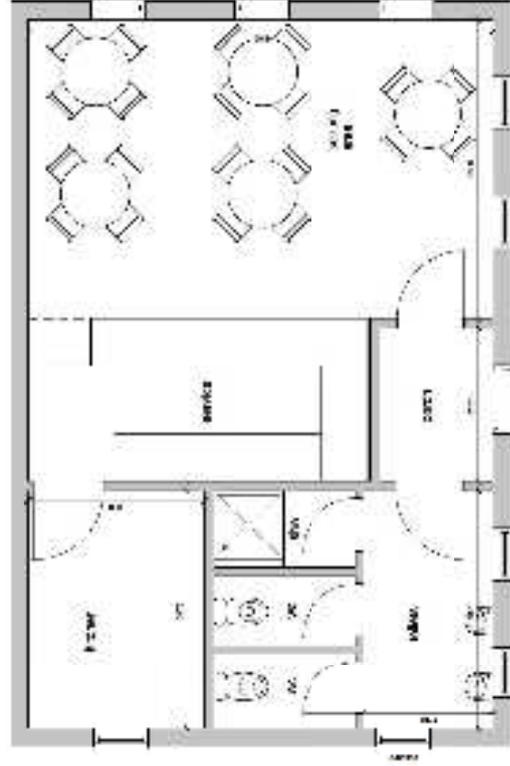
**West**  
1 : 100



**North**  
1 : 100



**East**  
1 : 100



**Ground floor**  
1 : 100



**GA**  
Geometric Architecture  
Architectural Services

1. PROJECT: PROPOSED TOILET BLOCK  
2. CLIENT: GRETNA LOANING  
3. LOCATION: MILL HILL, GRETNA, CARLISLE, DG16 5HU  
4. DATE: 15/04/15

GA  
Geometric Architecture  
Architectural Services  
15, MILL HILL, GRETNA, CARLISLE, DG16 5HU  
01275 511111  
01275 511111

# arbconsultants ltd

## Arboricultural Implication Assessment (AIA)

Prepared by

Arbconsultants Ltd



Consultants in Urban Forestry, Arboriculture and Environmental Sciences

<b>Address</b>	Gretna loaning, Mill Hill, Gretna, Carlisle, DG16 5HU		
<b>Client</b>	Graham Anthony Associates	<b>Client Ref</b>	G Oates
<b>ARB Ref</b>	K0317 / 4697	<b>Consultant</b>	Christopher Raper
<b>Report Date</b>	7/8/2021	<b>Quality Checked</b>	JG
<b>Technical Arboriculture Approved</b>			

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7. Tree Protection Plan (TPP) Protective Barriers,
8. Method Statements - Installation of Services & Additional Precautions outside the exclusion zone
9. Supervision
10. Conclusions and Recommendations

Appendix 1 – Site Location Topo

Appendix 2 - Tree Survey Data Table

Appendix 3 - Tree Survey Plan (TSP)

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Appendix 5 – Tree Protection Plan (TPP) and Proposed

Appendix 6 - Root Protection Calculations

## 1. **Scope and Limitations of Report**

- 1.1 This report has been commissioned by Graham Anthony Associates and the scope of the report reflects their instructions.
- 1.2 The scope of the report is limited to a visual inspection of the trees (VTA Visual Tree Assessment).
- 1.3 This report was prepared as a report of work instructed by the client (as specified). Neither Arbconsultants Ltd nor any associated company, nor any of their employees, nor any of their contractors, subcontractors or their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or any third party's use or the report and its findings. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise, does not necessarily constitute or imply its endorsement, recommendation, or favouring by Arbconsultants Ltd or any associated company. The views and opinions of authors expressed herein do not necessarily state or reflect those of Arbconsultants Ltd or any associated company. The content, layout and any supporting digital files associated with this report are subject to copyright owned by Arbconsultants Ltd. Exceptions to this are present where that copyright has been legally assigned to us by another party/organisation. In addition Arbconsultants Ltd may utilise content generated under license. Reproduction, scanning, copying or distribution of this report in any form is prohibited without prior written agreement. Neither Arbconsultants Ltd nor any of its associated companies, sub-contractors or suppliers will be responsible or liable for any claim of loss or damage resulting from the third party use of the information contained within this report.
- 1.4 The brief is to appraise the trees in relation to the proposed development of the site in accordance with British Standard 5837:2012 'Trees in relation to Construction – Recommendations'. To prepare a clear set of report recommendations with supporting plans and data to facilitate consideration of the Arboricultural implications by the Local Planning Authority.
- 1.5 To consider the development proposals and identify areas where there are arboricultural issues and to recommend possible solutions.
- 1.6 To consider additional information supplied and identify arboricultural issues arising from this information and to recommend possible solutions.
- 1.7 This report is not a Tree Risk Management or a Hazard Analysis Report and its use as such is invalid.

