

Levelling up and Regeneration Bill: Reforms to national planning policy

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Introduction.

RenewableUK has a broad membership with extensive experience from all the major onshore wind developers operating in the UK, as well as developers of electricity interconnectors and marine renewables.

RenewableUK welcome the opportunity to comment on proposed reforms to national planning policy and have worked with our members and colleagues at Solar Energy UK to bring together the views of industry. In our response, we wish to highlight the following points:

- In the face of spiralling energy costs and the war in Ukraine, we are highly concerned that the Government is not doing enough to remove the barriers preventing low-cost onshore wind from being rapidly deployed and it is our view that **the amendments proposed to the National Planning Policy Framework (NPPF) will *not* enable the deployment of onshore wind in England.**
- As it stands, Footnote 63 (previously Footnote 54) maintains the underlying presumption against onshore wind development. **The complete removal of Footnote 63 (and associated footnote 62) should be undertaken as a matter of priority to rebalance the planning system to bring the treatment of onshore wind back in line with other forms of power generation.**
- The consultation refers to the goal of accelerating a fully decarbonised power system by 2035, however, the wording of the policy is in direct conflict with this. In its redrafted form, **the NPPF continues to severely hinder investment in the onshore wind industry and its supply chain due to the high-level of risk and uncertainty that it maintains.**
- Community support as written in Footnote 63 causes significant additional complexity and ambiguity with regards to its definition. **It is our strong view that the Government should focus on ensuring that community engagement is effectively carried out by the industry rather than trying to create arbitrary tests or metrics which will only give a partial impression of community opinion.**
- Despite the industry view on the development of new greenfield projects, we are encouraged to see amendments on repowering. A presumption in favour of repowering, backed up by solid planning guidance for local authorities which allows development using the most modern and efficient turbines is essential. **We cannot afford to lose generation at existing onshore wind sites that in many cases have been generating renewable energy for decades, as this will hamper the Nation's energy security.**

- Increasing the UK's deployment of onshore wind is supported by a wide range of climate experts, including the Climate Change Committee and the recent Independent Review of Net Zero by the Rt Hon Chris Skidmore MP. The British Energy Security Strategy (2022) states that **onshore wind is one of the cheapest forms of renewable power** and in the Energy White Paper (2020), onshore wind is said to be a 'key building block for the future generation mix'. Despite this, the Government has been, at best, tentative in its support for onshore wind. **There is a fundamental disconnect between the UK Governments' legal obligation to achieve net zero and the policy wording in the NPPF.**
- If the Government is serious about its commitment to net zero and security of supply ambitions, **there must be a clear ambition for national deployment targets for onshore wind and a policy framework supportive in place.** Without this, it is difficult to see how the proposals will enable any significant difference.

RUK's response to the consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy.

Q.38 Do you agree that this is the right approach to making sure that the food production value of high value farmland is adequately weighted in the planning process, in addition to current references in the Framework on best and most versatile agricultural land?

We do not agree.

- Climate change is the biggest threat to food production and the environment. It is unhelpful to have ambiguous policy that does not align with wider legislated Government net zero objectives.
- As currently drafted, the criteria and threshold for considering agricultural land used for food production alongside other policies as currently drafted in the NPPF (Footnote 67) is not clear when deciding what sites are appropriate for development.
- The wording contained in the current draft National Policy Statements for Renewable Energy Infrastructure (NPS EN-3) states that land type should not be a pre-determining factor in determining the suitability of the site selection. This provides significantly greater alignment with net zero policy. Therefore, it is industry's view that the wording in the NPPF should be consistent with NPS EN-3 to ensure a consistent approach to planning and decision making across Town & Country Planning (TCPA) developments and Nationally Significant Infrastructure Projects (NSIPs) to enable the deployment of net zero infrastructure. In addition, we strongly recommend that the wording "land type should not be a predominating factor in determining the suitability of the site location" in the current draft NPS EN-3 remains when the Energy National Policy Statements are consulted upon.
- The framing within the NPPF assumes that the installation of solar PV will inevitably undermine food production. However, this is not the case. For example, evidence suggests that appropriate installation of solar panels can support increased crop yields¹ or supporting more nutritious pasture for grazing sheep and higher standards of animal welfare². Where

¹ [Solar Power Europe \(2020\) Agri-PV: How Solar Enables The Clean Energy Transition in Rural Areas](#)

² [Kampherbeek et al. \(2023\) A preliminary investigation of the effect of solar panels and rotation frequency on the grazing behaviour of sheep \(Ovis aries\) grazing dormant pasture, Applied Animal Behaviour Science](#)

sharing land with PV either has minimal impact or can actually boost agricultural production (and with it food security) it should naturally be supported – irrespective of the BMV grading of the land.

