**Broughton Parish Council**

Minutes of the meeting of Broughton Parish Council held in a virtual meeting room via GoTo Meetings on Tuesday 12th January 2021 at 19:00

**Present:**  Mary Bradley (In the Chair), Bill Smith, Claire Winter, Adrian Davis Johnston, Sue Hannah, Steve Hannah, Paddy Gorrill, Joanne Sewell,

**Attendance:** Peter Shannon (Planning Director at Tetra Tech), Dylan Jones (A2 Architects- Project Design lead and architect on Derwent Forest), Steve Long (ABC- Senior Planning Officer), Chris Bradshaw (Senior Planner at Tetra Tech Planning Consultants on the application), Simon Sharp (Planning & Building Control Manager ABC), Nigel Catterson (Chair- Derwent Forest Development Consortium Ltd).

With 8 Councillors present the meeting was quorate.

### 1/2021 Apologies for absence

No apologies received.

### 2/2021 Requests for dispensations and declaration of interests

None

### 3/2021 Minutes of the meeting held 17th December 2020

**Resolved** by all present that these minutes be signed at the Broughton Parish Council meeting on the 19th January 2021 to allow for a compiled set of minutes to be produced between the current meeting and the one held on the 17th December 2020.

**Action: Clerk to compile the minutes and table them for signing at the 19th January 2021 meeting.**

### 4/2021 To Consider Suspension of the Standing Order 5 (Standing Orders for Virtual Meetings for agenda item 137/)

**Resolved** by all present that Standing Order 5.6 of the Standing Orders to allow for Digital Meetings be suspended for the duration of agenda item 128/2020 to allow members of the public to speak verbally to the below agenda item.

### 5/2021 Derwent Forest Development Discussion

It was noted with disappointment that no one was present from CCC Highways and that the transport data has not been provided as promised after the initial stakeholder event.

Mr P Shannon confirmed that CCC Highways had been invited to the meeting this evening.

*Traffic Flow/Highways Infrastructure*

It was confirmed that an analysis had been undertaken of the local road network, and the possible traffic flow and the possible infrastructure options associated with this data. A meeting has been held with Highways England (8 January 2021) and the data relating to traffic movement and Highways Infrastructure is currently being reviewed in light of these discussions.

**Action: Tetra Tech and partners to share data on the initial highways/traffic reports in due course, hopefully by the end of January 2021.**

All present noted that Broughton Parish Council were concerned that the discussions that the Derwent Forest Development Consortium (DFDC) were having with Highways England would have an impact on the plans and proposals for the Broughton/Brigham Roundabout.

Dylan Jones confirmed that Highways England have been very clear that the Derwent Forest Development would not ’derail’ Highway England’s proposals and that the likely route to the site would be from a new connection to this roundabout.

Broughton Parish Councillors requested that ABC Planners take on board the concerns of residents regarding the lack of safety of the existing highways infrastructure, never mind with additional pressures added as a result of this proposed large-scale development. The opportunities of this proposed development are huge, but it can’t come at the expense of the safety of those who already reside within the Parish.

Q: Can the developers confirm they are not looking for access through the Soddy Gap Site? This would result in the loss of a nature reserve, and the well-loved and used public amenity, and the likelihood is that people wouldn’t use it, they would cut through the villages to access the A66. This was a concern related to both the development traffic, and secondly the traffic flow when the development is completed.

This is one of the serious concerns about the incremental development of the site, as with incremental development the infrastructure won’t be improved, and the problems will just increase in the parishes. There may be more local support if the proposal was for the whole site and included infrastructure improvements from the commencement.

A: Nigel confirmed that he understands the concerns of the public and the DFDC are looking to the long term. In terms of construction traffic, the DFDC can oblige the contractors to not access the site through the villages. Nigel further confirmed that they are aware that they have to get the access to the site resolved as the major priority as otherwise permissions won’t be granted.

Nigel confirmed that they recognise the local importance of Soddy Gap. Dylan supported that they see no merit in a vehicular connection through Soddy Gap, but recognise the community importance of this site and would be looking to possibly improve connectivity with this site in the form of PROW & wildlife corridor improvements.

Construction Traffic- The site is 400HA and it has an existing good road infrastructure network on it already (historic ), which would allow for construction traffic to be moved within the site to avoid the villages and requirements linked to this could be added as a planning condition/s (via a Construction and Environmental Management Plan).

*Ecology/archaeology/topography queries.*

It was acknowledged that some reports had been shared prior to the meeting regarding these aspects of the site.

