

Agenda Item No. 7

UPDATE ON HORSEY TOLL PLANNING APPLICATION WITH PETERBOROUGH CITY COUNCIL REF 16/00080/MMFUL. ERECTION OF GAS AND GRID ANEROBIC DIGESTION PLANT TO COMPRISE FOUR DIGESTER TANKS, TECHNICAL OPERATIONS BUILDING, SILEAGE CLAMP, STORAGE LAGOONS, FOUR LIQUID WASTE TANKS, GAS FLARE, GAS UPGRADING SYSTEM (GUS) AND GAS ENTRY UNIT (GEU), SEPARATOR COOLING UNIT, TRANSFORMER, HEATING KIOSK AND TWO UNDERGROUND PROPANE TANKS.

LOCATION: LAND ADJACENT TO HORSEY TOLL FARM, WHITTLESEY ROAD, STANGROUND, PETERBOROUGH, PE7 2PP.

LPA REF: F/2000/16/CW

To: **Planning Committee**

Date: **16 February 2017**

From: **Head of Growth & Economy**

Electoral division(s): **Whittlesey South**

Purpose: **To update Members on the progress to date and communication received from Peterborough City Council colleagues**

Recommendation: **It is recommended that Members note the content of the update and agree the approach agreed by officers set out in paragraph 4.1.**

1.0 BACKGROUND

- 1.1 Early in 2016, an update was provided to members to say that to avoid the potential risk of two decisions being made in relation to this cross boundary planning application, and to ensure transparency for the general public in commenting on it, officers sought approval from the Chairman of the Planning Committee (Cllr David Connor) and the local Member (Cllr Ralph Butcher), to delegate the determination of this planning application to Peterborough City Council under S101 (1) of the Local Government Act 1972. To formalise this arrangement, approval was also sought from Group Leaders.
- 1.2 The approval to delegate to Peterborough City Council was given by Group Leaders on 26 January 2016 and as such a formal S101 agreement was drawn up. The S101 agreement with Peterborough City Council (PCC) ensures that joint working between officers will still take place; that any representation made by us will be taken into account in determining the planning application; and that an indemnity is in place to ensure that we are not liable for any appeal costs should either PCC officers or their Members go against the professional recommendations of our planning officers.
- 1.3 Since the S101 agreement was set up, officers have worked with PCC to consider the proposals submitted and as a result agreed it was necessary to request additional information from the applicant/agent.

2.0 UPDATE PROVIDED BY CASE OFFICER AT PETERBOROUGH CITY COUNCIL

- 2.1 On the basis that six months had passed since the additional information was requested, PCC officers wrote to the applicant/agent to ask for an update, as they were minded to refuse the application on grounds of insufficient information. This correspondence was copied to officers at Cambridgeshire County Council to provide an update and also to ensure that they agreed with the stance being taken.
- 2.2 Officers at PCC confirmed that as a result of their discussions with the applicant's agent and e-mail communication that they have received confirmation of the following:
 - Agent acknowledges officers perseverance in waiting for the additional information required and notes that it has been a difficult time for the biogas industry;
 - Confirms that his client has decided to proceed and gain the additional information sought;
 - To take account of PCC's decision to make a final deadline for submission has proposed a submission date of Friday 21 April 2017, which would allow 12 weeks for consultants to work up the information required; and
 - Proposed an outline timetable which includes an extension of time until Friday 21 April 2017, with agreement that upon submission (which may

be earlier than the above deadline timescale) a 16-week extension will be agreed to allow for determination of the application.

3.0 OFFICER DISCUSSIONS ON USE OF S101 AGREEMENT AND APPROACH TO BE AGREED AND WAY FORWARD

- 3.1 Officers from both authorities have discussed the proposed approach and officers at Cambridgeshire County Council stated that their preferred way forward was to ensure that the applicants were given a suitable amount of time to either submit the additional information required, which took account of any announcements from Government that were still required in relation to subsidies or grants for this scheme, or for them to be able to withdraw the application.
- 3.2 To be able to ensure that both authorities had been 'reasonable' in their approach and had checked that the applicant was not waiting for any additional announcements from Government etc. before proceeding, additional dialogue took place between the case officer at PCC and the applicant's agent. As a result of this dialogue it was confirmed that the correspondence and choice to proceed with the application as discussed in paragraph 2.2 above is based upon the present commercial situation which includes interpreting the most recent government announcements, so there is no intention to await future government announcements before proceeding
- 3.3 On the basis of the information contained within paragraph 2.2 and the assurances that were obtained in relation to paragraph 3.2, officers from Cambridgeshire County Council agreed that it was reasonable to set a timescale under which the applicant should submit the additional information. This timescale was agreed to be the end of April (to take account of the agent's proposed timescale for submission by consultants) and that should information not be forthcoming that PCC officers would look to refuse the application on grounds of insufficient information, which would be supported by officers at Cambridgeshire County Council.
- 3.4 Officers from both authorities are working closely together on this matter and have agreed that a timescale for determination will need to be formally agreed upon submission of the additional information, to take account of Committee dates and deadlines for both authorities. However, in the event that the applicant does not submit the additional information within the required timescale, then PCC officers can move to refusal without the need for County officers to go back to Planning Committee.

4.0 RECOMMENDATION

- 4.1 It is recommended that Members support the officer approach and way forward highlighted in section 3 above, which is considered to be in line with the section 101 agreement with Peterborough City Council in relation to this planning application.