# Proposed reforms to the National Planning Policy Framework and other changes to the planning system

September 2024

## About us

Since 1978, Solar Energy UK has worked to promote the benefits of solar energy and to make its adoption easy and profitable for domestic and commercial users. A not-for- profit association, we are funded entirely by our membership, which includes installers, manufacturers, distributors, large-scale developers, investors, and law firms.

Our mission is to empower the UK solar transformation. We are catalysing our members to pave the way for 70GW of solar energy capacity by 2035. We represent solar heat, solar power and energy storage, with a proven track record of securing breakthroughs for all three.

## Respondent details


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- **Would you like this response to remain confidential**: No
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# Introduction

Solar Energy UK welcomes the review of the Proposed Reforms to the National Planning Policy Framework and other changes to the planning system.

Renewable technologies such as solar power and energy storage are essential to reaching net-zero emissions by 2050, and the planning system plays a critical role in enabling the government to meet these targets. A planning system that recognises and prioritises renewables is foundational to ensuring we have enough renewable energy to achieve clean power by 2030 and deliver UK energy security. There are key planning challenges that the new UK Government should address, through this consultation on the NPPF, which we have outlined below.

Our recommendations:

- Greater alignment between planning policy documents; specifically, between the NPPF and NPS EN-1/EN-3. Reinforcing in the NPPF, the same planning policy weight and context provided in section 4.2 of EN-1, namely introducing a policy presumption for the delivery of renewable infrastructure.
- Definition is required to determine the prioritisation of 'significant' and 'substantial'. The current definition in EN-1 puts substantial above significant, which means that the current Green Belt wording would be stronger in the planning balance than the weight given to renewables. We request that substantial is afforded to both, and significant is removed.
- Categorisation of renewable energy as appropriate development in the Green Belt in the same way as other locationally driven development, for example mineral extraction, as currently defined in paragraph 155 of the NPPF. This will become increasingly important given other policy drivers which seek to incentivise the location of energy generation closer to demand – e.g. through the Review of Electricity Market Arrangements (REMA) and the forthcoming Strategic Spatial Energy Plan (SSEP) and Regional Energy Spatial Plan (RESP). Excluding such a categorisation would unduly hinder our ability to deliver clean power at lowest cost to the consumer.
- Ensure that planning process timelines and fees are proportionate with the scale, significance, and impact of the projects.

- Increased efficiency and resourcing across the planning system (Local Planning Authorities (LPA), PINS, Statutory Consultees).
- The solar industry would be open to exploring raising the threshold to 150MW, as suggested in the consultation. However, there are a range of views within the industry, and we would welcome further engagement between Government and industry on this proposal. The key priority, whatever the threshold, must be to upskill and fully resource the planning system at all levels, as a prerequisite to improving the efficiency and proportionality of the regime.
- Ring fence planning fees from solar planning applications for development control/development management services (i.e. determining applications) and not used to cross subsidise other services. This will ensure that planning fees are used to address the current resourcing gap within planning departments and statutory consultees.
- Include specific policy wording within the NPPF to support the expansion of battery storage, either as standalone projects or co-located with solar projects.
- Align planning policy with the upcoming SSEP and RESP to support the acceleration of energy generation and network transmission and distribution projects.

Further to these there are some more detailed points which would greatly help advance the swift deployment of solar through the planning process to help the UK meet its legally binding net zero targets.

**Expansion on Food Security:**

The NPPF should more strongly explain that the biggest risk to food security is climate change. Footnote 67 as was written, hindered the progress of delivering solar technologies, the cheapest and quickest renewable energy available to the UK.

We ask that the NPPF adopt the same approach taken within the current National Policy Statement EN-3 that states “land type should not be a predominating factor in determining the suitability of site location.” This would provide greater clarity and align with overarching net zero policy.

Current wording within the NPPF assumes that the use of land for solar farms has

equivalent impact to other forms of permanent development. This is not the case. Solar farms are a temporary use of land. Solar farms not only help deliver energy security but also meet climate change objectives. In addition, it is well established practice for solar developers to work with landowners to responsibly mange the land used for solar farms for continued agricultural use, biodiversity enhancements and allow the soil quality to improve.

**Expansion on Archaeological Trenching:**

Trial trenching for solar is disproportionate given the low impact caused to archaeological features from the construction methods used to install solar arrays, and the ability to avoid highly sensitive areas through good design.

NPS EN-3 acknowledges that solar can have a different approach from other forms of development, however stronger and more clearly worded policy would help to support that position and prevent misinterpretation.

