Dear Councillor

Pennines Township Planning Sub Committee

Please find attached an additional item of business to be considered at the Pennines Township Planning Sub Committee on Wednesday 25th June 2014 commencing at 6.15pm – Scout Moor Wind Farm: Delegated Powers for Upcoming Consultation (Agenda Item 5)

Yours Faithfully

Linda Fisher
Deputy Chief Executive

Pennines Township Planning Sub Committee Membership 2014/15
Councillor Allen Brett
Councillor Robert Clegg
Councillor Janet Darnbrough
Councillor Janet Emsley
Councillor John Hartley
Councillor Amna Mir
Councillor Martin Rodgers
Councillor Ann Stott JP
Apologies for Absence

5. Scout Moor Wind Farm: Delegated Powers for Upcoming Consultation  1 - 11
Subject: Scout Moor Wind Farm: Delegated Powers for Upcoming Consultation

Status: Publication

Report to: Rochdale Township Planning Sub Committee.

Date: Monday, 23 June 2014

Pennines Township Planning Sub Committee

Wednesday 25th June 2014

Cabinet Member: Cabinet Member for Public Health and Regulation

Report of: Director - Economy & Environment

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Comments from Statutory Officers:

Key Decision:

1 Purpose of Report

1.1 To inform Members of the current position with regard to the Nationally Significant Infrastructure Project (NSIP) proposals to expand the Scout Moor wind farm, the process by which the Development Consent Order (DCO) application will be submitted to the National Infrastructure Directorate (NID) to be determined by the Secretary of State; and the likely timescales.

1.2 To inform Members that, rather than being the determining authority, under Section 42 of the Planning Act 2008 the Council is a statutory consultee on a Development Consent Order application.

1.3 To advise Members that the developers intend to carry out ‘Stage 2’ of their consultation on the Scout Moor wind farm proposals imminently (Stage 1 being carried out in 2012) and that the Council is required, if it is to respond to the consultation, to do so on or before 14 August 2014.

1.4 To inform Members that the more recent provisions imposed through the Development Consent Order application procedure are not currently covered within the Council’s Planning Scheme of Delegation and that amendments to the Scheme of Delegation to take account of these legal amendments will be brought before Members as part of the Constitutional Review in due course. However, more immediately a situation involving a major development proposal is going to be upon the Council, whereby it will have the opportunity to have significant input into the proposals.

1.5 To advise Members that given the above, authorisation will be sought from the
Licensing and Regulatory Committee for Officers to take decisions of a technical and administrative nature as may be required in order to support a full and robust response from the Council to the ‘Stage 2’ consultation from the developer.

1.6 To advise Members that authorisation will be sought from the Licensing and Regulatory Committee at its meeting on 7 July 2014 for a report to be presented to the Chairs and Vice Chairs (or nominated substitutes) of each of the affected Township Planning Sub Committees of Rochdale, Pennines and Heywood for their comments and then subsequently the full Licensing and Regulatory Committee for approval; which will form the basis of the Council’s consultation response under Section 42 of the Planning Act 2008.

1.7 That Members note that it is intended, given the short timescales involved and the existing calendar of meetings, and with the agreement of Committee Services, to set up a separate meeting for Chairs and Vice Chairs of the relevant Township Planning Sub Committees so that they may provide their comments for the Licensing and Regulatory Committee. This meeting is likely to be in the week of 4 August prior to Licensing and Regulatory Committee on 11 August 2014.

1.8 To seek Members’ comments on the above.

2 Recommendations

2.1 That Members of the Township Planning Sub Committees recommend to the Licensing and Regulatory Committee that authorisation be given for Officers to take decisions of a technical and administrative nature as may be required in order to support a full and robust response from the Council to the ‘Stage 2’ consultation from the project promoter.

2.2 That Members of the Township Planning Sub Committees recommend to the Licensing and Regulatory Committee that authorisation be given for a report to be presented to the Chairs and Vice Chairs (or nominated substitutes) of each of the Township Planning Sub Committees of Rochdale, Pennines and Heywood for their comments and then subsequently the full Licensing and Regulatory Committee for approval. This will form the basis of the Council’s consultation response under Section 42 of the Planning Act 2008.

