



BRIEFING PAPER

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Planning for onshore wind

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Summary

This note sets out issues to do with the planning process for onshore wind development. It applies to England only. Section 2.2 provides links to briefing papers which explain the planning processes for onshore wind in the other UK countries.

At a domestic level there are some permitted development rights for small domestic wind turbines, where planning permission is not required at all, subject to certain limits and conditions. Beyond these limits planning permission will be required for onshore wind farms, which will be determined by the relevant local planning authority. Until recently wind farms which had an output of over 50MW were classed as nationally significant infrastructure projects to be consented by the Secretary of State. The Energy Act 2016 and regulations made under it returned the decision making process for these wind farms back to local planning authorities.

Planning policy for onshore wind is contained in a number of documents, principally the Government's [National Planning Policy Framework](#), the [National Policy Statement for Renewable Energy Infrastructure](#) and online [Planning practice guidance for renewable and low carbon energy](#). Local authorities will have policies on onshore wind development in any up-to-date local plan for a particular area. While there are no nationally-set minimum separation distances between wind turbines and housing in England, one council has successfully set guidelines for a minimum distance for its area in the [Allerdale Borough Council Local Plan](#).

The former Government temporarily expanded the planning appeals recovery criteria to allow the Secretary of State to take the final decision on onshore wind appeals. This expired in April 2015 and the current Government has not renewed it.

In its online [Planning Practice Guidance](#) the former Government's aim was to make clear that the need for renewable energy did not automatically override environmental protections and the planning concerns of local communities. Compulsory pre-application engagement exists for "more significant onshore wind" which is for development involving more than two turbines or any turbine exceeding 15 metres height.

The [Conservative Party 2015 Manifesto](#) pledged to give "local people" a "final say" on windfarm applications. In a [written ministerial statement](#) on 18 June 2015 the Government announced that when determining planning applications for wind energy development local planning authorities should only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a local or neighbourhood plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

The Government's publication [Community benefits from onshore wind developments: Best practice guidance for England](#) sets out examples of possible community benefits available to communities which host onshore wind projects.

Some examples of reasons for acceptance and rejection of wind farms are set out in this note. Statistics on this are available from the Government's [Renewable Energy Planning Database](#) and the Renewables UK, [UK Wind Energy Database \(UKWED\)](#).

1. Introduction

Consents for electricity generation were not historically a particular problem. The privatised electricity companies have been able to obtain consent for new gas-fired power stations without particular complaint. However, increased emphasis upon renewable sources of power has resulted in planning problems. The result has been considerable delay and the rejection of many applications.

Not everybody would consider the delay or rejection of applications for wind farms to be a weakness. The planning system is meant to enable contrasting interests to be taken into account. Opponents of wind farms would say that some proposals would have damaged the landscape to a disproportionate extent and thus needed to be rejected.

A further consideration is that a disappointed applicant has the right of appeal to the Secretary of State, in practice to a planning inspector who will determine the application in line with Government guidance. Local planning authorities think hard before rejecting planning applications because they risk not only having their decision overturned on appeal but also having costs awarded against them if their decision is considered to be unreasonable. On the other hand there is a considerable delay before hearing an appeal, of perhaps a year. A considerable cost can be incurred as the result of such a delay.

2. The planning process for onshore wind turbines

Most onshore wind turbines require planning permission granted by the relevant local planning authority (LPA) for that area.

Until recently larger onshore wind turbines of above 50 megawatts (MW) were treated as Nationally Significant Infrastructure Projects (NSIPs). This meant that they had to obtain development consent granted by the Secretary of State under the rules provided for in the *Planning Act 2008*, rather than obtaining planning permission from the LPA.

The Energy Act 2016 together with the [Infrastructure Planning \(Onshore Wind Generating Stations\) Order 2016](#) changed this position. This legislation removed onshore wind farms of over 50MW in size from the NSIP regime and returned the decision making powers to LPAs.¹

LPAs take planning decisions in accordance with the policies set out in the [National Planning Policy Framework](#) (NPPF) and by following the procedure set out in the *Town and Country Planning Act 1990* and the *Town and Country Planning (Development Management Procedure) (England) Order 2015* (SI 2015/595).

Section 34 of the 2015 SI gives time periods for decisions, which are 13 weeks for major development and 8 weeks for other development, or any period agreed in writing between the developer and the local authority. "Major development" is defined in the SI and includes:

- (e) development carried out on a site having an area of 1 hectare or more;

The time period for planning determination under these rules, will therefore depend on the size of the site for the proposed wind turbine development.

