



29 May 2020

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CPRE WEST MIDLANDS RESPONSE TO CONSULTATION ON RENEWABLE ENERGY

Department for Business, Energy & Industrial Strategy (BEIS) Consultation on Proposals for Amendments to Contracts for Difference for Low Carbon Electricity Generation

Summary

The Government is consulting on changes to the policy on renewable energy (until 29 May 2020). This is the response by CPRE West Midlands Region. The Region covers the following Counties which have a CPRE Branch: Shropshire, Staffordshire, Herefordshire, Worcestershire and Warwickshire.

Current policy effective since June 2015 is that windfarms on land ('onshore wind') and photo-voltaic solar panel schemes ('PV solar' or "solar farms") are not eligible to bid for subsidies.

This has largely halted applications for windfarms in the English countryside, although not solar farms. Until 2015 the subsidy incentive led to many windfarm applications.

The proposal is to allow windfarms and solar schemes to qualify for subsidy, called 'Contracts for Difference' ('CfD')

The planning rules set in June 2015 that require windfarm developers to demonstrate that they have consulted the local community and have its support are not proposed to be changed, but textual changes are suggested which may weaken this.

Before 2015 windfarms and solar farms were able to bid for subsidies and there were many applications. In the West Midlands region (five counties) almost all were refused. Solar panel development has continued with many sites being given permission.

The landscapes of the West Midlands are almost unaffected by wind turbines, unlike in some other parts of England and in Mid-Wales.

If windfarm developers can again seek subsidies, new applications can be expected, perhaps in large numbers. The planning system is under-resourced and will struggle to handle them.

Current planning rules (NPPF) require that windfarms have to be in locations identified as suitable in Local Plans and where in force Neighbourhood Plans; and to have the 'backing' of local communities affected. But if the subsidy is again available, these rules can be undermined.

When solar panels became a commercially-attractive proposition, the Government in 2013 issued guidance that the panels should primarily be placed on large roofs (factories, warehouses, modern farm buildings). However planning policy was not revised to set a presumption against solar panels on open land, and most have been developed on farmland.

CPRE West Midlands Response: The current policy which states that onshore wind and PV solar are not eligible for subsidy through the 'Contracts for Difference' should be retained. If onshore wind and PV solar are to be eligible for subsidy, this should be available only for schemes sited on existing or disused industrial land, and for solar panels on such land or on industrial or agricultural building roofs.

1. The current policies on renewable energy affecting the rural West Midlands

- 1.1. The Department for Business, Energy & Industrial Strategy (BEIS) Consultation is on Proposals for Amendments to Contracts for Difference for Low Carbon Electricity Generation. It opened on 2 March and closes on 29 May 2020.
- 1.2. Renewable energy receives subsidies under ‘Contracts for Difference’, which replaced the previous ‘Renewables Obligation’ under the Energy Act 2013. A House of Commons Library Briefing (No.7940, 26 June 2018) defines Contracts for Difference:

Contracts for Difference (CfD) are a system of reverse auctions intended to give investors the confidence and certainty they need to invest in low carbon electricity generation. CfDs have also been agreed on a bilateral basis, such as the agreement struck for the Hinkley Point C nuclear plant.

CfDs work by fixing the prices received by low carbon generation, reducing the risks they face, and ensuring that eligible technology receives a price for generated power that supports investment. CfDs also reduce costs by fixing the price consumers pay for low carbon electricity. This requires generators to pay money back when wholesale electricity prices are higher than the strike price, and provides financial support when the wholesale electricity prices are lower.

The costs of the CfD scheme are funded by a statutory levy on all UK-based licensed electricity suppliers (known as the ‘Supplier Obligation’), which is passed on to consumers.

- 1.3. Until June 2015 windfarms in the countryside (‘Onshore wind’) and what have come to be called solar farms (‘PV solar’) were eligible technology to benefit from these fixed prices, the subsidy being funded by electricity consumers by the levy passed on by supply companies.
- 1.4. Windfarms and solar schemes which harm the countryside and which were imposed generally on appeal against planning authorities’ refusals (by virtue of supportive wording in national planning policy) were also being subsidised, not by taxpayers but by all electricity bill-payers.
- 1.5. In 2015 The Conservative Manifesto stated that onshore windfarms would not be subsidised if the Party won the Election (p.57):

‘We will halt the spread of onshore windfarms

‘Onshore wind now makes a meaningful contribution to our energy mix and has been part of the necessary increase in renewable capacity. Onshore windfarms often fail to win public support, however, and are unable by themselves to provide the firm capacity that a stable energy system requires. As a result, we will end any new public subsidy for them and change the law so that local people have the final say on windfarm applications.’