Great Crested Newts (GCN) -Cllr B Smith raised queries regarding the population of great crested newts and asked for clarity from the developers on what is being done to protect the existing populations that are known to be on the site.

Dylan confirmed that following a series of studies and monitoring activities they recognise the ponds and the gill on the site are an incredibly important site for the GCN and are working to develop a plan for protecting and preserving this population both during construction and on completion. This could include improving the ecological corridor to Soddy Gap ponds which are breeding sites for the GCNs. Dylan Jones confirmed that the responsibility for the GCN population firmly rests with the Consortium.

There is a significant volume of high-level site wide ecological data that is historic (back to when the MOD were handing the site over, and when the local authority had possession of it). Work is being commissioned to update this information on a site wide basis.

Cllr B Smith noted that there has been a change in the grazing/farming activity on the site in recent times, historically the site has been grazed by cattle but in recent months has been grazed by sheep.

**Action: Confirmation to be provided to Broughton Parish Council on the farming activity on the site currently (head of cattle/sheep), stock density and the sections of the site that are stock fenced.**

Peter confirmed that they were looking at the environmental constraints and opportunities of the site and to develop green and blue networks across the site and linking to the surrounding. Movement of people, wildlife & water are central themes to the emerging master plan.

*Spoil Heap/Water Run off*

Concerns were raised regarding the stability of the spoil heap, and also the implications of water contamination into the River Derwent SAC when the site starts to be developed.

Dylan confirmed that the stability of the spoil heap is currently being monitored. A methodology has been agreed for scanning the heap topographically annually to identify if there is any shift. The area that is known to be questionable in terms of stability (circa 10%) is fenced with an exclusion zone and monitored. From a design perspective and architecturally DCFC like the spoil heap and feel it is a key landscape feature representative of the site history.

**Action: Cllr A Davis-Johnston to share details with the consortia of InSar Satellite Data which is used for monitoring of sites & buildings to sub millimetre accuracy, which might help with the monitoring of the Spoil Heap.**

*Contamination*

There is a large amount of contamination investigation work already undertaken on the site, in conclusion they don’t feel any run off from the spoil heap is causing any immediate problems. DFDC are more acutely aware of other contamination issues on site e.g. old MOD uses (land fill), burning grounds, asbestos, condition of the buildings, etc but these issues are being monitored.

Peter- When the development set out in the emerging master plan comes forward the onus will be on the applicant to demonstrate compliance with the HRA (Habitat Regulations Assessment).

Decontamination of the site- There is contamination on the site, councillors present encouraged the use of bio-remediation techniques especially given the project relates to sustainability and environmental impact. Encouraging nature to assist with the project would be a positive benefit and if the project is utilising this it should be publicised.

Nigel- Confirmed that they are looking to use reed bed filtration on the site, and fungus to get rid of heavy metals, both because it decontaminates but also for the educational value. The project is also looking at historical growing within the county that could be reintroduced under licence onto the site (e.g. Industrial Hemp), which is a good feed stock, a biomass crop and it is enriching to the soil.

*Ordnance*

The site was swept by the MOD prior to it being handed over to the Local Authority (1992), subsequent to this CCC, ABC & MOD undertook a joint exercise with BAE where the site was re swept in the early 2000’s on a more detailed basis. The result of both of these sweeps are that there are no munitions left on site. The majority of the site was storage of munitions which are low risk, the dangerous buildings are the lab buildings, the processing buildings, and the administration block (which has been demolished).

There are also further notable sites around the land fill on the site, and ponds that were used for rapid submersion of ordnance in emergencies. DCFC recognised these risks and confirmed they were continuing to be monitored.

*Coal Washing Plant*

There was a Coke works and a Colliery in the centre of the site historically and there are contamination issues associated with this. Dylan confirmed that further investigations into these locations will be undertaken in due course.

Regarding the current application for 71 houses detailed environmental surveys have taken place and this has been submitted with the planning application. There is one mine shaft in the vicinity of these works and mitigation measures regarding this have been submitted with the application.

*Wildlife Concerns*

Q: Avian Populations (Little Owls & Barn Owls) and Herons on the old Buckhill Colliery Reservoir. What is the responsibility of DCFC for these populations?

