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25th October 2021

Dear Heather

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017
REGULATIONS 6 – REQUEST FOR AN EIA SCREENING OPINION.**

Installation of Ground Mounted Solar PV Array at HMP Haverigg

Cushman & Wakefield has been instructed by the Ministry of Justice (MOJ) to prepare this formal request for an EIA Screening Opinion in respect of the above proposed development.

The proposed development consists of a ground mounted PV generation system on operational land to the south of the main HMP Haverigg prison facility (drawing DR-A-1600 Rev3 and DR-A-1601 Rev3).

The site extends to 0.64 hectares and is bordered to the north and east by the main Prison security fence and to the south and west by open disused field land that forms part of the MOJ's wider operational landownership (please refer to drawing DR-A-1602 Rev1). The installation will be mounted on the ground in a portrait configuration comprising 42 sets of 10 panels spread over 5 tables that will generate 189kW in total, which is 75% of the site's minimum daytime load. The yearly PV energy production is estimated at 180,242kWh, equivalent to 8.5% of the prison's yearly energy usage.

The proposed development is considered to fall under Schedule 2, Column 1, 3 Energy Industry (a) Industrial installations for the production of electricity, steam and hot water of the EIA Regulations 2017. This part of Schedule 2 provides that for such schemes, where the area of development exceeds 0.5ha, it is advisable to consider whether an EIA is required or not.

Cushman & Wakefield on behalf of the Ministry of Justice therefore requests a Screening Opinion from Copeland Borough Council (the Council) as the relevant planning authority. Accordingly, to aid in the matter and as required by Regulation 6(2) of the EIA Regulations the following information is provided.

- A plan sufficient to identify the land (drawing DR-A-1600 Rev3 and DR-A-1602 Rev1);
- Proposed Development (drawing DR-A-1601 Rev3 and LUC-11357-LD-PLN-112 RevD)
- A brief description of the nature and purpose of the development; and
- A brief description of the possible effects on the environment of the development.

Due to the proximity of the site to the following European protected areas; Duddon Estuary Ramsar, Morecambe Bay and Duddon Estuary Special Protection Area (SPA), and Morecambe Bay Special Area of Conservation (SAC), a Habitat Regulation Assessment Stage 1 is required to assess the proposal in terms of any likely significant effect on a European protected site. LUC has undertaken the HRA Screening assessment on behalf of the MoJ and the outcome has informed this EIA Screening letter. The HRA Screening report is submitted to the Council for reference.

The HRA Screening report refers to a 2019 ecological assessment of the wider area, which is also attached for your reference.

A Landscape Opinion, landscape proposal, and Historic Environment Opinion has also been prepared to assist in informing this Screening letter.

The Nature and Purpose of the Proposed Development

The proposed development is shown on drawing DR-A-1601 Rev3 and LUC-11357-LD-PLN-112 RevD, and its nature and purpose are described in the following paragraphs.

The ground mounted solar array will be formed of 42 sets of 10 panels spread over 5 tables. The panels will be mounted in a portrait configuration, with 2 modules on top of each other in groups of 10 panels. The panels will be south facing and inclined to 30 degrees to capture the most sunlight.

The panels will be laid in rows, with a minimum separation distance of 8 metres to prevent any overshadowing. The panels will be no higher off the ground than 3 metres and will be installed on a 2-post steel support. These will have a minimal impact on the ground and thus will allow the site to be returned to its current state at the end of the installation's lifespan.

The panels will be accompanied by a 60 and 100kW inverter. The inverters will be 0.26 cubic metres in size and will be installed on a concrete hard standing. A power meter will also be installed to monitor the PV generation. The inverters, AC isolators, distribution board and other electrical switchgear shall be located in a GRP enclosure (2.2 cubic metres). The AC SWA cable shall run from the PV generation distribution board to the site's LV switchroom building in a duct via a combination of soft and hard dug trenches, crossing roads or passing under footpaths, fences, etc. A generation meter shall be installed to monitor the PV generation.

On the ground, DC string cables from the solar panels to the inverters shall be contained in dedicated cable trays mounted to the panels mounting system and running on the ground between rows. Load bearing covers shall be used on ground mounted containment. A cable will be laid from the inverter's location at the North side of the compound to the LV switch room building located to the South of the prison. Trenching will be mostly soft and routed internally through the prison.

Possible Effects on the Environment

Under the EIA Regulations, if a Schedule 2 development is considered to have 'significant' effects on the environment by virtue of factors such as its nature, size or location' it will require an EIA.