**Expansion on Overplanting:**

The solar industry needs greater clarify on the definition of 'overplanting'. The NPS says:

> *"Footnote 92 "Overplanting" refers to the situation in which the installed generating capacity or nameplate capacity of the facility is larger than the generator's grid connection. This allows developers to take account of degradation in panel array efficiency over time, thereby enabling the grid connection to be maximised across the lifetime of the site. Such reasonable overplanting should be considered acceptable in a planning context so long as it can be justified and the electricity export does not exceed the relevant NSIP installed capacity threshold throughout the operational lifetime of the site and the proposed development and its impacts are assessed through the planning process on the basis of its full extent, including any overplanting."*

However, the wording has caused confusion and needs to be clarified as there are multiple reasons why a developer would choose to 'overplant' a project rather than just degradation of equipment. We suggest amending the wording to clarify that overplanting can be used for more than overcoming degradation over the lifetime of solar projects or that overplanting is just for degradation, but good design and site optimisation should be allowed as standard and stated as such in EN-3. This footnote should be put into the full body of the text for clarity.

## Chapter 3: Planning for the homes we need

**Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?**

We mostly agree. A presumption in favour of sustainable development should apply to all forms of development, including green energy infrastructure. We suggest that the wording in Paragraph 156 (now 154) should be amended to 'such very special circumstances *will* include the wider environmental benefits associated with increased production of energy from renewable sources"

The proposed policy changes should explicitly link renewable energy developments with the goal of maximising climate change mitigation. As such, renewable energy applications should be granted approval unless there are exceptional reasons of national importance that justify refusal.

**Question 12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?**

Yes, we agree. The proposals could support a more structured and strategic way of working for energy projects straddling local authority boundaries.

Delivering solar energy and grid infrastructure is a strategic priority for the UK and will require collaboration between Councils. We would recommend that Paragraph 27(a) mentions grid schemes and low carbon infrastructure as "strategic infrastructure" that require collaboration.

Additionally, it is unclear how the Regional Energy Spatial Plans (RESPs) will interact with the NPPF. As stated in the RESP Framework consultation: "*there will be no requirement on local government to follow the direction of the RESP".* Our concern is that local plans may therefore become misaligned or come into conflict with the RESP. We recommend that the NPPF explicitly makes mention to, coordinates with and considers the interaction between the SSEP/RESP and NPPF.

Lastly, we ask that the NPPF requires Local Authorities to be clear in whether they intend to proactively cooperate, and if so, it may be worth considering the use of Planning Performance Agreements (or a similar style protocol) which sets out clear objectives and timescales, agreed from the outset.

## Chapter 5: Brownfield, grey belt and the green belt

**Question 23: Do you agree with our proposed definition of grey belt land? If not,**

**what changes would you recommend?**

We agree with the proposal to introduce grey belt land into the planning system. Whilst we largely agree with the definition, we ask that it be more explicit to remove any possibility that it could be open to subjective interpretation.

**Question 26: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?**

We are concerned that renewable energy infrastructure, including critical storage and transmission infrastructure is being considered as "inappropriate" for development within Green Belt areas. This is a real barrier to critical infrastructure being delivered in the places where it is most needed, i.e. on the periphery of settlements. It is notable that para. 155 (now 153) excludes from this definition of inappropriateness other uses that by their very nature are located on the periphery of settlements, such as "local transport infrastructure". We are of the opinion that renewable energy infrastructure and the grid infrastructure required to support it should be included in this paragraph, bearing in mind that the safeguards or "openness" remain in the paragraph, and to the ultimate function of Green Belt policy. We therefor ask that renewable energy is categorised as appropriate development in the Green Belt.

**Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?**

Well-designed and well-maintained solar farms present a positive opportunity to support biodiversity and nature recovery. Solar farms are temporary structures with long operational lifespans (typically 25-40 years) and minimal ground disturbance. The overall infrastructure footprint of a solar farm is typically less than 2% of the total land area. This means the rest of the land is available for developers to take measures to actively improve the local environment and provide a range of ecological benefits. These can include (but are not limited to) establishing wildflower meadows or grasslands, supporting hedge growth by infilling or planting new hedgerows and promoting wetland habitats and enhancing water courses. [1]

[1] https://solarenergyuk.org/resource/natural-capital-best-practice-guidance/

**Question 30: Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?**

We agree that the NPPF should allow development on green belt land through the decision-making process. Renewable energy infrastructure should be considered as an acceptable form of development within such areas.

Solar, like other energy infrastructure, is location-dependent due to the need for grid connectivity. Changing the presumption in favour for solar projects being built in the green belt would present greater spatial opportunities to build critical infrastructure. For example, the fluctuation in electricity demand around large urban areas could present opportunities for forms of network infrastructure or generation closer to demand, such as solar PV sites supplying electricity for London closer to demand, or battery storage near a centre of greater flexibility.

