

**REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION**

**PLANNING PERFORMANCE AGREEMENT (PPA)**

**CLOCAENOG FOREST WINDFARM**

**1 PURPOSE OF REPORT**

1.1 The report arises as RWE n power Renewables (Applicant) has offered to enter into a Planning Performance Agreement (PPA) with Denbighshire County Council and Conwy County Council in connection with work in relation to the Clocaenog Forest Windfarm application to be submitted to the Planning Inspectorate in the near future.

1.2 The PPA is required to ensure that the Local Planning Authorities can provide adequate resource to allow full consideration to the Development Consent Order (DCO) application, and that adequate responses can be given within the prescribed timescales in the application process.

1.3 The Applicant has indicated that the DCO application will be submitted to the Planning Inspectorate (PINS) by the end of March 2013 and that the PPA should be signed before that submission. It has therefore been necessary to report to this Committee for a resolution on action to be taken in order to meet the appropriate timescale/deadlines.

**2 BACKGROUND**

2.1 RWE n power Renewables propose to apply for the development of large wind turbines at Clocaenog Forest to the Secretary of State through PINS by the end of March 2013.

2.2 Denbighshire County and Conwy County Councils' Officers have been discussing the management of the process with the applicants for some considerable time and in particular the level of resource that will be required to meet the timescales and to provide the appropriate level of response to the pre application and to the examination process by PINS.

2.3 In order to manage the process, the applicant accepts the Councils would need to engage in works or engage outside professional expertise for which they would not be receiving a planning fee. The Applicant has therefore offered to enter into a PPA whereby it is prepared to reimburse the Councils for those exceptional costs that they would incur in managing that process.

2.4 The offer is however conditional and requires the Councils to fulfil certain obligations in the process such as securing adequate resource, assessing and advising the Planning Inspectorate, preparing a Local Impact Report and other obligations to ensure that the DCO application is properly considered.

2.5 The signing of the PPA will not fetter the Councils' discretion in respect of their duties to properly consider and determine any applications in relation to the Development proposal.

### **3 CONCLUSION**

3.1 The Councils do not have adequate resources or sufficient internal professional expertise to manage the full DCO process to a satisfactory level without resource and expertise being "Bought in".

3.2 The Applicant has acknowledged this and has offered an agreement which will include reimbursement of costs for the Councils managing the process.

3.3 There are some obligations placed on the two Councils in entering into the agreement and the view is that these are not too onerous and are what would be expected in meeting the DCO development process and examination by PINS.

3.4 By entering the agreement it does not fetter the Councils' discretion in making what decision it considers appropriate once the DCO is formally submitted.

### **4. RECOMMENDATION**

4.1 That the Committee agree to Denbighshire County Council entering into the Planning Performance Agreement (PPA) offered by RWE Npower Renewables in respect of managing the full DCO process

4.2 That the Committee authorise that PPA be signed once the Head of Planning and Public Protection is satisfied that all the obligations placed on the Council can be met and the level of funding will be covered.