- 1.8 The report refers to the condition of the trees and an assessment of the site on the day that the evaluation was undertaken. All tree inspections, unless specified, have been undertaken from ground level and using non-invasive techniques. Comments contained within the report on the condition and risk associated with any tree relate to the condition of the tree at the date and time of survey. Please note that the condition of trees is subject to change. This change may occur, but is not limited to biological and non-biological factors as well as mechanical/ physical changes to conditions in the proximity of the tree. Trees should be inspected at intervals relative to identified site risks and in accordance with best Industry practice and guidance. Arbconsultants Ltd can provide further information on this matter if required.
- 1.9 Please note no statutory control checks have been undertaken (unless specified). Where tree surgery works have been identified these works are based on the assumption that planning is approved, no tree works should be undertaken prior to determination of this application without up to date confirmation of the Tree Preservation Order / Conservation Area Status of the vegetation. All works should be undertaken in accordance with the appropriate Duty of Care. This should include, for example, site specific risk assessments and due diligence inspections for the presence of protected species. Any comment relating to 3<sup>rd</sup> party trees has been made without full access to the tree(s). Should these trees have any detrimental impact on the proposed development we would advise you to instruct us to contact the 3<sup>rd</sup> party and undertake further inspection work. Due to the changing nature of trees and their site circumstances this report and any recommendations made are limited to a 1 year period. Any alteration to the application site or any development proposals could change the current circumstances and may invalidate this report and any recommendations made. Should this be the case this report will require revision to reflect the development proposals.
- 1.10 Trees are dynamic structures that can never be guaranteed 100% safe; even those in good condition can suffer damage under normal conditions. Regular inspections can help to identify potential problems before they become acute.
- 1.11 A lack of recommended work does not imply that a tree is safe and likewise it should not be inferred that a tree will be made safe following the completion of any recommended work.
- 1.12 Trees dimensions were measured using a combination of a Haglof digital Clinometer, a Leica Disto Laser Rangefinder and a Fujikura Diameter tape. All instruments were used in accordance with appropriate user guides.
- 1.13 Decay detection if requested and used is undertaken using an IML Resistograph.
- 1.14 All data provided by the testing equipment has been verified according to the equipment manufacturer's instructions.
- 1.15 No soil samples were taken and no soils analysis was undertaken. Clay soils are prone to compaction during development with damage to soil structure potentially having a serious impact on tree health. The design of foundations near problematic tree species will also need to take into consideration subsidence risk. Further advice from the relevant experts on the specific soil properties can be sought as necessary.

arbconsultants ltd

The Rural Business Centre, Myerscough College, Bilborrow, Preston, Lancashire PR3 0RY

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Web: [www.arbconsultants.co.uk](http://www.arbconsultants.co.uk)

- 1.16 Any legal description or information given to Arbconsultants Ltd is believed to be accurate.
- 1.17 Where solutions to arboricultural problems are specified which require the usage of a third party product e.g. no dig roadway construction. No liability is assumed for the performance or suitability of the product and specialist advice as to the suitability or installation of the product should be sought from the manufacturer or other specialist.
- 1.18 This report is primarily an arboricultural report. Whilst comments relating to matters involving built structures or soil data may appear, any opinion thus expressed should be viewed as qualified, and confirmation from an appropriately qualified professional sought. Such points are usually clearly identified within the body of the report. It is not a full safety survey or subsidence risk assessment survey. These services can be provided but a further fee would be payable. Where matters of tree condition with a safety implication are noted during a survey they will of course appear in the report. No responsibility is assumed by Arbconsultants Ltd for legal matters that may arise from this report, and the Consultant shall not be required to give testimony or to attend court unless additional contractual arrangements are made.
- 1.19 Any alteration or deletion from this report shall invalidate it as a whole.

## 2. **Qualifications and Experience**

- 2.1 My name is Christopher Raper and I am a Consultant practising through Arbconsultants Limited, which is an Arboricultural Consultancy Practice based at Myerscough College, Preston, Lancashire. The Practice Specialises in Arboriculture, Urban Forestry, Biological Sciences and Project Management.
- 2.2 I am a Consultant specialising in tree failure, hazard evaluation, risk assessment related to trees, planning and development where trees are involved and insurance claims where tree failure is involved and/or building damage occurs which may be attributed to the activity of trees. I have received extensive training in relation to trees, clay soils and subsidence of low-rise buildings. I am a specialist in the field of trees/vegetation and special construction engineering methodologies. I am familiar with different Tree Hazard Evaluation systems and conversant in Visual Tree Assessments (VTA) techniques.
- 2.3 I have a 1st class honours degree in Arboriculture awarded by Myerscough College in conjunction with the University of Central Lancashire. I have over 20 years experience in the Arboricultural industry ranging from Tree Officer with a Local Authority through to Senior Consulting level with an Arboricultural Consultancy. I have provided guest lectures on Arboricultural Consultancy to the MSc course on Arboriculture and Urban Forestry and I have also taught the planning and law modules to the BSc (Hons) courses run by the University of Central Lancashire and Myerscough College. I have attended formal and informal public inquiries and have supplied consultancy advice as part of design, project management and consultant/legal teams.

### 3. Summary

- 3.1 Arbconsultants Ltd have been appointed by Graham Anthony Architects to provide advice on the arboricultural issues relating to the proposed re-development of the development at Gretna Loaning, Mill Hill, Gretna, Carlisle, DG16 5HU.
- 3.2 We have not been supplied with detailed drawings showing foundation types therefore we have made certain assumptions and have supplied method - statements that will cover most contingencies whereby the development may impact upon the trees. If necessary these method statements can be modified once full technical drawings have been produced. Please note that there will be no development / construction of either buildings or acoustic fencing within the root protection areas of the surveyed trees.
- 3.3 We undertook a Pre-Development Tree Condition Survey (see Appendix 2), in December 2019. This survey assessed the condition of the tree resource that may impact on the development, categorised the trees and provided the Root Protection Area (RPA) information according to the BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations".
- 3.4 The tree numbers used in this report refer to the tree numbers used in our appendices 2, 3, 4, 5 and 6.