From 17 December 2013, pre-application consultation with local communities has become compulsory for the "more significant onshore wind applications" by virtue of the *Town and Country Planning (Development Management Procedure and Section 62A Applications (England) (Amendment) Order 2013* (SI 2932).² This is for onshore wind development involving more than 2 turbines or any turbine with a hub height exceeding 15 metres height. What pre-consultation means is set out in section 61W of the *Town and Country Planning Act 1990*, before submitting a planning application:

- (2) The person must publicise the proposed application in such manner as the person reasonably considers is likely to bring the

Pre-application consultation with local communities is currently required for "significant onshore wind applications".

¹ The Onshore Wind Generating Stations (Exemption) (England and Wales) Order 2016 (S.I. 2016/21) as amended by the Onshore Wind Generating Stations (Exemption) (England and Wales) (Amendment) Order 2016 (S.I. 2016/450), also removed from the requirement for consent under section 36 of the Act wind powered generating stations which are onshore in England or Wales

² Government press release, [Wind turbine proposals to be seen by communities first](#), 16 November 2013

proposed application to the attention of a majority of the persons who live at, or otherwise occupy, premises in the vicinity of the land.

(3) The person must consult each specified person about the proposed application.

(4) Publicity under subsection (2) must—

- (a) set out how the person (“P”) may be contacted by persons wishing to comment on, or collaborate with P on the design of, the proposed development, and
- (b) give such information about the proposed timetable for the consultation as is sufficient to ensure that persons wishing to comment on the proposed development may do so in good time.

(5) In subsection (3) “specified person” means a person specified in, or of a description specified in, a development order.

Once this pre-consultation exercise has been carried out then developer will then need to show, when applying for planning permission, how they complied with the pre-consultation requirement, set out any responses that they received and show how they have taken account of these responses.

The Government intended that this would give communities the chance to express their views at an earlier stage and to be able to influence proposals.³ It did not, however, give communities a veto over wind turbine applications. The local planning authority takes the final decision on the application, based on all material considerations.

On 18 June 2015 the Government announced, in a [written ministerial statement](#) new considerations to be applied to proposed wind energy development so that “local people have the final say on wind farm applications.”⁴ These considerations took effect immediately. It set out that when determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a local or neighbourhood plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.⁵

Whether a proposal has the backing of the affected local community is, according to the written statement, “a planning judgement for the local planning authority.”⁶

The Government has updated its online [National Planning Practice Guidance](#) to reflect these changes.

New planning considerations came into effect from 18 June 2015.

³ Government press release, [Wind turbine proposals to be seen by communities first](#), 16 November 2013

⁴ [HC Deb 18 June 2015 9WS](#)

⁵ [HC Deb 18 June 2015 9WS](#)

⁶ [HC Deb 18 June 2015 9WS](#)

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If an LPA rejects a planning application, the developer then has a right to appeal to the Secretary of State via the Planning Inspectorate. An independent inspector is appointed by the Secretary of State to consider each appeal. The planning inspector will make their decision in line with any relevant development plan for the area unless there are material considerations that justify taking a different view.

Further information about the planning process under the *Town and Country Planning Act 1990* and how to comment on proposed development is set out on the Government's [Planning Portal website](#).

2.1 Permitted development rights

Some domestic wind turbines do not need planning permission at all, under rules called permitted development rights.

Permitted development rights are basically a right to make certain changes to a building without the need to apply for planning permission. These derive from a general planning permission granted from Parliament in the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) (No. 596) (the GPDO), rather than from permission granted by the local planning authority. Schedule 2 of the GPDO sets out the scope of permitted development rights.

Planning permission is not always required for small domestic wind turbines.

The Government's [Planning Portal website](#) summarises some of the criteria for permitted development rights for building mounted domestic wind turbines:

- No part (including blades) of the building mounted wind turbine should protrude more than three metres above the highest part of the roof (excluding the chimney) or exceed an overall height (including building, hub and blade) of 15 metres, whichever is the lesser.
- The distance between ground level and the lowest part of any wind turbine blade must not be less than five metres.
- No part of the building mounted wind turbine (including blades) must be within five metres of any boundary.
- The swept area of any building mounted wind turbine blade must be no more than 3.8 square metres.