In applying this test, a Local Planning Authority is expected to comply with Regulation 5 of the EIA Regulations and the associated schedule. To assist in this process, guidance on 'Screening Schedule 2 projects' and the EIA process is provided in the Government's Planning Practice Guidance – the PPG¹.

Importantly, the PPG highlights that:

"Only a very small proportion of Schedule 2 development will require an assessment. While it is not possible to formulate criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment. It is also possible to provide an indication of the sort of development for which an assessment is unlikely to be necessary... However, it should not be

¹ Paragraph: 017 Reference ID: 4-017-20170728 and Paragraph: 018 Reference ID: 4-018-20170728

presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its own merits.”

In respect of the above guidance, regulation 5(4) requires local planning authority take into account the selection criteria set out in Schedule 3 as are relevant to the development. Three key criteria are set out:

1. Characteristics of development, having regard to:
 - The size and design of the whole development;
 - The cumulation with other existing development and/or approved development;
 - The use of natural resources, in particular land, soil, water and biodiversity;
 - The production of waste;
 - Pollution and nuisances;
 - The risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;
 - The risks to human health (for example, due to water contamination or air pollution).
2. Location of development – i.e. the environmental sensitivity of geographical areas likely to be affected by development having regard to:
 - The existing and approved land use;
 - The relative abundance, quality and regenerative capacity of natural resources in the area (including soil, land, water and biodiversity) in the area and its underground;
 - The absorption capacity of the natural environment.
3. Characteristics of the potential impact, having regard to:
 - The magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
 - The nature of the impact;
 - The transboundary nature of the impact;
 - The intensity and complexity of the impact;
 - The probability of the impact;
 - The expected onset, duration, frequency and reversibility of the impact;
 - The cumulation of the impact with the impact of other existing and/or approved development;
 - The possibility of effectively reducing the impact.

Furthermore, Paragraph 023 of the PGG notes: *“The extent to which mitigation or other measures may be taken into account in reaching a screening opinion depends on the facts of each case. The local planning authority must have regard to the amount of information available, the precautionary principle and the degree of uncertainty in relation to the environmental impact. However, there may be cases where the uncertainties are such that Environmental Impact Assessment is required. Subject to this, proposals for mitigation and other measures may be taken into account by the local planning authority (R(Loader) [2012] EWCA Civ 869)”*.

Possible effects from the proposed development in this location could be regarded to be:

1) Characteristics of development

a) *The size of the development*

The proposal is for a solar array installation with a total site area of 0.64 hectares on operational land at HMP Haverigg.

The entire HMP Haverigg site area comprises approximately 63.13 hectares (please refer to drawing DR-A-1602 Rev1).

b) *the cumulation with other developments*

In respect of cumulative development, the PPG notes each application should be considered on its own merits. There are occasions where other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development.

The HRA Screening assessment has identified two proposals where it has been necessary to assess potential cumulation. These proposals and their assessments are set out below.

4/02/0505/0 - Extension to lifetime of Haverigg II and Haverigg III Wind Farms. Approved.

This proposal is for an extension to the lifetime of Haverigg II and III windfarms, which should not result in in-combination effects with the solar farm proposals as the planning approval requires that mitigation stated within the HRA for the extension to the wind farm is implemented within 6 months of planning approval by April 2021 and the HRA concluded that with this mitigation there would be no adverse effect on the ecological integrity of the Morecambe Bay and Duddon Estuary SPA/Ramsar, either alone or in combination with any other plan or project. Additionally, due to the nature of the wind farm proposal there is no potential for impact upon the qualifying features of the Morecambe Bay SAC.

4/15/2022/0F1 - The erection, 25 year operation and decommissioning of 5 wind turbines. Approved

The timings of this proposal are unknown. If construction takes place at the same time as for this solar farm development there should be no risk of in-combination effects as the solar farm proposals are small in scale and nature and although the wind farm covers a larger area of the surrounding grassland habitat to the immediate south and west of HMP Haverigg, there is available grassland in the wider landscape to the north.

There are no other known significant developments proposed or permitted in the locality.

c) *The use of natural resources*

The proposed Solar PV panels respond to the need to kick start economic growth impacted by COVID-19 by creating jobs through investment. The MOJ has been awarded funding to invest in low carbon technologies on its estate to help enable a post COVID-19 recovery. The development will also assist the MOJ (the second largest Central Government estate) to reduce its total greenhouse gas emissions in line with national policy to reduce carbon and transition to low carbon energy sources.