4. **BS: 5837:2012 'Trees in relation to construction – Recommendations'**
- 4.1 The trees on site have been surveyed in accordance with BS5837:2012 'Trees in relation to construction – Recommendations'.
- 4.2 The survey lists all the trees or groups of trees (excluding those trees already scheduled for removal) that may be impacted upon by the development and will include the following information.
- Reference number (to be recorded on the tree survey plan)
  - Species
  - Height in metres.
  - Stem diameter at 1.5m above adjacent ground level (on sloping ground to be taken on the upslope side of the tree base) as per annex D of the Standard or
    - a) For trees with two to five stems, the combined stem diameter should be calculated as follows:  $\sqrt{(\text{stem diameter 1})^2 + (\text{stem diameter 2})^2 + (\text{stem diameter 5})^2}$
    - b) For trees with more than five stems (not illustrated in Annex C), the combined stem diameter should be calculated as follows:  
 $\sqrt{(\text{mean stem diameter})^2 \times \text{number of stems}}$
  - Branch spread in meters taken at the four cardinal points to derive an accurate representation of the crown (to be recorded on the tree survey plan).
  - Existing height above ground level of first significant branch and direction of growth (e.g. 2.4-N) of the canopy, to inform on ground clearance, crown/stem ratio and shading;
  - Life stage (e.g. young, semi-mature, early mature, mature, over-mature).
  - General observations, particularly of structural and/or physiological condition (e.g. the presence of any decay and physical defect), and/or preliminary management recommendations;
  - Estimated remaining contribution, in years (<10, 10+, 20+, 40+).
  - Category U or A to C grading (see 4.5 and Tables 1 and 2), to be recorded on the tree survey plan.
- 4.3 The survey is attached at **Appendix 2** of this report.
- 4.4 The British Standard at 5.5.6 states that the following factors need to be considered -
- a) **site construction access**; this will be via the existing access from the highway.

- b) **the intensity and nature of the construction activity;** the construction will be of medium intensity. The site compound should be outside all root protection areas.
- c) **contractors' parking;** Contractors will be expected to use off-street parking close to the development.
- d) **phasing of construction works;** all tree works will be completed and protective barriers / ground protection will be in place prior to any construction work -

## 5.0 Grading Category and Recommended Tree Works

- 5.1 Trees that have the potential to be affected by the development have been classified according to BS5837:2012 and the data and categorisation relating to trees that may affect the development is contained at **Appendix 2**.
- 5.2 Category “A” Trees are classified as high quality and value in such condition as to make a substantial contribution for a minimum of 40 years. We would not consider any tree surveyed to be category A.
- 5.3 Category “B” i.e. those of moderate quality and value: those in such a condition as to make a significant contribution (a minimum of 20 years is suggested). Category B Trees are defined as trees that might be included in the high category, but are downgraded because of impaired condition (e.g. presence of remediable defects including unsympathetic past management and minor storm damage).
- 5.4 Trees that have been classified as Category “C” are of lower quality and value; currently in adequate condition which could if necessary remain until new planting is established, trees present in groups or woodlands, but without this conferring on them significantly greater landscape value.
- 5.5 Category “U” trees are those in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management. Examples include...
- Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other U category trees (i.e. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning).
  - Trees that are dead or showing signs of significant, immediate, and irreversible overall decline.
  - Trees infected with pathogens of significance to the health and/or safety of other trees nearby (e.g. Dutch Elm Disease), or very low quality trees suppressing adjacent trees of better quality.
- 5.6 Permissions: Under no circumstances is any tree work to be instigated without having first checked with the Local Planning Authority that no statutory controls apply in respect of the trees. All tree workers shall have the relevant NPTC qualifications and shall submit completed risk assessments to the project manager prior to commencement of tree-work.
- 5.7 All pruning shall be done in accordance with the principles of ‘Natural Target Pruning’ and in accordance with the current relevant British Standard, **BS3998: 2010** ‘Recommendations for Tree Work’. All pruned sections shall be lowered to the ground in a controlled manner such that no damage is done to other trees or vegetation and structures beneath. The implication of tree works must have regard to the presence of any nesting Birds or Bats and their roosts, which are protected under the Wildlife and Countryside Act 1981

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## 6.0 Tree Constraints – Calculated Root Protection Area (RPA)

- 6.1 BS5837 (2012) requires that the root protection area is calculated for each of the retained trees on the development. The root protection area is the minimum area in m<sup>2</sup> which should be left undisturbed around each retained tree. The RPA should be calculated using Annex D of the Standard as an area equivalent to a circle with a radius 12 times the diameter calculated for the stem of the tree.
- 6.2 The standard calculated RPA's and the protection zone radii are detailed at Appendix 6 of this report.
- 6.3 The RPA, for each tree as determined in Table 2 of the standard, should be plotted on the **Tree Constraints Plan** (Appendix 4) taking full account of the following factors, as assessed by an arboriculturalist, which may change its shape but not reduce its area whilst still providing adequate protection for the root system (Appendix 5).
- a) The likely tolerance of the tree to root disturbance or damage, based on factors such as species, age and condition and presence of other trees.
  - b) The morphology and disposition of the roots, when known to be influenced by past or existing site conditions (e.g. the presence of roads, structures and underground services).
  - c) The soil type and structure.
  - d) Topography and drainage.

