

PLANNING DEVELOPMENT CONTROL COMMITTEE

10 JANUARY 2013

PROCESS FOR DETERMINING ANY PLANNING APPLICATION FOR WIND FARM DEVELOPMENT AT BULLINGTON CROSS

REPORT OF HEAD OF PLANNING MANAGEMENT & HEAD OF LEGAL SERVICES

Contact Officers: Simon Finch and Howard Bone Tel No: 01962 8488271 and 01962 848252

RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

This report sets out 4 options for the process of determining a planning application likely to be submitted in January 2013 for wind turbines at Bullington Cross in the north of the District. This proposal will involve development in three local authority areas; Winchester, Basingstoke and Deane, and Test Valley. Each council will receive an application relating to the part of the development within its area.

Option 4 is recommended, which would involve an informal joint committee approach along the same lines already used for the determination of applications at the West of Waterlooville Major Development Area where committees of Havant and Winchester meet at the same time to decide applications which include land in both authorities' areas.

Option 4 would ideally mean that all three development control committees would sit at a single meeting, although it would still be possible, and indeed beneficial, for a meeting to be held with two of the three authorities in the event that one of the councils decides not to adopt this joint approach.

Under the proposed arrangements, each Development Control Committee would open and adjourn their respective meetings. The public speaking, questions and answers, and debate on all three applications could all take place in one informal joint session. After that point, each Development Control Committee would then reconvene to consider the information presented and make their decision.

RECOMMENDATIONS:

- 1 That any application submitted for wind turbine development in the Bullington Cross area which may be submitted in the future be determined in accordance with the procedures set out under Option 4 of the report (where the application is for development falling within Winchester District and also within Basingstoke and Deane and/or Test Valley Borough Council areas).
- 2 That the details of the procedure for the meetings, including matters such as public speaking, be delegated to the Head of Planning Management and Head of Legal Services in consultation with the Chairman of the Planning Development Control Committee.

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DETAIL:

1 Introduction

- 1.1 The purpose of this report is to notify Members of a proposed wind farm development at Bullington Cross in the north of the District, which it is understood will be subject of a planning application in the New Year and to seek Members' agreement to a proposed process for its determination.
- 1.2 The development proposal involves development in the Winchester, Basingstoke and Deane and Test Valley Districts, which means that applications will be submitted to, and individually determined by, each authority. The report sets out four options as to how these determinations can be made. In order to make these decisions in the most effective and efficient way, the report recommends that informal joint arrangements are used, similar to those used for determining the planning applications for the West of Waterlooville development.

2 Background

- 2.1 No formal application has yet been submitted, although informal discussions with the developer have taken place. The proposed location for the wind farm development is a site known as Bullington Cross, approximately 2km to the south of Whitchurch (a site plan is included at Appendix 1). The proposals are understood to be for between 14 and 17 wind turbines. Information set out by the developer at a recent public exhibition suggested 14 turbines, but details submitted with an Environmental Impact Assessment (EIA) screening and scoping requests referred up to 17 turbines. Of key significance to this report is that the whole development site falls across three local authority boundaries; Basingstoke and Deane Borough Council, Winchester City Council, and Test Valley Borough Council.
- 2.2 The information made available by the developer indicates that the largest part of the proposed development site would be located within the Winchester district, accommodating up to 7 wind turbines. The part of the site in Basingstoke and Deane District would accommodate 4 wind turbines and that Test Valley District would accommodate 3 wind turbines.
- 2.3 With the development site falling across the three local authority boundaries, the developer has to submit a planning application to each authority. However, there are a number of ways in which the planning applications could be processed as set out below. Officers of each authority have recently met

to discuss the various options available for determining the applications. To assist Members in their consideration of this paper, a brief summation of the advantages and disadvantages of each option is set out in Section 3 of this report.

3 Options for the Determination of a Planning Application

- 3.1 On registration of the planning applications, all three local authorities will have to consult one another regarding the receipt of the planning application in their area. This means that for Winchester there will be a planning application to consider (relating to that part of the site within the Winchester District) together with consultations to respond to from Basingstoke and Deane and Test Valley on the merits of the applications received for those parts of the development within their respective areas.
- 3.2 Irrespective of the option taken forward, the successful handling of the applications will depend on good communication between all three authorities.

Option 1

- 3.3 All three local authorities could determine the planning applications independently of one another. This would maintain the Council's control over the process and could provide the simplest approach, as the application would follow the Council's own adopted committee processes.
- 3.4 However, this option has two main disadvantages. Firstly, each council would have to hold independent committee meetings, meaning that local residents, and other interested parties such as Parish Councils, would potentially have to attend three different committees on three different dates, and the developer would likewise have to attend all three meetings to present the same information to Members on three separate occasions.
- 3.5 Secondly, this approach is likely to result in decisions being made on the planning applications at different times. While the ownership over the decision by each council will result in this approach to an extent, there could be implications for each subsequent decision depending on which council determines their application first. For example if one council was to grant planning permission for the part of the development in its own area, this may then become a material consideration for how the other councils determine their applications in relation to visual impact, or in assessing the overall merits of the scheme such as the amount of energy the development produces. Whilst it is clearly essential that each council determines its own application, the Option 1 approach of three separate meetings is likely to result in decisions being made with different information being available throughout the overall decision-making process.