- 1.6. The new Government implemented this in June 2015. It issued a Written Parliamentary Statement on 18 June 2015 (Greg Clark, Secretary of State for Communities & Local Government) that set out the new planning policy for onshore wind:

‘I am today setting out new considerations to be applied to proposed wind energy development so that local people have the final say on wind farm applications, fulfilling the commitment made in the Conservative election manifesto.’

- 1.7. The NPPF (2018) section 14 (‘Meeting the challenge of climate change, flooding and coastal change’) confirms the current planning policy in the footnote to para 154:

‘Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation,

it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.’ (NPPF footnote 49)

- 1.8. This is unchanged in the 2019 update of the NPPF. Planning applications can only be granted for wind turbines, whether single or in numbers, if the Local Plan (and where it is adopted the Neighbourhood plan) identify the area as ‘suitable for wind energy development’ and where the authority is satisfied that the affected local community supports the application.
- 1.9. The effect of the 2015 policy changes has been to halt applications for new windfarms in the English countryside with few exceptions (one exception has been occasional small single turbines on farms to generate power for the business, independent of the public electricity supply).
- 1.10. The 2015 policy change makes PV solar ineligible for CfD subsidy, but the planning policy in the NPPF para 154 quoted above does not apply to solar schemes. These have continued to be applied for in some locations, indicating that they may be economic without subsidy.
- 1.11. CPRE’s policy on Onshore Wind Turbines (windfarms in the countryside) published in 2012 states:

“CPRE’s objective is to protect rural England for the benefit of all. While onshore wind energy can make a contribution to achieving the policy targets identified above, CPRE believes this should not come at the expense of the beauty, character and tranquillity of rural England.” (para 5)

“Wind turbines can, through their design and function, cause significant harm to the landscape by introducing (amongst other things): visual dominance and artificial conspicuous movement into the landscape and views of it; built development in undeveloped areas; vertical man-made structures affecting people’s perceptions of tranquil or otherwise unspoilt areas.” (para 6)

2. The extent of windfarm, PV solar and other renewable energy developments

- 2.1. The scale of current development affecting the countryside can be assessed from the valuable interactive on-line map at www.mygridgb.co.uk/map. This ‘UK Renewables Map’ is stated to be complete up to December 2018; a number of PV solar sites have been added since the map was published. The locations and size of different forms of renewable energy development can be seen by clicking to view one or more type, using this link and enlarging the map as desired. <https://www.google.com/maps/d/viewer?mid=17FaYeZBclizFSJst9CMBfpzFYUGXNpMG&ll=55.169710909672176%2C-3.0346359982422833&z=4>
- 2.2. The scale of each development is given in Megawatts. This is the operator’s claimed installed capacity. The actual amount of electricity generated may be much less, and in calm weather conditions may be nil. PV solar does not produce electricity at night or in some weather conditions by day. The actual load factors (level of electricity actually generated as proportion of capacity installed) are poor. Onshore wind runs at 26% of installed capacity and solar at 11% (source: BEIS/ONS Digest of UK Energy Statistics 2019 Table 6A on p114).
- 2.3. In the West Midlands Region (the five counties Herefordshire, Shropshire, Staffordshire, Warwickshire and Worcestershire) at December 2018 there was just one full-size wind energy development. This is at Rodbaston College, South Staffs. There are a small number of single turbines of less than 2MW capacity, some being some small farm installations. See map of UK Onshore and Offshore Capacity at p117 of the BEIS/ONS Digest of UK Energy Statistics 2019 – *attached as Annex 1*.

