



PL.02 14/15
Planning Committee
Date 28 May 2014

Subject: Nocton Fen Windfarm, North Kesteven District Council

Report by:	Chief Operating Officer
Contact Officer:	Zoe Raygen Acting Area Team Manager 01427 676673 Zoe.raygen@west-lindsey.gov.uk
Purpose / Summary:	To advise the Planning Committee of the timetable and procedure for the application for a wind farm at Nocton Fen, North Kesteven and how it impacts on the communities of West Lindsey and WLDC.

RECOMMENDATION(S):

1. That Members recognise the national process that this application has to go through.
2. That Members endorse a joint officer working group for the project with NKDC and City of Lincoln Council.
3. That Members agree to a joint procurement exercise for external consultants to work on the project on behalf of NKDC and City of Lincoln Council. There will be no cost to WLDC as the developer will be paying for this support.
4. That Members identify further parishes eg Fiskerton, Cherry Willingham, Reepham and any others where Vattenfall should carry out community consultation.

IMPLICATIONS

Legal: Legal Lincolnshire has been involved in the officer working group.

Financial : Procurement Lincolnshire will be involved in the process to procure professional and technical expertise. There will be no financial cost to WLDC.

Staffing :

Equality and Diversity including Human Rights :

The application will be accompanied by a Statement of Community Consultation prepared in association with Communications Officers within the Councils detailing how all members of the community have been included in the process including difficult to reach groups

Risk Assessment : The application and pre application will follow a statutory process and West Lindsey District Council acts as a consultee within that process. It is important that the deadlines are met and this will have an impact on existing resources. This will be addressed through the procurement of professional and technical input managed by a joint officer working group.

Climate Related Risks and Opportunities : N/a

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

National Planning Policy Framework <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Policy Guidance
<http://planningguidance.planningportal.gov.uk/>

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1. Introduction

- 1.1 Members may be aware of the proposal to erect up to 23 wind turbines of up to 150 metre height, with associated infrastructure at Nocton Fen within North Kesteven District Council. The proposal is being put forward by Vattenfall and the site has the capacity to accommodate over 50 Mw of generating capacity.
- 1.2 Under the Planning Act 2008 (as amended by the Localism Act 2011) guidance is provided on which planning applications are to be submitted to the Planning Inspectorate as a Nationally Significant Infrastructure Project (NSIP). In order to be a NSIP an onshore wind generating station must be in England or Wales and it must be 50MW or above. Due to the size of this proposal it is therefore deemed to be a NSIP and the planning application will be submitted to and determined by the Planning Inspectorate with the relevant Local Authorities acting as a consultee.
- 1.3 The wind turbines will be erected within the authority of NKDC, but it is likely that infrastructure may be on land within WLDC and Lincoln City Council. The turbines will also have an impact on residents of WLDC.

2. Process

- 2.1 The process for the determination of the application is laid down through regulation and can be summarised as follows:

1. Mail drop to inform people about Vattenfall's interest in Nocton Fen Q4 2013 (October/November)
Public engagement events for the community to meet the Vattenfall team, discuss their issues and help shape our research (November)
Notify PINS informally of proposed application on or before commencement of consultation (November)

