

Case Name: *Good Energy Generation Ltd v Secretary of State for Communities And Local Government & Anor* [2018] EWHC 1270 (Admin) (25 May 2018)

Full case: [Click Here](#)

Commentary: 90,000 MWh/year wind turbine development

Whether community benefits; a community investment scheme; and a reduced electricity tariff were material considerations.

Following the decision in *Wright* the community benefits ground was withdrawn.

The court held that the reduced electricity tariff was essentially an inducement to make the proposal more attractive to local residents. It was not necessary to make the development acceptable in planning terms (Reg 122, CIL Regs 2010)

The connection between the community investment scheme and the development was remote and uncertain. It did not comply with Reg 122 and was merely a potential investment opportunity.

The reasons given by the Inspector and Secretary of State, although brief, were adequate.

The Secretary of State was entitled to reach the conclusion that it was not a community-led development: This was a commercial development by a limited company, not a community organisation. The proposal was not initiated or promoted by the local community. There was much opposition to it among the local community. In the context of the WMS, the Secretary of State (and the Inspector) found that the planning impacts identified by affected local communities had not been addressed and as a result the proposal did not have the backing of the local community. The local tariff and the community investment scheme were not community-led renewable energy initiatives. Moreover, because of the discretionary and uncertain nature of the local tariff and community investment scheme proposals, there was no convincing evidence that they would meet the needs of members of the local community.

The judgment contains a useful review of the case law on planning obligations as material considerations

Case summary prepared by Town Legal LLP