

Town & Country Planning Act 1990

Appeal by Prowind

at

Scalm Park, Wistow Common, Selby, YO8 3RD.

Ref: APP/N2739/A/2201308

Response by the Stop Bishopwood Wind Farm Action Group to the Written Ministerial Statement made by Greg Clark on 18 June 2015 and other related matters.

Author

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Introductory remarks

1. The Written Ministerial Statement (WMS) made by Greg Clark on 18 June 2015 was one of a number of steps taken by the new Conservative Government to deliver the commitment made in the Conservative manifesto under the heading:

We will halt the spread of onshore wind farms

The manifesto then goes onto say:

“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.”

2. The statement by Greg Clark addressed the manifesto commitment that local people would have the final say on wind farm applications.

Comments regarding the WMS made by Greg Clark

3. The WMS outlined new considerations to be applied to proposed wind energy development so that “local people have the final say on wind farm applications.” These considerations took effect from 18 June 2015 and should be taken into account in planning decisions. 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.

Whether a proposal has the backing of the affected local community is, according to the written statement, “a planning judgement for the local planning authority.”

4. While the WMS refers to decisions by Local Authorities it is to be understood that they also apply to other decision makers including Planning Inspectors and the Secretary of State. In this case the appeal has been recovered under the arrangement introduced by the previous Government such the final decision is expected to be taken by the Secretary of State for Communities and Local Government (DCLG).
5. The two points to be addressed are whether the area has been identified as suitable for wind energy development in a local plan and whether the planning impacts identified by the local community have been fully addressed such that it has the backing of the local community.
6. On the first point there is no site allocation for wind farms within the Selby District Core Strategy and so this condition is not met – and the appeal should be dismissed on this basis.
7. The second condition relating to the Local community and their opposition to the scheme is dealt with in detail in the Proof of Evidence submitted by Cllr Cliff Lunn. This evidence shows that 909 individuals living locally objected to the proposed wind farm. Their grounds for objecting are also set out in the Proof of evidence and these are valid planning objections, some of which were the subject of the decision by Selby District Council to refuse planning permission. Given the strength of local opposition, and the fact that the issues raised by the community have not been addressed by the Appellant, it is clear that the proposal does not have the backing of the local community and therefore the appeal should be dismissed.

Other Matters

Noise

8. One of the reasons for refusal related to noise levels, especially at Scalm Park. We submitted detailed evidence to support the grounds for refusal issued by Selby District Council. However it should be noted that the subject of noise and noise regulation of wind farms is the subject of further study and new evidence is coming to light about the extent of noise problems caused by wind farms. A study of Noise complaints undertaken by Chris Heaton Harris MP showed that there have been over 600 complaints and that 47% of Local Authorities with a wind farm have received complaints. Another study has shown that Amplitude Modulation, which we refer to in our evidence and which the industry originally claimed to be rare is in fact a common problem. [The relevant studies can be found here.](#)

Subsidies

9. A statement made on 18 June by Amber Rudd, Secretary of State for Energy and Climate Change made clear that the ROC subsidy scheme would close in April 2016 and that it would only apply from the date of the announcement to wind energy schemes that already had planning approval – which the Bishopwood clearly does not. [Hansard report](#) 18 June – Note that the statement includes reference to Nigel Adams MP and Selby and Ainsty constituency who had presented a Bill to abolish wind farm subsidies as a 10 minute rule bill. The Secretary of State referred to this in her statement to the House of Commons.
10. A further statement by Amber Rudd on 22 June added clarification and further detail about the early closure of the ROC system [Hansard report 22 June](#)
11. The closure of the ROC scheme means that the payment to on-shore wind farms is now determined by the EMR – Energy Market Reform Bill and payment by the cfd system (Contract for Difference). The availability of a cfd is subject to limitation of the funds available and the auction system whereby windfarm operators bid for cfd allocations which are granted on the basis of lowest bids. In the case of solar farms for example, where this system is already operational the most recent cfd contracts were awarded at £50/MWHR and £79.50 /MWHR versus the strike price of £105.
12. While the cfd system is not a planning matter it is a commercial matter which should be of concern to the Appellant.

Conclusion

13. **The appeal has little merit and given the stated intent of the Government to halt the spread of onshore wind farms the Appeal has very little chance of success. The Appellant would be advised to withdraw the appeal in the same way that the developers have done with other wind farm appeals e.g. EDF / Bullington Cross , RWE / Temple Hill Wind farm.**

Howard Ferguson – For Stopbishopwood wind farm action group.

17 July 2015