Q.40 Do you have any views on how planning policy could support climate change adaptation further, including through the use of nature-based solutions which provide multi-functional benefits?

- Government recognises that we are facing a dual climate and biodiversity crisis and has made several commitments in the Environment Act, including a requirement to demonstrate at least 10% biodiversity net gain on all development sites, including critical renewable infrastructure, other than a small number of exemptions.
- Onshore wind projects offer significant benefits to both the climate and biodiversity crisis by displacing fossil fuels and enhancing biodiversity through Habitat Management Plans (HMPs) or biodiversity net gain initiatives. However, the current and redrafted NPPF blocks the multi-functional benefits that onshore wind can offer in England and creates an opportunity cost that does not align with ambitions for development to drive the enhancement of biodiversity net gain.
- On existing and new projects (predominantly in Scotland), onshore wind developers have already been providing HMPs for years and, in many cases, developers exceed the proposed 10% mandatory net gain requirements that is to become mandatory for TCPA projects from November 2023.
- Through habitat management plans, industry have reintroduced indigenous wildflower meadows, restored peatland and contributed to the reintroduction of species such as Black Grouse and Pine Marten³.
- Please refer to individual wind developer responses for more information, and we would be happy to provide further information or case studies on request.

Q.41: Do you agree with the changes proposed to Paragraph 155 [redrafted as Paragraph 157] of the existing National Planning Policy Framework?

Somewhat agree.

- We are encouraged by the support for repowering as set out in the British Energy Security Strategy and that repowering is retained with the inclusion of life extension in the NPPF.
- It is essential that guidance clearly acknowledges that the onshore wind farms that are expected to come to the end of their life can either be replaced with modern, more powerful, and most cost-efficient turbines with higher tip heights or existing turbines are maintained to continue to generate beyond their originally anticipated end date, where technically and economically feasible to do so.
- Regarding paragraph 155 (redrafted as paragraph 157b), there is still a requirement for sites to be in a designated or identified area. It is our view that, it should not be the responsibility of Local Planning Authorities (LPAs) to identify suitable areas for windfarms. It should be the

³ [RenewableUK \(2021\) The Onshore Wind Prospectus](#)

responsibility of developers and community groups to communicate and collaboratively identify suitable areas for windfarms, as the onus of the financial and reputational risk of submitting a planning application is on the developers. Expecting LPAs to carry out this work will cause delays to consents and hinder progress to achieving net zero targets.

- Since the introduction of Footnote 54 and consequent lack of onshore wind project applications in England, industry is concerned that LPAs and statutory consultees have lost much of the relevant knowledge base required. Industry would therefore recommend significant upskilling for LPAs so that they are properly equipped and adequately resourced to process planning applications for onshore wind projects.
- Regarding Paragraph 155 (part a, redrafted as Paragraph 157), reference to “maintenance” should be removed as the general maintenance of infrastructure is not relevant to planning policy.
- Further, the distinction here, between repowering and life extensions, needs to be made clear and we would recommend amending the wording within 157a to “...and their future repowering, and life extension...’.
- **Definitions of repowering and life extensions should also be provided in supplementary guidance** to avoid ambiguity and these definitions should be taken from Renewable UK’s briefing on repowering onshore wind⁴.
- We note that the former Department for Business, Energy, and Industrial Strategy (now DESNZ) has already produced a guide to best practice on community engagement and benefits from onshore wind⁵. This is a useful document which developers should be encouraged to consider, although this does not need to be part of the statutory planning process.

Q.42: Do you agree with the changes proposed to Paragraph 158 [redrafted as Paragraph 160] of the existing National Planning Policy Framework?

Somewhat agree.