A: Nigel confirmed they are aware of the owl population, and when the site was originally taken over there was also a population of short-eared owls (but this appears to have reduced possibly due to the grazing on the site) but it is hoped that they might start to repopulate Jubilee Wood. Nigel confirmed that DCFC are committed to doing what they can to preserve and maintain the wildlife on site. As part of the development a series of ‘wildlife’ corridors are being planned, to further encourage re-wilding of the site.

Red Squirrels- The Consortia is committed to the West Lakes Red Squirrel initiative, they have been accessing the site over the last few years, to monitor the population of reds and take out greys where necessary.

Q: Can you confirm that the Little Owls, Barn Owls and Herons are being ringed so they can be monitored to ensure declining population numbers don’t occur during the development (the same with baseline monitoring of the Great Crested Newt Population).

A: DCFC confirmed that they have not at this stage retained a contractor to ring any of the avian population. Baseline monitoring data is not available on population sizes of these avian species.

Nigel confirmed the aspiration around this site is that they are going through a project with one of the major government departments which will put the site in the ‘government’s shop window’ which will attract internal and external investment which would provide resources that are required to cover a lot of these matters.

Deer- There are local concerns about poaching on the site in terms of lamping & occasional shots heard. Nigel confirmed they have someone who regularly accesses the site to monitor the deer populations. At the moment a reduced deer population works in favour as they are working to replant the site, however they hope to reintroduce deer in due course. Nigel acknowledged that the poaching issue is a significant one with many carcasses being found just outside of the fence lines. These incidents are being reported to the Police where possible.

Q: Badgers- Have the sets been located and protected?

A: DFDC confirmed this was a resource issue and this matter will be dealt with once the resources are in place. DFDC are keen to preserve and nurture the history of the site from both environmental and social history point of view and will be looking to try and carry this forward into the future.

*Community Interest Company*

Q: Can further information be provided on the idea that the site will be enshrined into a Community Interest Company at the conclusion of the project?

A: Nigel confirmed that the project is about being good ancestors, allowing the project to offer a good model of sustainability (balance of development and nature as a symbiotic relationship). The intention is that the major shareholding of the Derwent Forest Holding Consortium will move into this community interest company or similar at the conclusion at the project.

*Community working group*

In the past Broughton Parish Council have been promised by ABC the formation of a group to discuss the project with local representatives from all the villages etc to keep the project transparent and ensure that communication is free and open, but this hasn’t happened. Is this something that DFDC are considering setting up? As the development progresses there could be regular mailings to the local communities around progress, myths, legends, hopes etc so that there is a positive relationship between the site and local people.

Nigel- Confirmed there used to be a group of this type which ran for a few years and met every 6 months or so where ideas were presented, and community feedback was accepted. This group ceased due to the delays in the acquisition of the site. Nigel confirmed he recognised the importance of this and suggested it could be linked to the Derwent Forest Website (www.derwentforestcumbria.com).

Cllr M Bradley offered to have a discussion with all parties to help progress the formation of this group.

It was noted that this lack of public engagement/interaction has been challenging over the last 12 months due to the Covid restrictions.

Q: PROW access from Self Build and the proposed 71 outline applications to Great & Little Broughton for school access & other service access, is currently insufficient, who has responsibility for this going forward?

A: It is the responsibility of the CCC Highways Authority, but inter-connectability of the current application with the existing site and the local community is in the fore thought of the developers, to improve and strengthen those connections.

Q: Eco-housing/sustainable buildings- This seems to have been lost on the Storeys site, are there any intentions of bringing this back?

A: Yes- The self builds on the site are under Storey’s control. Storey’s have historically had the sub-lease of the site from DFDC, DFDC had some limited influence on the visible design of the properties, but there was not much that DFDC could do to enforce the eco-build aspects. Storey’s role was to start to bring in an income for DFDC to allow the current activities to take place (Masterplan etc). DFDC want to ensure that the properties they construct will be of the highest standard/excellence.

Dylan confirmed that they are intending to submit further details and narrative to ABC regarding the eco standards of the proposed 71 houses e.g. insulation, renewables, water use, smart tech, and possible utilisation of some of the lumber on the site. This information is expected to be presented to ABC in the coming weeks.

*Planning*

It was confirmed that some information had already been provided via email, this information is appended to the end of these minutes.

ABC will be looking at the application solely as the development proposal as it is. Its acceptability is predicated on the overall Masterplan for the site. If the application came forward as a development singularly it would be merely housing in the open countryside and contrary to the local plan.