2.3 To note that the Council is not the determining authority for a Development Consent Order application, but does within certain legal parameters and timescales have to be consulted and thereby has the opportunity to have significant input into the application, which will have an impact on substantial parts of the Borough if the application is granted.

2.4 To note that there will be other opportunities for the Council to input into and comment on the proposals for the Scout Moor Wind farm expansion, not least through the production of a Local Impact Report which will comprise the Council’s main response to the proposals, which is submitted directly to the National Infrastructure Directorate and which will be put before the relevant Township Planning Sub Committees for comments and the Licensing and Regulatory Committee for approval in the same manner as a major planning application proposal which would be determined by the Council.

Reason for recommendation

2.5 The Council has been notified by Peel Energy (Scout Moor Wind Farm Expansion Limited, which is a subsidiary created for the purposes of this proposed application) of
its previously stated intention to submit an application for a Development Consent Order to the National Infrastructure Directorate – this is a subsidiary of the Planning Inspectorate. The application for the expansion of Scout Moor wind farm would have a generating capacity in excess of fifty megawatts (50MW) and is of such a scale that it therefore falls to be considered as a Nationally Significant Infrastructure Project by the National Infrastructure Directorate (NID). The Council will not therefore determine this application as the Local Planning Authority as it would other smaller development proposals. The role of the Council, under Section 42 of the Planning Act 2008, is as a statutory consultee.

2.6 The Planning Scheme of Delegation is currently being revised under the wider Constitution review, in part, to bring into it provision for the Council’s involvement in Development Consent Order applications. The Scout Moor proposals are the first Development Consent Order application in which the Council will participate and there has not previously been a need for this process to be incorporated into the scheme of delegation. The revisions to the Scheme of Delegation were timetabled to be completed (including authorisation by Members) by the autumn, in time for the Council to respond to the Stage 3 consultation. Officers were advised by Peel at their last meeting in May that this would be the next opportunity for the Council to formally participate in the process. However, it has transpired from correspondence notifying the Council of the publication of Preliminary Environmental Information that in fact the Council is also being formally consulted at Stage 2 with a deadline of 14 August.

2.7 On this basis, if the Council is to properly participate in the Stage 2 consultation, significant delegated powers will need to be granted to officers so that the Council may provide an appropriate and informed response to Peel on behalf of the Council, with the input of Members. Officers will need to, akin to a planning application, evaluate and scrutinise the Preliminary Environmental Information submitted by the project promoter. They will, with assistance with from consultants where technical expertise is absent or insufficient in the Councils, make a number of recommendations to the applicant, on which Members views and input will be sought through the Chairs and Vice Chairs of the relevant Township Planning Sub Committees and with final recommendations being made through the Licensing and Regulatory Committee.

2.8 The Council is not obliged to participate in this process legally. However, to participate at a lesser level, or not at all, will limit the ability of the Council to have sufficient influence on the development of these proposals, devalue the consultation and decision making processes and of course may as a result lead to reputational risks with local people that may be affected by these major proposals.

3 Background

3.1 In Summer 2011, the Council was first approached by SMWFEL/Peel Energy (the developer/prospective applicant) to begin pre-application discussions with regard to the expansion of the existing wind farm at Scout Moor. Consent for the existing wind farm was granted under S.36 of the Electricity Act 1989 in April 2005. The development then comprised 26 turbines with a hub height of 60m and a blade tip height of 80m. The decision to approve consent was made by a Planning Inspector following a Public Inquiry, which took place over 17 working days in late 2004 and early 2005.