One of the ways in which the MOJ can reduce its energy consumption for its prison sites, is to invest in renewable technologies to meet the energy requirements of their existing estate. The proposed development will make use of solar energy and will therefore have a positive effect on the use of natural resources as a result of its construction or operation. The panels are expected to deliver up to 75% of the Prison's daytime load equivalent to 8.5% of the Prison's yearly energy use.

Whilst the construction will require the use of limited natural resources, the operational phase will generate electricity from a renewable source, thereby helping to conserve natural resources. It will not therefore have a significant effect on the use of natural resource as a result of its construction or operation.

d) The production of waste

The proposed development will generate negligible construction waste and no operational waste. Once decommissioned, the materials can be re-used or recycled. No waste materials are expected to be generated during the operational phase.

e) Pollution and nuisances

The installation of the Solar Panels will not result in any significant pollution or long-term nuisances to sensitive receptors. Appropriate construction mitigation measures can be put in place during installation to reduce the potential for nuisance. Once installed the Solar Panels operation does not give rise to pollution or nuisance.

Solar farms are passive and do not generate any noise. The accompanying plant is housed within cabinets which will further reduce any potential noise. The site does not lie within close proximity of any neighbouring sensitive uses which would be impacted by any pollution or nuisances.

f) Risks of Accidents

The risk of accidents which could impact upon the environment during construction and decommissioning is considered to be very low.

The solar array is located within the secure boundary of the prison complex, which will ensure that there will be no risk to members of the public.

g) Risk to Human Health

There are no risks anticipated which would give rise to significant impacts on human health.

2) Location of the Development

a) The existing land use

The solar PV array is located on operational prison land that is currently fallow with early vegetation with no signs of hedging and very little scrub.

b) *The relative abundance, quality and regenerative capacity of natural resources in the area and c) The absorption capacity of the natural environment*

The introduction of Solar PV panels in this location will not affect the regenerative capacity of the landscape and natural resources in the area. The temporary nature of the proposed development will restore the site to its current state once finished and will not, therefore, impact on the regenerative or absorpcapacity of the existing natural resources.

The mitigation will improve the abundance, quality and regenerative capacity of the area, providing habitat enhancement in the form of species rich grassland, 2 no. invertebrate habitat, and 1 no. hibernacula (drawing LUC-11357-LD-PLN-112 RevD).

3) Characteristics of the Potential Impact

a) *The extent of the impact (geographical area and size of the affected population)*

The extent of the impact of this proposal is local to the immediate vicinity of the Solar PV installation. The proposed array is located entirely within operational land located to the south of HMP Haverigg prison complex.

There are no residential properties within close proximity to the site. The number of people likely to be affected is limited to those who are visiting the Prison or recreational users of the surrounding countryside.

b) *The nature of the impact*

The proposed Solar PV panels are reversible with the panels able to be removed and the site restored to its former use therefore having limited impact on the land. Once constructed there would be no on-site office or permanent staffing. Visits to the site are for maintenance and management only and can include landscape management and panel washing. The key issues related to the nature of the potential impact from the scheme are ecology, landscape visual impact, and heritage. These issues are considered below.

Ecology

The application site is part of a parcel of land that sits adjacent to the Duddon Estuary Ramsar, Morecambe Bay and Duddon Estuary SPA, and Morecambe Bay SAC, and Duddon Estuary Site of Special Scientific Interest (SSSI). This parcel of land is bounded on all sides by the main security fence to the prison complex and comprises land that is currently fallow with early vegetation with no signs of hedging and very little scrub, which is increasingly grazed.

To maximise avoidance of any potential ecology impact, the array has been sited in the north-east corner of a larger parcel of land as close to the main built up area of the establishment as possible.

The HRA Screening assessment that has been undertaken by LUC on behalf of the MoJ has considered the proposal in terms of any likely significant effect on a European protected site (Ramsar, SCA and SPA). In summary, the Screening Assessment confirms the that the location of the proposed solar installation is outside of the boundary of all European sites and therefore impacts

as a result of direct physical damage and loss (on- and offsite), non-physical disturbance, air pollution, recreation and water quantity and quality is not predicted meaning that there is no requirement to conduct an Appropriate Assessment or implement mitigation measures as part of the proposals to ensure no adverse effect on the integrity of the European sites. This conclusion was based on the following assessment considerations:

- No Likely Significant Effect (LSE) was predicted in relation to on-site and off-site physical damage and loss as a result of proposed development and was therefore screened out at the screening stage.
- No LSE was predicted in relation to non-physical damage and loss as a result of proposed development and was therefore screened out at the screening stage.
- No LSE was predicted in relation to air pollution as a result of proposed development and was therefore screened out at the screening stage.
- No LSE was predicted in relation to recreational disturbance as a result of proposed development and was therefore screened out at the screening stage.
- No LSE was predicted in relation to water quantity as a result of proposed development and was therefore screened out at the screening stage.

