

**MINUTES OF A MEETING OF THE SUSTAINABLE GROWTH AND ENVIRONMENT
CAPITAL SCRUTINY COMMITTEE
HELD AT THE BOURGES/ VIERSEN ROOM - TOWN HALL
ON 19 NOVEMBER 2012**

Present: Councillors M Todd (Chairman), G Casey (Vice Chairman),
M Nadeem, Serluca, JA Fox, Sylvester, N Thulbourn

Also Present: Cllr Sandford, Group Leader, Liberal Democrats
Cllr Harrington, Group Leader, Peterborough Independent Forum
Cllr Sanders

Officers Present: John Harrison, Executive Director of Strategic Resources
Steven Pilsworth, Head of Strategic Finance
Kim Sawyer, Head of Legal Services
Paulina Ford, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Maqbool and Martin. Councillors Serluca and Sylvester were in attendance as substitutes.

2. Declarations of Interest and Whipping Declarations

There were no declarations of interest or whipping declarations.

The Chairman read out the procedure for the meeting.

The Chairman advised that letters in support of the Call-In had been received from fourteen members of the public and they had been distributed to the Committee for their consideration.

4. Call in of any Cabinet, Cabinet Member or Key Officer Decisions

The purpose of the meeting was to consider the Call-In request that had been made in relation to the decision made by Cabinet on 5 November 2012 with regard the Development of Ground Mounted Solar Photovoltaic (Pv) Panels (Solar Farms) and Wind Turbines - NOV12/CAB/134.

The request to Call-In this decision was made on 8 November 2012 by Councillor Harrington and supported by Councillors Sanders and Sylvester. The decision for Call-In was based on the following grounds:

- i) The decision does not follow the principles of good decision making set out in Article 12 of the Council's Constitution specifically that the decision maker did not:
 - (a) realistically consider all alternatives and, where reasonably possible, consider the views of the public

After considering the request to Call-in and all relevant advice, the Committee were required to decide either to:

- (a) not agree to the request to call-in, when the decision shall take effect;

- (b) refer the decision back to the decision maker for reconsideration, setting out its concerns; or
- (c) refer the matter to full Council.

In support of the request to Call-in Councillors Harrington, Sanders and Sylvester made the following points:

Councillor Harrington

- The Cabinet Decision had not taken best practice in the Local Plan into account.
- No alternative schemes had been considered.
- Value for money had not been clearly defined.
- Proposed development would be built on Grade 1 and 2 agricultural land but there was no detailed evidence that other sites had been considered with a lower grading. The Local Plan clearly stated that any proposal for development on best quality agricultural land should be accompanied by evidence that sites on any previous developed land and urban areas have been investigated and a detailed explanation as to why such sites were unacceptable.
- The plan also stated that there needed to be a fully justified need to use agricultural land higher than grade 3 for development.
- The plan also stated that the Council recognised the need to protect good quality agricultural land for future generations.
- The report identified two other sites at Wittering and Castor but with no specific details of the land available or quality of agricultural land.
- There was no evidence in report of environmental consequences and impact on the community affected.
- Miers Ltd had been mentioned as a possible contractor for the design and installation of solar panels on the roofs of schools but no mention of design and installation of ground mounted solar panels.
- No parallel schemes tendered.
- Consultation had been poor and no engagement with tenant farmers.
- Decisions had been based solely on cost and should be referred back to Cabinet.

Councillor Sanders

- Concurred with Councillor Harrington.
- All alternatives had not been considered or the views of the public.
- Not considered finances and long term business plan and the decision had been rushed through.
- No evidence that there would be a return on investment.
- Did not believe Cabinet had been in possession of full facts to be able to make the decision.
- Not satisfied with the figures or consultation process.
- Concerned about impact on the rest of the rural community.
- The council needed to work with the tenant farmers.
- Green energy was a good idea in principal but all alternatives needed to be looked at.
- Would like Cabinet to pause and look at other alternatives.