## 7.0 Arboricultural Method Statement - Tree Protection Plan (TPP) Barriers

- 7.1 The exclusion zones (Construction Free Zone) as defined in this report will be protected with fencing. The fencing is to be strong enough to resist impacts and suitable to the degree of construction activity on the site and to be in accordance with that specified of BS5837:2012.
- 7.2 All fencing will be in place prior to any other development work (with the exception of necessary tree works) commencing on site. Such fencing will therefore be erected before any materials or machinery is brought onto site. Once erected the fences will not be moved or altered in any way without prior consultation with the Local Planning Authority other than for operations detailed in this report. If the fencing is damaged in any way it will be re-instated to its original condition before construction work can re-commence Notices will be erected on the fencing stating Protected Area – No Operations within Fenced Area. Protective fences shall be maintained in situ until all equipment, machinery and surplus materials have been removed from the site. No vehicle shall access shall be allowed within the construction frees zone. Nothing will be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made other than those detailed in this report, without the written consent of the Local Planning Authority.
- 7.3 The total exclusion zones are marked on the accompanying drawing in **Appendix 5 (Tree Protection Plan)**. British Standard 5837:2012 (Appendix 7) indicates the recommended areas for the Root Protection Areas (RPA) which should be enforced with protective fencing. Specifications within BS5837-2012 inform our recommendations for both the fencing type as detailed below in figure 2 and the location of this fencing. As detailed in section 6.2.3.1 of the standard it is acceptable for the barriers to be set back and ground protection to be put in place.
- 7.4 Barriers should be fit for purpose and appropriate to the degree of activity and proximity of work to the retained trees. All protective fencing is to be constructed in accordance with BS:5837(2012) – Figures 2 and 3 specification reproduced below.

Figure 2 Default specification for protective barrier

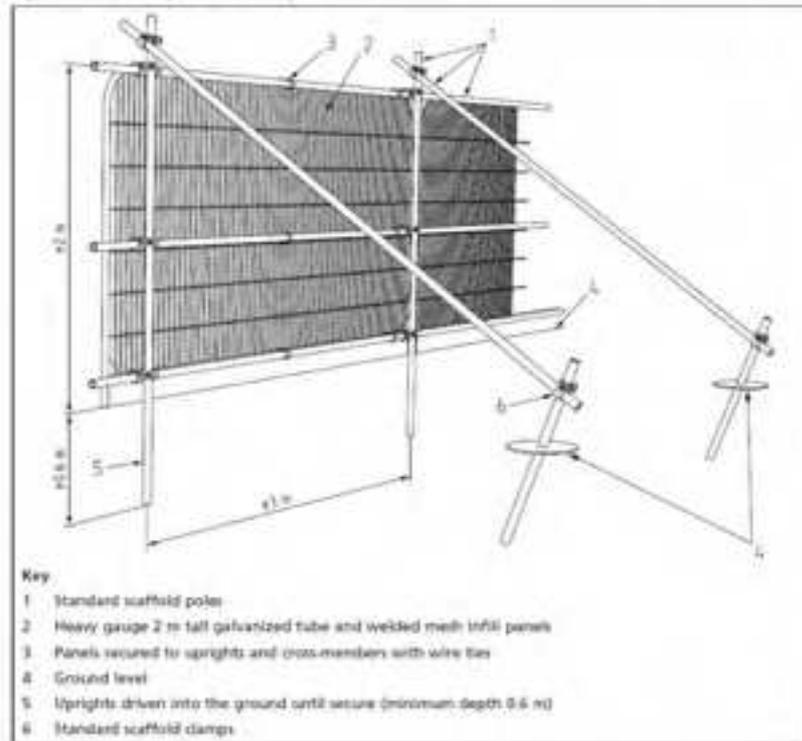
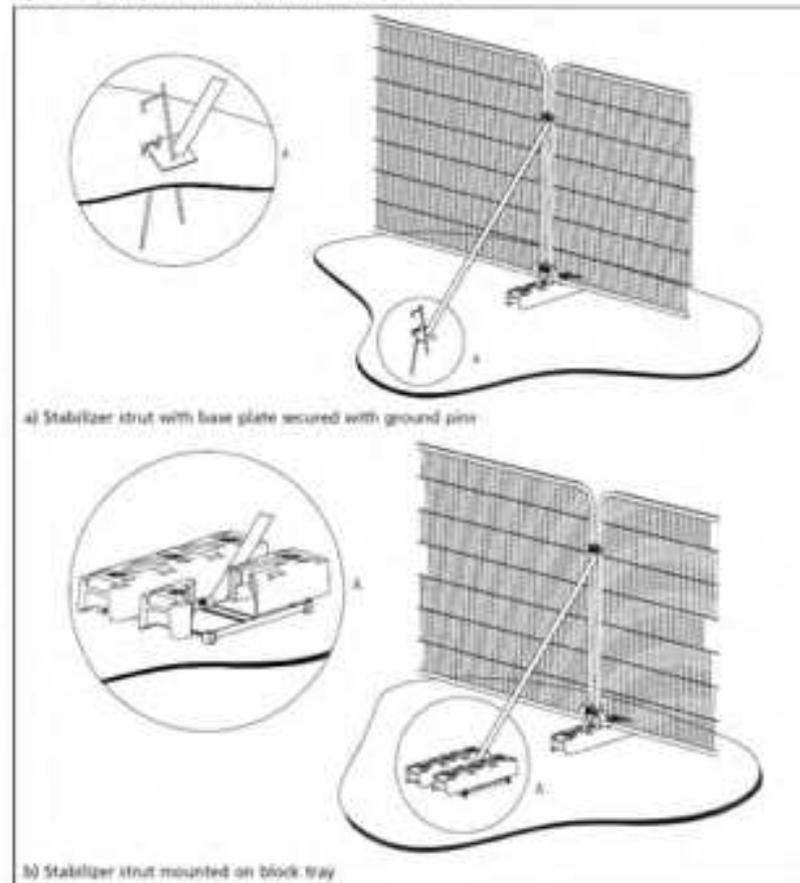


Figure 3 Examples of above-ground stabilizing systems



## 8.0 Installation of Services (Underground and above ground services)

- 8.1 Trenching for the installation of underground services severs any roots present and may change the local soil hydrology in a way that adversely affects the health of the tree. For this reason particular care should be taken in the routing and methods of installation of underground services and where possible routing the services outside the specified RPA's
- 8.2 At all times where services are to pass within the RPA, detailed plans showing the proposed routing should be drawn up in conjunction with an Arboriculturist. Such plans should also show the levels and access space needed for installing the services. A decision on either directional drilling / micro-tunnelling / impact moling should be taken using Table 3 of BS5837 2012 as a guide.