- 2.4. The UK Renewables Map shows a significant number of solar farms in the rural areas of the region: notably in the Avon Valley, mid- and North Shropshire, and around Uttoxeter (Staffs). Few of those are on brownfield land (such as former airfields) or factory or farm roofs.
- 2.5. Many windfarm applications made before 2015 were refused by planning authorities and on appeal, generally because the harm they would have caused to the landscape outweighed the claimed benefits of delivering renewable energy. However the subsidy available before 2015 encouraged applications. Opposing these caused much time and cost to residents and parish councils. Local planning authorities and the Planning Inspectorate had to devote resources to dealing with these applications. Following the change of policy in 2015 these applications stopped, saving LPAs and PINS time and money.
- 2.6. The benefit to the West Midlands landscape of the 2015 policy, and the effort put into opposing windfarms before 2015, is evident; long views of the many fine landscapes in all five counties have not been damaged. Both local character and the attractiveness of the countryside to visitors has been maintained, notably from public viewpoints and open-access land.
- 2.7. Solar panels have in some locations damaged local views, made footpaths unattractive, and created an unnatural look to open field landscapes. They have led to loss of significant areas of productive farmland, some 'best and most versatile' (Grades 1, 2 and 3a). While they can be removed in the future, the land quality may not be easily restored.
- 2.8. The 'Other' category shown on the UK Renewables Map includes Energy from Waste (EfW) and Anaerobic Digesters (AD). AD plants can be located close to other buildings; but they can generate lorry and tractor-trailer traffic on minor roads, causing emissions, wear-and-tear to road surfaces, and road safety risks. They result in crops for fuel replacing food production.

3. The Government Consultation on changes to the Renewable Energy structure for subsidy

- 3.1. The statement on 2 March 2020 issued by the Secretary of State for Business, Energy and Industrial Strategy (BEIS) outlines the proposals as:

“ • Measures to promote new renewable electricity generation projects launched

 - Boost for supply chain, adding to the 20,600 jobs and £628 million of exports each year already supported by the renewables industry
 - Tough new guidance for renewable energy developers to ensure local communities given more effective voice and make sure they have a definitive say on developments that affect them
 - Details of the next round of the Contracts for Difference scheme, which opens in 2021, have been set out today, Monday 2 March.

“This latest round will be open to renewable technologies including onshore wind and solar, with proposals to include floating offshore wind. The scheme will also be changed to facilitate the deployment of energy storage.”
- 3.2. The direction of policy is to increase electricity generation using renewable energy to reduce carbon dioxide emissions. The BEIS statement notes that the Committee on Climate Change have said that the UK needs to quadruple renewable energy generation to reach net zero by 2050.
- 3.3. The press statement also says that 'Local communities....will have a definitive say on whether projects are allowed to proceed. It will remain the case that no English onshore wind project can

proceed without the consent of the local community.” This reflects the 2015 Policy now in the NPPF. However, the Consultation document itself does not state this.

- 3.4. It is only in the press statement that it is stated that it is proposed that onshore wind and PV solar will be eligible for CfD contracts in the 2021 round. This policy change is not included in the Consultation Booklet and no questions are asked on this change, despite its significance.
- 3.5. The Consultation booklet fails to state that onshore wind and PV solar are not currently eligible for CfD subsidy and that a change is proposed. It lists the ‘Pots’ for eligible technologies at page 19:

To deliver the level of ambition required to meet net zero, the government has set out its plans to hold the next CfD allocation round in 2021 for both established and less-established technologies. CfDs are allocated in a competitive auction process, in which different technologies compete against each other within groups or ‘pots’. The current two pots include the following eligible technologies:

- Pot 1, established technologies: onshore wind (>5MW), solar photovoltaic (PV) (>5MW), energy from waste with combined heat and power (CHP), hydro (>5MW and <50MW), coal-to-biomass conversions, landfill gas and sewage gas.
- Pot 2, less established technologies: offshore wind, remote island wind (>5MW), wave, tidal stream, advanced conversion technologies (ACT), anaerobic digestion (AD) (>5MW), dedicated biomass with CHP and geothermal

- 3.6. The list of technologies currently eligible under ‘Pot 1’ do not include onshore wind or solar photovoltaic. They were included in the ‘first Allocation Round’ (AR1) for CfD issued February 2015, before the June 2015 policy change. But onshore wind and PV solar were excluded from the second and third Allocation Rounds (AR2 and AR3) issued May 2017 and May 2019 by the BEIS (*attached as Annexes 2 and 3*). They are not in the ‘current two pots’.
- 3.7. The Consultation booklet at page 21 sets out the proposed Pot structure for Allocation Round 4, to be held in 2021 (AR4):

For AR4, the technologies would either continue to be grouped into two pots:

- Pot 1, established technologies: onshore wind (>5MW), solar photovoltaic (PV) (>5MW), energy from waste with CHP, hydro (>5MW and <50MW), landfill gas, sewage gas.
- Pot 2, less established technologies: ACT, AD (>5MW), dedicated biomass with CHP, floating offshore wind (see following section), geothermal, offshore wind, remote island wind (>5MW), tidal stream, wave.