Option 2

- 3.6 Under section 101(1) (b) of the Local Government Act 1972, it is possible for a local authority to arrange for the discharge of its functions by another local authority. If this option were to be pursued, it is likely that Winchester City Council would assume the lead role as the largest part of the proposed development falls within the Winchester District and under the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989, Schedule 1, Part 1, Article 8, the entire planning fee for the whole development would be received by Winchester City Council.
- 3.7 While this could be considered as the simplest approach, insofar as a single local authority would be making a decision, it would remove the neighbouring councils' control over the decision-making process, as they will have delegated the decision to another authority. Such an approach is unlikely to be acceptable to these other authorities. Furthermore, it is likely that the adopted local planning policies of each authority are slightly different, and the decision-making authority would then have to determine the application taking into account policies with which it is not familiar.

Option 3

- 3.8 Under section 102(1)(b) of the 1972 Local Government Act, the three councils could agree to form a joint committee. This would mean that there would be a single committee meeting to determine the three planning applications. This would provide benefit to all interested parties as the presentation of information from the applicant, residents, Parish Councils etc would only be made once. As set out under Option 1 above, if the applications are considered separately by each local authority, interested parties such as local residents would have to attend three separate committee meetings.
- 3.9 However, the process for setting up such a committee would be complex, as would the basis upon which the joint committee would make a decision. The composition of the committee would have to be agreed to ensure that there is appropriate representation. Although a joint committee approach does retain some input into the decision-making process (in that each authority would have a number of voting members representing it on the joint committee), compared to the total delegation of Option 2, the applications would then all be determined by a majority of the members on the joint committee, and the final decision on the Winchester application may well therefore be contrary to the wishes of the Winchester Members.
- 3.10 In addition, while the consideration of planning policy set out within the NPPF (National Planning Policy Framework) would provide a consistent basis for decision making, there may equally be local planning policies which respond to issues particular to that local authority area. Accordingly this approach could prove challenging with regards to the joint committee making a clear decision. Similarly, there would be practical difficulties in setting up such a

joint committee within the timescales required for the determination of an application.

Option 4

- 3.11 An informal joint committee approach could be taken, in the same way as has been used to determine planning applications in the West of Waterlooville Major Development Area. Ideally, all three authorities would agree to follow these arrangements, although there would still be benefits if only two of the three decide to take part.
- 3.12 Under this option, the participating authorities would meet together in the same venue. Each Committee would be formally opened (to cover apologies, declarations of interest, etc.) and then adjourned. This would then be followed with an informal meeting, chaired by a nominated Member, which all members from the participating committees would take part in. This session would cover public speaking, officer presentation, questions and answers and (ideally) debate. After this informal session, each committee meeting would be resumed in turn, when a formal decision would be made for the relevant application. At Waterlooville, the informal session has included all the debate, but if one or more authorities consider that the debate element should be contained within a formal committee meeting, the debate could take place within the resumed formal meeting. During the resumed meetings, each Development Control Committee would then consider the information presented and make their decision.
- 3.13 The advantage of this approach is that the developer, residents and all other interested parties would effectively only have to attend one committee meeting. Each council would maintain control over their own decision as it relates specifically to their area. Furthermore, Members of all three committees would hear consistent information and would gain an understanding of the wider context of the applications including views expressed by residents of adjoining areas.
- 3.14 If this option was taken forward there would be a number of details still to resolve including:
- Venue for the meeting;
 - Arrangements for public speaking (given that each council operates slightly different arrangements);
 - Agreement on who would chair the overall meeting;
 - Running order for the meeting.

If Members were to endorse this option, it is proposed that agreement of these details would be delegated to the Head of Planning Management and Head of Legal Services (in consultation with the Chairman of the Planning Development Control Committee) to discuss with the neighbouring authorities.

- 3.15 Members should note that this option can only be used to the extent that the other authorities concur with its use. If one authority did not wish to participate in this way, the remaining authorities could still deal with the applications on the basis of this option, but the non-participating authority would then determine the application at a second, entirely separate, meeting.

4 Conclusions

- 4.1 There are advantages and disadvantages to all four options outlined above. However, overall, officers from the affected authorities consider Option 4 offers the best way forward because it enables each council to retain control of the determination of the application within its area whilst ensuring that members of the public, parish councils, the developer and other interested parties effectively only have to attend one (or possibly two) meetings when all three planning applications will be decided. Even if it is not possible for all three councils to agree this arrangement it would still be desirable for two to follow the joint approach. This model has worked well in the context of the West of Waterlooville Major Development Area where joint meetings have taken place to decide applications submitted in Winchester and Havant.

OTHER CONSIDERATIONS:

5 SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS (RELEVANCE TO):

- 5.1 The Sustainable Community Strategy – High Quality Environment – aims to protect and improve the District’s landscapes and townscapes and seeks to ensure new development is sensitive and appropriate to the local environment. The determination of planning applications is directly relevant to the delivery of these objectives.

6 RESOURCE IMPLICATIONS:

- 6.1 No significant resource implications arising from this report.

