



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/15/72

Development Control Committee

3 December 2015

Planning Application DC/15/1557/FUL

Avenue Farm, Icklingham to West Farm, Barnham

Date	23 September	Expiry Date:	23 December 2015
Registered:	2015		
Case Officer:	Dave Beighton	Recommendation:	Delegate Authority to FHDC to determine this application
Parish:	Barnham	Ward:	Bardwell
Proposal:	Planning Application - Cross Boundary Application - Installation of a 33KV underground electricity cable from the solar farm site at Avenue Farm, Icklingham (F/2013/0258/ESF) to the proposed solar farm site at West Farm, Barnham (DC/13/0801/FUL)		
Site:	Avenue Farm Icklingham to West Farm Barnham Suffolk		
Applicant:	Elveden Farms Ltd.		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee grant delegated authority to Forest Heath District Council to determine this application.

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Background:

This application is presented before the Committee not for determination, but to request that the Committee grants delegated authority to Forest Heath District Council for FHDC to consider and determine this cross boundary application on behalf of St. Edmundsbury Borough Council.

Proposal and Officer Comment:

1. Planning permission is sought for the installation of an underground cable from the approved solar farm at Avenue Farm, Icklingham (within FHDC administrative area), through to the site of the proposed solar farm at Barnham, within St. Edmundsbury. This latter solar farm was refused by SEBC and is presently at appeal.
2. The installation will involve the formation of a 1.5 metre deep and 0.5 metre wide trench. The soil on either side of the trench will remain undisturbed. The route will follow existing tracks from Avenue Farm northbound towards Dukes Ride wood and then following Dukes Ride eastwards to West Farm. The entire cable route follows existing farm tracks.
3. The cable will enable electricity generated by the Icklingham solar farm to be connected to the National Grid via connection points at West Farm, Barnham. This of course assumes a grant of planning permission through the ongoing appeal in relation to the West Farm solar farm, but this is not a material consideration for the purposes of considering this scheme, which must be judged on its own merits.
4. This application is what is known as a 'cross boundary application'; that is, it is a development proposal which due to its size, nature and geographical extent, crosses between more than one local council area. In this case the two Authorities involved are Forest Heath District Council and St. Edmundsbury Council. In cases such as this it is practise for the same application to be submitted to both Planning Authorities. Application DC/15/1556/FUL is presently with FHDC for consideration. It is also practice in case such as this for the planning application fee to be paid to the Authority which contains the majority of the development proposed, which in this case is Forest Heath.
5. Thereafter, it falls to the Authorities involved to co-ordinate their subsequent determination and approval of matters. In discussion with Legal Officers it is considered that the simplest and most expeditious method of determining this matter is for St. Edmundsbury Council to grant delegated authority to Forest Heath, such that Forest Heath can determine the entire application on behalf of both Authorities. Such a step is possible under S101(1) of the Local Government Act 1972, which states as follows –

101 Arrangements for discharge of functions by local authorities.

(1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions—

(a) by a committee, a sub-committee or an officer of the authority; or

(b) by any other local authority.

6. What such a delegation would effectively do is enable Forest Heath to be the sole Local Planning Authority for the purposes of this matter. It would simplify the matter for the developer since there would be a single decision notice and a single set of conditions (rather than duplication of such) and it would simplify the consideration process as well since there would be a single report etc. It is recommended that delegated authority is granted to FHDC, not just for the consideration and determination of this application but also for any condition requiring the discharge of work thereafter as well as any potential requests for variation of condition or non material amendment etc. that might arise in the ordinary course of events subsequently.
7. Accordingly, and as advised above, this matter is not therefore presently before Members for consideration and determination, rather it is presented on a procedural basis. Officers recommend that St. Edmundsbury Borough Council give delegated authority to Forest Heath District Council in order that Forest Heath can thereafter consider and determine this application on behalf of both authorities. Once such delegated authority has been granted it is anticipated that any detail submitted under DC/15/1557/FUL would be superfluous and the matter could be withdrawn, with consideration of the entire matter made by FHDC under DC/15/1556/FUL.

Recommendation:

8. It is **RECOMMENDED** that St. Edmundsbury Borough Council gives delegated authority to Forest Heath District Council to enable Forest Heath District Council to formally determine all planning matters within both Council areas in relation to the proposed underground electricity cable between Avenue Farm, Icklingham and West Farm, Barnham, presently submitted for consideration under planning application reference DC/15/1557/FUL. This delegation to extend to any potential discharge of condition applications plus consideration of any potential variation of condition or non material amendment applications relating to the same development.

Documents:

All background documents including application form, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NSCYMSPDJLJ00> - Dave Beighton – 01638 719470