Some of the criteria to qualify for permitted development rights for a domestic stand alone wind turbine are given as follows:

- The highest part of the stand alone wind turbine must not exceed 11.1 metres.
- The distance between ground level and the lowest part of any wind turbine blade must not be less than five metres.
- An installation is not permitted if any part of the stand alone wind turbine (including blades) would be in a position which is less than a distance equivalent to the overall height of the turbine (including blades) plus 10 per cent of its height when measured from any point along the property boundary.
- The swept area of any stand alone wind turbine blade must be no more than 3.8 square metres.

Full details about these permitted development rights are set out on the Government's [Planning Portal website](#). In some areas, such as conservation areas, local authorities may suspend permitted development rights. Anyone planning a wind turbine should with their particular local authority what the rules are for their particular area.

2.2 Devolved nations

Information about the planning process for onshore wind development in the other UK countries is available in the following briefings:

- National Assembly for Wales Research Service, [In Brief: Wind](#), 27 February 2016;
- Northern Ireland Assembly Research and Information Service Research Paper, [Wind Turbines: Planning and Separation Distances](#), 14 September 2013;
- Scottish Parliament Information Centre (SPICe), [SB 11-71 Wind Farms: Planning and Approval](#), 21 September 2011

3. Planning policy for onshore wind

3.1 National policy

Box 1: National planning policy on onshore wind

National planning policies on onshore wind development from the Government are found in three key places:

- The [National Planning Policy Framework](#);
- The online [Planning Practice Guidance on Renewable and Low Carbon Energy](#); and
- The [National Policy Statement for Renewable Energy Infrastructure](#).

In March 2012 the Government published the [National Planning Policy Framework](#) (NPPF). The NPPF sets out the Government's planning policies for England and how it expects these to be applied. It must be taken into account in the preparation of local and neighbourhood plans and is a material consideration for local planning authorities (LPAs) considering planning applications.

The NPPF replaced much of the former planning policy statements and the *Localism Act 2011* and subsequent orders made under it have abolished all except for a few remaining policies of the Regional Spatial Strategies. In short, this now means that local planning authorities (LPAs) no longer have to adopt targets for wind farms set at regional level. They may, however, choose to adopt their own targets if they wish to do so.

The NPPF directs that when determining planning applications for renewable energy development, LPAs should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

The NPPF makes clear that renewable energy development is not normally considered appropriate development for green belt land:

91. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

The NPPF also encourages LPAs to develop a strategy to promote renewable energy developments and identify suitable sites for them:

97. To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

The NPPF makes clear that in assessing the likely impacts of potential wind energy development when identifying suitable areas, and in determining planning applications for such development, planning authorities should follow the approach set out in the [National Policy Statement for Renewable Energy Infrastructure](#), July 2011.

The [National Policy Statement for Renewable Energy Infrastructure](#) sets out the general principles that should be applied in the assessment of development consent applications for onshore wind (as well as other renewable energy technologies). Section 2.7 covers onshore wind. Key considerations for site selection are explained in detail and include: predicted wind speed, proximity of site to dwellings, capacity of a site, access, grid connection issues, biodiversity and geological conservation, historic environment impacts, landscape and visual impact, noise and vibration, shadow flicker and traffic and transport issues.

In July 2013 the Government published *Planning practice guidance for renewable and low carbon energy*. This was replaced in March 2014 by [online planning practice guidance on renewable and low carbon energy](#). The aim of this guidance was to make clear that the need for renewable energy did not automatically override environmental protections and the planning concerns of local communities. It also aimed to ensure sufficient weight was given to landscape and visual impact concerns. The guidance sets out particular planning considerations that relate to wind turbines. It includes guidance on how local planning authorities should assess impacts such as noise, safety, interference with electromagnetic transmission, ecology, heritage, shadow flicker, energy output, and cumulative landscape and visual impacts.

3.2 Local policy

At a local level individual local planning authorities are likely to produce renewable energy studies in order to inform the evidence base for their local plans. The NPPF directs that each local planning authority should produce a local plan. The local plan will contain policies relating to renewable energy in that particular area. Some LPAs also produce supplementary planning guidance to accompany the local plan with more detail about policy in a particular area. An example of this is the [Cumbria wind energy supplementary planning document](#). It is up to each individual LPA whether it wants to produce supplementary guidance.

