

NAVITUS BAY WINDFARM PROPOSALS - SECTION 106 AND PLANNING PERFORMANCE AGREEMENTS

1.0 PURPOSE OF REPORT

- 1.1 To seek authorisation from the Planning Development Control Committee for the Head of Legal Services to enter into Section 106 Agreements and for the Head of Planning and Transportation to enter into a Planning Performance Agreement with regard to the Navitus Bay Windfarm proposal.
- 1.2 This matter is considered urgent as, in order to meet the Planning Inspectorate and Secretary of State's decision making timeframe, it is crucial that any Section 106 Agreements are signed by the 3 March, so they can be submitted by 11 March to allow the Inspectors to take them on board as part of their recommendation to the Secretary of State.
- 1.3 The Planning Inspectorate has also indicated that it would be useful if any Planning Performance Agreement is agreed within the same timeframe.

2.0 THE OVERALL SCOPE OF THE MITIGATION/COMPENSATION AND COMMUNITY BENEFIT PACKAGES ON OFFER

- 2.1 As part of the examination process the developers are offering mitigation/compensation through the proposed 106 Agreements and a Unilateral Undertaking.
- 2.2 These address the impacts of the significant development offshore and, more importantly for this District, the impact of the installation of the cables in a working corridor of up to 40 metres wide. The packages are still being negotiated in that significant additional funding is being sought in respect of the Tourism Fund, together with additional funding for the administrative costs of dealing with the Skills and Supply Chain Funds. Members will be updated on any progress made at the meeting.
- 2.3 The delivery mechanisms that would provide the mitigation/compensation are as follows.
 - A Section 106 Agreement which will offer sums of money to mitigate the landscape and biodiversity impacts of the proposed development. It will also include commitments to use local "supply chains" to procure as much as possible of the materials and services that are required by the project and to provide support for apprenticeships to train local people to take on the jobs that the project will create.
 - A Unilateral Undertaking to provide a Tourism Fund to compensate tourism businesses which are adversely affected by the windfarm and the construction of the cable route. A unilateral undertaking is proposed because Bournemouth Borough Council considers the sum currently on offer is totally

inadequate to mitigate the harm to tourism in the Borough. This position would be unlikely to change, even if the additional funding mentioned above is in place, but what is effectively a Section 106 Agreement has also been drafted in case the Bournemouth position changes.

- 2.4 There is also a currently undefined commitment to provide a wider Community Benefit Package to areas affected by the works. This would be some form of community fund, the potential for which was discussed at a recent meeting held by both Officers and Members of this Authority with the Navitus Bay Applicants. Similar meetings will be held by the Applicants with the other relevant local authorities and it is intended to work jointly with them in order to maximise the benefits in this respect. As Community Benefit falls outside of the formal process there is no immediate deadline in terms of reaching agreement.
- 2.5 Only the Section 106 Agreements require any authority to be sought prior to them being entered into, as the Unilateral Undertaking and Community Benefit are simply offers from the developers.

3.0 DETAILS OF THE PROPOSED SECTION 106 AGREEMENTS

- 3.1 The parties to the Section 106 Agreements would be the Developers, New Forest District Council, The New Forest National Park Authority, Hampshire County Council, East Dorset and Christchurch District Councils, Bournemouth Borough Council, Poole Borough Council, Purbeck District Council and Dorset County Council.
- 3.2 As currently drafted, the Section 106 Agreements would provide the following:

3.2.1 Landscape Funds

The works both on land and out to sea would have an impact on the landscape of parts of Dorset and Hampshire. In total, £1.18m is on offer of which £525,000 would be spent on projects anywhere in the District and the Park, but most likely to be in the southern areas. The National Park would hold the funds, with decisions on spending being informed by the Hampshire and Isle of Wight Wildlife Local Nature Partnership.

3.2.2 Biodiversity Funds

In total £200,000 is on offer, £134,000 of which would be spent on schemes or the administration of such schemes in Hampshire, in those parts of this District and the National Park that are directly affected by the construction of the cable corridor between Taddiford Gap and the River Avon. The funds for this area would be held by Hampshire County Council, with joint decisions on spending being made by a Biodiversity Committee, on which this Council would be represented, as to how the funds are spent.