- As per our answer to Question 41, the most efficient way to unlock opportunities for repowering would be for all applications for onshore wind to be treated the same as other development types within the planning system, rather than via the existing and proposed policy tests within the NPPF.
- We are encouraged by the support for repowering and life-extension of existing projects. **Effective repowering is a critical part of making the most efficient use of the available wind and land resource protecting vital capacity and contributing to net zero targets.** We agree with the wording in paragraph 160c that states the impacts of repowered and life-extended sites should be considered for the purposes of this policy from the baseline of the existing site. This is the most practical solution given that the EIA baseline for the assessment should be based on the ‘current state of the environment’ (i.e., the ‘with wind farm’ scenario) which therefore best describes the state of the environment recognising the existing wind farm.
- It is **essential that LPAs are provided with clear guidance and definitions to help them understand repowering and life extensions of sites.** Government should develop practical guidance in consultation with industry and key stakeholders which is targeted, proportionate,

⁴ [RenewableUK \(2023\) Briefing: Repowering Onshore Wind](#)

⁵ [BEIS \(2021\) Community Engagement and Benefits from Onshore Wind Developments: Good practice guidance for England](#)

and sets out agreed criteria for assessment of prospective applications and these definitions should be taken from Renewable UK's briefing on repowering onshore wind⁶. Within this, we would welcome the recognition of increasing tip heights for repowering projects.

- We believe that there should be a presumption in favour of life extensions due to the minimal additional impacts at the site, unless there are material considerations presented that could determine otherwise.
- An application for the life extension of a projects is still only considered at the end of the lifetime of the project. It is our view that, the application for life extension should be considered at any stage during the life cycle of the project. Going forward, a positive signal would be to enable in perpetuity consents in the future, rather than the default fixed time limits of 25 – 40 years and we propose that the definition on life extension in supplementary guidance for LPAs must change.

Q.43: Do you agree with the changes proposed to footnote 54 [redrafted as footnote 63] of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?

We do not agree.

- The wording "...a proposed wind energy development involving one or more turbines should not be considered acceptable unless..." effectively **maintains the presumption against the development of onshore wind** in England.
- We are therefore **unable to comment** on the implementation of the policy wording for Footnote 63 (and associated Footnote 62) **whilst there is no ambition for delivering onshore wind** nor removing the presumption against onshore wind.
- We believe, the change of wording from community backing to community support as written in Footnote 63 marks no material improvement from Footnote 54 and will cause significant additional complexity and ambiguity. **It is our strong view that the Government should focus on ensuring that community engagement is carried out well by the industry** rather than trying to create arbitrary tests or metrics which will only give a partial impression of community opinion. The industry will work closely with government to update the RUK community engagement and benefit protocol, in line with comprehensive BEIS guidance which already exists.⁷
- Given that the presumption against onshore wind remains, **the proposed changes to planning does not give the industry, communities, and business the confidence to invest in onshore wind** again from a completely standing start.
- **The increased complexity and ambiguity of the additional Footnote 62 only reinforces the fact that onshore wind continues to be treated differently to any other infrastructure in England**, at a time when it could be key to increasing energy security, reducing consumer bills, transitioning to net zero, providing multi-functional benefits to communities and the environment.
- Regarding Footnote 62, **the test for granting onshore wind through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders is not clear** and while Footnote 63 is in place, Footnote 62 ultimately becomes useless.

⁶ [RenewableUK \(2023\) Briefing: Repowering Onshore Wind](#)

⁷ [DLHUC \(2022\) National Planning Policy Framework: Indicative changes for consultation](#)

- An exemplar model to replicate in England can be seen in Scotland, where the Scottish Government's revised National Planning Framework 4 (NPF4) applies significant positive weight towards developments that contribute towards Scotland's greenhouse gas emission reduction targets and renewable energy targets in reaching planning consent decisions. The Scottish government has also announced a 20GW target for onshore wind by 2030 and committed to constructing an onshore wind sector deal in 2023.
- Further to this point, in February 2021, Wales adopted renewable energy policy which states "In determining planning applications for renewable and low carbon energy development, decision makers must give significant weight to the need to meet Wales's international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency". We would welcome this level of ambition to be replicated in England.

Q.49 Do you agree with the suggested scope and principles for guiding National Development Management Policies?