Table 3 Trenchless solutions for differing utility apparatus installation requirements

Method	Accuracy mm	Bore dia. <sup>(A)</sup> mm	Max. sub. <sup>(B)</sup> length m	Applications	Not suitable for
Microtunnelling	<20	100 to 300	40	Gravity-fall pipes, deep apparatus, watercourse/ roadway undercrossings	Low-cost projects due to relative expense
Surface-launched directional drilling	±100	25 to 1 200	150	Pressure pipes, cables including fibre optic	Gravity-fall pipes, e.g. drains and sewers <sup>(C)</sup>
Pipe ramming	±150	150 to 2 000	70	Any large-bore pipes and ducts	Rocky and other heavily obstructed soils
Impact moling <sup>(D)</sup>	±50 <sup>(D)</sup>	30 to 180 <sup>(E)</sup>	40	Gas, water and cable connections, e.g. from street to property	Any application that requires accuracy over distances in excess of 5 m

- 8.3 In this instance it is envisaged that there should be no necessity for any new services to enter the root protection areas. If it is found that there is a need for services to pass through Root Protection Areas Micro-tunnelling is the preferred method although it may be acceptable (where services need to pass through the RPA and a mole is unsuitable) to install the services in conjunction with the specification of NJUG 10. All excavations that are done in conjunction with the NJUG specification shall take place with an air-spade and any root pruning necessary will be undertaken by a qualified tree surgeon in accordance with both NUG 10 and BS3998 2010. The timing and extent of pruning (especially regarding the number and size of wounds; should be determined by both the management objectives and an assessment of the likely effects on the tree and its surroundings. The assessment should take account of species tolerances, the tree's age and condition and any implications for the safety of other trees. Any damaged roots should be cut so that the final wound is as small as possible and free from ragged torn ends. In the interests of clarity we only recommend this method of installing the cable if micro tunnelling, Impact moling or directional drilling cannot be accommodated.
- 8.4 Any roots which are to be left exposed for more than three hours should be covered in damp straw and/or hessian covers. Also note that if temperatures exceed 16C the time should be reduced to one hour before roots should be protected.

- No pruning of roots over a diameter of 25mm should be undertaken unless permission of the Local Authority tree officer is given. *Any damaged roots should be cleaned and pruned back to an appropriate place*
- The existing top soil is to be retained where possible. Any voids or depressions within the ground surface are to be filled with sharp sand (not builders sand) to maintain levels.

8.5 Consideration will be given to the routing of above ground services in order to avoid the need for detrimental and repetitive pruning. In this regard the current and future crown size of the tree should be assessed.

8.6 **Additional precautions outside the exclusion zone :-**

8.7 Once the exclusion zone has been protected by barriers and/or ground protection, construction work can commence. All weather notices should be erected on the barrier with words such as: **“Construction exclusion zone — Keep Out”**.



8.8 In addition the following should be addressed or avoided.

- a) Care should be taken when planning site operations to ensure that wide or tall loads, or plant with booms, jibs and counterweights can operate without coming into contact with retained trees. Such contact can result in serious damage to them and might make their safe retention impossible. Consequently, any transit or traverse of plant in close proximity to trees should be conducted under the supervision of a banks-man to ensure that adequate clearance from trees is maintained at all times. In some circumstances it may be impossible to maintain adequate clearance thus necessitating access facilitation pruning.

- b) Material which will contaminate the soil, e.g. concrete mixings, diesel oil and vehicle washings, should not be discharged within 10 metres of the tree stem.
- c) Fires should not be lit in a position where their flames can extend to within 5 m of foliage, branches of trunk. This will depend on the size of the fire and the wind direction.
- d) Notice boards, telephone cables or other services should not be attached to any part of the tree.
- e) It is essential that allowance should be made for the slope of the ground so that damaging materials such as concrete washings, mortar or diesel oil cannot run towards trees.

## 9.0 Supervision

- 9.1 Most damage to trees on developments sites is caused inadvertently and to ensure continued protection during development a system of site monitoring is proposed.
- 9.2 Basic checks will ensure that protective fencing remains intact. Any unforeseen issues can also be identified and discussed before damage to the tree(s) occurs.
- 9.3 The Local Planning Authority may secure the following schedule by way of Planning Condition. To be effective the Local Planning Authority must provide us with a copy of the formal Decision Notice to ensure we can then contact and follow up the proposed monitoring. A copy of the Decision Notice should be emailed to [enquiries@arbconsultants.co.uk](mailto:enquiries@arbconsultants.co.uk) The number of proposed visits is driven by the scale of the proposal

Visit	Date	Status
<b>Pre-commencement Inspections</b> Attend site to inspect type and location of tree protection and any temporary ground protection prior to development commencing and discuss any issues associated with demolition/ enabling works	TBC	Incomplete
<b>Site Inspection</b> Attend site to confirm fencing remains in place and supervise etc.	TBC	Incomplete
<b>Site Inspection</b> Attend site to confirm fencing remains in place and supervise etc.	TBC	Incomplete
<b>Site Inspection</b> Attend site to confirm fencing remains in place and supervise etc.	TBC	Incomplete
<b>Site Inspection</b> Final site visit to confirm that no damage has been done to retained trees/ identify any remedial actions in the event damage has occurred. Assess any required tree surgery following construction	TBC	Incomplete