The May 2019 Arcadis Ecological Appraisal of the wider land parcel that the application site is located within confirms that the proposed solar PV installation will be located on land that is adjacent to the Dutton Estuary SSSI and that the application site does not support any of the fixed dune and dune slack habitats that are present in the adjacent SSSI. The Duddon Estuary SSSI is not a European protected habitat for the purposes of the HRA Screening assessment, however, given that the application site is not located within the SSSI, nor is it directly adjacent to the boundary of this protected area, and does not support the habitats present within the SSSI, it is reasonable to align the conclusions drawn in LUC's HRA Screening assessment with respect to any potential environmental impact on the SSSI, i.e. that there will be no likely significant effect on the SSSI.

Landscape Visual Impact Assessment

A Landscape Visual Impact Assessment has been prepared by LUC and has informed this Screening letter. This confirms that the site does not lie within any national or local landscape designations, although it is situated approximately 2km to the south-east of the edge of the Lake District National Park and World Heritage Site. The study area does not share many of the special qualities of the National Park except along the coastline.

The proposals are modest and the application site is visually contained by the tall prison fencing and existing prison buildings which lie directly to the north/north-north-east and tall fencing enclosing the Haverigg wind farm to the east. The development should not therefore generate any significant effects on the landscape character or visual amenity.

Landscape

The site lies within the West Cumbria Coastal Plain National Character Area (NCA 7). The Copeland Settlement Landscape Character Assessment Draft Report (2020) identifies the site to be within the 2D Coastal Urban Fringe Landscape Character Type (LCT) and the 2Di Coastal Pasture Urban Fringe Area of Local Character, which it describes as an area of low lying, mostly flat farmland and recreation space around the edges of Haverigg and Millom, including an the old airfield, now used as a prison and windfarm. Otherwise, the flat landform offers very little visual enclosure and allows long-distance views across the landscape, south to the coast and north to the sharply rising fells.

The study area has a very large-scale character due to the medium scale fields bound by post and wire fencing limiting visual enclosure.

Furthermore, the Copeland Settlement Landscape Character Assessment does not identify any sensitive viewpoints within this character type.

Visual

The proposed site is visually contained by the tall prison fencing and existing prison buildings which lie directly to the north/north-north-east of the site and tall fencing enclosing the Haverigg wind farm to the east. Views of the proposed site from recreational routes and lanes to the north of the study area will be screened by the intervening prison buildings.

There are also no residential properties within 250m of the proposed development site, with the nearest residential properties at the Bank Head housing estate, situated around 375m to the north east of the site. Therefore, there are no properties considered to be in 'close proximity' to the development in terms of the Landscape Institute's Residential Visual Amenity Assessment (RVAA) Technical Guidance Note 2/19.

The Landscape Opinion report therefore concludes that taking into consideration the nature and small scale of the proposed development, it is anticipated the proposed solar farm would be relatively imperceptible from views beyond 1km, as vegetation, field boundary fencing and existing built development would provide intervening features. Any unavoidable direct landscape effects through the change in land use from rough ground on the former airfield to a solar farm development and associated access tracks will therefore be localised due to the small extent and height (3m) of the proposed solar development and surrounding high weld mesh fencing. It is considered that a moderate local effect is likely to be experienced by recreational users the Public Right of Way (PRoW) along Haws Lane (approx.650m to the south-east of the site at its closest). Sections of the PRoW, most notably in the south where the path crosses flat open fields, may have some direct views to the proposed development, however, from other sections of the path the prison buildings and perimeter fencing enclosing the windfarm and prison will provide screening along with some remnant field boundary vegetation. Recreational receptors have a high sensitivity to change, however, these changes will be seen in the context of the existing prison buildings and both onshore and offshore wind farms. Overall, there will be a moderate change to the character of views from the PRoW with all other potential effects being considered to be minor. Notwithstanding this, the overall conclusion of the Landscape Opinion report is that there will be little material change to the premises when viewed from outside the site.

