

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
2nd February 2017

Agenda item 6

Application ref. 16/00893/FUL

Land under Wolstanton, Porthill, Dimsdale and Basford

As set out in the main agenda report, the development as proposed within this application, two boreholes, are in connection with a proposed geothermal heat plant (or energy centre) located within Festival Park. As Stoke City Council are the local planning authority dealing with the main element of the development, the energy centre, and the development within the Borough cannot happen without the development within the City taking place it is appropriate that they take the lead role in this development and any decision issued by the Borough Council is consistent with and reflects the approach adopted by the City Council.

Since the preparation of the main agenda report it has become clear that the City Council will not be reporting their application to their Planning Committee until early March, beyond the 13th February application determination date. It will not be possible to identify what other conditions are reasonable and appropriate to the development and which ensures consistency with the decision of the City Council, as set out in the third bullet point of the recommendation, until the City Council have reached a decision. The wording of the conditions recommended within the first bullet point will also need to be consistent with such conditions as set out in the decision issued by the City Council also and again it will not be possible to agree the appropriate wording until the City Council have taken their application to their Committee.

In light of this your Officer is seeking an agreement from the applicant to extend the determination period for the application until 15th March.

In addition the City Council are exploring the possibility of securing a sum of money, through a Section 106 planning obligation, to be used to employ a competent person to comment upon the procedure of monitoring of any seismic activity and the undertaking of such monitoring ~~of any seismic activity~~. Should the City Council establish that such an obligation is appropriate and lawful it may be appropriate for the Borough Council to be a party to the obligation, however the City Council has not yet received ~~Legal~~ legal advice confirming that this is appropriate and as such it is not possible at this time to provide a clear recommendation as to the need or otherwise of a S106.

As such the recommendation is amended as follows:

- (a) That the Head of Planning be given the delegated authority to secure a Section 106 obligation, if required, by a date yet to be identified, to ensure that monitoring of any seismic activity associated with the development is carried out appropriately and, subject to the completion of any such Section 106 obligation, to PERMIT the application subject to the following conditions:
- No extraction of geothermal water to commence until the specific details of the protocol and the threshold levels for the implementation of the threshold-based traffic light system associated with the monitoring of seismic activity have been submitted and approved by the Local Planning Authority. Operation of the energy centre and extraction of geothermal water to proceed in accordance with the approved protocol and threshold levels unless otherwise agreed by the Local Planning Authority or other similar measures that ensure consistency with the decision of the City Council in respect of application 60407/FUL.
 - Development to be carried out in all other respects in accordance with the submitted information including the identified mitigation measures.

- Any other conditions that are reasonable and appropriate to this development that ensures consistency with the decision of the City Council in respect of application reference 60407/FUL

b) In the event of such an obligation being considered necessary by the Head of Planning and not being forthcoming by the date referred to in recommendation a) that the Head of Planning have delegated authority to refuse the application on the grounds that insufficient protection has been secured against seismic activity; unless he considers appropriate to extend that period