3.3 Recovered appeals for Secretary of State determination

In October 2013 the Secretary of State announced that he would temporarily expand the criteria for recovering planning appeals for his own determination, for six months, to include appeals for renewable energy development:

I want to give particular scrutiny to planning appeals involving renewable energy developments so that I can consider the extent to which the new practice guidance is meeting the Government's intentions. To this end, I am hereby revising the appeals recovery criteria and will consider for recovery appeals for renewable energy developments. This new criterion is added to the recovery policy issued on 30 June 2008 and will be applied for a period of six months from today after which it will be reviewed.

For the avoidance of doubt, this does not mean that all renewable energy appeals will be recovered, but that planning Ministers are likely to recover a number of appeals in order to assess the application of the planning practice guidance at national level.⁷

On 9 April 2014 the then Secretary of State [announced](#) that he would continue to consider for recovery appeals for renewable energy developments for a further 12 months.⁸ This time period has not been further extended by the current Government.

For more information about called-in planning applications and recovered appeals see Library standard note, [Calling in a planning application](#).

3.4 Community engagement in the planning process

In October 2014 the former Government published two documents giving guidance on community benefits and engagement for onshore wind farm developers:

- [Community benefits from onshore wind developments: Best practice guidance for England](#); and

⁷ [HC Deb 10 Oct 2013 c 31WS](#)

⁸ [HC Deb 9 Apr 2014 c12-13WS](#)

- [Community engagement for onshore wind developments: Best practice guidance for England.](#)

In January 2014 the former Government published a [Community Energy Strategy](#), which set out Government policies for helping communities to produce, reduce, manage and purchase energy.⁹

3.5 Separation distances

In England there are no national minimum separation distances set between wind turbines and housing and there are no proposals from Government to introduce them. The last [Government's view](#), was that distance alone did not necessarily determine whether the impact of a proposal is acceptable or not. It believed that distance played a part, but only alongside other factors specific to the local context, such as topography, the local environment and nearby land uses.¹⁰

In England there are no nationally set separation distances between wind turbines and housing.

What can happen, however, is that in some specific circumstances, it may be possible for a local planning authority to set its own separation distance in its own local area. In July 2014 Allerdale Borough Council became the first, (and currently only), council to successfully introduce a separation distance between wind turbines and housing in its local plan for the area. In the [Allerdale Borough Council Local Plan](#), which was adopted earlier in July 2014, a policy on separation between wind turbines and residential housing of 800 meters was included. The policy is worded so that this separation distance does not have to apply rigidly and gives flexibility to decision makers not to have to use it in all cases:

"225. In order to address community concerns and in the interests of residential amenity and safety, a minimum separation distance of 800m between wind turbines (over 25m to blade tip) and residential properties will be expected. It is recognised that in some cases due to site-specific factors such as orientation of views, landcover, other buildings and topography it may be appropriate to vary this threshold, where it can be demonstrated through evidence that there is no unacceptable impact on residential amenity. Shorter distances may also be appropriate if there is support from the local community."

In some circumstances it is possible for local planning authorities to set their own separation distances.

Local plans must be examined by an independent planning inspector before they can be adopted, to test that they meet legal requirements, compliance with Government policy and that they are based on robust evidence. The policy on wind farm separation distances in the Allerdale Borough Council was scrutinised in depth by the planning inspector. In the [inspector's report](#) the inspector concluded that there was nothing in the Government's planning policy which would exclude the principle of a minimum separation distance. The inspector stressed that taking into account the specific topographical conditions for that area that an 800m distance would not be "unreasonably excessive".¹¹

The Inspector's report also focussed in detail on the national target to provide electricity from renewable sources and the evidence which

⁹ DECC, [Community Energy Strategy](#), January 2014

¹⁰ HC Deb [26 November 2013 c241w](#)

¹¹ The Planning Inspectorate, [Report to Allerdale Borough Council](#), 1 July 2014, para 77

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suggested that “great deal of Cumbria’s renewable (and in particular wind) energy generating capacity either has already been constructed in Allerdale, or is awaiting construction in Allerdale having been granted planning permission.”¹² It examined the remaining locations where wind turbines might be sited in the area and the impact that locating turbines in these places would have on the landscape and the potential noise and visual harm considerations.

The inspector also looked at the potential effect of the separation distance to ensure that it would not, in practice, amount to a blanket ban. It was determined that in this particular location a distance of 800m would not amount to an “inappropriate” blanket ban. The report made clear that a separation distance which did amount in effect to a blanket ban would *not* be compatible with Government policy.¹³

Any locally set separation distance must not amount to a blanket ban for onshore wind.