7 RISK MANAGEMENT ISSUES

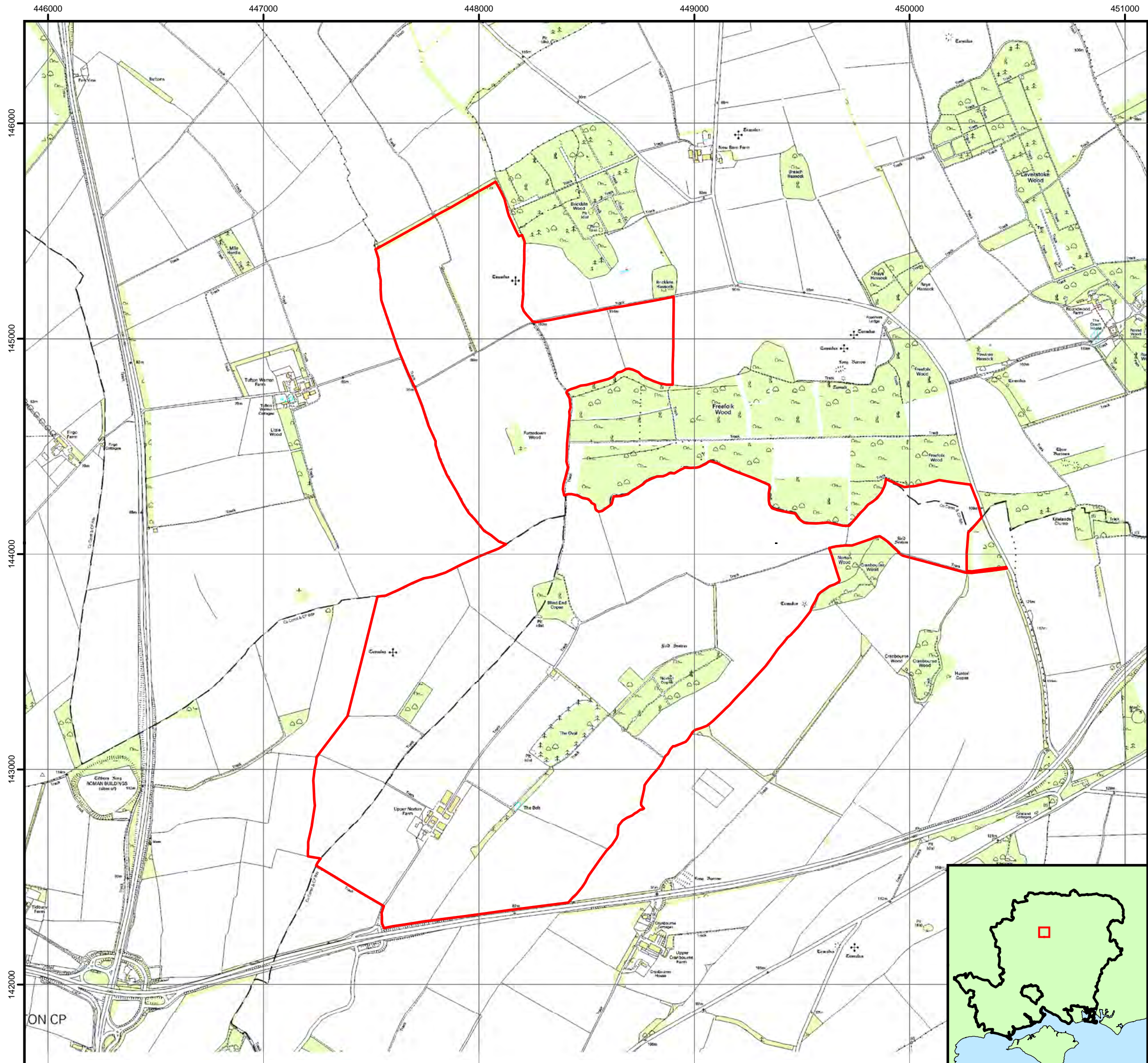
- 7.1 No significant risk management issues arising from this report.

BACKGROUND DOCUMENTS:

None

APPENDICES:

Appendix 1 - Location Plan etc



EDF Energy Renewables Bullington Cross

Figure 1: Site Location

Legend

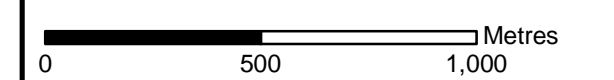
 Proposed Development Area

Figure No. 31096/35802	Date 24/01/2012	Revision 001
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Author JSN	Check DB	Scale @A3 1:17,500
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Data Source Ordnance Survey 1:10,000	Projection System British National Grid
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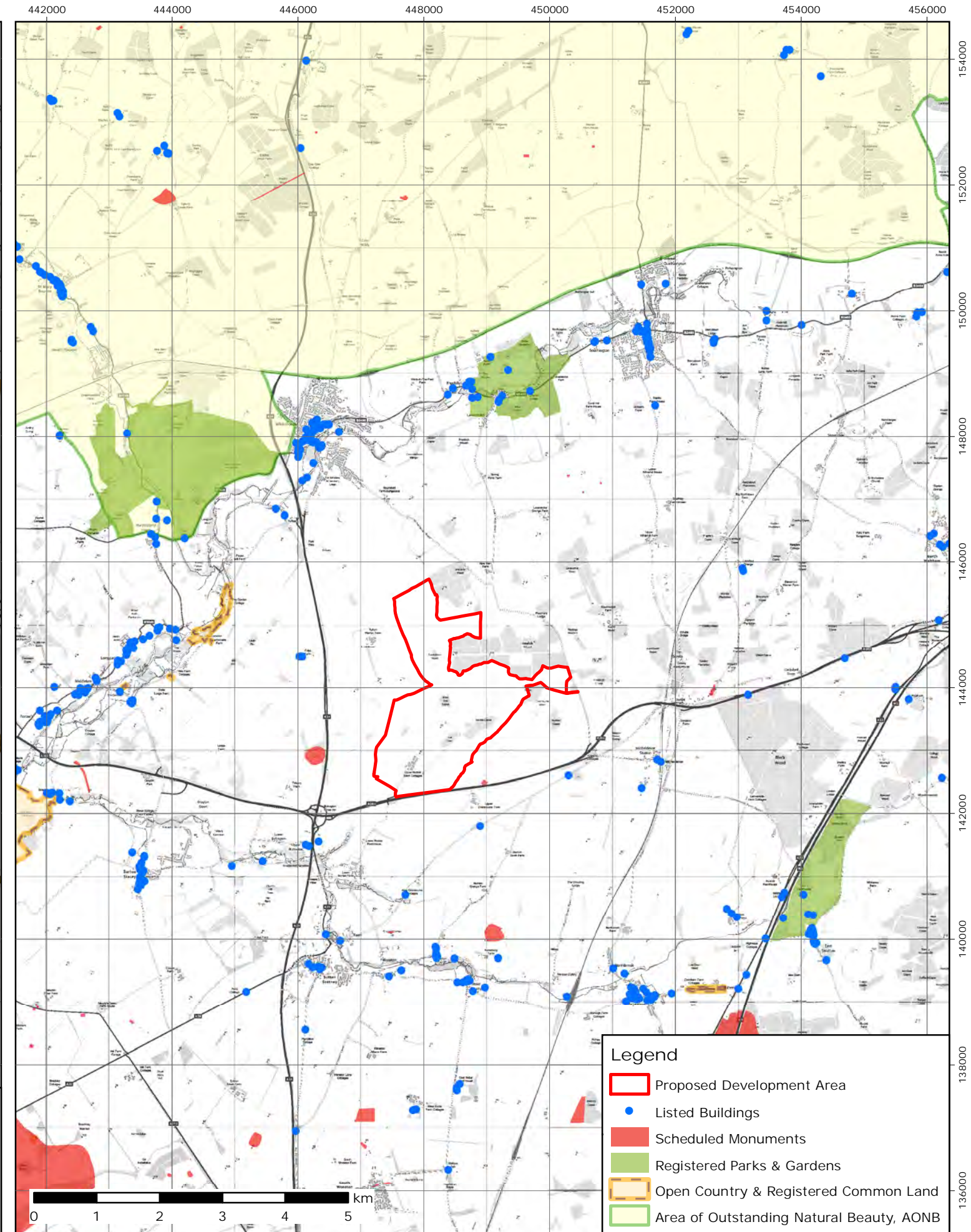
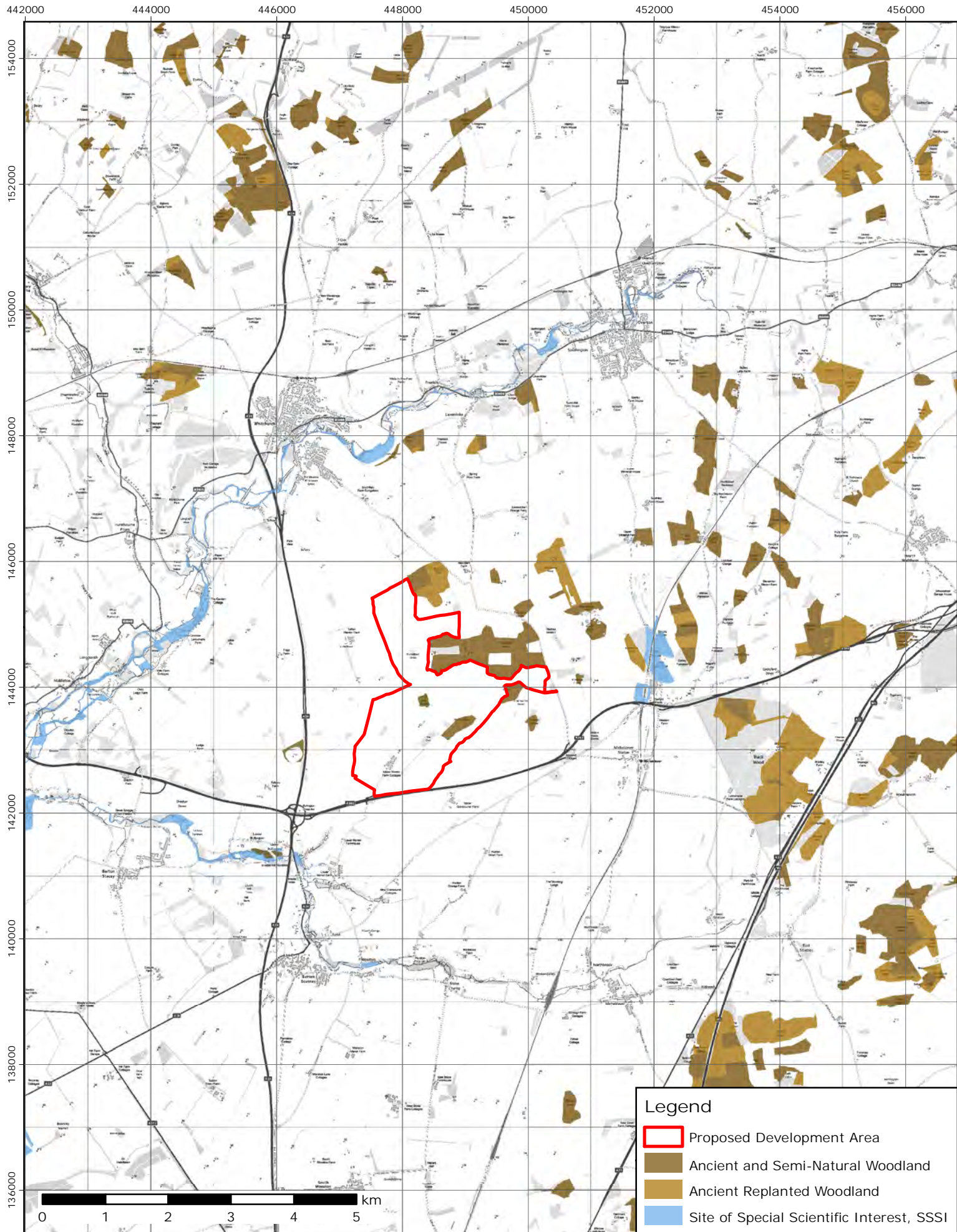