## 10.0 Conclusion and Impact Statement

- 10.1 Trees within and adjacent to the proposed site and compliant with the scope of the development have been assessed in accordance with BS:5837:2012.
- 10.2 Some of the trees afford amenity through their function either as a screen or as a softening of the landscape.
- 10.3 Thirty two individual trees and seven groups and two woodlands have been assessed in response to the proposed development.
- 10.4 The development will not require the removal any trees to facilitate the development but one boundary tree should be removed for sound arboricultural management and it is suggested that the landscaping of the site including replanting of good quality specimen trees in appropriate positions once developments is complete as this will ensure continuity of the arboricultural population.
- 10.5 The impact of the proposed development has been assessed and in our professional opinion provided that the works take place in accordance with the method statements specified and replanting appropriately, the works will not be detrimental to the retained trees and the overall arboricultural population will remain stable.
- 10.6 No work shall commence on site until such time as this method statement has been submitted to and approved in writing by the Local Planning Authority. All retained trees on the site shall be protected from damage as a result of the works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and relevant British Standards (e.g. BS5837:2012) or the duration of the development. In the event that trees become damaged during construction, the Local Planning Authority shall be notified and remedial action agreed and implemented. In the event that any tree(s) dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced within the first available planting season, in accordance with details agreed with the Local Planning Authority.
- 10.7 All technical issues relating to arboriculture should be addressed to Arbconsultants Ltd in the first instance. Arbconsultants Ltd will liaise between the Local Planning Authority and any interested parties. It is suggested that the development proceeds in accordance with the above recommendations.

## Appendix 1 Site Location



## Appendix 2 Tree Survey Data Tables

Tree Number	Species	Diameter (mm)	Height	Breadth North	Breadth East	Breadth South	Breadth West	Height above ground of first branch over field	Life stage	General observations	Scale useful life category	BIS category	Recommendation
1	Birch	210	11	2	2	2	4	2	M	Boundary tree with slightly asymmetric crown and minor dead wood	20 to 40	C1	Pruned with barriers
2	Oak	440	9	2	2	3	1	2	SM	Boundary tree with slightly asymmetric crown and minor dead wood. Moderate snag cut.	20 to 40	B1	Pruned with barriers
3	Spruce	400	14	3	3	3	4	3	SM	Boundary tree with well-developed canopy and minor dead wood	20 to 40	B1	Pruned with barriers
4	Common Beech	200	13	3	3	3	4	3	SM	Boundary tree with slightly asymmetric crown and minor dead wood	20 to 40	B1	Pruned with barriers
5	Common Beech	650	18	3	3	3	3	3	EM	Woodland edge tree with asymmetric crown. Large buttresses to south with associated rot	20 to 40	B1	Pruned with barriers
6	Spruce	600	15	4	3	7	3	3	EM	Woodland edge tree with asymmetric crown. Second leader removed. Pruned 100% at base.	10 to 20	C1	Pruned with barriers
7	Ash	470	17	2	3	3	3	3	EM	Woodland edge tree with asymmetric crown	20 to 40	C1	Monitor for Ash Die Back - Pruned with barriers
8	Ash	460	18	3	3	3	3	3	M	Woodland edge tree with asymmetric crown	20 to 40	B1	Monitor for Ash Die Back - Pruned with barriers
9	Spruce	630	14	4	3	3	3	3	CM	Woodland edge tree with asymmetric crown and minor dead wood	20 to 40	C1	Pruned with barriers
10	Ash	320	12	3	7	7	3	2	M	Young crown (left) and large dead wood	10 to 20	B1	Monitor for Ash Die Back - Pruned with barriers
11	Spruce	410 (45-100)	14	3	2	4	7	3	SM	Woodland edge tree with asymmetric crown and minor dead wood. Two stems at ground level.	20 to 40	B1	Pruned with barriers
12	Spruce	630	16	3	3	3	4	3	M	Woodland edge tree with asymmetric crown and minor dead wood	20 to 40	B1	Pruned with barriers
13	Common Beech	660	17	3	3	3	7	4	M	Major dead tree on woodland edge managed in past as pollard. Old pruning wounds with sap flow.	20 to 40	C1	Pruned with barriers
14	Common Beech	1010	18	3	4	3	3	4	M	Major dead tree on woodland edge managed in past as pollard. Old pruning wounds with sap flow.	20 to 40	C1	Pruned with barriers
15	Common Beech	800	17	3	3	7	7	3	M	Major dead tree on woodland edge managed in past as pollard. Old pruning wounds with sap flow.	20 to 40	C1	Pruned with barriers
16	Common Beech	940	17	7	4	3	4	4	M	Major dead tree on woodland edge managed in past as pollard. Old pruning wounds with sap flow.	20 to 40	C1	Pruned with barriers
17	Common Beech	730	12	3	3	7	3	4	M	Major dead tree on woodland edge managed in past as pollard. Old pruning wounds with sap flow.	20 to 40	C1	Pruned with barriers
18	Spruce	480	17	2	3	7	3	3	M	Woodland edge tree with good form	20 to 40	B1	Pruned with barriers
19	Common Beech	1000	18	3	4	4	3	4	M	Major dead tree on woodland edge managed in past as pollard. Old pruning wounds with sap flow.	20 to 40	C1	Pruned with barriers - Monitor annually
20	Common Beech	1000	18	3	3	3	3	4	M	Major dead tree on woodland edge managed in past as pollard. Old pruning wounds with sap flow.	20 to 40	C1	Pruned with barriers - Monitor annually
21	Common Beech	1000	18	3	4	3	3	4	M	Major dead tree on woodland edge managed in past as pollard. Old pruning wounds with sap flow.	20 to 40	C1	Pruned with barriers - Monitor annually
22	Common Beech	1000	18	3	4	3	3	4	M	Major dead tree on woodland edge managed in past as pollard. Old pruning wounds with sap flow.	20 to 40	C1	Pruned with barriers - Monitor annually
23	Common Beech	1000	18	7	4	3	3	4	M	Major dead tree on woodland edge managed in past as pollard. Old pruning wounds with sap flow.	20 to 40	C1	Pruned with barriers - Monitor annually
24	Common Beech	210 (MS)	2	2	2	2	2	2	M	Part of distant hedge	20 to 40	C1	Pruned with barriers - Monitor annually
25	Birch	300	10	3	3	3	3	3	SM	Boundary tree with slightly asymmetric crown and minor dead wood	20 to 40	B1	Pruned with barriers
26	Birch	310	12	3	3	3	3	3	SM	Boundary tree with slightly asymmetric crown and minor dead wood	20 to 40	B1	Pruned with barriers
27	Birch	180	8	4	2	3	2	3	SM	Boundary tree with slightly asymmetric crown and minor dead wood. Suppressed	20 to 40	C1	Pruned with barriers
28	Birch	180	8	2	2	3	3	3	SM	Boundary tree with slightly asymmetric crown and minor dead wood. Suppressed	20 to 40	C1	Pruned with barriers
29	Birch	210 (MS)	0	2	2	2	2	2	M	Boundary tree with slightly asymmetric crown and minor dead wood. Suppressed	20 to 40	C1	Pruned with barriers
30	Birch	180	8	4	2	3	2	3	SM	Boundary tree with slightly asymmetric crown and minor dead wood. Suppressed	20 to 40	C1	Pruned with barriers
31	Ash	420	14	2	3	3	3	4	SM	Boundary tree with slightly asymmetric crown and minor dead wood. Suppressed	20 to 40	B1	Monitor for Ash Die Back - Pruned with barriers
32	Birch	370	12	3	3	3	3	3	SM	Boundary tree with slightly asymmetric crown and minor dead wood	20 to 40	B1	Pruned with barriers
33	Common Beech	220 (MS)	2	2	2	2	2	2	M	Part of distant hedge	20 to 40	C1	Pruned with barriers
34	Common Beech	1000 (4)	18	3	4	3	3	4	M	Major dead tree on woodland edge managed in past as pollard. Old pruning wounds with sap flow.	20 to 40	C1	Pruned with barriers - Monitor annually
35	Great Willow	350 (MS)	9	3	3	3	3	3	M	Group of old pollards growing on edge of site. 6 young trees planted on boundary of site. There is a large spot heap of old furniture here until 2016	20 to 40	C2	Pruned with barriers
36	Spruce and Birch	1000	7	7	7	7	7	2	M	Group of old pollards growing on edge of site. 6 young trees planted on boundary of site. There is a large spot heap of old furniture here until 2016	20 to 40	C2	Pruned with barriers

