

Report of	Meeting	Date
Corporate Director (Business)	Development Control Committee	5 February 2008

07/00568/FULMAJ- Erection of 3 wind turbines at Cliffs Farm, Wood Lane, Mawdesley

PURPOSE OF REPORT

1. To update members in relation to information provided following the refusal of planning permission and to determine the Councils position in relation to any appeal that is submitted.

RECOMMENDATION(S)

2. That the second reason for refusal (noise) from in respect of the above decision is removed or not contested in the event of an appeal against the Councils decision.

EXECUTIVE SUMMARY OF REPORT

3. Following receipt and assessment of further information on noise impact of the wind turbines that authority is provided to remove the reason for refusal or not contest that reason on the basis that the information is now acceptable.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

4. In the likely event that the applicant appeals the refusal of planning permission and the Council do not agree to remove the second reason for refusal it is likely that the appellant will claim costs against the Council which the Council will find difficult to resist. Inspector may award costs against the Council because the appellant has been reasonable in providing the information in advance of the appeal and the Council may therefore be considered to be unreasonable in pursuing this reason for Refusal

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. nil



CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	

BACKGROUND

Members will recall that planning permission was refused for three wind turbines at the Cliffs Farm at Development Control Committee in September 2007.

The two reasons for refusal related to:

- 1) inappropriate development in the Green Belt and
- 2) insufficient information submitted to enable the planning authority to assess the impact of the development in terms of noise.

The applicant has now submitted further information in respect of the noise impact (background noise monitoring data) which has been assessed by the Council's Environmental Services Section who are satisfied that the additional information addresses the Council's concerns in respect of noise generation.

The applicant has stated his intention to appeal shortly and members must decide which of the grounds of refusal will form the Council's Case.

IMPLICATIONS OF REPORT

7. Nil

Background Papers			
Document	Date	File	Place of Inspection
Application 07/00568/FULMAJ	11 September 2007	07/00568/FULMAJ	Union Street Office