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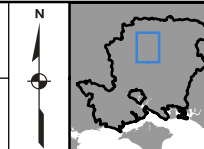
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Figure 2: Designations

Figure No. 31096/35812		Date 31/01/2012
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Data Source
Ordnance Survey
Natural England
English Heritage




Projection System British National Grid	
Datum OSGB36	Spheroid Airy 1830



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Figure 3: National Landscape Designations

Legend

-  Area of Outstanding Natural Beauty, AONB
-  National Parks
-  Development Area

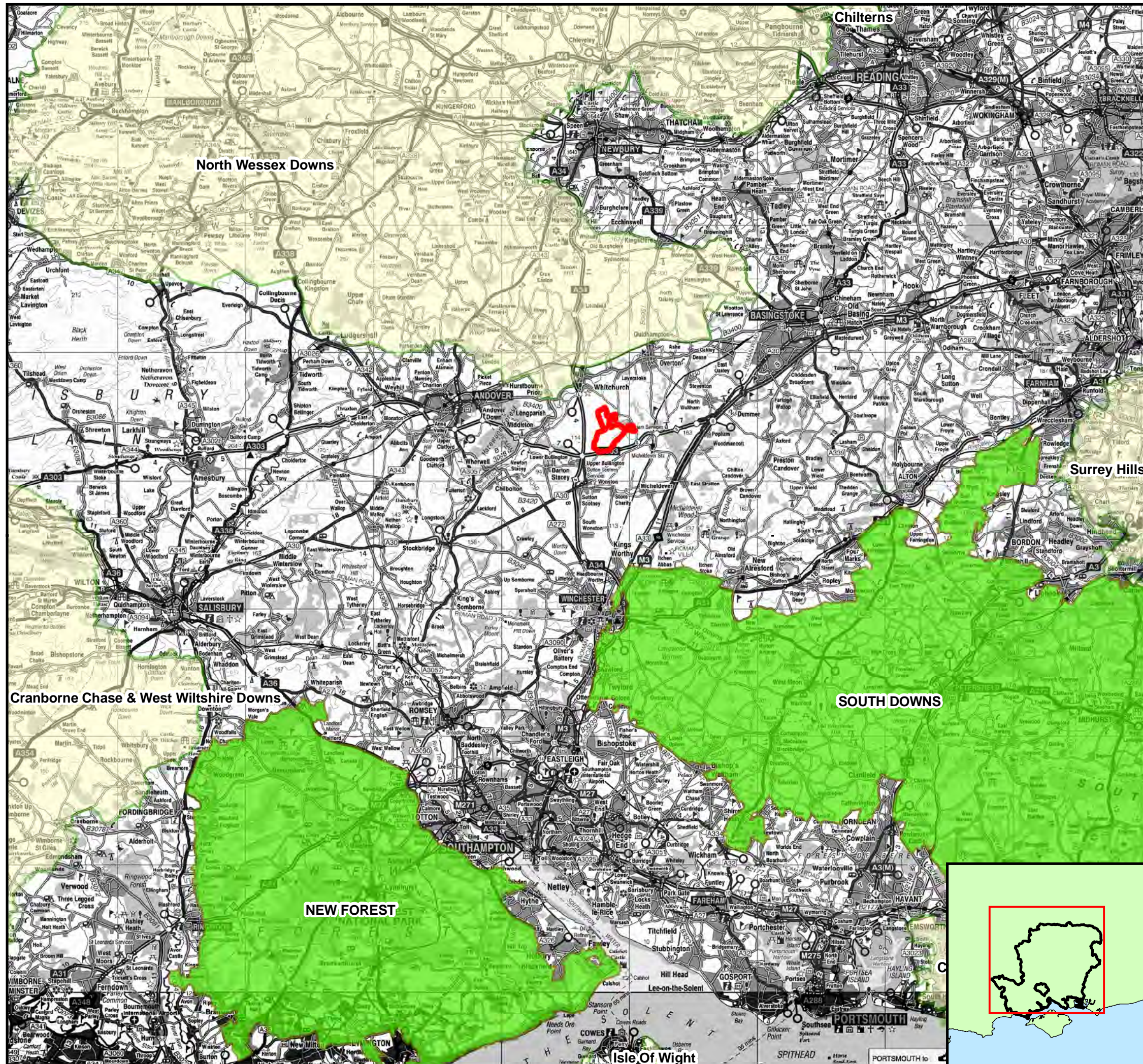
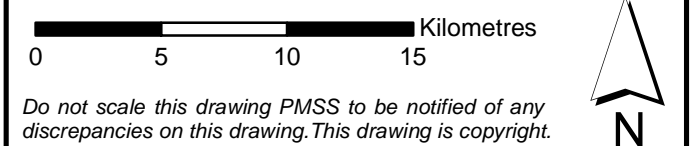


