



PL.03 12/13
Planning Committee
Date 27 <sup>th</sup> June 2012

**Subject: Procedures for publicity and for speaking at Planning Committees for planning applications for wind turbines and wind farms.**

Report by:

Director of Regeneration and Planning

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Purpose / Summary:

This report relates to increasing the degree of publicity undertaken by the Council and increasing the time afforded to supporters, objectors and parish councils when addressing the Planning Committee during items for the determination of planning applications for the larger wind turbine and wind farm developments.

**RECOMMENDATION(S):**

**A. That planning applications submitted to West Lindsey District Council for wind turbine and wind farm applications meeting the criteria detailed in section 5 of this report are publicised in accordance with the methodology detailed in the same said section.**

**B. That the Planning Committee convenes for special meetings for consideration of applications that meet the criteria detailed in section 5 of this report, at a venue near to the application site where practicable to do so and that only that application is considered at that meeting.**

**C. That the total time periods afforded to all supporters, all objectors and parish councils for addressing the Planning Committee for planning applications for determination relating to wind turbine and wind farm**

**developments in excess of the thresholds contained within this report (section 5) are increased from 5 minutes for each group to 15 minutes for each group.**

## **IMPLICATIONS**

**Legal:** None arising from this report.

**Financial :** None arising from this report.

**Staffing :** None arising from this report.

**Equality and Diversity including Human Rights :** The planning applications will be considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these 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:**

Current public speaking arrangements are explained in leaflet accessed via the following link:-

<http://www.west-lindsey.gov.uk/your-council/have-your-say/public-speaking-at-meetings/>

The publicity requirements for larger wind turbine and wind farm planning applications agreed by councillors at the September 2011 meeting of the Development Management Committee

<http://www.west-lindsey.gov.uk/your-council/decision-making-and-council-meetings/meetings-agendas-minutes-and-reports/committee-information-post-april-2011/development-management-committee/development-management-committee-reports/development-management-committe/107041.article>

**Call in and Urgency:**

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

Yes  No

**Key Decision:**

Yes  No

**1. Executive Summary**

1.1 This report relates to the Council's response to the interest that has been generated for development proposals for wind turbine and wind farms. The height and resultant visibility of the largest of these examples of these developments means that the geographical area of impact is uniquely wide. This results in the potential for a significant number of people across a wide geographical area to be affected and a considerable number of people making representations to the Council. In turn, this results in the potential for a number of people wishing to address this Committee as well as more than one parish council. This report recommends changes to the Council's arrangements to respond to this issue.

**2. Background and Issues**

2.1 The Council are receiving an increasing number of pre-development enquiries and formal planning applications 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. It is anticipated that two applications for wind farms could be submitted to the Council for determination this year. 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.

2.2 Members may recall that a paper relating to the publicity requirements for larger wind turbine and wind farm applications was reported to the September 2011 meeting of the Development Management Committee. Members agreed with the officer's recommendation that enhanced publicity was required for these type of developments due to their unique characteristics. Specific height and number thresholds for such applications were agreed, above which the enhanced publicity arrangements were agreed. There was also agreement to hold meetings of the Development Management Committee near to the application sites where practicable.

- 2.3 A further report was considered by members at the meeting of the Committee on 2<sup>nd</sup> May this year. Members resolved to defer consideration of that report and specifically request that a consolidated report combining the arrangements for publicity and speaking at Committee was brought back before them so both procedures could be considered together.

### **3. Current procedures.**

- 3.1 The minimum legal 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 except for the previously agreed arrangements for larger turbines. The arrangements agreed in September 2011 are as follows:-

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. 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.

- 3.2 Members also previously agreed that, where health and safety and technology permits, the meeting of the Development Management Committee convened specifically to consider such applications will be held at the nearest suitable venue to the community most affected by the proposed development.
- 3.3 Similar arrangements were agreed when the Council are notified of applications within neighbouring authorities for larger turbine proposals or from the Planning Inspectorate for turbine proposals that constitute nationally significant infrastructure projects.
- 3.4 With regards to addressing Committee, there is currently a time limit of five minutes for all supporters and five minutes for all objectors. There is an encouragement for people to get together and arrange a single spokesperson where more than one person wishes to speak in each category. A maximum of three speakers are allowed in each category, sharing the time equally, if agreement cannot be reached. If more than three persons still wishes to speak, time will be allocated on the basis of the first three who have been registered with the Committee Administration team.

#### **4. Discussion**

- 4.1 The Council receive many major applications per year for developments ranging from new housing schemes, holiday accommodation, intensive livestock units, water treatment works to new factories. Many of these generate significant levels of interest and, in some cases representations from more than one parish council. However, the larger wind turbine and wind farm development are considered to be unique in their characteristics by virtue of the uniformly high levels of public interest they generate and their wide area of potential visual impact. This is mainly due to their height, use of modern materials and rotating action. In turn, this results in the potential for a number of people wishing to address this Committee as well as more than one parish council
- This paper is not seeking to pass judgment on the merits or otherwise of such developments, but is proposing recognition that the minimum legal requirements for publicity, current Planning Committee meeting

arrangements and procedures for speaking at Committee do not adequately respond to this issue.

## **5. Proposal**

### **5.1 For planning applications submitted to the Council 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. 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.

#### **the meeting of the Planning Committee will be:-**

e. convened specifically to consider such applications if practicable to do so and will be held at the nearest suitable venue to the community most affected by the proposed development, again if it is practicable to do so.

**the public speaking periods at the Planning Committee will be as follows:-**

f. a total time limit of 15 (fifteen) minutes for all supporters, a total time limit of 15 (fifteen) minutes for all objectors and a total of 15 (fifteen) minutes for all parish councils. A maximum of three speakers will be allowed in each category, sharing the time equally, if agreement cannot be reached. If more than three still wish to speak, time will be allocated on the basis of the first three who registered with the Committee Administration Team.

g. A further period of time will be permitted for the following categories; ward councillors, neighbouring ward councillors, County councillors and Members of Parliament who wish to address Committee. The time limit for these speakers will be at the discretion of the Chair of the Planning Committee.

**5.2 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.

**5.3 For consultations for formal applications for any turbine developments from the Planning Inspectorate that constitute nationally significant infrastructure projects (planning applications NOT appeals) the publicity will be as follows:-**

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 council of the parish within which the development is sited or the nearest parish council if the site is outside of West Lindsey to be notified electronically within 5 (five) working days of the receipt of the consultation from the Planning Inspectorate.

## **6. Implications**

- 6.1 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.
- 6.2 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.
- 6.3 Members may wish to consider revising the resolution to incorporate other categories of development if it is considered that similar extended public speaking arrangements should apply. However, it is considered that, due to their height and rotating action, the larger turbine and wind farm applications can be uniquely identified as being different to other categories.
- 6.4 The length of time of Development Management Committees has the potential to be extended with a resultant cost to the Council. However, given that most Development Management Committees last for 2 to 4 hours, the addition extra time for speaking is not considered to be significant (officers do not envisage more than one larger wind turbine or wind farm applications being reported to each Committee meeting).
- 6.5 Finally , it is considered that the increased time period will demonstrate that the council takes such proposals very seriously and has responded to the interest that is commonly shown.



**7. Conclusions and recommendations**

- 6.1 The changes detailed in section 4 are considered to be necessary so that the level of public speaking is more commensurate in scale and nature to the interest generated in these developments.