There have been several legislative attempts to introduce an England-wide separation distance, none of which have passed through all of the stages in Parliament to become law. The most recent attempt was by Lord Reay who introduced [the Wind Turbines \(Minimum Distance from Residential Premises\) Bill \[HL\] 2012-13](#) in the House of Lords, but the Bill was not given time for second reading.

For further information about separation distances in other parts of the UK and abroad see Northern Ireland Assembly Research and Information Service Research Paper, [Wind Turbines: Planning and Separation Distances](#), 14 September 2013.

¹² Ibid, para 64

¹³ Ibid, para 66

4. June 2015 changes to onshore wind planning policy

In a [written ministerial statement](#) (WMS) on 18 June 2015 the Government announced new considerations to be applied to proposed wind energy development so that “local people have the final say on wind farm applications.”¹⁴ These considerations took effect from 18 June 2015 and should be taken into account in planning decisions. When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a local or neighbourhood plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.¹⁵

Whether a proposal has the backing of the affected local community is, according to the written statement, “a planning judgement for the local planning authority.”

The statement also give direction about transitional arrangements for how existing planning applications for onshore wind farms, which have not yet been decided, should be determined:

Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.¹⁶

In a statement on onshore wind subsidies on 22 June 2015, the Secretary of State for Energy and Climate Change, Amber Rudd, indicated that a planning inspector would not be able to overturn a decision by a local planning authority to refuse an onshore wind application:

Mr Peter Bone (Wellingborough) (Con): (...) I have it clear in my mind, but can my right hon. Friend confirm that if the Borough Council of Wellingborough turns down a planning application for a wind farm, its decision cannot be overturned by the Planning Inspectorate?

Amber Rudd: Yes, I can confirm that.¹⁷

A later article in Planning magazine from 26 June 2015 reported a spokesperson from the Department for Communities and Local

¹⁴ [HC Deb 18 June 2015 9WS](#)

¹⁵ [HC Deb 18 June 2015 9WS](#)

¹⁶ [HC Deb 18 June 2015 9WS](#)

¹⁷ [22 Jun 2015 c634](#)

Government had clarified the Government's position to say "that developers will retain the right to appeal decisions although they will have to take into account the "clear requirement" for local backing."¹⁸

4.1 Response to the changes

Following the 18 June written statement the renewable energy industry association, RenewableUK, said the new policy would restrict onshore wind in favour of other energy technologies:

These changes to the local planning process for onshore wind projects now mean that there is one set of rules for onshore wind and a different set of rules for all other types of development," said Maf Smith, deputy chief executive of RenewableUK, in an emailed statement. "Government has created a skewed playing field, deliberately restricting onshore wind energy projects in favour of other energy technologies for example, fracking – even though less than a quarter of the public supports it."¹⁹

The article also set out confidence from the industry that local authorities would support onshore wind applications in the future:

But Smith expressed confidence that local councils will support wind energy applications, given the strong public support for the technology.

"We support local councils taking decisions about local projects," he said. "Onshore wind is the most cost-effective way to generate clean electricity, consistently enjoying two-thirds public support in all the opinion polls, so councils will want to take this into consideration."²⁰

RenewableUK has also reported that it is not aware of any councils that have identified suitable areas for wind development. In the same article, the Planning Officers Society argued that it would be politically contentious to include a spatially specific strategy allocating sites for wind energy in a local plan.²¹

An article in Planning from 27 May 2016 said that developers and communities were "finding ways to navigate the tough new rules."²² It reported cases of where wind farms had been approved and where sites for onshore wind farms were being identified as part of the local plan making process:

Despite the concerns, some smaller wind projects have managed to navigate the tough new policy environment successfully. Earlier this month, Clark approved plans for a single turbine to the north-west of Hull, ruling that the planning concerns of the local community "have been addressed in the circumstances of this case". The decision letter added: "Accordingly, he considers that the transitional provision within the WMS is satisfied." The

¹⁸ "What tough new planning tests for onshore wind farms mean for applicants and authorities" [Planning](#), 26 June 2015

¹⁹ "New onshore wind planning hurdles concern developers" [BusinessGreen](#), 19 June 2015

²⁰ "New onshore wind planning hurdles concern developers" [BusinessGreen](#), 19 June 2015

²¹ "What tough new planning tests for onshore wind farms mean for applicants and authorities" [Planning](#), 26 June 2015

²² "How applicants and communities are responding to new wind farm tests" [Planning](#), 27 May 2016

communities secretary also approved plans for a single turbine in Cumbria this week, again ruling that the planning concerns raised by residents had been addressed.

