

**Agenda Item 14
Report 15/12**

Report to	South Downs National Park Authority
Date	19 June 2012
By	Director of Planning
Title of Report	Delegation of E.ON Rampion proposal consultation response to the South Downs National Park Authority (SDNPA) Planning Committee
Purpose of Report	To request the Authority delegates powers to the SDNPA Planning Committee to respond to the s42 E.ON Rampion Consultation and any subsequent consultations either by E.ON or the Planning Inspectorate

Recommendation: The Authority is recommended to:

- 1) agree delegation to the Planning Committee to respond on behalf of the South Downs National Park Authority to the E.ON Rampion s42 consultation and any subsequent consultations either by E.ON or the Planning Inspectorate**
-

1. Introduction

- 1.1 The SDNPA will shortly be consulted, as a statutory consultee, by E.ON on their proposal for an off-shore windfarm 13km off the Sussex coast which would require 14km of cabling, with a 30m construction width, through the South Downs National Park (SDNP).
- 1.2 The consultation will last eight weeks and will be followed, in due course, by a further consultation to submit a Local Impact Report and an invitation to contribute to an examination of the proposal by the Planning Inspectorate.
- 1.3 Given the short statutory timeframe and the requirement for any response, under the SDNPA Planning Committee Terms of Reference, to be considered by the full Authority, it is recommended that authority is delegated by the Authority to the SDNPA Planning Committee to respond to the forthcoming consultation and any subsequent consultations on behalf of the SDNPA.

2. Background

- 2.1 The E.ON proposal for an off-shore windfarm of up to 195 turbines would be determined, as a nationally Significant Infrastructure Project (SIP), by the Planning Inspectorate with the SDNPA as a statutory consultee. This process, set out by the Planning Act 2008, is attached at **Appendix 1**.
- 2.2 Members of the Planning Committee agreed, at the 12 April 2012 meeting, the initial scope and direction of the SDNPA response to the Rampion proposal, which was submitted to E.ON in response to their public consultation as a preliminary consideration.
- 2.3 The Planning Committee Terms of Reference require consultations of "strategic significance" to be considered by the Authority and not the Planning Committee.

3. Issue

- 3.1 E.ON anticipates to be in a position (circa mid-June 2012) to undertake their statutory consultation of the SDNPA under s42 of the Planning Act 2008. This has a statutory minimum period of 28 days but will last eight weeks.

- 3.2 The Planning Committee Terms of Reference states that the Committee may “provide an Authority response to government and other consultations on planning matters unless the response is of strategic significance”. It is considered that the E.ON Rampion proposal is of strategic significance to the SDNPA.
- 3.3 Due to the meeting cycle of the Authority, meeting the timing of the s42 consultation, by E.ON, may preclude a response within the statutory timeframe or the extended period of eight weeks. Accordingly, consideration is required regarding how to ensure that the SDNPA is able to respond to the timescales set out by the Planning Act 2008 whilst ensuring Committee consideration.
- 3.4 The Planning Committee meets on a more regular basis than Authority meetings – once a month as opposed to approximately four times a year – and Members of the Planning Committee have already considered the scope of the SDNPA response to the E.ON s47 public consultation. As such, the Planning Committee is well placed to consider the Officer recommendations for Rampion consultation responses within the requisite timescales.
- 3.5 Accordingly, the recommendation is for the Authority to delegate powers to the SDNPA Planning Committee to approve the response to the s42 consultation.
- 3.6 In addition, future consultation regarding the Rampion proposal, under the Planning Act 2008, will provide the opportunity for the SDNPA to submit an Adequacy of Consultation Statement and Local Impact Report in addition to appearing at a Planning Inspectorate examination. As set out at appendix 1 these opportunities also have a minimum statutory timeframe that will put pressure upon the SDNPA to respond expediently. For this reason delegated authority from the Authority to the Planning Committee is also requested for these future consultation responses.

4. Alternative actions

- 4.1 The Authority may consider it should approve the consultation responses and, if so, it is recommended that E.ON are advised of the full Authority meeting cycle to ensure that they are aware of the governance constraints within which it operates.
- 4.2 If this is the case, Officers would advise this is only in respect of the Local Impact Report which is the most substantive, and pragmatically final, written response that the SDNPA will be invited to give. This would enable the SDNPA Planning Committee to consider the s42 and Adequacy of Consultation Statements within the statutory timeframe.

5. Resources

- 5.1 There are no implications arising from this report.

6. Risk management

- 6.1 Risk – By delegating powers to the Planning Committee the SDNPA will be at a reputational risk of the perception of not affording the proposals the significant deliberation they require under the Planning Committee Terms of Reference.
- 6.2 Mitigation – The Planning Committee is well placed to consider the proposals and any reputational harm would be outweighed by the requirement to respond within the set statutory timescales.

7. Human Rights, Equalities, Health and Safety

- 7.1 There are no implications arising from this report.

8. External Consultees

- 8.1 None

TIM SLANEY
Director of Planning

Contact Officer: David Cranmer, Development Management Officer
Tel: 01730 234120
email: David.Cranmer@southdowns.gov.uk
Appendices 1 - Planning Act 2008 Significant Infrastructure Project consultation and assessment process
SDNPA Consultees Director of Planning
Senior Solicitor - Planning
Background Documents Minutes of 12 April 2012 Planning Committee - <http://www.southdowns.gov.uk/planning/planning-committee>

Agenda Item 14 Appendix 1

Planning Act 2008 Significant Infrastructure Project consultation and assessment process

IPC		LPA	
Activity	Time Limit	Activity	Time Limit
Pre-Application	No Time Limit	Comment on developer draft Statement of Community Consultation	28 Days
		EIA Scoping Opinion consultation by the IPC	28 Days
		s47 (public) Consultation	Min 28 days
		s42 (consultation of statutory bodies and key stakeholders) and s48 (public notice) Consultation	Min 28 Days
Acceptance	28 Days	Adequacy of Consultation Statement	Within 14 Days of Acceptance
Pre-Examination	Approx. 3 Months	Submission of relevant representation following application acceptance	Min 28 Days
Examination	6 Months	Production of Local Impact Report (inc. s106 Negotiations)	Approx. 6 Weeks
		Submission of detailed written representations	Min 21 Days
		Appearance at the examination	As required by Planning Inspector
Recommendation to Secretary of State	3 Months	-	-
Decision by Secretary of State	3 Months	-	-
Post Decision	6 week Judicial Review Window	There is no right of appeal other than Judicial Review	6 Weeks