

## DELEGATED REPORT

CASE OFFICER	TEAM LEADER	Comino CHECKED	Uniform CHECKED		Uniform Expiry Dates CHECKED	
KR 26.04.23		KR 26.04.2 3	Neighbour letters date sent	N/A	Neighbour letter Expiry date	N/A
			Consultation letters date sent	N/A	Consultation letters Expiry date	N/A
			Site Notice date displayed	N/A	Site Notice Expiry date	N/A

<b>Reference :</b> 23/00285/FUL	<b>Site :</b> Street Record, Chelmsford Road, Rawreth
<b>WARD:</b> Downhall And Rawreth	<b>Proposal:</b> Installation of a solar farm with battery storage and associated infrastructure land south of National Grid.

<b>Applicant:</b> Enso Green Holdings J Limited	<b>Validated:</b> 29.03.2023  <b>DATE:</b> 26th April 2022
<b>Case Officer:</b> Katie Fowler	

## Allocations: MGB

### 1.0 PURPOSE OF REPORT

- 1.1 To seek approval from the Director of Place to delegate Rochford District Council's development committee planning functions to Chelmsford City Council to determine a cross-boundary planning application, reference 23/00285/FUL, for the following development (and to negotiate the terms of any necessary planning obligation, subject to Rochford Council's final approval);

'Installation of a solar farm with battery storage and associated infrastructure land south of National Grid.'

### 2.0 CONSIDERATION

#### SITE

- 2.1 The red-lined application site is shown on the submitted Location Plan and includes the area of land where the solar farm and associated infrastructure would be installed and land extending from this land beneath which underground cables would be laid to connect the solar farm to the point of connection at the site of the National Grid Rayleigh Substation. That part of the application site where the proposed solar panels

and associated infrastructure would be installed is a site contained entirely within land under the jurisdiction of Chelmsford City Council. This part of the site extends to some 66.1 ha and is an irregularly shaped site located to the southern boundary of Chelmsford City Council's district close and in part adjacent the boundary with land falling within Basildon Borough Council.

- 2.2 At its closet point, that part of the application site where the solar panels and associated infrastructure would be installed would be approximately 0.25 miles due west of the Rochford District Council boundary as it follows the meander of the River Crouch through Battlesbridge. The site would be west of the A1245 and the A130.
- 2.3 That part of the application site that falls within Rochford District Councils administrative area almost entirely comprises of a section of the A1245 extending from the junction with the Hawkhill Roundabout, north of Battlesbridge, to the junction with the A129 (Carpenters Arms roundabout) to the south, beneath which the proposal involves the laying of cables.
- 2.4 The proposed underground cable route would include a section off the A1245 close to the junction with the Carpenters Arms roundabout along Chelmsford Road to connection with the A129 along which the cable would run westward for a short section before diverting south to the site of the National Grid Rayleigh Substation. beneath which the proposal involves the laying of cables.

## PROPOSAL

- 2.5 The proposal is for full planning permission and a suite of supporting plans and documents have been submitted with the application. The application is not accompanied by an Environmental Statement submitted in relation to the Town and Country Planning (Environmental Impact Assessment) Regulations (2017) as a Screening Opinion was issued by Chelmsford City Council to confirm that the proposal would not be developed subject to these regulations.

## CROSS-BOUNDARY ISSUES

- 2.6 National planning practice guidance states that where a site which is the subject of a planning application straddles one or more local planning authority boundaries, the applicant must submit identical applications to each local planning authority. The site to which application relates staddles the Rochford District and Chelmsford City boundaries. The applicant has duly submitted identical planning applications to both local authorities.
- 2.7 Rochford District Council could proceed to determine the cross-boundary application that has been submitted to this Council. However, as an identical application has also been submitted to Chelmsford City Council, this could lead to the two separate planning authorities making individual determinations which may be inconsistent in terms of the conditions attached and the obligations entered into. Alternatively, both authorities might resolve to refuse consent but for different reasons. This approach is not recommended as it would not promote a coordinated approach to development management. It would also be contrary to Government guidance, which encourages joint working between Local Planning Authorities in relation to the use of their planning powers. The National Planning Policy Framework (NPPF) advises that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities.
- 2.8 In this case, only the proposed underground cabling would fall within Rochford District Council's administrative boundary. No other part of the red-lined application site would

directly border the administrative boundary of Rochford District. The significant majority of the application sites falls within Chelmsford City Council's administrative area. The red-lined application site submitted on the four Location Plans is provided in Appendix 1 below. In the top right-hand corner of the Location Plans the application site is shown in relation to the administrative boundaries.