Or alternatively, the following structure for technology groupings is proposed:

- Pot 1, established technologies¹⁷: onshore wind (>5MW), solar photovoltaic (PV) (>5MW), energy from waste with CHP, hydro (>5MW and <50MW), landfill gas, sewage gas.
- Pot 2, less established technologies: ACT, AD (>5MW), dedicated biomass with CHP, floating offshore wind (see following section), geothermal, remote island wind (>5MW), tidal stream, wave.
- A new Pot 3: offshore wind.

(Note: the technology called coal-to-biomass conversions is to be removed from CfD eligibility.)

- 3.8. By mis-stating what are the current eligible technologies for Pot 1, showing onshore wind and solar PV as currently included when they are not, the booklet conceals the major change proposal to make both eligible.

- 3.9. The Consultation Questions 5-7 at pages 22-23 focus on whether offshore wind should be in a new 'Pot 3' with 'floating offshore wind' in Pot 2. They do not ask the key question: whether onshore wind and solar photovoltaic should be eligible technologies for CfD and included in Pot 1.
- 3.10. This is a fundamental question, and the Government has neither set out why onshore wind and solar PV should be eligible for CfD, nor considered the environmental and landscape consequences of making them able to bid for Contracts.
- 3.11. The Consultation is this flawed at its heart, and should be re-issued with this important proposed change set out with an impact assessment of its effects. A clear Consultation question or questions should be included.

4. CPRE West Midlands response to the proposal to make onshore wind and PV solar eligible for Contracts for Difference

- 4.1. The case for a change from the current Government policy, which excludes onshore wind and solar farms from eligibility for CfD, has not been made out.
- 4.2. If onshore wind and PV solar are to be eligible at all for CfD and included in 'Pot 1', as shown on page 21 of the booklet, the locations which would make them eligible must be specified. Onshore wind turbines and solar PV schemes should not be eligible for CfD if they are proposed to be sited on farmland, in woodland, on mountains and moorland, on open land, in gardens, or in National Parks and AONBs.
- 4.3. To be eligible, they should be limited to certain types of location. Only at these locations should bids under CfD be accepted:

onshore wind: on industrial / employment land (B2 and B8 use classes) and cleared sites with industrial use class, subject to a full impact assessment to avoid intrusion into views.

solar photo-voltaic: on warehouse, factory, retail or other roofs, on modern farm building roofs, and on land with industrial / employment use class (B2, B8) (ie where old industrial buildings have been demolished, for example, as a use until new development takes place.)

5. The Government proposals for the role of local communities in windfarm applications

- 5.1. The current policy for planning applications for windfarms is set out in the NPPF at para 154 (see above):

‘Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.
- 5.2. The Department of Communities & Local Government Ministerial Statement of June 2015 (now MHCLG) states that this is intended to ensure that “local people have the final say on wind farm applications”.
- 5.3. The 2 March 2020 press release quotes the Secretary of State for Energy as confirming this remains the policy:

‘Local communities....will have a definitive say on whether projects are allowed to proceed. It will remain the case that no English onshore wind project can proceed without the consent of the local community.’

5.4. The Press Release Notes for Editors (page 2) says:

‘The rights of local communities across GB will be strengthened further through tough new guidance outlined in the consultation.’

5.5. The Consultation booklet does not outline new guidance that would strengthen the rights of communities. It states at page 17:

The government is therefore considering the following:

- Updating the existing community benefits and engagement guidance for onshore wind, jointly with developers and local communities. We want to ensure local communities are appropriately involved in decision-making on such projects; and
- creating a register of renewable energy developments in England that lists available projects and community benefits.

The government welcomes views on:

- whether you agree with the proposals.....

5.6. There is no ‘tough new guidance’ to strengthen rights. On the contrary the current planning policy for onshore wind energy development is noticeable by its absence. There is no mention by the BEIS of the NPPF policy at para 154:

“A proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan”

5.7. Further, the Statement by the Secretary of State BEIS that “It will remain the case that no English onshore wind project can proceed without the consent of the local community” is not in the Consultation booklet. Instead (page 17) local communities are to be ‘appropriately involved in decision-making on such projects’. This new wording would reduce their status and make it possible for windfarms to be granted permission without the consent of local communities provided that they have been “appropriately involved” in the decision-making.