(...)

Councils that have drawn up draft policies to allocate areas as suitable for wind energy include Hull City Council, Eden District Council in Cumbria, and Torrington District Council and North Devon Council in north Devon. The two Devon authorities, which are jointly preparing a local plan, are proposing to include a policy that would identify the "full extent" of both districts as an area suitable for wind energy development.²³

²³ "How applicants and communities are responding to new wind farm tests"
[Planning](#), 27 May 2016

5. Community benefit for onshore wind

Communities may benefit financially from the development of onshore wind power in their areas, from a number of different mechanisms. The former Government's [Community benefits from onshore wind developments: Best practice guidance for England](#) gives best practice guidance and examples of community benefits for onshore wind. Examples of the different sorts of community benefit in practice are also set out in DECC's [Onshore Wind Call for Evidence: Government Response to Part A \(Community Engagement and Benefits\) and Part B \(Costs\)](#), June 2013.

Section 106 agreements

Concerns about new infrastructure are sometimes met by the local council imposing planning obligations on developers. New developments in a particular area may bring with them wider impacts on the local area, for example construction of a new wind farm might bring more people to the area who use local public facilities and infrastructure. New facilities may therefore need to be built or upgraded to cope with this extra demand and this needs to be paid for. Section 106 of the *Town and Country Planning Act 1990* (as amended) allows developers to enter into "planning obligations" with a local authority in order secure planning permission for a development.

Section 106 agreements are legally binding, and the obligations may be either in cash or kind, to undertake works, provide affordable housing, or provide additional funding for services.

Government planning guidance in the NPPF directs that planning obligations should only be sought if they meet all of the following tests (para 204):

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Planning obligations to support new development must help meet the objectives of the local plans and neighbourhood plans for a particular area. The amount available from section 106 obligations is a matter for negotiation between a developer and the local council. Therefore there is no standard amount given for renewables projects. Many councils, however, issue their own Planning Obligations Supplementary Planning Document (SPD). These documents explain a Council's approach to planning obligations, its aims for the types of planning obligations that may be sought and the methodology for calculating the amount of these obligations. Having this document helps a local council refute allegations that planning permission can be "bought" if it sets out in advance how much money will be required in what circumstances.

Business rate retention

In England, under the *Local Government Finance Act 2012* and the *Non-Domestic Rating (Renewable Energy Projects) Regulations 2013* SI No. 108, from April 2013, all of the business rates income from new renewable energy projects, including onshore wind farms can be retained by the local planning authority, (i.e. the decision maker, for the relevant renewable energy project at county or district level).

Goodwill payments

There are also community benefits (in addition to section 106 obligations) provided by industry, rather than Government. In some cases wind farm developers have made what they call “goodwill payments” to a local community. These payments are offered outside of the planning system, but have led to criticisms that planning permission for windfarms can be bought and sold. The Campaign to Protect Rural England (CPRE) has [criticised](#) this practice.

These payments range from grants to carry out immediate one off improvements to local amenities (i.e. new playgrounds for children), through to annual funding to support longer term projects which could have a wider and more lasting legacy (i.e. environmental enhancement schemes and energy efficiency programmes).

A community fund

One way for wind energy developments to provide community benefits is for money to be paid into a fund for the use of the community. This is where the owner of a wind farm distributes funds directly to community projects, often on an annual basis. This can be linked to the output of the wind turbine or can be linked to the financial revenue generated by the wind farm. An example of this is the [Wadlow Wind Farm Community Fund](#) in Cambridgeshire.

Contribution to energy efficiency schemes

Some wind energy projects contribute funds to sustainable energy initiatives within the local community, often through a third party specialising in providing these services. This could include, for example, improving home insulation levels and heating efficiency or installing small-scale renewable energy equipment such as solar water heating. Energy advice and education activities might also be included.

Wider environmental and societal benefits

A wind developer may also chose to directly deliver local improvements. Examples are improvements to local facilities, environmental improvements, tourism or recreational provision.

