



## **Housing White Paper ‘Fixing our Broken Housing Market’ – onshore wind energy**

**April 2017 CEE briefing for members**



## Introduction

The Housing White Paper<sup>1</sup> represented the last Government's proposed approach to tackling some of the big issues facing the housing market in the UK. It was chiefly concerned with increasing housing delivery, but it also included some proposed changes to the Government's approach to planning for sustainable development and the environment. Specifically, these changes included proposals to amend the National Planning Policy Framework ("NPPF")<sup>2</sup> to reflect changes to the way that wind turbines are dealt with by the planning system. These proposed changes to national planning guidance do not affect Scotland and Wales.

The expressed intention of this section of the White Paper was to integrate planning guidance that was introduced via a Written Ministerial Statement (WMS) from the Secretary of State for Communities and Local Government (Greg Clark) in June 2015 into the NPPF and, in doing so, clarify the intention behind the guidance.

## The Written Ministerial Statement, June 2018

The WMS<sup>3</sup> states:

*"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.*

*In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines, or similar, will not be sufficient. Whether a proposal has the backing of the affected local community is a planning judgement for the local planning authority.*

*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."*

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/590464/Fixing\\_our\\_broken\\_housing\\_market\\_-\\_print\\_ready\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/590464/Fixing_our_broken_housing_market_-_print_ready_version.pdf)

<sup>2</sup> The NPPF is the document that sets the framework for the development of local and neighbourhood plans in England

<sup>3</sup> [https://www.google.co.uk/url?sa=t&source=web&rct=j&url=https://www.parliament.uk/documents/commons-vote-office/June%25202015/18%2520June/1-DCLG-Planning.pdf&ved=0ahUKEwiy0tDXx57TAhWpLcAKHeZECx8QFggaMAA&usg=AFQjCNHq54sRgxoV3qg\\_EE5n14rbqn57tQ](https://www.google.co.uk/url?sa=t&source=web&rct=j&url=https://www.parliament.uk/documents/commons-vote-office/June%25202015/18%2520June/1-DCLG-Planning.pdf&ved=0ahUKEwiy0tDXx57TAhWpLcAKHeZECx8QFggaMAA&usg=AFQjCNHq54sRgxoV3qg_EE5n14rbqn57tQ)

## What does the Housing White Paper propose to change?

The changes proposed in the White Paper relate directly to Paragraph 98 of the National Planning Policy Framework, which deals with the determination of planning applications for renewable energy development (not just wind). Paragraph 98 currently states:

*98. When determining planning applications, local planning authorities 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*
- approve the application<sup>18</sup> 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*

*Footnote 18: Unless material considerations indicate otherwise.*

As currently drafted, paragraph 98 contains a number of areas of inconsistency with the WMS. Paragraph 98 applies to all renewable and low carbon energy development proposals, including wind, and is generally supportive of these. The WMS applies only to wind and is generally restrictive. Furthermore, there are some specific conflicts between the terms used across the two documents.

The White Paper, therefore, proposed to:

1. Clarify which parts of existing policy (paragraph 98) relate specifically to onshore wind energy development and which to all forms of renewable and low carbon energy development;
2. 'Remove the need' for wind energy development applications outside of suitable areas identified in plans to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and
3. Amend the wording used within the WMS to reflect the language used throughout the NPPF; specifically clarifying that wind energy development involving one or more wind turbines should 'not be considered acceptable' rather than 'should only grant planning permission'.
4. Remove the transitional arrangements for live applications<sup>4</sup> based on the view that sufficient time has elapsed to render them unnecessary.

The White Paper sought views on whether people agree with these proposed changes.

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<sup>4</sup> Live applications are applications that have been validated by the relevant planning authority and are awaiting a decision. In the case of the WMS this relates to applications that were validated before June 18<sup>th</sup> 2015 and exempts those applications from the need to come forward on sites that have been identified as suitable for wind energy development within a local or neighbourhood plan.

## Summary of CEE response

The 2015 WMS stated that the changes to planning for wind energy development were introduced with the specific aim of giving local people a final say on windfarm applications, which it said was a commitment made as part of the 2015 general election Conservative Party Manifesto.

The introduction of these significant new planning barriers to wind energy development has resulted in the decimation of the wind industry in England, meaning that, in practice, local people only have a meaningful say on wind energy development applications where that say is 'no'. As a result, community energy has effectively been stripped of its cheapest energy generation technology. There are very few (if any) "*development sites for wind in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan*". This was a new requirement announced without any prior warning and no such areas have been previously identified as part of the Local or Neighbourhood Plan process.

In effect this means that any community which wants to have a community turbine in its area has to participate in a protracted two stage process because, before it can even submit a valid planning application, it has to get a site identified in its local area as "suitable for wind energy development". As many new Local Plans without such areas are now either adopted, or well on their way to be adopted, there could be a very long wait before the opportunity even presents itself to change local policy. Then, even if a change is made and an area identified, the community group will still have to submit a full planning application.

Community Energy England's response to the Housing White Paper sought to highlight the impact of the WMS on community energy in England and proposed a solution that mitigates these planning barriers where communities wish to pursue their own wind energy projects while maintaining the principle of local participation in planning decisions.

In its response CEE therefore stated that it does not agree that the changes to the NPPF should be made without further mitigation and clarification to address what amounts in our view to a disproportionate burden placed upon community-led wind energy projects.

CEE proposed the following changes to the proposals:

1. The Government should ensure a proportionate planning policy framework for community wind energy projects.
2. It should also ensure that 'live' planning applications for community wind can complete the process and continue with the transitional arrangements (this is because there are still some wind applications pre-dating the June statement in the planning system which could be lost if the transitional arrangements are not continued).
3. Maintaining local participation in wind energy development planning decisions.
4. Clarifying the NPPF's support for community-led development.

The wording of the proposals in the response was general, but our hope is that after the General Election CEE will be able to start a dialogue with the next Government to secure a more level playing field for future community wind projects.