3.2 Although the precise details of the proposed expansion have not been finalised, it is clear that potential areas of expansion are twofold: 1) infilling between the existing turbines; and 2) expanding northwards towards Whitworth. The height of the turbines has also not been finalised but information to date suggests they would be 80-100m to hub and 100-135m to tip, depending on the model chosen. As the project would
generate more than 50MW of electricity per annum it falls into one of the defined categories of ‘Nationally Significant Infrastructure Projects’ (NSIP) under the Planning Act 2008. The Council will therefore not be the determining authority; rather the decision is made by the Secretary of State following advice given by the National Infrastructure Directorate (NID), a national organisation which sits within the Planning Inspectorate. This type of application is known as a Development Consent Order (DCO) rather than a planning application. No application fee is payable to the Local Planning Authority for its participation in the process. However, participation can be and usually is significant.

Relationship with Coronation Power scheme at Rooley Moor

3.3 Members may recall that reports relating to the Scout Moor expansion scheme have previously been presented to Township Committees in 2012. The timetable for the Scout Moor expansion submission to NID was initially intended to be in the last quarter of 2012. This was delayed as Coronation Power obtained an interest in the land at Rooley Moor, which previously formed part of the eastern expansion element of the Scout Moor scheme. Negotiations took place throughout 2013 to determine how the development would now proceed. Peel and Coronation Power have come to the decision to pursue their schemes independently and now both wish to proceed without further delay.

3.4 Peel will continue with an application to NID for a DCO with the land at Rooley Moor removed from their scheme. By way of further information, Coronation Power will pursue a separate and independent planning application, submitted to the Council as determining authority (i.e. the Rooley Moor proposal is not considered to be Development Consent Order application). This (the impending Rooley Moor application) would be for a total of twelve turbines, ten of which would be within the administrative boundary of Rochdale and two of which would be within the administrative boundary of Rossendale. Planning applications would need to be made to both Rochdale and Rossendale Councils. Coronation Power intends to submit this planning application in July and the application may have been submitted between the preparation of this report and Members’ consideration of it.

Joint Working

3.5 A significant proportion of the land, both within the existing wind farm and the proposed expansion area falls outside Rochdale’s administrative boundary, within Rossendale Borough Council’s jurisdiction as a district authority, and Lancashire County Council having responsibility for county planning matters. The three authorities (Rochdale, Rossendale and Lancashire) are deemed the ‘host authorities’ under the Planning Act 2008 and as such have various statutory responsibilities. Officers from all three authorities have been working collaboratively to optimise the efficient use of resources since the approach by Peel was first made in 2011.

3.6 The three authorities intend to continue to work collaboratively throughout the process to minimise the use of resources and maximise the sharing of costs and expertise. In particular joint commissioning of consultants by Rochdale took place in 2012 to advise on the scoping report, where in-house expertise is absent, for example the technical expertise required for peat ecology and hydrology. It is intended to jointly commission consultants to assist the Councils hereafter.

The Process

3.7 The process by which an application for development consent is submitted and considered by the NID is extensive. Most of the work is expected to take place before
the application is submitted. The Council will be required to take a front line role in the process; the host authorities being a crucial statutory consultee under Section 42 of the Planning Act 2008. Briefly, the process has six stages; pre-application (where we are currently); acceptance by NID; pre-examination; examination; decision and post-decision.

Consultation

3.8 The Planning Act 2008 sets out a statutory requirement for developers to engage in meaningful pre-application consultation with local communities, statutory consultees, local authorities, landowners, occupiers and tenants. Rochdale is a consultee under Section 42 of the Planning Act 2008.

3.9 Consequently, there is no requirement for the Council to undertake any public consultation itself on the proposals. The legislation puts the onus entirely on the developer/applicant to consult fully with statutory and non-statutory bodies throughout the process. The developer must prepare a ‘Statement of Community Consultation’ (SoCC) which sets out how they intend to consult on the proposed development. This document was published in November 2011, having gone through previous iterations on which the Council’s views were sought and which were incorporated into the final version.

3.10 The process of consultation has already begun, with the developer having held a number of public exhibitions across the Borough and in neighbouring local authority areas in November and December 2011. This included presentations to Townships in November 2011. Peel Energy, the developer, attended various area forums and community meetings to raise awareness of the proposals and seek the views of the community. This was the ‘Stage 1’ consultation, a broad brush approach, prior to proposing the specific location of turbines, access roads and other ancillary development.

