

**Report to:** Communities Scrutiny Committee

**Date of Meeting:** 16 July 2012

**Lead Officer:** Head of Planning, Regeneration and  
**Regulatory Services**

**Report Author:** Planning Officer (Renewable Energy Schemes)

**Title:** Major Infrastructure Projects: Resource  
Allocation and Community Engagement

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### **1. What is the report about?**

Major infrastructure projects are very large scale developments proposals such as large windfarms, which require a type of consent known as 'development consent' under procedures governed by the Planning Act 2008 (as amended by the Localism Act 2011). Any developer wishing to build a major infrastructure project must apply to the Planning Inspectorate and Local Authorities are statutory consultees. A Report setting out the planning context for major infrastructure projects was reported to Planning Committee on 30 May 2012; a copy of this report is contained in **Appendix 1** and **Appendix 2** contains a summary of the role of the Local Authority in the planning process for major infrastructure projects.

There are a number of major infrastructure projects that are within or directly affect Denbighshire. There is no statutory obligation placed on the Local Authority to participate in the process of assessment for such schemes, however, some major infrastructure projects will have significant social, economic and environmental impacts on the County. Given the scale of certain development proposals in Denbighshire and the impact this will have on our local communities, Officers feel it is incumbent on us to ensure a collective response is provided to the Inspectorate and we participate, to some degree, in the process.

### **2. What is the reason for making this report?**

The aim of this report is to seek Member guidance on the resource commitment and level of community engagement the Council should dedicate to major infrastructure projects.

### **3. What are the Recommendations?**

That the Committee recommends that the:

- 3.1 Council complies with the provisions set out in the Planning Act 2008 and dedicate sufficient resources to ensure the Council can fully respond to major infrastructure projects. Officers are therefore

recommending **Resource Allocation Option 3** (please refer to section 4.1 below); and

- 3.2 in accordance with the Council's aspirations of becoming closer to the community, that the Council engage with the local community to ensure the Council's response to major infrastructure projects takes into account local opinion. However Officers are mindful that the right balance needs to be struck between what is aspirational and what is deliverable. Officers are therefore recommending **Community Engagement Option B** (please refer to section 4.2 below).

#### **4. Report details.**

The report is broken down into two areas; we are seeking Members input on level of resource allocation and the extent of community engagement which should be assigned to major infrastructure projects. The options are set out in the sub-sections below:

##### **4.1 Resource allocation:**

The Local Authority is a statutory consultee on major infrastructure projects and has an important role to play should they choose to engage in the process. However, unlike planning applications submitted directly to the Council there is no planning fee associated with such schemes which could be used by the Authority to cover our administrative and assessment costs.

Key requirements within this process include responding to pre-application consultation, reviewing draft environmental information, commenting on the developer's approach to community consultation and producing a 'Local Impact Report'. Where major infrastructure projects fall within more than one administrative boundary, the Council will endeavour to collaborate with neighbouring authorities and streamline resources wherever possible.

It is important to stress that applications will include complex, lengthy documents that require a significant amount of time to assess before a consultation response can be formulated. It is also important to note that consultation timescales are set out in statute, and therefore consultation responses will need to be produced in a timely manner. Having regard to this the Council may not have the necessary internal technical expertise to fully consider all the potential impacts associated with the development proposal.

Local Authorities are one of many statutory consultees. Other consultees include Town and Community Councils, Countryside Council for Wales, Environment Agency, etc. who will also be assessing the development proposal and providing comments on their specific area of expertise.

The planning fee received by the Planning Inspectorate is likely to be a six figure sum; the Examination Body of the Inspectorate is likely to have extensive internal expertise and they are able to appoint an external assessor where issues raised cannot be adequately assessed by the Inspector(s) alone.

As such, the following table sets out some options for the Council in terms of the way it **responds** to major infrastructure projects:-

