

Application for Kentish Flats Wind Farm Extension – Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010

– Examining authority’s requests for further information and written comments under Rule 17

R17 – 9: To the Applicant, Canterbury City Council and Kent County Council – Unilateral agreement

How does the content of the unilateral agreement proposed by the applicant relate to the potential local impacts identified in the Local Impact Reports prepared by the relevant local authorities and should there be a closer and more direct relationship in the light of the provisions of relevant Government guidance as set out in the National Planning Policy Framework?

1.0 Response of Canterbury City Council.

- 1.1 As explained by the applicant in earlier responses this unilateral undertaking is being provided voluntarily by the applicant, Vattenfall. The undertaking is for the benefit of Canterbury City Council and whilst the council is not a party to the undertaking it is able to enforce the obligations contained within the undertaking.
- 1.2 It is to be made clear that the council has not actively or otherwise sought such an agreement in connection either with the Development Consent Order currently being considered by the Examining Authority or in connection with the planning application for onshore works and cabling currently lodged with the council (Ref: CA/12/0396/FUL). I would also refer the examiner to this council’s response to question J11 of the Examining Authority’s written questions of 5 March 2012. For convenience I reiterate the response below

‘The applicant is to submit a unilateral undertaking to the council and its contents, whilst designed to mitigate impacts, are not considered necessary in the sense of overcoming planning objections. They are however seen as beneficial to the wider community and welcomed as such. It is not considered however that any significant weight should be attached to the undertaking by the Examining Authority in its decision whether or not to grant a Development Consent Order. The city council has not asked for the undertaking. It has been provided by the applicant voluntarily to provide direct benefit to those living closest to the windfarm.’
- 1.3 The tests relating to planning obligation contained within the National Planning Policy Framework refer specifically to where obligations are sought. They do not apply to where obligations or undertakings are voluntarily promoted by the applicant.
- 1.4 In view of the above Canterbury City Council does not consider that there needs to be any closer or more direct relationship with potential impacts identified in the Local Impact Report. The undertaking is not considered to be required to overcome planning objections but to benefit the wider community who are directly affected by the windfarm extension.

N P Davies
Senior Planner
On behalf of Canterbury City Council