3.11 The Council’s response to the Stage 1 consultation in March 2012 was in the form of its analysis and commentary on the Scoping Report submitted by the developer to the NID. This is the main piece of work which has taken place so far. The scale and nature of the development proposal means it comprises ‘Environmental Impact Assessment Development’ under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. As such the application for development consent must be accompanied by an Environmental Statement. The Scoping Report sets out the ‘scope’ of the environmental information which will be provided in the Environmental Statement. Responses to Environmental Impact Assessment scoping and screening requests are fully delegated to officers as they are a technical exercise.

3.12 Despite the time that has elapsed, and the reduction in scope of the scheme, it is not proposed to resubmit the Scoping Report. Instead, work is about to begin on engaging the Councils and their advisors on the Preliminary Environmental Information. This is the Stage 2 consultation. At present it is not clear exactly what Preliminary Environmental Information will be submitted, although it is understood the information will be published on 30 June. It is expected that it will give a range of more detailed development options, including details of turbine locations, their heights and access roads. It will also make clear that the scope of the project is reduced with the removal of the Rooley Moor site from the proposals, which as explained above, will be brought forward separately by Coronation Power.

3.13 The community will also be consulted at Stage 2, with the same Preliminary Environmental Information available to them as is to the Councils. Any member of the public is entitled to put their views forward to the developer on any or all aspects of the scheme. Members are also entitled, as individuals, to provide any comments to the developers that they so wish, provided they adhere to the Code of Conduct. It is
understood that Members have already been written to informing them of the impending consultation.

3.14 The quality and scope of the consultation is an essential part of the package which the developer must put forward to NID. NID can refuse to consider an application for development consent if it believes the consultation carried out was insufficient; it has already instructed one applicant to carry out further consultation. It is therefore in the developer’s own interest to ensure public consultation is as comprehensive and wide ranging as possible. The LPA has a statutory duty to comment on the adequacy of the developer’s consultation once the application has been submitted to NID, which is likely to be in early 2015.

3.15 Stage 3 consultation will be carried out in the autumn, currently timetabled for November. Members' views will again be sought through the Licensing and Regulatory Committee and Township Planning Sub Committee Chairs and Vice Chairs. At this time it is hoped that this will be included within a revised Planning Scheme of Delegation.

Need for Delegated Powers

3.16 The Planning Scheme of Delegation is currently being revised under the wider Constitution review, in part, to bring into it provision for the Council’s involvement in Development Consent Order applications. The Scout Moor proposals are the first Development Consent Order application in which the Council will participate and there has not previously been a need for this process to be incorporated into the scheme of delegation. The revisions to the Scheme of Delegation were timetabled to be completed (including authorisation by Members) by the autumn, in time for the Council to respond to the Stage 3 consultation. Officers were advised by Peel at their last meeting in May that this would be the next opportunity for the Council to formally participate in the process. However, it has transpired from correspondence notifying the Council of the publication of Preliminary Environmental Information that in fact the Council is also being formally consulted at Stage 2 with a deadline of 14 August.

3.17 On this basis, if the Council is to properly participate in the Stage 2 consultation significant delegated powers will need to be granted to officers so that the Council may provide an appropriate and informed response to Peel on behalf of the Council, with the input of Members. Officers will need to, akin to a planning application, evaluate and scrutinise the Preliminary Environmental Information submitted by the project promoter. They will, with assistance with from consultants where technical expertise is absent or insufficient in the Councils, make a number of recommendations to the applicant, on which Members views and input will be sought through the Chairs and Vice Chairs of the relevant Township Planning Sub Committees and with final recommendations being made through the Licensing and Regulatory Committee.

3.18 The Council is not legally obliged to participate in this process. However, to participate at a lesser level or not at all, will undoubtedly limit the ability of the Council to have sufficient influence on the development of these proposals, devalue the consultation and decision making processes and of course may as a result lead to reputational risks with local people that may be affected by these major proposals.