It's important to acknowledge the additional environmental benefits of developing solar projects in the green belt. After construction, solar farms experience minimal disturbance, allowing the soil and land to regenerate and often improving its condition compared to its pre-development state. Solar farms can also support a wider range of ecological enhancements, including wildflower meadows and grasslands and infilling and planting new hedgerows. We expand on these opportunities in our response to question 27.

**Question 31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?**

Renewable energy projects should be included as developments on grey belt land, as typically there is grid capacity on the edge of settlements and also higher local demand for energy. Enabling renewable energy development closer to the point of demand reduces grid connection costs and thus overall energy costs to the consumer. Optimisation of location generation and infrastructure is one of the key principles of the Strategic Spatial Energy Plan and we ask that the NPPF policy be aligned accordingly. Finally, it will also help achieve net zero more quickly.

## Chapter 7: Building infrastructure to grow the economy

**Question 62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?**

We mainly support changes to paragraph 86 b) to ensure the planning system is able to bring forward the infrastructure needed to achieve a net zero economy.

While we agree with the infrastructure outlined in the consultation, the list could be expanded to include broader support for energy and energy-related infrastructure that would bolster the growth of UK domestic supply chains. For instance, enabling the construction and expansion of industrial facilities would facilitate greater UK manufacturing with the potential to increase UK content within the energy industry. For example, supportive policies within the NPPF, and explicit acknowledgement of the importance of UK manufacturing facilities, could enable the construction and expansion of UK steel manufacturing facilities, and the production of mounting frameworks for solar panels within the UK. By making the planning process easier to build infrastructure – including industrial, manufacturing and testing facilities - Government can increase economic growth, greater supply chain resilience and long term, stable job creation.

In addition, Solar Energy UK encourages the Government to amend the NPPF to explicitly emphasise the importance of decarbonising our new and existing infrastructure through the installation of renewable energy. This would support the UK's ability to achieve its net zero target by 2050.

At present the UK's grid infrastructure is not fit for purpose and is actively blocking the development and construction of renewable energy generation and wider infrastructure projects. We warmly welcome the suggested revisions to paragraph 87a and ask that there is explicit recognition of the need to support new or upgraded facilities and infrastructure. This focus on infrastructure, including data centres and grid connections, will not only enhance the growth of these industries but also ensure they are well-equipped to meet future demands.

**Question 63: Are there other sectors you think need particular support via these changes? What are they and why?**

The consultation rightly gives emphasis to the delivery of a net zero economy; however, there are other sectors that will be crucial in supporting this effort, offering numerous overlapping benefits across various industries.

The consultation focuses primarily on electricity generation, but achieving a net zero economy will require a doubling of electricity demand by 2035. This will include a significant expansion of network infrastructure, including pylons and transformers.

However, challenges in securing planning approval for this infrastructure are as pressing as those for generation projects. Without robust transmission and distribution networks to carry power, generation infrastructure risks becoming stranded assets, jeopardizing the government's Clean Power by 2030 target and undermining investment in the low carbon economy.

Policies on connections reform, spatial and strategic planning, and community engagement for network infrastructure must be closely aligned with planning reforms, such as those in the NPPF and future Planning and Infrastructure Bill. Delays or barriers in areas like connections, transmission, or distribution network policies are inseparable from planning policy and can hinder progress if these policies are not coordinated in scope or timeframe. The disconnection between evolving policies, particularly in planning and networks reform, poses a major risk to delivering a coherent energy system.

In the current drafting of the NPPF the importance of battery storage has been overlooked (with the exception of storage for buildings and carbon storage). The NPPF must recognise the importance of battery storage within the electricity network and in the pursuit of decarbonisation. We strongly recommend that the NPPF includes specific policy wording to facilitate the expansion of energy storage, either as standalone projects or co-located with solar projects.

**Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?**

Yes, we agree.

## Chapter 9: Supporting green energy and the environment

**Question 72: Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?**

Yes, we agree that onshore wind should be reintegrated into the NSIP regime. To achieve the UK's net zero target by 2050, it will be essential to deploy a diverse mix of renewable energy technologies, including onshore wind and solar. The reintegration of onshore wind into the NSIP regime will facilitate a more streamlined and consistent process to determining applications, enabling these critical projects to advance more rapidly.

**Question 73: Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?**

Whilst we warmly welcome the proposed amendments to existing NPPF paragraph 163, which directs decision makers to give 'significant weight' to the benefits associated with renewable and low carbon energy generation, this does not go far enough in recognising the critical need to support renewable energy deployment.

Given the Government's strong support for renewable energy, the NPPF and broader planning policy should explicitly provide *substantial* weight to renewable energy projects within the planning balance. Currently, the NPPF uses the term *significant* when referring to renewable energy developments; we recommend replacing this with *substantial*, aligning with the wording used in the Energy National Policy Statements (EN-1). This change would enhance consistency and clarity, ensuring that renewable projects receive substantial support and eliminating any confusion between the terms *significant* and *substantial*.

