

Since 2015, the development of onshore wind farms has been subject to a *de facto* ban. However, recent amendments to the National Planning Policy Framework (updated on 5 September 2023) (NPPF) seek to address the issue.

## Paragraph 158(b)

When determining planning applications for renewable and low-carbon development, paragraph 158(b) of the NPPF states that a local planning authority (LPA) should approve an application if the impacts are (or can be made) “acceptable”:

### The Old Footnote

Footnote 54 to the NPPF sets out the conditions to be met for such development to be considered “acceptable”:

Under the previous version of the NPPF, except for applications made for the repowering of existing turbines, wind energy development involving one or more turbines was only considered acceptable under footnote 54 where:

- The development was in an area identified as suitable for such development in the area’s development plan
- Following consultation, it could be demonstrated that the planning impacts identified by the affected local community had been fully addressed and the proposal had community backing

### Practical Issues

This resulted in various practical difficulties in obtaining planning permission for onshore wind farms, such as:

- The progression of a development plan through preparation, examination and adoption stages is a process that can take several years, with no guarantee that the LPA will adopt the final draft in any event.
- Requiring for local community concerns to be “fully” addressed left such applications vulnerable to refusal where a limited number of local community members had objected to the scheme. In extreme cases, this resulted in onshore wind projects being refused on the ground of an objection by a single individual within the community.

It is as a result of these practical difficulties that investment into onshore wind farms has been generally slow, with few sites coming forward for development.

## Addressing the Issue – the New Footnote 54

Footnote 54 to the updated NPPF seeks to address these practical issues, and has been amended as follows:

- The life-extension of existing turbines now falls within the exception under footnote 54, alongside repowering
- An area for wind energy development can now be identified as being suitable within a “supplementary planning document”, as well as in the development plan
- Planning impacts identified by the local community must now be “appropriately addressed”, rather than be “fully addressed”
- The scheme must now receive “community support”, rather than “community backing”

In the Written Ministerial Statement accompanying the updated NPPF (WMS), the secretary of state states that by allowing Supplementary Planning Documents (SPDs) to identify suitable sites, it ought to enable sites to be “identified more quickly” through “more agile and targeted routes”, such as Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders.

Furthermore, the relaxation of the requirements relating to community involvement appear to have been made to ensure that LPAs take a more purposive approach to wind energy decisions. It is clear from the WMS that the guidance on wind energy was not intended to give single individuals the ability to derail an entire wind energy project – despite this having happened in the past due to the previous wording of footnote 54.

The amendments ought, therefore, to empower the LPAs to take a holistic approach on the views of the community.



## Impact

The overwhelming consensus in the wind energy industry is that the changes made to footnote 54 do not go far enough and will have little impact in practice.

Except for widening the definition of where sites may be identified to include SPDs, the amendments to the language of footnote 54 arguably do little to simplify and clarify the approval process.

In fact, it could be said that the amendments leave greater room for interpretation by LPAs when taking decisions. For example, it remains to be seen how community concerns will be “appropriately” addressed as opposed to being “fully” addressed to the satisfaction of the LPA, and the extent to which community “support” in the view of the LPA will, in fact, differ from community “backing”.

Further guidance on the application of the new language is expected to follow (although it is unclear when). In the meantime, however, any onshore wind applications will likely still be made with caution.

It is, therefore, very much hoped that the further guidance promised will promptly follow, for both applicants and LPAs to gain further clarity on the amendments to footnote 54.

Whether the amendments have the desired effect remains to be seen. However, given the consensus in the industry and the further questions raised thus far, we remain rather pessimistic that much will change in the immediate future.

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