3.19 The timescales for responding to the consultation are short, with the Preliminary Environmental Information likely to be published on 30 June. The deadline for the Councils to respond to the Stage 2 consultation is 14 August. This allows for the consideration of a consultation response by the Licensing and Regulatory Committee on 11 August with enough time thereafter for Member comments and views to be collated into the formal response of the Council. It is therefore proposed that the Licensing and Regulatory Committee, as the committee with overarching responsibility
for planning matters, be the determinant of a formal Council response to the Stage 2 consultation.

3.20 Akin to a planning application which would be determined by the Licensing and Regulatory Committee, it is also considered appropriate to obtain the views of the relevant Township Planning Sub Committees and for these to feed into the Council’s final consultation response. Unfortunately however, the timing of the consultation does not allow this approach. It is currently expected that the Preliminary Environmental Information will be released on 30 June, with a deadline for consultation responses for the Councils on 14 August. The deadline for reports to the July round of Planning Sub Committees is 17 July, which would not give enough time for officers and consultants to give full consideration of the material submitted and a report to be drawn up for Members to consider. The August Planning Sub Committees are on the 26 and 27 August, after the deadline for consultation responses.

3.21 It is therefore proposed to set up a separate meeting for Chairs and Vice Chairs of the three affected Township Planning Sub Committees, being Rochdale, Pennines and Heywood. This would take place in the week beginning the 4 August. This would allow consultants and officers a full month to consider and evaluate the Preliminary Environmental Information and produce a report for Members, for their consideration, which would be published in w/c 28 July. This should be sufficient in most cases, although the landscape consultant has other commitments which will prevent her responding before 4 August and therefore her comments will need to be reported verbally to Members at that meeting.

Further opportunities for consultation

3.22 It should also be noted that there will be other opportunities for the Council to put forward its views on the Scout Moor wind farm expansion proposals. There will be a Stage 3 consultation around November with a similar process being undertaken. The main opportunity for the Council to put its views forward, however, is through the production of a Local Impact Report. Once the application has been accepted by the NID, the Council as one of the host authorities will be invited to submit a ‘Local Impact Report’ (LIR) on the final proposal, which sets out what the local authority believes will be the likely impacts of the proposed development on its area, or any part of its area. LIRs are intended to allow local authorities to represent the broader views of their residents and can cover a range of local interests and impacts. It is the means by which the host authority formally submits its views to the NID. It is however, distinct from any representation the authority may choose to make in respect of the merits of the application i.e. the LIR would state whether an impact was positive or negative but not conclude whether the application should be refused or approved on that basis. The LIR is sought from the Council in the first three months following acceptance of the application and a host authority will normally have around 3 months to produce the document. It is expected that this will be completed in the early part of 2015. The decision-making process for this will need to be clarified as the provisions are not covered within the current Delegation Scheme. Revisions being proposed to the Scheme of Delegation would result in this being determined in the same manner as a significant planning application with reports to the Township Planning Sub Committees affected by the proposals (once details are known) with a final decision to be made by the Council’s Licensing and Regulatory Committee.

Use of Consultants

3.23 By way of information, the Council is seeking to enter into a Planning Performance Agreement with Peel Energy and jointly with Rossendale Borough Council and Lancashire County Council in order to recover the bulk of the costs related to its participation in the Development Consent Order process. A report seeking
authorisation for the Council to enter into this agreement is timetabled to go before Cabinet for decision at the end of July. This decision will however not be made in time, should Members be minded to give that authorisation, to allow for the completion of the Planning Performance Agreement (PPA) before the expiry of the Stage 2 consultation on 14 July. As such, there will be no formal arrangements in place to recover the Council’s costs whilst the work on the Stage 2 consultation is ongoing. The presence of a PPA does not in any way influence the Council’s consultation response or in any way fetter the discretion of the Council.

3.24 Peel Energy has confirmed in writing that they will, outside of and notwithstanding any decision on a PPA, meet the Council’s costs in responding to the Stage 2 consultation. These costs will primarily be to employ specialist consultants where internal expertise (across the three authorities) in a specific area is absent or insufficient. It is proposed to employ external consultants in the following topic areas:-

- landscape and visual assessment;
- heritage;
- noise;
- peat and hydrology.