<p><b>Option 1: The Council does not dedicate any resource to responding to major infrastructure projects.</b></p> <p><u>Interpretation:</u> Where the Council receives an invitation to respond to a major infrastructure project or a developer requests a meeting, advice or information, the Council declines to respond.</p>
<p><b>Option 2. The Council utilises existing internal resources to respond to major infrastructure projects.</b></p> <p><u>Interpretation:</u> The Council has appointed a temporary renewable energy planning officer to handle the increased volume of work relating to renewable energy schemes. The Officer can coordinate the major infrastructure project caseload (officer in post until August 2013) and other internal officers can be utilised to provide a technical input. However, the Council no longer has a landscape officer, a tree officer or a contaminated land officer and there may be limited expertise / capacity in other technical disciplines.</p>
<p><b>Option 3. The Council utilises existing internal resources and allocates a budget from central funds to ensure sufficient additional internal and external resources can be dedicated to respond to major infrastructure projects.</b></p> <p><u>Interpretation:</u> Additional internal and external resources may be required to fully respond to major infrastructure projects (e.g. additional officer resources and / or external consultants); to ensure these resources can be deployed, a budget will need to be allocated from central funds.</p> <p>However there are funding streams that might be available to recover some or all of the costs associated with responding to major infrastructure projects. This includes:</p> <ul style="list-style-type: none"><li>• Funding from the Welsh Government (e.g. funding for work associated with onshore windfarm projects over 50MW is available through the Planning Improvement Fund Theme 3 for 2012/13).</li><li>• Entering into a legal agreement with project developers to secure a financial contribution towards the costs incurred by the Council when carrying out certain project specific activities (e.g. to produce a Local Impact Report).</li></ul> <p>Indicative project costs are set out in <b>Appendix 4</b>.</p>

## **4.2 Community engagement:**

There is an established consultation process for major infrastructure projects. The Planning Act 2008 places a duty on the developer to undertake extensive consultation with statutory consultees and local communities before submitting an application to the Planning Inspectorate.

Once an application has been submitted, comments should be directed to the Planning Inspectorate. At this stage the Planning Inspectorate will usually hold a series of public 'outreach' sessions in local venues to explain how members

of the public and interested parties can register their interest and make representations on the project.

It is important to stress that there is **no** statutory obligation on the Local Authority to engage the public or other stakeholders with respect to major infrastructure projects.

However, the Council is committed to bringing the Council closer to the community. Major infrastructure projects are very large development proposals which will impact significantly on local communities and the Council may wish to take a more proactive role. Local communities can also play a key role in assisting the Council to identify localised impacts, and it may be beneficial to establish a dialogue with local communities to ensure evidence and information can be gathered to inform the Council's response to major infrastructure projects.

As such, it would appear that the Council could choose one of the following options in terms of **Community Engagement** relating to major infrastructure projects:-

**Option A: The Council does not proactively carry out community engagement on major infrastructure projects.**

Interpretation: The Council will not proactively engage with the local community. Publicity, consultation and community engagement activities will be restricted to the activities which the developer is legally obliged to carry out.

**Option B: The Council utilises internal resources to raise awareness and carry out community engagement activities to inform the Council's consultation response.**

Interpretation: This option assumes the Council will dedicate a level of resource to responding to major infrastructure projects and there will be some budget available to cover officer resources and administrative costs.

The Council will endeavour to raise awareness of major infrastructure projects within local communities and commit to engage with the local community (e.g. via Town and Community Councils) to canvas local opinion and gather information to inform the Council's consultation response.

Given that the Council's opinion may differ from the views of other interested parties, should the Council choose to engage the local community, it will be important to stress that the Council is not the decision making body, and that any comments submitted to the Council during engagement activities will be used to inform the Council's consultation response only, and does not constitute a representation to the Examination Body.

**Option C: Option B plus the Council dedicates additional internal resources to pro-actively support third party organisations and help local communities understand, engage and respond to major infrastructure projects.**

Interpretation: In addition to the provisions set out in Option B, the Council will commit additional internal resources to provide direct support to local communities to enable them to understand, engage and respond to major

infrastructure projects. This will include attending community meetings, responding to requests for information, providing advice to local communities etc.

Additional internal resources would be required to deliver this option.

## **5. How does the decision contribute to the Corporate Priorities?**

The Council has a Strategic Aim of bringing the Council closer to the community.

## **6. What will it cost and how will it affect other services?**

Each of the options set out in Section 4 will have varying financial and resource implications for the Council. The tables contained in **Appendix 3** summarise the financial and resource implications together with the potential impacts / risks associated with each of the options presented.

## **7. What consultations have been carried out?**

No formal consultation has been carried out on the proposals set out above.

## **8. Chief Finance Officer Statement**

Resource implications arising from the council's response to consultation on major infrastructure projects, particularly if there is potential for bids for additional internal resources, would have to be made through the service challenge and budget setting process.

## **9. What risks are there and is there anything we can do to reduce them?**

Risks / potential impacts are set out in the tables in **Appendix 3**.

## **10. Power to make the Decision**

The Planning Act 2008 places no statutory obligation on the Local Authority to participate in the planning process or engage the local community on major infrastructure projects. However, Part 8 of the Act confers an enforcement function on the Local Authority; the Council will therefore have the power to take enforcement action post consent should the development be in breach of the provisions set out in the Development Consent Order.

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