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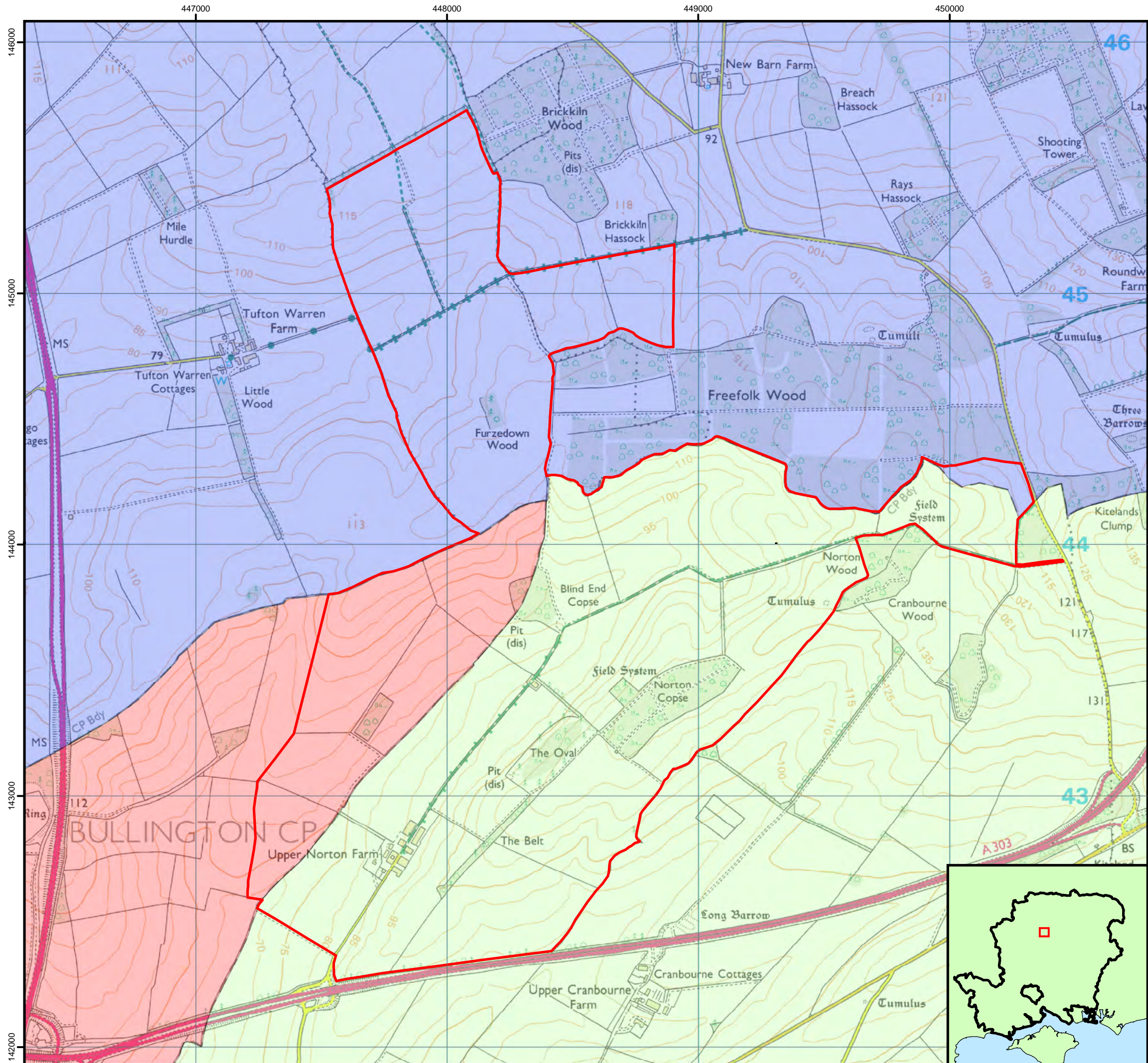


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Figure 4: Local Authority Jurisdiction

Legend

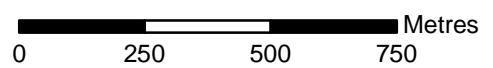
- Proposed Development Area
- Local Planning Authority**
- Basingstoke and Deane Borough Council
- Test Valley Borough Council
- Winchester City Council