Its acceptability is predicated on it being seen as part of the Derwent Forest scheme as a whole, hence the Masterplan as a material consideration in that overall process. ABC are being informed by the consultees e.g. Highways Authority about where the triggers fall for certain aspects of the development across Derwent Forest as a whole. If the development proposed as part of this application falls below these triggers then has the development as proposed responded to those future plans e.g. easement across the site for ability for future road upgrades, and footpaths links to the villages. ABC will be expecting to see although off site infrastructure specific to the development proposed is what ABC can reasonably require as part of the development, but clearly that future phases are deliverable. E.g. Footpath links that the footpaths are of an appropriate standard to the application proposed but has the ability to in the future cope with the extra development as later phases come on stream.

Q: We currently have the ABC Local Plan Part 2, and ABC Local Plan Part 1 which includes Policy S18 relating to Derwent Forest, which predicates that a Master Plan be prepared for the site. The Consortia are preparing the Master Plan, when this is complete will it go to a Development Control Committee or form an SPD? Or if not what role does the Masterplan have.

A: Starting point for considering a Planning Application is the development plan, this is part 1 of the local plan 2014 and part 2 2020 and has the specific policy relating to DF. The policy has the requirement for a masterplan to be prepared. Its relevance to this application is that it is necessary to demonstrate how this development comes forward as part of a larger whole. How the development for this planning application is part of a piece of a larger jigsaw puzzle. What we are considering at the moment is the development proposed by the planning application. The master plan is a material consideration as this will evidence or not how this development fits into the wider strategy for the side. What is NOT being done by ABC, is formally approving the master plan, and it won’t become a SPD. It is a significant material consideration when considering the development proposed, as this is predicated on it being part of a larger whole.

Q: Concerns were raised about the enforceability of the Masterplan if something changed in the future. If e.g. the developer went bankrupt what would stop a future developer submitting a ‘new’ masterplan. As this would still comply with Policy S.18 as this merely states a ‘masterplan’ needs to be in place. Could steps be taken to adopt the masterplan as a supplementary planning document?

A: The construction lifespan of developments with masterplans is so long that there will often be significant changes to the masterplan, so they evolve massively. (Noted that other developments for 10’s of homes go through significant numbers of alterations to planning considerations). The policy in the local plan confirms a masterplan is required, but Simon believes it would be unreasonable to lock in the masterplan to an SPD. The current local plan policy (S.18) has a significant amount of flexibility within it, and ABC and consultees need to make sure that applications coming forward at the moment don’t preclude the aims/ambitions of S.18 being met in the future.

Q: If it was adopted as an SPD it would be altered through a democratic process, where-as if the master plan is not adopted any alterations are non democratically approved/considered?

A: Peter confirmed that setting aside the 71 properties that are currently in the planning process, there are various statutory planning tools available to DFDC in terms of planning. Another option is an outline planning application for the whole or a proportion of the site, which would allow for the exploring of infrastructure requirements and thresholds for delivery. The consortia are very mindful of these concerns.

Simon confirmed that they can only request what is reasonable in terms of infrastructure to this development (OUT/2020/0004) but as the planning authority ABC need to be sure that there are capabilities to take the rest of the development in and off site.

Q: Education- Broughton school has a maximum potential for approx. 5 more children (but could physically expand). Broughton Moor School is full and has no extra physical space.

A: ABC schools are an interesting one, CCC view is that if there is no capacity to expand an existing school they do look at if there are other schools that have a sustainable connectivity to the site that can be expanded instead. E.g. High Harrington there was no ability to expand the local school, the decision was taken that it would be Distington that would take the students from the development. ABC will be seeking this information from the County, if there is no scope within the local villages to take the additional students, then is there a place with sustainable connections to the site that children can access in whatever form. If not consideration would be given to on-site provision.

### 6/2021 Date of next meeting

**Resolved** by all present that the next meeting date be set as 19th January 2021 at 19:00 in a Virtual Meeting Room.

Meeting closed 20:38

**Appendix 1: Email from Simon Sharp 18/12/2020 (ABC)**

Further to your email queries, I can confirm that there will be a full consultation early next year on the Masterplan (minimum of 21 days). If there are any further technical issues with the website during that consultation period, the time the website is down will be added to the consultation period.