Provision of cheaper electricity

According to the [Government](#) some developers have explored ways to offer reductions to electricity bills for local communities in the vicinity of wind farms. An example of this is the RES [Local Electricity Discount Scheme](#) which offers an annual discount on the electricity bills of those properties closest to a RES wind farm.

The Community Benefit Protocol

In February 2011 the trade association RenewableUK brought together some of the different sorts of benefits into a scheme called the Community Benefits Protocol. The Protocol was originally a benefit package worth a minimum of £1,000 per megawatt (now worth £5,000 per megawatt), per year of installed wind power during the lifetime of the wind farm (typically 25 years). The Protocol was designed to account for the fact that not all communities are the same, and they will not all necessarily want the same sorts of benefits so it contains flexibility to tailor schemes to match the wishes of communities and covers financial payments and /or benefits in kind and profit sharing or community ownership.

Further information about this is available from the [RenewableUK website](#).

The change in the value of the community benefit package was done by the renewable industry following a Government [response](#) to a [consultation](#) on community engagement and benefits of onshore wind. In the Government's response it recommended that the wind industry should increase the value of its Community Benefit Protocol:

In response to the Government report, DECC is expecting the onshore wind industry, as represented by RenewableUK (trade body for England), to announce a revision to their existing community benefit protocol to increase the current recommended community benefit package value in England fivefold from £1,000/MW of capacity per year to £5,000/MW of capacity per year for the lifetime of the windfarm (usually around 25 years). To put this in context £5,000/MW for a 20MW windfarm (or around eight turbines) would mean £100,000 per year that could be used to fund programmes to roll out energy efficiency measures, employ neighbourhood energy advisors, establish local skills and training projects, provide meaningful electricity bill offsets for many individual households or other community initiatives that local people might want.

The previous Government said that it would not put the requirements of a community benefit package in legislation, in order to allow for a degree of flexibility in the types and levels of benefit packages offered. A revised [Community Benefit Protocol](#) was subsequently published by RenewableUK in October 2013 to reflect the recommended changes.

6. Some reasons for rejection

Here are some examples of refusals by planning inspectors or the Secretary of State, since the start of 2009 for onshore wind developments. This list is not exhaustive:

- Five 100m high wind turbines were rejected at a site in North Yorkshire primarily due to landscape harm and a serious adverse effect on residential amenity at a nearby farm. An inspector held that the landscape contributed to the area's distinctive character.²⁴
- A proposal to site seven wind turbines in the Grampian foothills has been rejected on the grounds that it would have a significant adverse effect on landscape character and harm visual amenity.²⁵
- A proposal for a 127m wind turbine at a sewage treatment works in Staffordshire was turned down following findings that it would diminish Lichfield Cathedral's visual dominance in views from the south-west.²⁶
- A proposal for four wind turbines 125 metres high on the Northumbria coast was dismissed because it would undermine landscape character and local residents' amenities.²⁷
- A proposal for 12 wind turbines 145 metres high and a permanent meteorological mast in the Trent Valley was rejected, although the site lay within one kilometre of eight power stations and was crossed by pylon lines. The inspector held that the turbines would still have a significant effect on the surroundings.²⁸
- A 75-metre high wind turbine in Southern Scotland was rejected because of its harm to the setting of a historic hill fort 500 metres away.²⁹
- A proposal for two wind turbines with a hub height of 24 metres close to a racecourse in Somerset was blocked partly due to the adverse effect on the horses.³⁰
- A proposal for a turbine with a blade tip of 25 metres in Somerset was rejected because it would affect an air traffic control centre.³¹ Other refusals have related to air safety at an airfield^{32 33}.
- The Secretary of State refused planning permission for two wind turbines at a farm in Staffordshire stating that local concerns about the effects on the landscape and townscape quality had not been addressed.³⁴

²⁴ "Turbines ruled out due to impact on farming family and landscape", *Planning*, 9 April 2010

²⁵ "Turbines rejected on landscape grounds", *Planning*, 10 December 2010

²⁶ "Turbine rejected due to impact on cathedral view", *Planning*, 8 April 2011

²⁷ "Turbines held out of scale with landscape character", *Planning*, 16 December 2011