Figure No. 31096/35806	Date 20/04/2012	Revision 001
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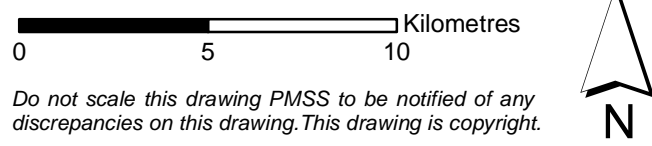
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Figure 5: Aviation

Legend

- Proposed Development Area
- ★ Air Defence Radars
- ★ Met Office Radars
- ✈ CAA AERODROME
- ✈ HELIPORT
- ✈ AIRFIELD/HELIPORT
- ✈ CAA EMERGENCY/DIVERSION AERODROME
- ✈ AIRFIELD
- ⊕ Unknown

Figure No.	Date	Revision
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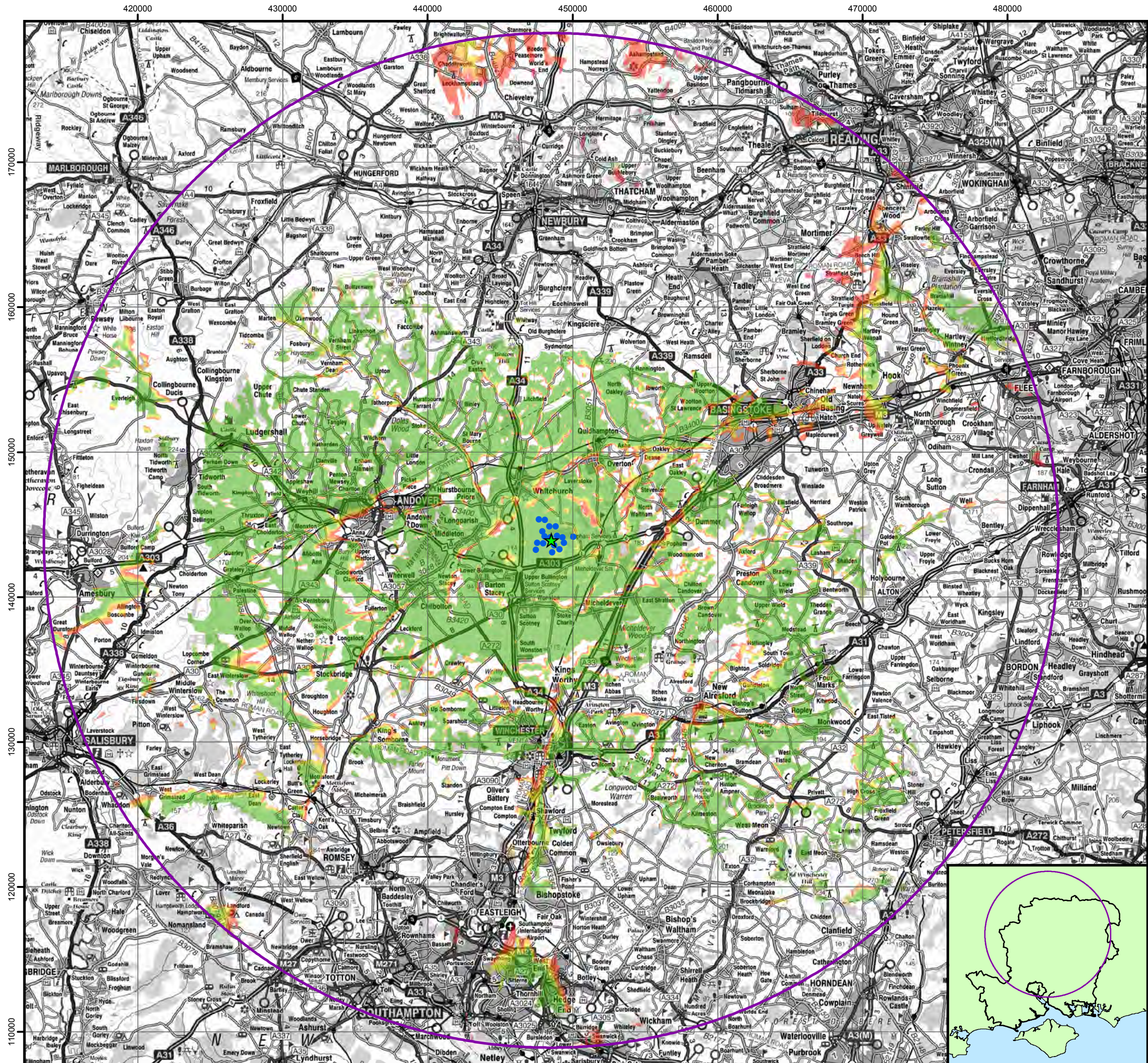


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Figure 6: Zone of Theoretical Visibility

Legend

- Site Centre BNG 448520 143920
- Site Centre 35km Buffer
- WTG - 126.25m Tip Height

Number of WTG's Theoretically Visible

- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17

Figure No. 31096/35820	Date 04/04/2012	Revision 001
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Data Source Ordnance Survey 1:250,000	Projection System British National Grid
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0 5 10 15 Kilometres