Rochdale officers will procure the necessary consultants on behalf of the three authorities and recharge the developer in full.

**Alternatives considered**

3.25 One alternative is a ‘do nothing’ approach. The Local Planning Authority is not statutorily required to participate in the DCO process under the Planning Act 2008. It is however, only through participation that the views of Rochdale’s residents and Members can be properly represented. There will be an expectation from residents and other stakeholders that the Council will participate and where appropriate represent respective views. Non-participation also leaves the Council unable to influence the process in any way. This runs a reputational risk to the Council, particularly with residents and other key stakeholders that may be affected by these significant proposals.

3.26 Another alternative is to take full reports to the Township Planning Sub Committees rather than seek the views of the Chairs and Vice Chairs at a separate meeting. This does not however work sufficiently with the required timescales. The deadline for a report to the July Planning Sub Committees is July 17, which will effectively mean that consultants would have to consider and respond to the Preliminary Environmental Information in less than two weeks. This would not allow a full and robust consideration of the information.

3.27 The other alternative is to fully delegate the consultation response to officers. This would arguably not be in accordance with or in the spirit of the existing Planning Scheme of Delegation which required significant and strategic consultations (although from other Councils, not through the DCO process), to be determined by Members of the Licensing and Regulatory Committee.

3.28 It is considered that, given the short timescales involved, that the delegation proposed by this report is the most appropriate way to involve Members in the consultation and to obtain their input and views on the proposals.
4 Financial Implications

4.1 The Council is seeking to enter into a Planning Performance Agreement (PPA) with Peel Energy, and jointly with Rossendale Borough Council and Lancashire County Council in order to recover the bulk of the costs related to its participation in the Development Consent Order process. A report seeking authorisation for the Council to enter into this agreement is timetabled to go before Cabinet for decision at the end of July. This decision will however not be made in time, should Members be minded to give that authorisation, to allow for the completion of the Planning Performance Agreement (PPA) before the expiry of the Stage 2 consultation on 14 July. As such, there will be no formal arrangements in place to recover the Council’s costs whilst the work on the Stage 2 consultation is ongoing.

4.2 Peel Energy has confirmed in writing that they will, outside of and notwithstanding any decision on a PPA, meet the Councils costs in responding to the Stage 2 consultation. These costs will primarily be to employ specialist consultants where internal expertise (across the three authorities) in a specific area is absent or insufficient. It is proposed to employ external consultants in the following topic areas:-

- landscape and visual assessment;
- heritage;
- noise;
- peat and hydrology.

Rochdale officers will procure the necessary consultants on behalf of the three authorities and recharge the developer in full.

4.3 The Council is currently seeking quotes from appropriate consultants for this work which will be limited to the review of the Preliminary Environmental Information in order that the Council can respond to the Stage 2 consultation, rather than, which would have been the case once a PPA was in place, to assist the Councils all the way through the process up to and including the Examination. Any further work would be subject to Member agreement to enter into a PPA or an alternative means of financing the necessary work.

4.4 It is expected that consultants’ costs for the Stage 2 work will be in the region of £15,000. Some officer costs for lead officers will also be recovered. The Councils are in the process of setting an agreed hourly rate but it is expected that, based on the current proposed, but not yet agreed rate, officer costs will not exceed £4,500. The cost to the Council would therefore be limited to minor and ancillary officer costs which would be met from existing resources.

4.5 Finance has considered this report and is satisfied that the bulk of the costs related to this particular part of the Development Consent Order application process will be recovered.

5 Legal Implications

5.1 The Council is not the determining authority for a Development Consent Order application, but the report correctly outlines that it is a consultee on the proposals.

5.2 The current Planning Scheme of Delegation has no provision for delegated powers to allow a response to a consultation under Section 42 of the Planning Act 2008 in respect of Development Consent Order applications. The notification of a formal consultation under Section 42 of the Planning Act 2008 has been given at short notice and was not anticipated to arrive until September. Even if sufficient notice had been
given, within certain parameters the applicant has the power to determine when responses from the Councils are required.