5.8. It appears that some new guidance is planned; it is not shown in the current consultation.

6. CPRE West Midlands response to the Government proposals for the role of local communities in windfarm applications

6.1. The current requirements and policy in the June 2015 Ministerial Statement and at para 154 of the NPPF should be reaffirmed. They could be strengthened by addition of the words “No English onshore wind project can proceed without the consent of the local community”, using the words of the Secretary of State BEIS in the 2 March 2020 press release.

6.2. This requirement has worked satisfactorily since 2015. Changing it in any way would risk degrading the strong policy that makes consent of the local community necessary before any wind energy scheme on land can receive planning permission.

7. There are no requirements for community backing for PV solar panel schemes

- 7.1. There is no similar policy requirement for PV solar development. Guidance issued by the Department for Energy & Climate Change in 2013-14 gave encouragement to use roofs of large buildings and not open farmland; but this is not part of the NPPF.
- 7.2. PV solar panel structures can and in some places do cover extensive areas of land in a parish with structures, changing the landscape around villages and rendering footpaths and bridleways unattractive, degrading the quality of recreation. Land on which solar panels may be erected can have local or wider historic and landscape importance.
- 7.3. An additional policy should be included in the NPPF to require that
 - **locations suitable for PV solar panel development, above a relatively low measured surface area, should be identified in the development plan;**
 - **local community backing should be required for applications for more than a specified surface area.**
- 7.4. Solar panels proposed on private house roofs and on factory and farm building roofs should be supported. The importance of protecting good agricultural land from conversion into ‘solar farms’ should be included in the NPPF.

8. The status of ‘Community Benefits’

- 8.1. The consultation booklet gives space to the provision of benefits to communities from, renewable energy developments – pages 15-17 under ‘Community support’.
- 8.2. ‘Community benefits’ are in effect attempts to pay (some) local people and parish councils to accept developments that are harmful to their countryside and which they would otherwise oppose. Official support for this is contrary to the normal principles of planning, and payments whether in money or kind are not material considerations that should be taken into account in determining planning applications.
- 8.3. Community ownership and development of wind turbines is not a direction that more than a few places will ever take and is a minor and unimportant element in national levels of electricity generation. Experience indicates that the cost and time involved in running such schemes makes it easier to lease them to a major renewables (windfarm) company and take some income from them, without having any maintenance burden. This is little different from landowners leasing the land for turbines at a profit.
- 8.4. It is unlikely that there would be any community development of extensive solar panels, for the reasons given above. Small sets of solar panels on private house roofs, or in private gardens, can be viable for individual property owners; local communities may be able to install panels on village hall roofs.
- 8.5. The recent Supreme Court judgment in *R (Wright) v Forest of Dean DC and others* [2019] UKSC 53, is important here and it is not acknowledged in the Consultation booklet. The local planning authority treated a proposed community benefit for a wind turbine as a material consideration. This was ruled to be unlawful by Lord Sales in the Supreme Court (*see extract in Annex 4 below*). The kind of “incentive” that the Government may be proposing is not a material consideration and cannot be a factor in deciding whether or not to grant permission for a renewable energy development.

9. Conclusion

- 9.1. CPRE West Midlands believes strongly that the present policies for onshore wind energy introduced in 2015 are sound and should continue. They have effectively protected the region's rural landscapes. The Government proposals to make onshore wind and PV solar eligible to bid for CfD subsidy would undermine this success.
- 9.2. The current Government policy which states that onshore wind and PV solar are not eligible for subsidy through the 'Contracts for Difference' should be retained. If onshore wind and PV solar are to be eligible for CfD subsidy, this should be available only for schemes sited on existing or disused industrial land, and for solar panels on such land or on industrial or agricultural building roofs.
- 9.3. The 2015 planning policy, reaffirmed in the current NPPF, should be maintained. This requires community backing for any windfarm and that any wind energy development can only be considered for approval if it is in an area identified as suitable for wind energy development in the development plan – which includes the neighbourhood plan where there is one.
- 9.4. An additional policy should be included in the NPPF to require that locations suitable for PV solar panel development above a relatively low limit of size should be identified in the development plan and that local community backing should be required. Solar panels proposed on private house roofs and factories and farm buildings should be supported. The importance of protecting good agricultural land from conversion into 'solar farms' should be included in the NPPF.

