



Consents for Wind Farms - Onshore

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- Wind farms require either planning permission or consent under the *Planning Act 2008*. This note discusses why so many applications for onshore wind farms have been rejected, and whether the system is resulting in unacceptable delays. Closely related notes are [Wind Farms - Distance from housing](#) (SN/SC/5221) and [Wind Farm consents - offshore](#) (SN/SC/5088) which includes details of the provisions of the *Planning Act 2008* relating to offshore and onshore consents.
 - Nearly half of applications for onshore wind farms were rejected before and after the General Election. The main reason was concern that a large wind farm would damage the landscape.
 - Some applications have been approved, partly because their visual impact was normally considered to be limited.
 - The *Localism Act 2011* is abolishing Regional Spatial Strategies, including regional targets for renewable energy. It will also introduce a neighbourhood planning regime. It is unlikely that neighbourhood plans could be used to prevent the building of wind farms.
 - DCLG intend to allow local authorities to retain more business rates from allowing development, including wind farms. This is expected to come into force in April 2013.

On 27 March 2012, DCLG published the final version of the [National Planning Policy Framework](#). It came into effect immediately, superseding the 2011 draft and other planning guidance. It is much shorter than previous guidance and it is unclear what effect it might have on the applications for consent for wind farms.

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1 Introduction

Consents for electricity generation were not until recently 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.

The Campaign to Protect Rural England has objected to the practice of developers of wind schemes offering money to the community as good will payments. The British Wind Energy Association stated that community benefits funds were often set up in response to requests from communities and were on top of section 106 payments.

2 Government policy since the Election

The balance between national energy policy and local involvement in planning decisions was raised in Prime Minister's questions on 29 February 2012:

Ian Swales (Redcar) (LD): In my area, there are plans for 120 metre-high wind turbines between the beautiful villages of New Marske and Upleatham, which are less than a mile apart. Does the Prime Minister agree that such giant turbines should not be built so close to residential areas without local people having a say?

The Prime Minister: We want to see a balanced energy policy and there is a place for renewable technologies in such a policy. We are making two changes that I think will be welcome to the hon. Gentleman. First, we are cutting the subsidy to onshore wind, because I think that it has been over-subsidised and wasteful of public money. Secondly, when the Localism Act 2011 fully comes in, that will give local communities a greater say about issues such as wind turbines. Of course, we tried to do that earlier

by abolishing the regional spatial strategies that the previous Government put in place, but we lost that case in the courts so we need the Localism Act to come into force in full.¹

Local planning authorities will no longer have to adopt targets for wind farms set at regional level. On 27 March 2012, the Government published the final version of the [National Planning Policy Framework](#) (NPPF). Despite speculation that the NPPF would make it harder to approve applications for wind farms, the final version is very similar to the draft, with one exception, noted below:

96. In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

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 third bullet has the following footnote – “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 (read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure, including that on aviation impacts). Where plans identify areas as suitable for renewable and low-carbon energy development, they should make clear what criteria have determined their selection, including for what size of development the areas are considered suitable.”]

98. When determining planning applications, local planning authorities should:

¹ HC Deb 29 February 2012 cc284-5

- 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 application¹⁸ 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 second bullet has the following footnote after the word application – “Unless material considerations indicate otherwise”]

That second footnote was not present in the draft NPPF.

Financial incentives

In July 2011 the DCLG published a consultation document, [Local Government Resource Review: Proposals for Business Rates Retention](#). It contained proposals on the scheme that would include financial incentives for wind farms. In August 2011 DCLG also published a paper on renewable energy - [Local Government Resource Review: Proposals for Business Rates Retention Technical paper 8: Renewable energy](#).

