

URGENT ITEM		REPORT No. 262/2014	
Reason for urgency	Early referral to the Secretary of State is necessary to avoid potential for legal challenge, wasted resources and to provide clarity regarding the application process.		
Application:	2014/1003/MAJ & 2014/1004/MAJ	ITEM 1	
Proposal:	Construction of Wind Farm and Solar Farm		
Address:	Former Woolfox Airfield and adjacent land to the north of Woolfox Depot		
Applicant:	RES	Parish	Stretton, Clipsham, Pickworth, Greetham, Empingham
Agent:		Ward	Normanton, Greetham
Reason for presenting to Committee:	Members' authority required to request a direction from the Secretary of State		
Date of Committee:	11 th November 2014		

EXECUTIVE SUMMARY

This report seeks the authority to request a determination from the Secretary of State for Communities and Local Government as to whether 2 planning applications are a Nationally Significant Infrastructure Project.

The applications were received on the 4th November, and are being reported as an urgent item so that the Secretary of State is contacted at the earliest possible stage within the application process.

RECOMMENDATION

That the Secretary of State is requested to determine whether or not the applications are to be considered a Nationally Significant Infrastructure Project.

Proposal

1. Two planning applications have been submitted by the applicant, one for a solar farm, and one for a wind farm. The applications are both located on land comprising and adjacent to the former Woolfox airfield to the east of the A1.
2. The combined capacity of the wind and solar elements proposed on the site exceeds 50MW, however if taken individually they are each below this level.

Determination Route

3. Planning legislation identifies that certain projects may be of greater than local significance, and thresholds are established for various types of development. These are referred to as 'Nationally Significant Infrastructure Projects (NSIP's). For development of the type proposed, the threshold is 50MW.

4. If an application exceeds these thresholds and is classed as an NSIP, then rather than gaining planning permission from the Local Planning Authority, the applicant must submit an application for 'Development Consent' to the Planning Inspectorate.
5. In such a situation, the Local Planning Authority becomes a consultee to the application process, and has the opportunity to make their case to the Planning Inspectorate in similar fashion to that during an appeal against a refusal to grant planning permission.
6. The Planning Inspectorate then make a recommendation to the Secretary of State, who determines the application.
7. In the case of the two applications that are the subject of this report, if they are taken to be a single 'generating station', then they would qualify as a Nationally Significant Infrastructure Project. Taken as two 'generating stations', as is the applicant's contention, then they would fall to be determined at the local level.
8. There is no statutory definition of what constitutes a generating station, and despite contact between the Local Planning Authority, the Planning Inspectorate and the applicant no clear conclusion has been reached.

Assessment

9. If the request for determination from the Secretary of State is not made, and the applications are processed at the local level, then any decision made at the end of that process would be open to legal challenge.
10. Proceeding with the application without the determination of the Secretary of State could lead to a substantial waste of RCC resources and expenditure if the project is later found to require development consent rather than planning permission.
11. An early referral to the Secretary of State and their determination is necessary to provide clarity to both RCC and the local community regarding the correct determination route for the applications.