

**NATIONAL PARK AUTHORITY
(Extraordinary Meeting)**

16th April 2014

Present: Councillor M James (Chair)

Mr A Archer, Mr D Ellis, Ms C Gwyther, Councillor P Harries, Mrs G Hayward, Councillor O James, Councillor L Jenkins, Councillor R Kilmister, Councillor A Lee, Councillor PJ Morgan, Councillor D Rees, Mr AE Sangster, Mrs M Thomas and Councillor M Williams.

(NPA Offices, Llanion Park, Pembroke Dock: 11.30a.m. – 12.10pm)

1. Apologies

Apologies for absence were received from Councillors S Hudson and R Owens.

2. Exclusion of the Public

The Monitoring Officer advised that although the report of the Head of Development Management had been circulated prior to the meeting, legal advice given to Members at the meeting was that the discussions should remain confidential.

It was **RESOLVED** that the public be excluded from the meeting as exempt information, as defined in Paragraph 16 of Part 4 of Schedule 12A to the Local Government Act 1972, would be disclosed.

3. Community Benefit Proposal for the South Hook LNG Combined Heat and Power Scheme

Members were reminded that it was proposed to develop a new combined heat and power plant to be located on land immediately adjacent to and within the perimeter of the South Hook LNG terminal and within the National Park Boundary. As the project was a Nationally Significant Infrastructure Project under the Planning Act 2008, the decision maker was the UK's Secretary of State for Energy and Climate Change.

Applications made under the 2008 Act were for a Development Consent Order (DCO) and the application would be examined by an Examining Authority (in this case a single Inspector) who would also receive representations. The Examining Authority would report and make a recommendation to the Secretary of State for Energy and Climate Change who would make the final decision.

At the meeting of the Development Management Committee held on 20th November 2013, the Authority's Local Impact Report (LIR) and Written Representation were agreed, and these documents were submitted to the Examination into the DCO. Officers had also appeared at the examination to give evidence in relation to specific issues.



The Local Impact Report and Written Representation included recommendations in respect of the need for the applicant to enter into a Section 106 agreement (referred to in the context of this application as a development consent obligation) addressing identified impacts in relation to housing and transport. These recommendations were set out in the report. Pembrokeshire County Council had also made the same requests in its LIR.

The applicant had responded to the evidence and arguments for a development consent obligation to address the identified transport and housing impacts in both writing and at the Issue Specific Hearings. They submit that they have demonstrated that the project would have no permanent adverse impact on the local road system and local affordable housing market and no unacceptable temporary impact. The applicant did not therefore support the asserted concerns outlined in the LIR to justify the expenditure of some £6.2 million on road improvements and affordable housing investment and would not therefore enter into a development consent obligation which they considered would fail the tests for requesting a planning obligation set out in national guidance and in legislation.

Neither the Authority nor PCC had changed their position in the light of the applicant's submissions. Accordingly it was now a matter for the Examining Authority and in due course the Secretary of State to determine whether approval of the DCO should be subject to a development consent obligation in the terms sought by the Authority and PCC.

While the applicant did not accept the argument that there were material planning considerations relating to the impact on highways and affordable housing that required a development consent obligation to be entered into to enable consent to be granted, they had nonetheless recognised that these issues were of concern to the Authority (and PCC) and wished to make a contribution to the economic health and well-being of the local area. Consequently a 'community project' proposal had been submitted for consideration by the Authority and PCC outside the Examination process and this was summarised in the report.

The report set out the officers' appraisal of the projects on offer of a "community project" fund. This concluded that the community projects proposal that had been submitted did not provide an acceptable offer to address the impacts that had been identified in the LIR, nor provide a comparative financial offer that could be used for such purposes. The mechanisms for delivery were also considered to be unclear, particularly as the National Park Authority was not the housing or highway authority for such projects. As such it was not considered that the proposal should be accepted in lieu of the Section 106 obligation that had been requested in response to the direct impacts identified as arising from the construction phase of this development. However, the pursuit of the community project proposal outside the DCO process was welcomed once the outcome of the Examination was known on the requirement (or not) for such an obligation.

Reference was made at the meeting to correspondence from the applicant's agent setting out their view of the powers of the Examining Authority and the



Secretary of State in relation to the submission by the Authority and PCC that a development consent obligation was required.

It was **RESOLVED** that:

- a) The Authority should maintain the position it adopted in relation to the housing and highways impacts of the scheme as set out in the Authority's Local Impact Report and its Written Representation.
- b) The offer of a community project package should be pursued outside the DCO planning process once the result is known of the Authority's representations on housing and highway impacts.