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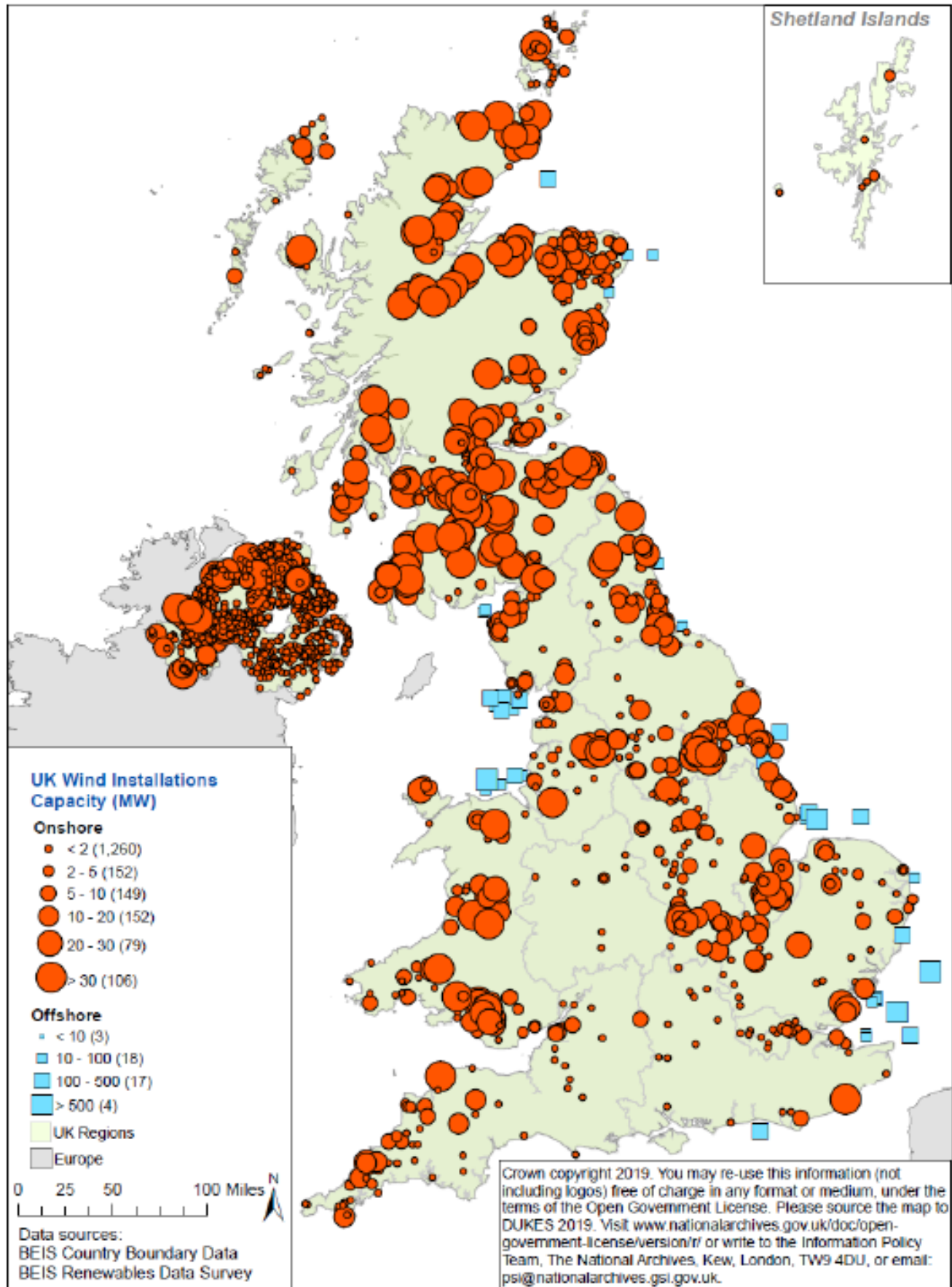
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ANNEX 1

Digest of UK Energy Statistics 2019, page 117: the map shows the location of wind farms operational at the end of 2018 along with an indication of capacity

UK Onshore and Offshore Wind Capacity



**THE CONTRACTS FOR DIFFERENCE (ALLOCATION) REGULATIONS 2014
ALLOCATION ROUND NOTICE FOR THE SECOND ALLOCATION ROUND**

13 March 2017

This notice is made further to regulation 4 of the Contracts for Difference (Allocation) Regulations 2014 (as amended) ("the Allocation Regulations") and is given to:

- (a) National Grid Electricity Transmission plc; and
- (b) Low Carbon Contracts Company Ltd.

