



DM.12 11/12

Development Management
Committee

21 September 2011

**Subject: Publicity procedures for development proposals received by
West Lindsey for wind farms**

Report by:

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Purpose / Summary:

To consider and agree the publicity for applications for wind farms of a certain scale that are likely to have an impact on a wider area than immediately neighbouring properties

RECOMMENDATION(S):

A. That planning applications submitted to West Lindsey District Council for wind farms meeting the criteria detailed in section 3 of this report are publicised in accordance with the methodology detailed in the same said section.

IMPLICATIONS

Legal: No specific legal implications arising from this report

Financial :

None arising from this report.

Staffing :

None arising from this report.

Equality and Diversity including Human Rights :

Risk Assessment :

None arising from this report.

Climate Related Risks and Opportunities :

None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:

The Town and Country Planning (Development Management Procedure) (England) Order 2010 accessed at:-

<http://www.legislation.gov.uk/ukxi/2010/2184/contents/made>

Call in and Urgency:

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

Yes

No

Key Decision:

Yes

No

1 Introduction

- 1.1 The Council are receiving an increasing number of pre-development enquiries for wind turbines, including single installations for farms and other rural enterprises as well as off-grid residential development and much larger scale commercial wind farms. As a result, it is likely that the Council will receive formal planning applications for many of these proposals. The Council also receives consultations from neighbouring authorities such as Bassetlaw DC for large scale commercial wind farms and from the Infrastructure Planning Commission (IPC) for the largest wind farm proposals such as the off-shore developments.
- 1.2 Currently, the minimum requirements for publicising applications are generally provided by The Town and Country Planning (Development Management Procedure) (England) Order 2010.

This requires that:-

- (i) a site notice is displayed in at least one place on or near the land to which the application relates for not less than 21 days, or
- (ii) notice is served on any adjoining owner or occupier.

Major applications and those affecting a public right of way, within a designated conservation area, or affecting the setting of a listed building require additional publicity in the form of a press notice as do applications accompanied by an Environmental Statement.

In practice this Council will use its discretion and consult above and beyond these minimum requirements but there is no formal methodology for setting the level of publicity for any application other than that set out in the Procedure Order and the Planning Acts.

- 1.3 Members may note that that officers currently encourage developers to consult and engage with the community and parish councils at the preapplication stage.

2. Issues

- 2.1 The largest developments, including all of those that the Council are consulted on by the IPC and neighbouring authorities, have the potential to have significant impacts over a wide area. Turbines, due to their height, have the specific potential to be seen from distances of over 30km.
- 2.2 West Lindsey District Council is committed to ensuring that local communities and individuals are notified about such applications which affect the areas where they live, work and pursue leisure pursuits and

therefore it is considered that the publicity for turbine proposals needs to be broadened to respond to the issue highlighted in paragraph 2.1.

3. Recommended changes

3.1 For planning applications submitted to the Council (excluding IPC and neighbouring authority consultations) comprising:-

- (i) A Horizontal axis turbine where the hub height is 50m or higher above the level of the ground upon which the turbine is erected, or;
- (ii) A Vertical axis turbines in excess of 50m in height above the level of the ground upon which the turbine is erected, or;
- (iii) Any development of three or more turbines where all of the turbines proposed exceed a hub height of 35m in height for a horizontal axis turbine or 35m overall height for a vertical axis turbine;

the publicity will be as follows:-

- a. In addition to the Parish Council within which the development is proposed, neighbouring parishes sharing a common boundary with this parish will also be consulted.
- b. All residential and business properties with a postal address within 2km radius of the base of the nearest turbine will be consulted.
- c. Site notices will be posted on public highways and rights of way within 2km of the site in key vantage points within each quadrant surrounding the site.
- d. All Parish Councils consulted on such planning applications will be offered a visit from a member of the Development Management Team (usually the planning case officer) to provide advice on the planning process and the relevant issues in relation to such applications. This Officer to be the main point of contact for Parish Councils on such proposals and will contact the Parish Councils within 10 working days from the date of the first consultation.
- e. Where health and safety and technology permits, the meeting of the Development Management Committee considering such applications will be held in the community most affected by the proposed development.

3.2 For planning applications submitted to the Council for turbines less than the parameters detailed above, additional public consultation above the statutory requirement will be carried out at the discretion of the Council's Planning & Development Services Team Leader or Development Management Team Leader dependant upon the number and height of the turbines proposed.

3.3 For consultations from any neighbouring planning authority for:-

(i) A Horizontal axis turbine where the hub height is 50m or higher above the level of the ground upon which the turbine is erected, or;

(ii) A Vertical axis turbines in excess of 50m in height above the level of the ground upon which the turbine is erected, or;

(iii) Any development of three or more turbines where all of the turbines proposed exceed a hub height of 35m in height for a horizontal axis turbine or 35m overall height for a vertical axis turbine;

the publicity will be as follows:-

- a. Ward member(s) of the West Lindsey ward nearest the application site notified electronically within 5 working days of the receipt of the consultation from the neighbouring authority inviting them to make comments direct to the determining authority.
- b. The parish council within West Lindsey nearest to the application site notified electronically within five working days of the receipt of the consultation from the neighbouring authority inviting them to make comments direct to the determining authority.
- c. Consultation with residential and business properties within West Lindsey to be at the discretion of the case officer in consultation with determining authority.

3.4 For consultations for formal applications for any turbine development from the Infrastructure Planning Commission.

- a. Ward member(s) of the West Lindsey ward within the ward which the proposal is located or the nearest ward to the application site if it is outside of West Lindsey notified electronically within five working days of the receipt of the consultation from the IPC inviting them to make comments direct to the IPC.

- b. The parish council within which the proposal is located or the nearest to the application site if it sits outside of West Lindsey to be notified electronically within five working days of the receipt of the consultation from the IPC inviting them to make comments direct to the IPC.
- c. Consultation with residential and business properties within West Lindsey to be at the discretion of the case officer in consultation with the IPC.

N.B. Members should note the separate regulations governing the IPC's handling of such applications and that the proposals are all likely to be of a scale that will affect West Lindsey if the IPC have consulted us on them.

4. Implications

- 4.1 There will be no additional costs in publicising applications within the press, as this is already carried out.

Parish Councils are consulted electronically and therefore the costs associated with the neighbouring parish council consultations will be negligible.

There will be additional postal consultations to residents, with associated cost. However, the projected number of proposals affected by the thresholds prescribed in this report is relatively small and the benefit of direct community engagement is considered to outweigh the cost.

There are potential costs of holding the Planning Committee in a venue away from Gainsborough Guildhall, but again the benefit of direct community engagement is considered to outweigh the cost.

- 4.2 Other types of development could be identified by the community which it is considered should be the subject of similar extended publicity requirements. However, turbine applications are particularly unique in terms of their scale and effect. Furthermore, should other types of development be suggested, then a paper can be brought to this Committee for members consideration at a later date.

5. Conclusions and recommendations

- 5.1 The changes detailed in section 3 are considered to be necessary so that the level of publicity is more commensurate in scale and nature to the area most likely to be affected by the development.