Heritage

A high-level Historic Environment Appraisal has been prepared by LUC and has informed this Screening letter. This appraisal confirms that there are no designated heritage assets – world heritage sites (WHS), scheduled monuments, listed buildings, conservation areas, registered parks or gardens or historic battlefields – in the Site. Nor are there any in the study area that would be sensitive to setting change. The appraisal notes, however, that the Lake District World Heritage Site (WHS) lies just over 2km to the northwest of the Site. This WHS has been inscribed due to the outstanding universal value of the cultural landscape and its illustration of a unique farming system and local industries, along with its role in the Picturesque movement and development of Romantic thought. Given its location and scale, the proposals should not be experienced from the WHS unless

as a distant part of very long-distance views in which it will be read as part of the existing development beyond the WHS.

The Historic Environment Appraisal includes a review of Cumbria Historic Environment Record (CHER) data online, which has identified six non-designated heritage assets within the 1km study area. HMP Haverigg/ RAF Millom is also identified as a heritage asset in itself.

Overall, the Historic Environment Appraisal concludes that it has identified no known assets of archaeological interest within the Site, with the exception of the prison itself. The site may contain non-designated archaeological assets relating to the former RAF base, but it has not been possible to establish whether these are still extant. If these remains are present, they could be affected by the proposals. However, ground intrusive works should be minimal given that the proposed solar arrays are ground mounted and the only intrusive works relate to the connection route to the existing switchboard will be required.

Two non-designated assets – HMP Haverigg/RAF Millom itself and a Second World War Firing Range – may experience change as a result of the proposals. However, given the relatively small-scale nature of the proposals, their location and the level of change already experienced as a result of later 20th century development, the assets are unlikely to experience significant additional change to their significance, equating to no or negligible harm (NPPF para. 196).

Taking an overall view of the likelihood of harm to the significance of the historic environment, a Minor overall level of effect has been identified.

c) *The transboundary nature of the impact*

There are no transboundary impacts expected from the proposed development.

d) *The intensity and complexity of the impact*

The PV installation needs to be substantially completed by the end of March 2022. The installation will require 6 weeks and the methods adopted are well established ones and of a modest scale of operation. The intensity and complexity of the proposed development is therefore minor. The effects will not therefore extend beyond the immediate area of the site.

e) *The probability of the impact*

The nature of the scheme is fixed, and the probability of impacts have therefore already been identified and is therefore in a context that is well defined and understood. Consequently, the probability of the impacts has been appropriately assessed in each instance.

f) *The expected onset, duration, frequency and reversibility of the impact*

The installation will require 6 weeks and can at any time be removed. Once installed the Solar PV panels only require minimal maintenance. The proposed development is therefore reversible with the site able to be restored back to its former condition.

g) *The cumulation of the impact with the impact of other existing and/or approved development*

The HRA Screening assessment has identified two proposals where it has been necessary to assess potential cumulation. These proposals and their assessments are set out below.

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The timings of this proposal are unknown. If construction takes place at the same time as for this solar farm development there should be no risk of in-combination effects as the solar farm proposals are small in scale and nature and although the wind farm covers a larger area of the surrounding grassland habitat to the immediate south and west of HMP Haverigg, there is available grassland in the wider landscape to the north.

There are no other known significant developments proposed or permitted in the locality.

h) *The possibility of effective reducing the impact*

The site has been chosen on the following basis:

- it is visually contained by the tall prison fencing and existing prison buildings which lie directly to the north/north-north-east and tall fencing enclosing the Haverigg wind farm to the east;
- any view of the proposed site from recreational routes and lanes to the north of the study area will be screened by the intervening prison buildings;
- there are no residential properties within 250m;
- it is not located within a European or nationally protected area (habitat/species) and does not have any direct adjacencies with such areas; and
- it is located on land that is of the lowest environmental quality and ecological/biodiversity enhancements will be implemented as part the proposals.

It is therefore considered that the sites location has been determined by factors that seek to effectively reduce and minimise any potential adverse impact.

Summary

In summary, it is considered that the characteristics of the development proposed in this location are unlikely to give rise to significant environmental effects, alone, or in cumulation with existing or approved development and an EIA should not be required.

We therefore request a Screening Opinion in accordance with the procedures and timescales set by the EIA Regulations.



If you consider that you have not been provided with sufficient information to adopt an opinion, please do not hesitate to contact us to request the required information.

Yours sincerely

Sarah Myers

Consultant

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