

## Inspector's Note to Council

### Wind Energy Development

As you will be aware, on 18 June 2015, the Secretary of State published a Written Ministerial Statement (WMS) regarding onshore wind turbine development. The WMS sets out new considerations to be applied to proposed wind energy development so that local people have the final say on wind farm applications. When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- the proposed 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 proposal reflects the planning concerns of affected local communities and therefore has their backing.

In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan.

Policy MD8 sets out criteria that proposals for Infrastructure Provision, including wind energy proposals, would need to meet. The SAMDev Plan does not allocate suitable areas for wind energy development. It appears, in light of the WMS, that such a criteria-based policy would not be effective or consistent with national planning policy. In short, I suggest it would be impossible for any wind energy proposal to be permitted even if all the criteria were satisfied because the SAMDev Plan does not identify "suitable areas" for such development.

The Council are invited to comment on the implications of the WMS on the SAMDev LP examination process and how the Council would wish to proceed in light of the recently published WMS. Possible options open to the Council might include:

- i) add to the criteria-based policy the additional WMS tests stipulating that a wind turbine proposal must be in area identified as suitable for wind energy development and fully address the planning impacts identified by local communities. This may mean the plan would include the up-to-date policy, and support a future part of the development plan (including a neighbourhood plan) that identifies suitable areas. It would be necessary to fully explain the rationale in the supporting text, otherwise it might appear that the plan was requiring wind turbines to be in identified areas but not identifying any area as suitable for wind energy.
- ii) Amend the plan to make it clear that Policy MD8 does not relate to wind turbines and that the wind turbine issue will be dealt with in the forthcoming Review, and that in the meantime wind turbine proposals will be considered against the WMS.

Any such changes to the plan would have to be brought forward as main modifications (MMs) in accordance with s20 of the 2004 Act. As in the case of all proposed MMs, the need for sustainability appraisal (SA) and public consultation must be considered. The Council should consider whether there is a need for a further round of SA and public consultation on any further proposed MM(s) in relation to the WMS, having regard to the nature of the proposed change that would be made to the plan.

**A response by 27 July would be appreciated.**

Claire Sherratt

Inspector appointed to examine the SAMDev Plan