Tree number	Species	Diameter (mm)	Height	Spread North	Spread East	Spread South	Spread West	Height above ground of first branch over point	Life stage	General observations	Safe use/ life category	ISIS category	Recommendation
GR	Good Willow	300 MS	9	0	0	0	0	0	M	Group of soft rot decay growing on edge of stem.	20 to 40	C2	Protect with tar/wax
GR	Willowherb	300 MS	5	0	0	0	0	0	M	Point of defect decay	20 to 40	C1	Protect with tar/wax
GR	Good Willow	350 MS	9	0	0	0	0	0	M	Group of soft rot decay growing on edge of stem.	10 to 30	C2	Protect with tar/wax
W1	Black Poplar (with dead stem)	475 - 001	19	0	0	0	0	0	E to M	Minor Woodboring damage to stem (small) - reassignment	20 to 40	B1	Monitor with tar/wax
W2	Black Poplar (with dead stem)	485 - 002	19	0	0	0	0	0	E to M	Minor Woodboring damage to stem (small) - reassignment	20 to 40	B1	Monitor with tar/wax

## Appendix 3 Tree Survey Plan



Appendix 4  
Tree Constraints Plan Radii (TCP)



Appendix 5  
Tree Protection Plan / Proposed



## Appendix 6 Root Protection Area (RPA) Calculations

Tree ID	2020	Grefna	
	Diameter at 1.5m above ground level	Equivalent to a circle with a radius of	Root Protection Area (See Note)
1	210	2.4	18
2	440	5.4	92
3	400	4.8	72
4	720	8.7	238
5	860	10.2	327
6	620	7.5	177
7	470	5.7	102
8	480	5.7	102
9	600	5.7	102
10	530	6.3	124
11	40 & 48 = 620	7.5	177
12	680	8.1	206
13	980	11.7	430
14	1010	12	452
15	450	5.4	92
16	540	6.6	137
17	730	8.7	238
18	460	5.4	92
19	1000#	12	452
20	1000#	12	452
21	1000#	12	452
22	1000#	12	452
23	1000#	12	452
24	200 MS	2.4	18
25	330	3.9	48
26	300	3.6	41
27	180	2.1	14
28	340	4.2	55
29	200 MS	2.4	18
30	180	2.1	14
31	450	5.4	92
32	300	3.6	41