2.	EIA Scoping (PINS has 42 days to respond; it gives consultees 28 days to respond) and notification to PINS of application under Reg 6 of EIA Regs Habitats Regulations Assessment – "scoping" of information required as part of EIA scoping.	Q2 2014
3.	SoCC consultation: Consult host authorities (both district and county) as to the content of the statement of community consultation (SoCC). Local authority has a maximum of 28 days (plus one day) to respond	Q2 2014
4.	Finalise and publish SoCC. Regard must be had to any responses from the local authorities and the SoCC must be published in a local newspaper.	Q3 2014
5.	Section 48 notices publicising the proposed application to be published in one or more local newspapers for at least two successive weeks and once in national newspaper and the London Gazette. The deadline for responses to the publicity must be at least 28 days from the date the notice is last published. Section 48 notice also to be sent to consultation bodies	Q4 2014
6.	Carry out community consultation in accordance with Statement of Community Consultation. A deadline will be set for consultation responses. Section 42 technical consultation: with statutory consultees (Schedule 1 of Application Regulations), local authorities, and those with an interest in the land	Q3 – Q4 2014
7.	Section 46 notification to PINS of consultation	Q1 2015
8.	Responses to consultation and publicity to be considered	Q2 2015
9.	Formal application to PINS	Q3 2015
10.	PINS acceptance: PINS has 28 days to accept or decline application (section 55(2))	Q4 2015
11.	Notification of acceptance: Applicant to notify interested parties of acceptance of application, giving them 28 days to register objections with PINS (section 56)	Q4 2015
12.	Publicise acceptance of application by PINS (section 56(7)). Certify compliance to PINS	Q1 2016
13.	Initial consideration of issues by Examining Authority (ExA) (21 days maximum from end of period allowed for responses to publication of acceptance of application) (Infrastructure Planning (Examination Procedures) Rules 2010, Rule 5)	Q4 2015- Q1 2016
14.	Preliminary meeting, setting timetable for examination and process by which application will be determined	Q1 2016
15.	Examination of application (6 months maximum, subject to power of ExA to extend deadline) (section 98(1))	Q1 2016 – Q3 2016
16.	ExA recommendation: ExA has 3 months from conclusion of examination to make its recommendation (section 107(1))	Q4 2016
17.	Secretary of State's decision He must give reasons for grant or refusal	Q1 2017

2.2 You will see that this is a lengthy process and the formal application is not programmed to be submitted until the end of 2015. Prior to that the applicant is working on the Statement of Community Consultation and engaging with the local communities involved. At the same time the applicant is scoping the application and the Environmental Impact assessment.

2.3 This initial work is currently being undertaken by Vattenfall and your officers have been meeting with officers of North Kesteven District Council to co-ordinate and project plan the responses to date.

2.4 You will see from the programme of events that the Local Authority has a formal right of response to the Statement of Community Consultation

(programmed by Vattenfall in Q2 2014) and following the initial submission of the application to the Planning Inspectorate (programmed by Vattenfall for Q3 2015).

2.5 Clearly the project has a resource implication as Vattenfall require advice from the Local Authorities about the scope of the information to be submitted with the application and then the application itself will need to be assessed in order to enable the Local Authorities involved to formulate a response to the Planning Inspectorate.

2.6 With this in mind Officers have sought to include some form of financial support to prepare and provide the required information through the drafting of the Planning Performance Agreement which will guide the process. Vattenfall has indicated that they are prepared to fund the following:

- Local Authorities' reasonable costs incurred with the appointment of external consultants;
- Local Authorities' reasonable internal costs incurred with the completion of the deliverables; and
- Local Authorities' reasonable internal costs incurred with the scoping, review and comment of application documents.

2.7 Bearing this in mind therefore it is suggested that the best way forward is to procure a multi-disciplinary agency who can act on behalf of the authorities through Procurement Lincolnshire. As both WLDC and NKDC would have to procure the same work it is considered reasonable to work together and jointly procure the consultants.

2.8 In engaging the local communities Vattenfall has centred on Bardney within WLDC. Your opinion is sought as to whether you consider this to be sufficient or require further consultation for example with Fiskerton, Cherry Willingham and any other community in the area.

Conclusion

The report seeks to advise members of the procedure for this large major project which is happening at Nocton Fen, North Kesteven, bordering West Lindsey. The process is still at the very early stages and officers are working with colleagues at NKDC to progress the matter in a timely fashion. Given the scale of the proposals it is recommended that external consultants are procured to undertake the work guided by Officers of WLDC, NKDC and Lincolnshire County Council as Highway Authority.

Recommendations

1. That Members recognise the national process that this application has to go through.

2. That Members endorse a joint officer working group for the project with NKDC and City of Lincoln Council.
3. That Members agree to a joint procurement exercise for external consultants to work on the project on behalf of NKDC and City of Lincoln Council. There will be no cost to WLDC as the developer will be paying for this support.
4. That Members identify further parishes eg Fiskerton, Cherry Willingham, Reepham and any others where Vattenfall should carry out community consultation.