

**Proposals to Rationalise Committee Functions in Dealing with Planning Applications for Wind Turbines**

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**Report of Ian Thompson, Corporate Director Regeneration and Economic Development**

**Councillor Neil Foster, Cabinet Portfolio Holder for Regeneration and Economic Development**

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**Purpose of the Report**

1. To propose amendments to the Council's constitution to ensure that decisions on applications for wind turbines of a certain size and scale are dealt with by the appropriate planning committee.
2. The proposals follow discussion with the Chairs and Vice Chairs of the Planning Committees. The recommendation in the report was agreed at the Constitution Working Group meeting 17 January 2013.

**Background**

3. Part 3 'Responsibilities for Functions', of the Councils constitution contains a list of functions for the four Planning Committees. Three of these for the Area Planning Committees are exactly the same but the County Planning Committee has a different and wider list of responsibilities that reflect the more strategic and County wide role of that Committee and the type of planning proposals it considers. For example minerals and waste, renewable energy and major industrial and commercial developments.
4. With regard to planning applications for wind turbines the responsibilities specifically state that development proposals for erection of two or more wind turbines where the output of each is 1.5 megawatts or greater, will be determined by the County Planning Committee

**Issues for Consideration**

5. The present definition of the scope of Committee responsibilities effectively means that only very large proposals for wind farms (2+) and large turbines over 70 metres or so high, necessitate reporting the applications to the County Planning Committee. All other wind turbine applications, other than those dealt with under officer delegated powers, are considered by the three Area Planning Committees.

6. Recent experience of planning applications received for wind turbines has shown that many of these, even for single turbines, are often between 40 and 70 metres high (to blade tip) and that these can raise significant local opposition, and involve detailed consideration of complex issues involving cumulative landscape assessment, ecology, noise, shadow flicker and aviation, which can have an wide influence not just locally, but also County wide.
7. Such developments are currently below the threshold of the County Planning Committee functions set out within the constitution and fall to be determined by the Area Planning Committees.

## Proposed Changes

8. Officers have recently explored the categorising of turbines as part of the work on the County Durham Plan to define the different types of wind turbine and policy requirements for the Local Plan. The suggested categorisation based on evidence from the Department of Energy and Climate Change and experience countrywide is set out below.

Scale	Capacity	Height	Typical applications
Micro	<2.5kw	NA	Turbines mounted on buildings, roofs, caravans etc
Small	2.5 – 10kw	<25m	Free-standing turbines serving individual domestic properties
Medium	10-100kw	25-40m	Turbines serving individual businesses or community facilities.
Medium-large	100-500kw	40-70m	Typically commercial turbines subsidised under FIT
Large	750kw – 3 MW	70 – 130m	Typically commercial turbines subsidised under ROC but including some 70-85m low-capacity machines subsidised under FIT

9. Based upon this categorisation an adjustment has recently been made to the roles and responsibilities of the Planning Officer teams dealing with wind turbine applications to reflect the differing roles of the area planning and strategic planning teams.
10. The revised working practices mean that applications for the medium to large and large wind turbine applications (40m >) are handled by the strategic planning team who have developed a collaborative working approach with many of the specialist internal and external consultees which has assisted in developing a strong understanding and County wide approach to dealing with these types of applications.
11. Conversely, the scale and volume of micro, small and medium wind turbines (40m<) is such that the issues these raise are most often of a localised rather than strategic nature where a level of local knowledge is often of greater benefit to their assessment. These types of application are therefore considered to be more appropriately dealt with by the area planning teams.

12. In view of the range of issues raised by recent wind turbine applications it is considered that the County Planning Committee functions in determination these types of application should be extended to include a wider range of wind turbine types reflective of the wider and strategic influence that these developments have upon the County as a whole.

13. It is therefore recommended that the function of the County Planning committee set out within part 3 page 50 the Constitution be revised as set out below to reflect the circumstances outlined above.

*Except where the matter is delegated to an officer:*

*1. To exercise the Council's functions relating to town and country planning and development control as set out in Section A of Schedule 1 to the 2000 Regulations, in relation to the following matters:*

- Residential development proposals involving 200 or more dwellings or a site area of 4 hectares or more*

- All non-residential development proposals (including commercial, retail and industrial developments) of 10,000 or more square metres floorspace or a site area of 2 hectares or more.*

- Development proposals involving the erection of one or more wind turbines described as Medium –large or Large and having a height in excess of 40 metres to the blade tip***

- Applications for renewable energy. developments (including Biomass, Hydro-Electric, Geothermal, Gasification or Photovoltaics) of 1,000 or more square metres or a site area of 1 hectare or more.*

- All development proposals relating to minerals or waste*

- Development which in the opinion of the Head of Planning Services is of strategic significance, including strategic schemes promoted by the County Council.*

## **Recommendation**

1. That the 'Responsibilities for Functions' in relation to planning applications is changed in accordance with the details shown at paragraph 13 above.

## **Background papers**

Durham County Council Local Plan Preferred Options, September 2012

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## **Appendix 1: Implications**

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### **Finance**

None

### **Staffing**

None

### **Risk**

Not a key decision

### **Equality and Diversity / Public Sector Equality Duty**

None

### **Accommodation**

None

### **Crime and Disorder**

None

### **Human Rights**

None

### **Consultation**

None

### **Procurement**

None

### **Disability Discrimination Act**

None

### **Legal Implications**

The report makes recommendation which will impact of the delivery of a legally based service and changes to the Council's Constitution. The implications contained in this report have been agreed in consultation with the Head of Legal and Democratic Services