²⁸ "Wind farm ruled out in power station setting", *Planning*, 5 December 2011

²⁹ "Hill fort setting impact blocks wind turbine", *Planning*, 1 June 2012

³⁰ "Turbine blocked as likely to frighten racehorses", *Planning*, 4 May 2012

³¹ "Turbine rejected due to impact on military radar", *Planning*, 4 May 2012

³² "Turbine deemed to compromise air safety", *Planning*, 6 March 2009

³³ "Air safety and amenity block wind farm", *Planning*, 17 April 2009

³⁴ "Clark refuses Staffordshire wind turbines" [Planning](#), 23 October 2015

7. Some reasons for acceptance

In some cases planning inspectors and the Secretary of State have granted planning permission for onshore wind developments. This list is not exhaustive:

- Four 121 metre wind turbines were allowed on the Solway coast after limited landscape and tourism harm were outweighed by the need to combat global warming and improve energy security.³⁵
- In granting consent for a 126m high 2MW wind turbine in Lancashire, the inspector agreed that such structures were not uncommon and could become an accepted part of the landscape.³⁶
- The Secretary of State approved a wind farm in Northumberland because of the landscape's low quality.³⁷
- Two 15kw wind turbines were approved at a school in Plymouth because their visual impact would be acceptable and there would be educational benefits.³⁸
- A turbine was approved in the Cotswolds area of outstanding natural beauty after an inspector found that it would be seen as part of a farm complex and would be partly hidden in the landscape.³⁹
- A Leicestershire council withdrew noise and cultural heritage objections to a wind farm of 125 turbines, 80m high, after English Heritage withdrew an objection. The Judge recognised that the quality of view could be eroded but this was not considered so harmful as to justify refusing permission. Noise would be within nationally accepted limits and suggested conditions were reasonable and enforceable.⁴⁰
- Nine 125m wind turbines were approved in Essex after an inspector found that they would not dominate the landscape because, since they were built on low-lying arable land, they would be viewed against the broad expanse of the sky. In the inspector's opinion, most local properties had various views and the wind turbines would not make them unattractive places to live.⁴¹
- Two turbines up to 35 metres high were allowed at a farm in the Lincolnshire Wolds area if outstanding beauty on the basis that they would not undermine its character or be seen as dominant features.⁴²
- Permission was granted for 18 wind turbines in south-west Scotland after a reported found that the council had not fully explained its concerns about the scheme's visual impact.⁴³

³⁵ "Turbines survive landscape objections", *Planning*, 12 June 2009

³⁶ "Turbines seen as symbol of commitment", *Planning*, 5 June 2009

³⁷ "Turbines' visual impact held insignificant", *Planning*, 6 February 2009

³⁸ "Educational benefit of turbines allowed", *Planning*, 9 January 2009

³⁹ "Turbines secured in high quality landscape", *Planning*, 2 April 2010

⁴⁰ "Turbines allowed after adjournment plea", *Planning*, 30 April 2010

⁴¹ "Turbines held capable of fitting into landscape", *Planning*, 1 July 2011

⁴² "Farm energy turbines allowed after landscape impact fears dismissed", *Planning*, 1 June 2012

⁴³ "Council faulted over wind farm visual objections", *Planning*, 4 May 2012

- A 15-metre high turbine was allowed at a farm in West Yorkshire after an inspector held that potential harm to a protected bat species would be small and the adverse landscape impact slight.⁴⁴
- A wind turbine was approved by the Secretary of State in the East Riding of Yorkshire. In his decision letter, Clark said he felt that "the planning concerns of the parish councils, representing the local community, have been addressed". He also gave "significant weight" to his finding that the proposal would help to reduce greenhouse gas emissions.⁴⁵

⁴⁴ "Farm turbine allowed after impact on protected bats found minimal", *Planning*, 26 March 2012

⁴⁵ "How we did it: Winning support for a wind power scheme" *Planning*, 24 June 2016

8. Number of applications approved or rejected

Statistics about the number of wind farms approved and rejected are provided on the Department of Energy and Climate Change's [Renewable Energy Planning Database](#).

Statistics are also available on the Renewables UK, [UK Wind Energy Database \(UKWED\)](#).

A [PQ](#) answered in the House of Lords on 22 July 2014 sets out the number of onshore wind farms that have been through the planning system and either accepted or rejected each year since January 2009.⁴⁶ A [written statement](#) from 12 May 2014 gives this information showing the numbers on monthly basis and also providing the installed capacity.⁴⁷

⁴⁶ Wind Power: Written question - [HL1017](#), answered 22 July 2014

⁴⁷ [HC Deb 12 May 2014 c13-14WS](#)

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