- RenewableUK and its members agree that the renewable energy sector would benefit from a **coherent national policy** and in principle we are supportive of National Development Management Policies (NDMPs) to enable Local Plans to focus on local issues and remove the need to restate material in the NPPF.
- Industry will be able to provide a more detailed response when the consultation on proposals for the draft NDMPs is published, following passage of the Levelling Up Bill.
- One area that we would like clarified is the interaction between NDMPs and Planning Practice Guidance, and the hierarchy of application between NPPF, NDMPs and Local Plans in decision making.

Q.50 What other principles, if any, do you believe should inform the scope of National Development Management Policies?

- There is a need to **establish a pragmatic approach** with LPAs and consultees to demonstrate the drivers for larger turbines (technological advances and the evolving turbine market) and to promote the associated benefits.
- **Cumulative landscape** and visual comparisons with existing adjacent smaller scale turbines, with smaller rotor sizes, **should not be determinative and restrict the drive towards use of the latest larger turbine technology as this will prohibit progress.**
- Society and industry would benefit from a more holistic approach to planning policy such as a strategic decarbonisation plan which centralises all aspects of development necessary to decarbonise the UK. Planning policy such as the NPPG and NPPF should be updated to enable an integrated approach to deploying onshore renewables including a positive policy framework in favour of the co-location of multiple types of renewable energy infrastructure.
- It is important to recognise the importance of other renewable infrastructure as part of NDMP's. For example, as grid infrastructure develops, it is important that connections are reflected in national planning policy to ensure the success of projects. NSIP (Nationally Significant Infrastructure Project) projects with onshore substations will operate under the DCO (Development Consent Order) process, however, Scottish projects needing to connect in England are likely to interact with the Town and Country Planning Act. Our recommendation is that, if National Grid has identified HND (Holistic Network Design) as necessary for Offshore

wind as critical net zero infrastructure, then it should be given consent and if grid connections are going through a green belt area, they must be given priority in decision-making.

Q.54: How do you think the Framework could better support development that will drive economic growth and productivity in every part of the country, in support of the levelling up agenda?

- The framework must better support development to drive economic growth and productivity. However, we note the significant oversight and omission of the benefits to economic growth and productivity that onshore wind can offer.
- Given the low cost of onshore wind, its development will pay back consumers around £16.3bn, or £25 a year for every UK household. Creating £45bn of GVA for the UK and regenerating those areas key to the 'levelling up' agenda whilst also providing a solution to the energy trilemma⁸.
- As per our earlier point, **the proposed changes to the NPPF, specifically Footnote 63, do not currently provide industry, communities, and business the confidence to invest in onshore wind.**
- The increased complexity and ambiguity of Footnote 63 (and associated 62) only reinforces the fact that onshore wind continues to be treated differently to any other infrastructure in England, at a time when it should be key to increasing energy security, reducing costs and our net-zero goals, as a result, there is a missed opportunity for benefitting communities and commercial sites.
- A supportive planning framework is essential for all scales and types of development, including 'bottom-up proposals' so supportive communities can build their own turbines or work with developers on proposals in their area.
- As with offshore wind, the latest onshore wind turbines are considerably more powerful and far more cost effective than their predecessors. The planning system should enable the potential replacement of old wind farms with the latest, most efficient turbines. Polling shows this is far more popular amongst the UK public (with 73% supportive) than the prospect of 'not replacing' them (with only 16% support)⁹.
- It is important that the NPPF accounts for and supports co-location with storage and hydrogen projects.

Q57: Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

- In Chapter 12: "Wider changes to national planning policy in the future", the consultation document mentions the introduction of Environmental Outcome Reports (EORs). However, there has been no formal consultation or further communication to industry on the introduction of EORs to date. We strongly recommend that a consultation on the introduction of EORs is published before moving away from internationally recognised and widely understood environmental assessments, such as Environmental Impact Assessments (EIAs) and Strategic Environmental Assessments (SEAs). There is scope for EORs to streamline environmental assessments for development, as acknowledged in the recent NSIP reform policy paper, but this will need active design to deliver in practice.

⁸ [RenewableUK \(2021\) The Onshore Wind Prospectus](#)

⁹ [RenewableUK \(2021\) The Onshore Wind Prospectus](#)