Although that latter document has little explicitly about wind farms, it does repeat the Government’s commitment:

2.4 Exploiting our renewable resources as part of a diverse energy mix will make a strong contribution to our energy needs and play a key role in the decarbonisation of the energy sector by 2030. It will make the UK more energy secure, will help protect consumers from fossil fuel price fluctuations, is driving investment in new jobs and businesses in the renewable energy sector, and is keeping us on track to meet our carbon reduction objectives for the coming decades. The UK Government has a legally-binding target of generating 15 per cent of energy (electricity, heat and transport) from renewable sources by 2020. This compares to renewable energy generation of 3.3 per cent in 2010. Although some of our renewable energy will be generated offshore, we will also need land-based sources such as biomass, wind and solar to ensure that targets can be met quickly and at the lowest possible cost to consumers. The Government has made clear its commitment to increasing the deployment of renewable energy across the UK and actions that the Government is taking to promote renewable energy were set out in the UK Renewable Energy Roadmap, published in July 2011.

2.5 The Government recognises that communities hosting renewable energy installations play a vital role in meeting a national need for secure, clean energy, and believes that it is right that communities should be able to benefit from hosting renewable energy projects.

The legal powers for retention of non-domestic rates are contained in the *Local Government Finance Bill* s.1. The Government intends to carry over the Bill into the 2012/13 session and make it an Act in summer 2012. It would be brought into force in April 2013.

The *Localism Act 2011* contains many important planning aspects, including a regime for neighbourhood planning, which is covered in another note [Neighbourhood Planning in Localism Bill](#). Briefly, parish councils (or other organisations in areas without parish councils) will be able to prepare draft neighbourhood plans. A plan will have to pass independent

examination, after which it can be put to a local referendum. If 50% of those voting support the plan, the local planning authority has to adopt it, provided that it conforms to national policy and strategic local policies.

Certain categories of development are excluded from the neighbourhood regime, but wind farms are included. That raises the possibility that a neighbourhood plan could exclude wind farm development. However, it appears that such a draft neighbourhood plan would be considered not to conform to national and local policy, and would not pass independent examination.

3 Some reasons for rejection

It is sometimes suggested that local planning authorities have been at fault in rejecting too many applications for onshore wind farms, but the issue is not so simple. Some appeals to planning inspectors result in rejection, normally on grounds of damage to the landscape. Wind farms tend to be in exposed open countryside and that is often landscape of great merit. Here are some cases of refusals by inspectors or the Secretary of State, before and after the General Election:

- Ten wind turbines, each with a 60m tall mast and maximum rotor diameter of 80m, in Lincolnshire were refused consent, because they would be much taller than any other man-made structure in the area and the nearest village would be unacceptably harmed by the proximity of two turbines.²
- A major wind farm with 24 turbines, just outside the boundary of the Lake District National Park was refused consent because “the adverse impact on the landscape would be so great that it should be the determining factor leading to his recommendation.”³
- Six wind turbines in Norfolk were rejected because the landscape setting of listed buildings within 2.5km of the turbines would be seriously harmed by such uncompromisingly modern structures.⁴
- Scottish Ministers refused permission for three 3MW wind turbines in the highlands due to their visual impact and cumulative effects. The site comprised an area of rough grazing land near the summit of a hill in exposed open countryside. The turbines, with a height to blade tip of 110m would have been visible over an extensive area.⁵
- Permission was refused for a single, much smaller, turbine that had been planned to supply electricity to an isolated listed building in Cornwall.⁶
- A community wind farm comprising four turbines, each with a height to blade tip of 100m, was rejected at a site in South Wales following a ruling that it was not needed and would harm the landscape.⁷

² “Wind farm rejected on visual amenity grounds”, *Planning*, 3 February 2006 p19

³ “Visual harm foils wind farm despite climate fear change”, *Planning*, 24 March 2006

⁴ “Turbines deemed harmful to landscape setting”, *Planning*, 26 May 2006

⁵ “Wind turbines foiled by harmful landscape impact”, *Planning*, 9 June 2006

⁶ “Turbine judged to spoil listed setting and coastline”, *Planning*, 15 September 2006