Councillor Sylvester

- Cabinet had not considered any other types of technologies.
- Did not engage with tenant farmers to discuss other types of schemes for renewable energy.
- Other Local Authorities had used other technologies like bio energy successfully.

There being no questions from the Committee John Harrison, Executive Director of Strategic Resources responded in answer to the Call-In request:

Members were reminded that they had received a formal response to the Call-in which had answered all areas of the Call-in request.

Questions and Comments from Members of the Committee:

The Chair reminded Members that they could only ask questions that were relevant to the Call-in request.

- Members were not satisfied that the tenant farmers had been consulted with properly and notified of the proposed plans earlier. Councillor Fox read out some of the letters that had been submitted to the Committee from the tenant farmers. *Members were advised that initial matters had been raised with the tenant farmers at an early stage.*
- Members wanted to know if the council would normally consult with tenant farmers on a proposed renewable energy project or wait until the proposal went to planning. *Members were advised that there had been no precedent set for renewable energy projects and therefore this project would set a precedent.*
- Would it be normal practice to seek alternative ideas at the initial enquiry stage? *Members were informed that in the original Cabinet report in July the strategy had stated that small schemes were not profitable and if the council were to realise its ambitions it would have to build big which would also have a financial advantage. The Director advised Members that he was aware of what types of renewable energy schemes would generate significant amounts of renewable energy and would give significant financial returns. The alternatives put forward would not provide a viable solution.*
- Members asked the Director of Strategic Resources if he was happy that the proposed recommendation made was the correct one based on the amount of energy and income projected over the projected timescale. *The Director of Strategic Resources advised that from the knowledge he had of the energy market, the advice that he had received from experts, the financial analysis and due diligence that had been undertaken he was happy with the recommendation.*
- Members referred to the third reason for the Call-in “have not engaged with any third parties to seek possibility of installing schemes within industrial areas. E.g. warehouse roofs etc. *Members were advised that the councils first strategy was to look at what could be built on council owned buildings and assets. The ability to use the roofs of commercial buildings had been significantly reduced due to the Government reduction in the feed in tariff. It was also more costly to build on roofs.*
- Members wanted to know why the decision was being made prior to the completion of the consultation. *Members were reminded that the strategic decision made in July was to look at sites available for the development of wind and ground mounted solar Pv panels. The feasibility studies had shown that this was the best financial decision in terms of the development of renewable energy in the area on those sites. The driver for the decision was around the current support from the government for the schemes which may not be available in the future. Appropriate consultation was taking place within the overall strategy.*
- Members asked for a copy of the feasibility study. *Members were reminded that this was not relevant to the issues raised in the Call-in.*

The Chair reminded Members that an in-depth discussion had already taken place on the development of ground mounted solar Pv panels (solar farms) and wind turbines prior to the Cabinet meeting on 5 November 2012 at the joint meeting of the Sustainable Growth & Environment Capital Scrutiny Committee and the Scrutiny Commission for Rural Communities on 2 November. Recommendations were made at the meeting and accepted by Cabinet.

After debating the request to Call-in the decision the Committee took a vote to decide on whether they should:

- (a) not agree to the request to call-in, when the decision shall take effect;
- (b) refer the decision back to the decision maker for reconsideration, setting out its concerns; or
- (c) refer the matter to full Council.

The Committee voted in favour of (a) not agree to the request to call-in the decision (4 in favour, 3 against)

ACTION

The request for Call-in of the decision made by Cabinet on 5 November 2012, regarding the Development of Ground Mounted Solar Photovoltaic (Pv) Panels (Solar Farms) and Wind Turbines - NOV12/CAB/134 was considered by the Sustainable Growth and Environment Capital Scrutiny Committee. Following discussion and questions raised on each of the reasons stated on the request for call-in, the Committee did **not** agree to the call-in of this decision on any of the reasons stated.

It was therefore recommended that under the Overview and Scrutiny Procedure Rules in the Council's Constitution (Part 4, Section 9, and paragraph 13), implementation of the decision would take immediate effect.

The meeting began at 5.30pm and ended at 6.43pm

CHAIRMAN