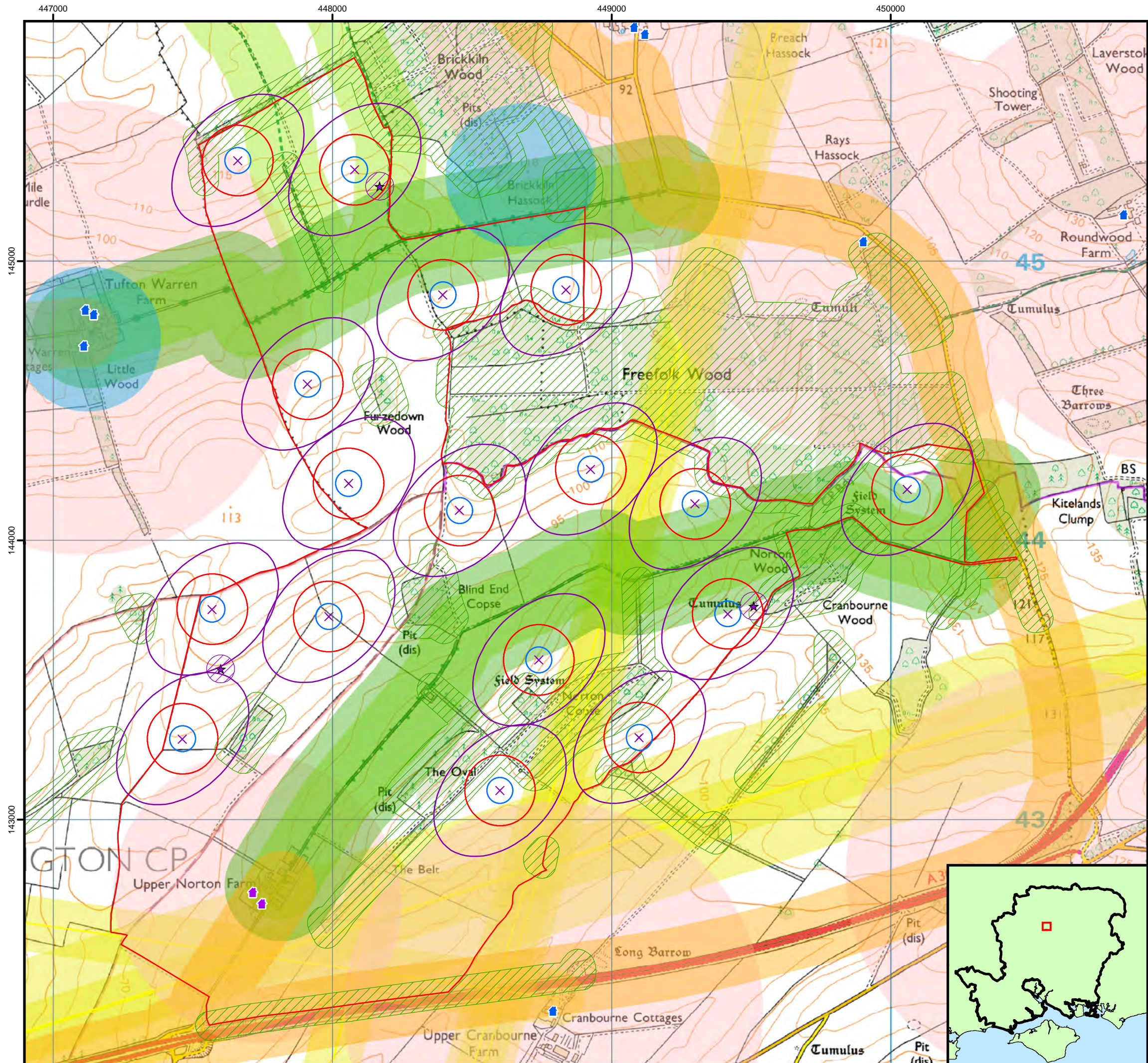
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Figure 7: Scoping Layout & Constraints

Legend

- WTG
- Financial Involved Residence
- Residence
- Antiquity
- Proposed Development Area
- Antiquity 50m Buffer
- Woodland 50m Buffer
- Watercourses 250m Buffer
- Roads 126.25m Buffer
- British Horse Society 200m Buffer
- Public Rights of Way 126.25m Buffer
- Financial Involved Residence 500m Buffer
- Residence 750m Buffer
- Arqiva Link
- Arqiva Link 100m Buffer
- BT Links
- BT Links 100m Buffer
- Cable & Wireless Link
- Cable & Wireless Link 100m Buffer
- Everything Everywhere Ericsson Link
- Everything Everywhere Ericsson 200m Buffer
- MLL Telecom Links
- MLL Telecom Links 250m Buffer
- Orange Link
- Orange Link 100m Buffer
- Vodafone Links
- Vodafone Links 100m Buffer
- Winchester City Council
- Basingstoke and Deane Borough Council
- Test Valley Borough Council

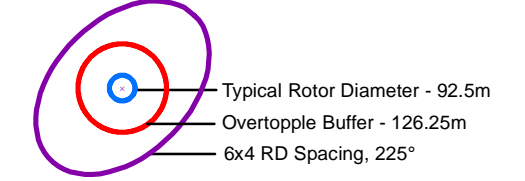


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0 250 500 750 Metres

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