⁷ “Wind farm blocked on need and landscape grounds”, *Planning* 3 November 2006

- A proposal to erect three wind turbines in Devon was rejected following an inspector's assessment of their visual impact on the setting of the Dartmoor national park.⁸
- An inspector rejected an application for 16 wind turbines at a site in Cambridgeshire on the grounds that they would undermine landscape quality and highway safety⁹
- A proposal for two wind turbines near a world heritage site in Cornwall was rejected due to their adverse impact on the landscape and the setting of a nearby church.¹⁰
- The Crow Holt scheme in Nottinghamshire would have included ten 125m turbines. It was rejected because the inspector agreed with Bassetlaw District Council that the environmental impact would be "severe".¹¹
- An 80 metre wind turbine was rejected at a site at Orkney.¹²
- A proposal for four wind turbines in the Cheshire green belt was deemed an inappropriate development that would undermine the area's openness and visual amenity.¹³
- A proposal for a 10 metre wind turbine at Nidderdale was ruled out of keeping with the landscape in an area of outstanding natural beauty.¹⁴
- A proposal for nine wind turbines in South Wales was rejected because the landscape and visual harm would not be justified by the scheme's renewable energy benefits.¹⁵
- 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.¹⁶
- 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.¹⁷
- 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.¹⁸
- 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.¹⁹
- 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

⁸ "Turbines rejected due to impact on national park", *Planning*, 8 December 2006

⁹ "Wind farm proposal thwarted by amenity impact", *Planning*, 19 January 2007

¹⁰ "Wind turbines foiled by effect on setting", *Planning*, 16 February 2007

¹¹ "Tall turbines turned down", *Planning*, 29 June 2007

¹² "Turbine appearance fails landscape test", *Planning*, 31 October 2008

¹³ "Wind scheme benefits fail to tilt balance", *Planning*, 5 December 2008

¹⁴ "Turbine held to undermine natural beauty", *Planning*, 8 May 2009

¹⁵ "Landscape harm trumps turbine case", *Planning*, 9 January 2009

¹⁶ "Turbines ruled out due to impact on farming family and landscape", *Planning*, 9 April 2010

¹⁷ "Turbines rejected on landscape grounds", *Planning*, 10 December 2010

¹⁸ "Turbine rejected due to impact on cathedral view", *Planning*, 8 April 2011

¹⁹ "Turbines held out of scale with landscape character", *Planning*, 16 December 2011

stations and was crossed by pylon lines. The inspector held that the turbines would still have a significant effect on the surroundings.²⁰

Of particular importance was the rejection by Scottish ministers of a proposal at the Isle of Lewis for an enormous 181-turbine wind farm to generate 651MW of electricity because of the potential impact on wildlife. The 24,800 ha site included the Lewis peatlands special protection area and lay near to two other protected areas. These areas were of international importance for a range of wild birds, including golden eagles.²¹

Other refusals have related to air safety at an airfield^{22 23} and a parachute centre²⁴. Another ground for refusal is harming a conservation area^{25 26} while a more unusual one was that the wind farm would scare horses on a nearby road.²⁷

4 Some reasons for acceptance

However, in other cases, inspectors have granted permission despite some concerns over the effect on the landscape. Again decisions both before and after the General Election are included:

- A wind turbine on the edge of the Mendip Hills area of outstanding natural beauty (AONB) was approved because the scheme's impact on the AONB would be localised and that its effects on the setting of listed buildings, including a grade I listed church, would be acceptable.²⁸
- 18 wind turbines on land in Perthshire were approved because the contours of the ground and intervening tree belts would ensure that its visual impact from buildings would not be significant.²⁹
- Three wind turbines were approved in the Lancashire green belt because the need to tackle climate change outweighed the inappropriate nature of the scheme.³⁰
- Four wind turbines were approved near the Peak District National Park despite council concerns that the application failed to comply with environmental assessment regulations.³¹
- 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.³²