By this notice, the Secretary of State establishes the second allocation round under the Allocation Regulations and the following apply to the round-

- the **commencement date** of the round is **3 April 2017**;
- the end date of the round is **11 September 2017**;
- the **application closing date** of the round is **21 April 2017**; and
- the **Delivery Years 2021/22 to 2022/23** apply to contracts for difference allocated further to the round.

The second allocation round is restricted to eligible generators or eligible generating stations of the following technologies:

- Offshore Wind
- Advanced Conversion Technologies (with or without CHP)
- Anaerobic Digestion (with or without CHP) (>5MW)
- Dedicated Biomass with CHP
- Wave
- Tidal Stream
- Geothermal (with or without CHP)

SIGNED



Ashley Ibbett, Director Clean Electricity, Department for Business, Energy and Industrial Strategy

For and on behalf of the Secretary of State

DATED: 13 March 2017

ANNEX 3: BEIS third Allocation Round (AR3)



Department for
Business, Energy
& Industrial Strategy

1 May 2019

THE CONTRACTS FOR DIFFERENCE (ALLOCATION) REGULATIONS 2014 ALLOCATION ROUND NOTICE FOR THE THIRD ALLOCATION ROUND

This notice is made further to regulation 4 of the Contracts for Difference (Allocation) Regulations 2014 (as amended) ("the Allocation Regulations") and is given to:

- (a) National Grid Electricity System Operator Ltd; and
- (b) Low Carbon Contracts Company Ltd.

By this notice, the Secretary of State establishes the third allocation round under the Allocation Regulations and the following apply to the round-

- the commencement date of the round is 29 May 2019;
- the application closing date of the round is 18 June 2019;
- the end date of the round is 29 November 2019 and
- the Delivery Years 2023/24 and 2024/25 apply to contracts for difference allocated further to the round.

The third allocation round applies to eligible generators in respect of the following types of eligible generating station:

- Advanced Conversion Technologies
- Anaerobic Digestion (>5MW)
- Dedicated Biomass with CHP
- Geothermal
- Offshore Wind
- Remote Island Wind (>5MW)
- Tidal Stream
- Wave

SIGNED

Ashley Ibbett, Director Clean Electricity, Department for Business, Energy and Industrial Strategy

For and on behalf of the Secretary of State

DATED: 1 May 2019

ANNEX 4

Extract from Supreme Court judgment in R (Wright) v Forest of Dean DC and others [2019] UKSC 53

The Supreme Court judgment in R (Wright) v Forest of Dean DC is important. It is not acknowledged in the Consultation booklet. In the planning decision judicially reviewed, the local planning authority had treated a proposed community benefit for a wind turbine as a material consideration. Lord Sales in the Supreme Court ruled this to be unlawful in 2019 (para 45 of Judgment):

“For the appellants, Mr Kingston submitted that the planning statutes had to be regarded as “always speaking” so far as concerns what counts as a “material consideration”, and that this meant that the meaning of this concept should be updated in line with changing government policy. I do not agree. The meaning of the term “material consideration” in section 70(2) of the 1990 Act and section 38(6) of the 2004 Act is not in doubt and updating the established meaning of the term is neither required nor appropriate. To say that the meaning of the term changes according to what is said by Ministers in policy statements would undermine the position, as explained above, that what qualifies as a “material consideration” is a question of law on which the courts have already provided authoritative rulings. The interpretation given to that statutory term by the courts provides a clear meaning which is principled and stable over time. I note that Parliament has considered it necessary to amend section 70(2) when it wishes to expand the range of factors which may be treated as material for the purposes of that provision, for instance in relation to the Welsh language: subparagraph (aa).”

Therefore, the community benefits that the Government discusses in the Consultation booklet are not a material consideration and cannot be a factor for a planning authority, an Inspector or the Secretary of State in deciding whether or not to grant permission for development.