- 2.9 The vast majority of the considerations in the determination of the application would relate to the above ground operational development involving the construction of the solar panels and associated infrastructure. The proposed underground cabling would have no impact above the surface of the ground, and it is therefore considered that this part of the proposal could be appropriately considered by Chelmsford City Council as part of the determination of the acceptability of the main above-ground development, all of which is proposed to land within their administrative boundary.
- 2.10 In respect of key material planning considerations, Rochford District Council would carry out statutory consultation and provide responses to Chelmsford City Council for consideration in the determination of the applications. The Highways Authority and Lead Local Flood Authority both Essex County Council are in any case the same statutory consultees for both local planning authorities.
- 2.11 In the event that Rochford District Council delegated powers to Chelmsford City Council to determine the duplicate application, Rochford District Council would still have the opportunity to provide comments to Chelmsford City Council for consideration in their determination of the applications.
- 2.12 As all of the land within the application site where above ground development is proposed falls within Chelmsford City Council's administrative boundary, the application consideration would require detailed assessment of the proposal against relevant planning policy contained within Chelmsford City Council's adopted development plan. Chelmsford City Council are best placed to carry out a detailed assessment of the proposal against relevant policies in their adopted development plan.
- 2.13 It is considered that the interests of this authority in the consideration of the application would be appropriately addressed in this authority's role as a consultee in the planning process and it is considered appropriate to delegate Rochford District Council's development management functions to Chelmsford City Council. In the event that a decision was taken to do this, confirmation would be sought by Chelmsford City Council that it would accept the request by Rochford District Council to devolve planning powers and delegate its development management function in respect of this application.
- 2.14 National planning practice guidance states that the planning application fee for cross-boundary applications is payable solely to the authority of wherever area contains the larger or largest part of the whole application site; in this case this is Chelmsford City Council as the significant majority of the land subject to the application lies within Chelmsford City Council's administrative area. Costs associated with the determination of both applications including the commissioning of any specialist consultee advice where necessary would be borne by Chelmsford City Council in the event that Rochford Council delegated its decision-making powers to Chelmsford City Council. In the event that Rochford Council did not delegate powers to Chelmsford City Council, Rochford Council would incur the full costs associated with the administration of the application determination in the absence of any planning application fee.

- 2.15 Section 101(1) of the Local Government Act 1972 authorises a local authority to arrange for the discharge of functions by any other local authority. In this way it is possible for one Local Planning Authority to delegate its development control functions to another in respect of a specific cross-boundary planning application or site.
- 2.16 In this case Rochford District Council could delegate its decision-making powers to Chelmsford City Council in respect of this cross-boundary planning application. Chelmsford City Council, which has been paid the full application fee, would then determine both the application submitted directly to it and the identical application submitted to Rochford District Council. If Chelmsford City Council were minded to grant consent for the cross-boundary development, it could grant planning permission authorising the development applied for in both of the administrative areas under the two planning applications. Rochford Council could also delegate the function of agreeing the terms of any necessary planning obligation under section 106 of the 1990 Act, subject to this Council's final approval. Rochford Council would be the enforcing authority for any planning obligation relating to that part of the development in the Council's area and if the obligation was in the form of an agreement Rochford Council would need to be a party to the agreement. Alternatively, Chelmsford City Council could resolve to refuse consent in which case the applicant would have the opportunity to appeal against the decisions to the Planning Inspectorate.
- 2.17 Rochford Council would have the opportunity to highlight relevant planning policies in their consultation response to ensure that Chelmsford City Council are aware of relevant policies in Rochford's adopted Development Plan to take account of in making their decision in respect of the application.

### **3.0 CONCLUSION**

- 3.1 It is recommended that, in accordance with s101 of the Local Government Act 1972, Rochford District Council devolve to Chelmsford City Council the discharge of Rochford District Council's planning control functions under section 70(1) (Part III) of the Town and Country Planning Act 1990 to determine the cross boundary planning application reference 23/00285/FUL in relation to land at Street Record, Chelmsford Road, Rawreth, Essex and its functions under section 106 of the same Act to negotiate the terms of any necessary planning obligation subject to Rochford Council's final approval.

Appendix 1 - Location Plans showing administrative boundaries