²⁰ "Wind farm ruled out in power station setting", *Planning*, 5 December 2011

²¹ "Wind farm rejected on wildlife grounds", *Planning*, 16 May 2008

²² "Turbine deemed to compromise air safety", *Planning*, 6 March 2009

²³ "Air safety and amenity block wind farm", *Planning*, 17 April 2009

²⁴ "Turbines refused near parachuting centre", *Planning*, 19 September 2008

²⁵ "Turbine judged to harm conservation area", *Planning*, 3 October 2008

²⁶ "Conservation area harm stymies turbine", *Planning*, 15 August 2008

²⁷ "Turbine considered likely to scare horses", *Planning*, 24 April 2009

²⁸ "Turbine secured on edge of protected landscape", *Planning*, 16 June 2006

²⁹ "Wind farm overcomes landscape impact concern", *Planning*, 14 July 2006

³⁰ "Green energy benefits justify wind farm", *Planning*, 17 October 2008

³¹ "Turbines allowed after statement passed", *Planning*, 17 October 2008

³² "Turbines survive landscape objections", *Planning*, 12 June 2009

- 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.³³
- The Secretary of State approved a wind farm in Northumberland because of the landscape's low quality.³⁴
- Two 15kw wind turbines were approved at a school in Plymouth because their visual impact would be acceptable and there would be educational benefits.³⁵
- The Secretary of State approved 12 wind turbines in East Yorkshire, subject to a section 106 agreement, because the impact on the perception of a grade I mediaeval Minster would not be severe and would be outweighed by renewable energy benefits.³⁶
- Five 1.3MW wind turbines in low moorland plateaux of windswept heather and rough grass in Cumbria were approved after a bird impact check, despite significant local impact because of the importance of the renewable energy.³⁷
- Two 3MW wind turbines were approved in Suffolk 200m outside an AONB, because of the need for renewable energy.³⁸
- A wind farm was approved in Cornwall partly because only 3% of the region's electricity demand had been met from renewable sources.³⁹
- 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.⁴⁰
- 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.⁴¹
- 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.⁴²

In September 2008, the largest wind farm in Britain, approved in 2005, started to operate:

³³ "Turbines seen as symbol of commitment", *Planning*, 5 June 2009

³⁴ "Turbines' visual impact held insignificant", *Planning*, 6 February 2009

³⁵ "Educational benefit of turbines allowed", *Planning*, 9 January 2009

³⁶ "Turbines backed despite landscape effect", *Planning*, 12 December 2008

³⁷ "Turbines agreed after bird impact check", *Planning*, 4 July 2008

³⁸ "Energy policy overrides landscape effect", *Planning*, 30 May 2008

³⁹ "Wind farm agreed to deliver targets", *Planning*, 25 April 2008

⁴⁰ "Turbines secured in high quality landscape", *Planning*, 2 April 2010

⁴¹ "Turbines allowed after adjournment plea", *Planning*, 30 April 2010

⁴² "Turbines held capable of fitting into landscape", *Planning*, 1 July 2011

Residents objected to the 26 turbines standing more than 300ft (91m) high on Scout Moor, between Lancashire and Greater Manchester. (...) Local councils also objected but after a public inquiry the government decided the £50m project should go ahead.⁴³

On 13 June 2008, the Labour Government published an agreement between the Labour Government and industry, aiming to reduce objections relating to radar and aviation.⁴⁴

5 How many applications are approved or rejected

Renewable UK statistics for onshore wind farms

Year	Number approved	MW approved	Number rejected	MW rejected
2011	72	1,044	66	850
2010	78	1355	81	1234
2009	95	1283	67	759
2008	83	1836	51	1562
2007	62	1145	48	877
2006	39	879	32	679

[UK Wind Energy Database, Renewable UK](#)

⁴³ "The biggest wind farm in England is officially opening after years of planning controversy", *BBC News Online*, 25 September 2008

⁴⁴ DBERR Press Release, *Wind power takes off with new agreement on radar and aviation*, 13 June 2008