3.2.3 Skills Fund

In total £4.3 million, with a £28,000 administration fund, would be held by Dorset County Council to pay for a variety of schemes, such as apprenticeships and re-training, with bids being made by all of the relevant local authorities to a Panel, on which both they and the applicants are represented, as to how the money should be spent, after the agreement of the overall objectives through the production of a Skills Strategy.

3.2.4 Supply Chain Engagement Fund

In total £4.3 million, with a £28,000 administration fund, would be held by Dorset County Council to pay for a variety of schemes and inputs designed to maximise the benefits to local businesses in terms of both the construction and subsequent maintenance of the windfarm. Again, bids would be made by all of the relevant local authorities to a Panel, on which both they and the applicants are represented, as to how the money should be spent, after the agreement of overall objectives through the production of a Supply Chain Strategy.

3.2.5 The Tourism Fund

In total £15 million would be paid to Dorset County Council, together with an administration fund of £20,000, to fund proposals to support local tourism, including marketing and tourism officers to enhance the tourism draw of the area. A liaison group with representatives of the relevant local authorities and the developer would assess bids made to this fund on the basis of a Tourism Strategy, to be produced by the group.

4.0 THE PROPOSED PLANNING PERFORMANCE AGREEMENT

- 4.1 If consent is granted for the proposal a significant amount of work will be required in terms of agreeing the details of the works and exactly how they would be carried out. Funding is proposed to cover the costs of undertaking this work, to enable the local planning authorities affected by the landside cable works to discharge the numerous planning conditions which are likely to be imposed effectively, before works commence, while they are taking place and, to a lesser extent, thereafter.
- 4.2 The money would enable the landside local authorities to employ or procure extra professional resources and employ a specific resource to co-ordinate the necessary work to ensure that the conditions can be discharged to a high standard in reasonable timescales.
- 4.3 Given the fact that this is not a routine planning matter, it is felt appropriate to seek a one-off authorisation to enter into a Planning Performance Agreement in this respect.

5.0 NEW FOREST DISTRICT COUNCIL'S POSITION

- 5.1 Substantial Officer time has been spent on assessing the impact of the proposed windfarm on this District and the level of mitigation/contributions that should be sought. The level of the required landscape and biodiversity funds in order to mitigate/compensate effectively the impacts within this District and the National Park were relatively straightforward to both define and then agree with the applicants and the sums on offer reflect fully the requested amounts. The skills, tourism and supply chain engagement funds applicable to a far wider area were far harder to quantify, particularly given the significant uncertainties on how the project would be delivered.
- 5.2 The offer would appear to cover the likely impacts on this District, identified by the relevant Officers of this Council and Hampshire County Council, and the proposed mechanisms by which the funds are allocated would give the Council the ability to make a robust case in terms of securing significant benefits for its residents

6.0 CRIME AND DISORDER / EQUALITY AND DIVERSITY / ENVIRONMENTAL IMPLICATIONS

- 6.1 No crime and disorder, equality or diversity issues are raised. However the environmental implications are significant as it is crucial that, in order to fund the Council's work with respect to the proposal and mitigate/compensate any impacts caused, funding is available.

7.0 CONCLUSION

- 7.1 In conclusion it is felt that with respect to this District the Applicant's offers are acceptable

8.0 RECOMMENDED:

- 8.1 That the Head of Legal Services be authorised to enter into the required Section 106 Agreements with regard to the Navitus Bay Development Proposal;
- 8.2 That the Head of Planning and Transportation be authorised to enter into a Planning Performance Agreement with regard to the Navitus Bay Development Proposal; and
- 8.3 That any significant variations to the terms set out within the report shall be agreed by the Chief Executive prior to the said agreements in 8.1 and 8.2 above being entered into.

For further Information Please Contact

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Background Papers

Draft Navitus Bay Agreements and Undertaking