G1	200 MS	2.4	18
G2	1000#	12	452
G3	350 MS	4.2	55
G4	100	1.2	5
G5	350 MS	4.2	55
G6	200 MS	2.4	18
G7	350 MS	4.2	55
W1	450 - 600	7.2	163
W2	450 - 600	7.2	163
Note			
The calculated RPA should be capped to 707m sq, equivalent to a circle with a radius of 15m or a square with approximately 26m sides			

**Root Protection Area (RPA) Calculator**

## AMENDMENT SCHEDULE

**Planning Application Ref :** 20/0586

**Location :** Land adjacent Richardson House, Gretna Loaning, Mill Hill, Gretna, DG16 5HU

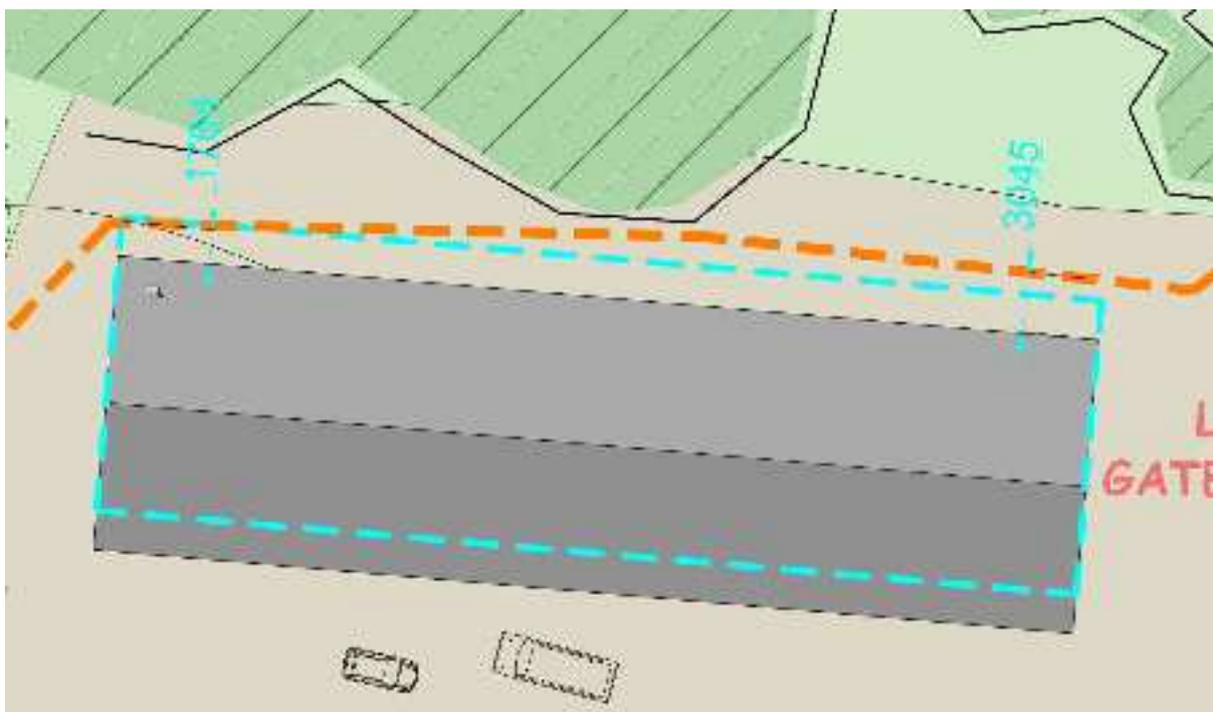
**Proposal :** Creation of a lorry park up to 40no. spaces including conversion of existing buildings to provide welfare facilities & storage unit, erection of commercial vehicles maintenance building and associated preparation yard.

This document outlines the amendments made in response to comments from the planning officer within his email dated 3<sup>rd</sup> August 2021 & 10<sup>th</sup> August 2021 and should be read in conjunction with drawing ref no.s GA3237-PSP-01D Proposed Site Plan & Appendix 5 Tree Protection Plan issued with this documents.

Taking on board you're the comments within the email from the planning officer we made the following amendments in order to address the concerns / queries raised.

For ease of reference I've listed the amendments below and included some screen shots showing the over lay of the '**BEFORE**' taken from plan ref no. GA3237-PSP-01B and '**AFTER**' taken from plan ref no. GA3237-PSP-01D (attached).

1. The proposed building has been relocated further south by approx. 2m ensuring the proposed building is a sufficient distance from the tree protection barrier as proposed within the Arboricultural Impact Assessment. Please refer to screen shot below – the **CYAN** line is building position before the amendment and the **ORANGE** line is line of tree protection barrier. Relocated building is now 1.7m & 3m away from tree protection barrier.



2. Hardstanding area for lorry park has been reduced along the northern edge by 4.1m with the proposed acoustic fence located on the edge of the hardstanding. The reduction of the hardstanding allows 1m between the hardstanding and the root protection barrier. Please refer to screen shot below showing the line of the unaltered hardstanding in **RED**, the tree protection barrier in **ORANGE** and acoustic fence in **PINK**.



The amendments proposed on the attached means there is no development necessary or proposed within the root protection areas, the repositioning of the building, acoustic fence and reduction in the hardstanding area allows the erection of the root protection barrier in accordance with the tree consultants AIA keeping all development activity on the development side of the protection barrier ensuring no impact on the tree's roots. The root protection barrier can be conditioned to ensure it is erected prior to commencement of any development and retained for the duration of the development period.

Considering the amendments proposed and on the basis that no development is proposed within the root protection area the fencing method statement is not required and can therefore be superseded.