

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/21/2523/OE1
2.	<b>Proposed Development:</b>	PROPOSED INSTALLATION OF A SOLAR PHOTOVOLTAIC GENERATION SYSTEM
3.	<b>Location:</b>	H M PRISON, NORTH LANE, HAVERIGG
4.	<b>Parish:</b>	Millom
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	
7.	<p><b>Report:</b></p> <p><b>Site / Location</b></p> <p>The site is located on the edge of the village of Haverigg, some 3km to the north west of Millom which is a key service centre within the Borough.</p> <p>It forms part of the operational crown land belonging HMP Haverigg and lies to its immediate south west. Originally forming part of the disused airfield the land is low lying and relatively flat and open in character. Triangular in shape, it is bounded to the north and east by the main prison security fence and to the south and west by open agricultural grazing land.</p> <p>Although the site itself does not benefit from any sensitive designations, it is within close proximity to the coastal sand dunes of the Duddon Estuary SSSI which along with Morecambe Bay also benefits from the European designations of a SPA (Special Protection Area) SAC (Special Area of Conservation) and RAMSAR (Designated Wetlands of International Importance). The Lake District National Park (UNESCO World Heritage Site) boundary also lies approximately 2km to the north east.</p> <p><b>Proposal</b></p> <p>This application seeks a lawful development certificate for a proposed development on the site which is deemed to constitute permitted development by virtue of Class C Part 19 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</p> <p>The proposal is for the installation of ground mounted solar PV arrays on a 0.64ha site comprising:</p>	

- 42 sets of 10 panels in the form of 5 tables
- 8m spacing between rows
- Arranged at a 30 degree incline
- Maximum height of 3m from ground level
- Will be south facing
- Installed on steel posts

Additional infrastructure will include:

- GRP enclosure 2.2 cubic metres situated on the north side, containing the inverters on a concrete base, isolators, distribution board and electrical switchgear.
- Switch room building located on the south side.
- Cabling. This will be installed in underground trenches and run between the solar panels, the inverters and the switch room.

Vehicular access

- Vehicular access will be via the main prison access.
- Internally within the site an earthen vehicular access route around the PV Panels will be created for maintenance purposes.

Landscaping

- Species rich grass will be used under the arrays.

The installation will have a generating capacity of 189kW, which will provide some 8.5% of the prison's yearly energy usage.

### **Consultations**

Although there is no formal requirement to consult for an LDC representations have been received from Millom Town Council who raise no objections. Natural England have also been notified due to the proximity of off-site sensitive ecological designations.

### **Relevant Planning Policy/ Legislation**

Town and Country Planning Act 1990

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

### **Relevant Planning History**

An EIA Screening Opinion has also been issued for the proposed development dated 25/01/2022 and concluded that it does not constitute EIA development.

	<p><b>Assessment</b></p> <p>A Certificate of Lawful Development (Proposed) establishes whether a proposed use of buildings or other land, or some operations proposed to be carried out in, on, over or under land, would be lawful for planning purposes under section 192 of the Town and Country Planning Act 1990, that is, development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required.</p> <p>This application seeks to determine whether the proposed installation of solar panels and associated infrastructure as described above would be lawful, i.e. that the proposal would not require an application for formal planning permission.</p> <p>The proposal has been assessed under Schedule 2, Part 19, Class C of the GPDO 2015 (as amended). Part 19 refers to Development by the Crown and Class C, developments on operational Crown Land and is considered to benefit from permitted development rights as follows:</p> <ul style="list-style-type: none"><li>• It has been established that the site is within the ownership of the Ministry of Justice ,is on operational crown land and is land `held for such purposes` which qualifies under this class.</li><li>• C(a) permits the installation of such additional or replacement plant or machinery on the land.</li><li>• C(b) permits the installation of the cabling apparatus required.</li><li>• Satisfied from the submission that it would not materially affect the external appearance of the premises which in this instance is taken as the HMP Prison facility of which the proposal will form part.</li><li>• It would not exceed the height limit of 15m above ground level – the maximum height of any apparatus on the site in this instance being 3.0m.</li><li>• It does not include land in, adjacent to and occupied together with a mine.</li></ul> <p><b>Conclusion</b></p> <p>Taking the above into account and having assessed the proposal against the criteria set out in Schedule 2, Part 19, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) I am satisfied that the proposed development comprising installation of PV solar arrays and associated plant/infrastructure on this site constitutes permitted development and that the Certificate of Lawfulness be granted.</p>
8.	<p><b>Recommendation:</b> Approval of Certificate of Lawfulness</p>
<p><b>Case Officer: H. Morrison</b></p>	
<p><b>Date : 26.01.2022</b></p>	
<p><b>Authorising Officer: N.J. Hayhurst</b></p>	
<p><b>Date : 26.01.2022</b></p>	
<p><b>Dedicated responses to:-</b></p>	