TOWN AND COUNTRY PLANNING

(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011

STATEMENT OF ADUR DISTRICT COUNCIL IN ACCORDANCE WITH REGULATION 24 OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011

IN RESPECT OF A DECISION TO GRANT PLANNING PERMISSION AT PUMP HOUSE C E G B BASIN ROAD SOUTH SOUTHWICK WEST SUSSEX FOR CONSTRUCTION OF TWO 100KW WIND TURBINES, 35.4M FROM BASE TO BLADE TIP ON THE SOUTHERN SPUR OF LAND FORMING THE EASTERN ARM AND BREAKWATER OF SHOREHAM HARBOUR. APPLICATION ACCOMPANIED BY AN ENVIRONMENTAL IMPACT ASSESSMENT

REFERENCE: AWDM/1702/14

APPLICANT: FINE ENERGY LTD

DECISION DATE: 29TH APRIL 2015

STATEMENT DATE: 29TH APRIL 2015

Regulation 24 of the Town and Country Planning Environmental Impact Assessment Regulations 2011 requires the Local Planning Authority to;

(a) in writing, inform the Secretary of State of the decision;

(b) inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and

(c) make available for public inspection at the place where the appropriate register (or relevant section of that register) is kept a statement containing -

(i) the content of the decision and any conditions attached to it;

(ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;

(iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and

(iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.

1. The content of the decision and any conditions attached to it.

For this information reference should be made to the Decision Notice which contains the conditions attached to the planning permissions and refers to the approved documents (including the Environmental Statement, plans and supporting documents).

2. The main reasons and considerations on which the decision was based including information about the participation of the public.

For this information reference should be made to the Committee Report.

In particular the report identified the main issues raised by this proposal as:-

a) The principle of wind turbines within the port, scale efficiency and siting of turbines, access impacts and contribution to Port regeneration and to decarbonising energy generation nationally and locally.

b) Impact on safety including, impact on telecommunications at the port, structure fall-over and road and aviation safety.

c) Impact on amenity of neighbours and visitors in terms of noise, shadow flicker, interference to TV, radio etc. and other disturbance.

d) Quality of the design and impact on local character, views and landscape/townscape, including national park and setting of heritage assets

e) Wildlife and other environmental impacts, including archaeology and flood risk

f) Precedent of 1995 Public Inquiry decision on wind turbines

It concluded that the proposal would make a modest but valuable contribution to help mitigate climate change. It directly serves the port and its location is logical and will assist with regeneration. No significant impacts on safety, telecommunications are expected and shadow flicker is restricted to one commercial user and may be addressed by suitable mitigation. The turbines would be audible in some instances but no unacceptable impacts are predicted. The turbines would be visually striking close up but visual impacts on the most sensitive landscapes and heritage assets are minor. Indeed, the wind turbines would complement the port's architecture and be viewed against this backdrop and the Rampion off shore turbines. No significant impacts on wildlife or other environmental effects are anticipated. With the mitigation proposed, the proposal accords with national and local guidance and may be supported.

3. The main measures to avoid, reduce and, if possible, offset the major adverse effects of the development.

The Committee report summarised the contents of the Environmental Statement and assessed the impacts of the proposal, together with any necessary mitigation and compensatory measures. The mitigation and offsetting measures are secured , as necessary, as conditions imposed on the planning permission and cover various visual, neighbour amenity including shadow flicker, noise and electro magnetic interference impacts , safety, land use, traffic and access , wild life and flooding impacts.

4.Right to challenge the validity of the decision and procedure.

A grant of permission might be challenged by way of Judicial Review proceedings in the High Court if the decision maker has acted outside it's legal powers or otherwise acted unlawfully in reaching its decision. Such proceedings must be brought promptly or in any event within three months of the decision to be challenged by a person with a genuine interest in bringing the proceedings and the permission of the court must be obtained.

The District Council provides information regarding the right to appeal to the Secretary of State against the decision and the procedures for doing so. This is set out as a note on the Decision Notice.

It is relevant to note that only the applicant for consent or permission can make an appeal. There is no right of appeal for interested people or organisations (known as 'third parties').

P. Devonport 29.4.15 Adur District Council