The masterplan will be considered as part of the assessment of the current application, OUT/2020/0004, and not separate to it. This is because a proposal such as that proposed by application OUT/2020/0004 can only be acceptable if it accords with our development plan as a whole i.e. the Allerdale Local Plan Parts 1 and 2. The focus of the assessment is policy S18 of Part 1 which is specific to Derwent Forest. Essentially proposals in this location are only acceptable if they are coming forward as part of a master-planned multi-faceted development. Criterion a) of policy S18 provides an expectation that any proposal will be expected to provide a comprehensive masterplan for the site, including phasing, to ensure delivery of a coherent solution and to avoid a piecemeal approach.

What this means in practice is that, whilst we (and consultees such as the parish council and the county highways authority) will assess the development as it is singularly proposed, we will also need to assess how it fits into the wider development of the site. The latter will include:-

1.    Does the proposal as it stands fit seamlessly into the wider masterplan?

2.    Does the masterplan provide the right types of uses, scale of uses and connectivity within Derwent Forest and to off-site locations to demonstrate that this will be a sustainable development e.g. that it provides jobs, recreational activities, connectivity to services and facilities (including education and healthcare) and the right balance between the natural and built environment?

3.    What are the infrastructure triggers for the masterplan e.g. for off-site highway improvements, off-site foul and surface water systems etc.?

4.    In the context of No. 3 above, does the element of the master-planned development proposed by application OUT/2020/0004 reach any of those triggers and, if so, can those works be secured by conditions or s106?

5.    If the infrastructure as per point 4 is required, do the costs render the development unviable and can that infrastructure be delivered within land in the applicant’s control or the control of the county highways authority or under the powers provided to the utilities providers.

6.    Are any off-site works required as per point 4 appropriate in planning terms having regard, for example, to the protections afforded to the Derwent Special Area for Conservation?

7.    If the development as proposed by application OUT/2020/004 doesn’t trigger those offsite infrastructure requirements is the layout proposed in that application and within the masterplan responding to the requirements triggered by later phases. For example, it is reasonable for the local planning authority to know that later phases are actually deliverable in principle with those offsite infrastructure provisions. I think this is a crucial area of everyone’s attention as I suspect (although I don’t know yet) that the current proposal under OUT/2020/004 Is tailored to dip below many if not all of the infrastructure triggers. However, that is not to say it is acceptable because, if it can’t be demonstrated that the off-site infrastructure provision required for later phases cannot be delivered in principle, then the OUT/2020/0004 cannot be judged as part of the master-planned development. Therefore, it could be not be considered as a policy S18 compliant proposal and it would fall to be considered as any other type of development in the countryside (and likely fail when considered against the development plan as a whole).

8.    In addition to point 7, does the development as proposed by OUT/2020/0004 respond in terms of layout to the masterplan i.e. is it clearly part of the wider jigsaw puzzle? For example, if a road through the OUT/2020/0004 site will serve significant development beyond that site, is it proposed in OUT/2020/0004 at a specification that can accommodate that extra traffic or, at the very least, is an easement of land secured in the layout in the developer’s control (or highway authority’s) to provide that road in the future?

**Appendix 2- Email from Steve Long 04/01/2021 (ABC)**

The details of the masterplan are a bit of a bespoke one off element relating to the development of the site , with direct reference under Policy S18 in the local plan which emphasises the necessity of the document relating to the overall site.

Officers had considered this is an essential ingredient to the wider strategy for the wider site, and considered its absence hindered the consideration of the current pending application as without it, it prompted the progressive piecemeal development of the site which the policy sought to resist . The applicant was therefore advised the current application proposal could not be supported until this essential supporting masterplan document had been submitted.

However unlike a formal planning application there is no formal process for its determination. The only means to undertake this would be for it to be submitted as a part of an outline scheme for the whole site.

However whilst its details are indicative and intended to be flexible they do remain an important aspect of the strategy for the scheme as a form of enabling development for the restoration of the overall site in alignment with the objectives of the policy .  
Officers will therefore be seeking reassurances that the scheme is both viable and deliverable (including any associated infrastructure and any identified trigger thresholds for their implementation which will require further engagement with other statutory stakeholders e.g phases of development ) . This will include assessing the mechanisms and means to deliver such works.

My understanding is that the current masterplan  scheme is a consultation document and as you are aware we have requested the applicant to directly engage with your parish as part of this exercise .Upon the completion of the consultation timescale it is envisaged the applicant will evaluate the submitted responses with a view to submitting  the final version of the masterplan as a supporting document to the pending application. (This will be the subject of a further consultation by the council).

The parish’s concerns re both the masterplan and access concerns plus the application can be elaborated during the future forthcoming  meeting .

The pending application will eventuality be presented for consideration by the Development Panel.