

## Homegrown Energy Conference

Renewable energy policy: which way is the  
wind blowing?

David Hardy (Counsel)



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- The current silence from central government is deafening
  - Sense of foreboding for on-shore wind in particular
  - Purposes of talk are two fold
    - Offer some personal thoughts on where renewable energy policy is likely to go
    - Consider how the planning system needs to change if it is going to provide genuine support for community led renewable energy initiatives

- February 2015: Cameron pledge on UK carbon targets
- Since 7<sup>th</sup> May 2015, much scrutiny of the Conservative Manifesto commitments on renewable energy
- Slim majority elevates risk of Tory backbenchers setting the agenda
- Very little actually said about wind turbines and solar panels
- Commitment to “halt the spread of subsidised onshore wind farms”

- Promise of new renewable technologies
- Hinckley Point, Green Port in Hull, West of Shetland pipelines and Swansea Bay tidal lagoon (recently given Development Consent Order consent)
- Reference to manufacture and delivery of wind turbines and not to their deployment
- Support for new nuclear
- Support for gas, including shale gas

# Policy: Conservative Manifesto following unprecedented intervention by Eric Pickles

- “Onshore wind now makes a meaningful contribution to our energy mix and has been part of the necessary increase in renewable capacity. Onshore wind farms 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 wind farm applications.”
- Hostility to wind reflects project specific NIMBY-ism and ignores consistently high levels of public support (65% in favour of on-shore wind)
  - 51 recoveries
  - 5 call-ins or holding directions
  - 37 decisions
  - 33 refusals
  - 4 approvals

- Opaque wording in Manifesto but intended to mean that 50 MW+ on shore wind farms would be taken out of NSIP programme
- Language of localism difficult to accept given the unprecedented personalised decision making of Secretary of State Pickles
- Support for Climate Change Act
- Amber Rudd has previously noted that action on climate change is important
- Gregg Clarke was architect of the NPPF but his views on wind farms and solar farms is not known

- Queens Speech on 27<sup>th</sup> May 2015
  - Commitment to end subsidise for on-shore wind
  - Commitment to international deal on climate change
  - Commitment to taking 50 MW+ wind farms out of the NSIP programme
- Since 27<sup>th</sup> May, all the talk has been about when and how subsidies for on-shore wind will be cut and when
- Massive uncertainty and anxiety is being caused for an already beleaguered sector

- Of course, we may see different approaches to energy policy and particularly in relation to onshore wind farms in England, Scotland and Wales
- Increasing devolutionary trend, emphasised by the Scottish National Party's (SNP) success in the election
- SNP's Manifesto pledge to “press for onshore wind to continue to receive support through the lifetime of the next Parliament”
- SNP commitments to support other renewable energy technologies such as offshore wind and hydropower developments
- Significant emphasis on LCE through nuclear, North Sea gas and shale gas developments in order to meet its energy policy goals.



# Community led initiatives: Roseland

- Roseland Community Wind Farm in Bolsover, Derbyshire
- 6 turbines x 125 m to tip
- Roseland Community Wind Farm LLP established with a view to giving profits to deprived ex-coalfield communities
- Instigated by Local Enterprise Organisation and funded through Local Enterprise Growth Initiative Funding
- Largest community led wind farm in England

- Key impacts of the scheme were on cultural heritage assets at (1) Hardwick Hall assemblage and (2) Stony Houghton Conservation Area
- At local level, community led aspects gained real traction
- At appeal, hard truth is that there is virtually no support which can be relied on by a decision maker
- Pure economic benefits to the community do not count
- Nature of the applicant is not relevant

- Paragraph 97 of the NPPF provides that:

“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 inter alia:

- Support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning”
- Community Energy Strategy
- Planning Practice Guidance invites supportive development plan policies
- Community Ownership Taskforce

- “301. The appellant acknowledges that the benefits of the development would deliver for community projects are not a planning consideration but seeks to place significant weight on the community led aspects. Paragraph 97 of the Framework advises that community led initiatives for renewable energy should be supported. The Community Energy Strategy sets out the Government’s vision that every community that wants to take an energy project forward should be able to do so. The Community Engagement for Onshore Wind Developments: Best Practice Guidance for England and the Community Benefits from Onshore Wind Developments: Best Practice for England of October 2014 further advise that onshore wind can make a real difference to local communities. **There is no doubt that the scheme represents an opportunity for the local community to access resources and funding to directly enhance the local economy, society and environment, in an area where there is a high level of deprivation.**

- The proposal in this case follows the best practice principles. Whilst appreciating the doubts of many local residents as to where the benefits will eventually materialise and the role of the delivery partner (anticipated to be a commercial wind development company), **it is difficult to imagine a better way which local communities could take such a scheme forward.** The PPG says that local planning authorities may wish to establish policies which give positive weight to renewable and low carbon energy initiatives which have clear evidence of local community involvement and leadership. There are no such policies in place in Bolsover. Having regard to the need to have regard to the views of the local community, as expressed at the inquiry, there is not a conspicuous level of support. **Nevertheless, in the light of the most recent Government guidance, some weight must attach to the community led aspects”**
- Secretary of State agreed that “some weight” could be applied to the community led aspects

# Concluding thoughts: much to be done

- The positive to be taken out of the Roseland inquiry is that “some weight” was attached to the community led aspects of the scheme pursuant to paragraph 97
- It is only if and when an adopted development plan policy expressly supports a community led initiative that it would make any real difference under section 38(6) of the PCPA 2004
- If central government truly is serious about empowering local choice and encouraging community led renewable energy initiatives then it needs to enforce paragraph 97 of the NPPF
- At the moment, there are a lot of documents saying lots of nice things but in reality they provide very little ammunition for the likes of developers

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