5.3 There is no statutory requirement for the Council to respond to a consultation under Section 42 of the 2008 Act. Rather, it is consulted and invited to provide a response. Nevertheless, as the report clearly describes there is reputational risk to the Council in not doing so and a potential opportunity to influence the outcome of the proposals which will potentially be missed. Residents may and very likely will expect the Council to fully and robustly participate in the Development Consent Order process and to represent their views. Non-participation or insufficient participation by the Council on such major proposals could in theory lead to the possibility of third party legal challenge or other complaint.

5.4 In order to fully and properly respond to the consultation, the report has made clear to Members that significant delegated powers are required for officers to carry out administrative and technical tasks and for Licensing and Regulatory Committee, as the Council’s overarching committee on planning matters, to formally respond to the consultation with the input of the Chairs and Vice Chairs of the relevant Township Planning Sub Committees of Rochdale, Pennines and Heywood.

5.5 The report has outlined the requirement to provide such delegation to officers in order that the Council may provide a sufficient response on the proposals within tight timescales.

5.6 Legal Services has considered this report. The legal implications have been considered and reporting officers have been apprised of the legal risks of the Council participating or not participating in the imminent formal consultation under Section 42 of the 2008 Act. The implications of this have been described in this report, as have the tight timescale requirements, which will need to be adhered to.

5.7 The Council’s decision making powers and processes in respect of providing its views on future formal consultation will not be fettered by the provision of a response to the Stage 2 consultation. Consultation with the Councils is seen by the developer, and expected by the National Infrastructure Directorate, to be an ongoing process. Officers will continue to have technical input into the scheme throughout the process, but sufficient delegation as described in this report will be required in order to realistically meet defined timescales.

6 Personnel Implications

6.1 There are no significant implications for existing personnel arising from this report. There will be an expectation that the necessary capacity to work on the project is provided by the Council, given the resourcing of officer time, but the work involved will be akin to that of determining a major planning application and the management of that process and therefore is included in existing job descriptions.

6.2 The Planning Service will be faced with a number of significant development proposals in the next 12 months, of which this is one. The other schemes will be planning applications which will need to be determined within national performance targets for decision speed and to avoid developer refund. Work on the project will be met from existing officer resources where possible, with external consultants only being used where it is clear that the specialist technical expertise is either absent or insufficient across all three Councils. However, the reimbursement of officer costs will be utilised to backfill existing posts deployed on Scout Moor on a temporary basis through the use of temporary posts or the buying in of additional help to meet workload demands should this be necessary.
6.3 HR has considered this report and the HR implications of the report have been addressed within the report. The workload resulting from this report can be managed within the existing workforce. Any additional expertise required would be recruited to on a temporary basis in accordance with standard recruitment policy and procedures, as and when required, and would be paid for by the developer.

7 Corporate Priorities

7.1 Participation in the Development Consent Order application would tie into the ‘quality of place’ theme. The expansion of Scout Moor wind farm needs to be considered against the protection of existing assets and ensuring that new development which improves quality of place continues to happen. Non-participation or partial participation will prevent the Council from having influence over the process to maintain the quality of place.

8. Risk Assessment Implications

8.1 There are no significant risk assessment implications arising from this report.

9. Equalities Impacts

9.1 Workforce Equality Impacts Assessment

There are no workforce equality issues arising from this report.

9.2 Equality/Community Impact Assessments

The developer is responsible for consulting with the community in the case of a Development Consent Order application. The Council’s role is to consider whether the community consultation has been sufficient and submit their views to NID. The Council will submit comments on the developer's consultation strategy to the National Infrastructure Directorate in due course as part of that body’s consideration of the DCO application, although it cannot direct the developer to consult in any particular way. The developer will be encouraged to ensure that their consultation is inclusive in order that protected groups are able to make their views known and to provide support to these groups where necessary, for example making information available in a different format or language where requested. Guidance produced by NID for developers on carrying out their community consultation does stress the importance of this consultation being inclusive.

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