Further, in the Energy National Policy Statements renewable generation is considered as Critical National Priority – this holds far greater weighting then giving 'significant weight' to the benefits of renewable energy, as is currently drafted in the NPPF. The NPPF should adopt the same wording as the NPS so that both policy documents hold the same weighting. By doing so, this would provide greater and more consistent alignment; for example, in reducing the risk of projects being refused at a TCPA level, only to be approved by appeal. This would prevent unnecessary delays and the waste of time and resources, especially when the planning system is already under significant strain.

Under the existing NPPF, Local Planning Authorities are encouraged to identify areas for renewable energy development. The consultation proposes strengthening the wording of paragraph 160 to ensure that such areas are identified with the intention of encouraging renewable energy development.

Whilst in principle this sounds like a positive suggestion, we would urge caution on this matter and ask that further consideration is given to the following points:

- If Local Planning Authorities are expected to identify areas within their local plans, it will be critical that they engage with energy operators, developers, regulators etc. to ensure a joined-up approach and understand the operational requirements for different energy technologies.

- The identification of such areas would likely demand considerable time and resources from local authorities, which would be better deployed in assessing and determining existing projects are already heavily constraint.
- If this were to be pursued, a standard methodology and criteria against which to identify areas, along with the funding and support to develop such policies within a short, and specified, time period would be needed.
- Any requirement for Local Planning Authorities to identify areas for renewable and low carbon development should remain one of a number of policy 'levers' to help renewable energy, and should not be considered the only areas in which renewable projects may be brought forward. It is important that there is flexibility in Local Plan policies for other schemes to be considered on their own merits.
- Each type of renewable technology has different requirements and therefore a blanket approach to identifying areas for renewables as a whole is unlikely to be appropriate.
- One very significant constraint is access to a grid connection, and consideration of this should be included within any assessment criteria.

Given the importance of timely grid connection, and the fact that renewable energy projects are now commonly given connection offers that start in the late 2030s, we propose a further amendment to paragraph 160b) to read (additional text bold and underlined):

b) **identify** suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development**, including identifying areas capable of connecting renewable energy developments to the energy grid over the lifetime of the plan**; and …

Expanding on this further (paragraph 160b) encourages plans to, "…*consider identifying suitable areas for renewable and low carbon energy sources and supporting infrastructure where this would help secure their development…*" Solar Energy UK considers that this provision is to promote another mechanism to assist delivery of renewables and low carbon developments but should not be seen as the only means. This interpretation is supported when Chapter 14 of the NPPF is read as a whole.

Where a grid connection is available, policy should recognise the value of that opportunity to contribute renewable energy into the national energy supply, in the

context of the wider scarcity of grid connection locally and nationally. The availability of grid connection and energy export capacity at that point into the grid should be given significant weight in the determination of planning applications, including for the repowering of existing installations or the extension to their permitted operational lifetime.

These changes would ensure that local authorities consider the suitability of land not just in respect of factors such as policy designations (i.e. Green Belt), landscape value, existing use (i.e. best and most versatile agricultural) and environmental sensitivities, but also to identify whether those areas are capable of providing renewable energy supply into the Grid within a reasonable period of time.

Additionally, we would recommend that MHCLG explore the adoption of a criteria-based policy, akin to the approach in Scotland's NPF4. This method allows local planning authorities to evaluate proposals based on a set criteria rather than being confined by a fixed spatial plan, which can be restrictive as evidenced by Wales' Future Wales policy.

**Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?**

We do not feel there is need to introduce additional protections given the requirements of the Environment Act 2021 and implementation of DEFRA's Biodiversity Metric, which is a means of assessing changes in biodiversity value brought about by development or changes in land management.

When determining the location of a solar project, sites will be carefully selected to account for topography, land classification and condition, nearby buildings or heritage sites, economic viability, environmentally protected areas, access to the grid and numerous other factors.  All solar projects will either undertake an Environmental Impact Assessment (EIA) or commission a suite of detailed technical assessments. These will identify any potential effects that development may have on the environment. In light of ongoing policy reforms aimed at improving Environmental Impact Assessments, we would welcome further consultation on how these changes, alongside the NPPF revisions, would better protect vulnerable habitats.

Additionally, there is no justification for why this issue has only been raised for renewable energy developments when other types of development can also have adverse impacts on peatland habitats, including water supply, wastewater recycling and water management schemes and transportation projects such as new roads. This needs to be acknowledged together with the fact that solar farms can enhance soil carbon sequestration given the implementation of low level management regimes that are generally managed for biodiversity.[2]We ask that renewable energy projects be treated the same as other developments  across a uniformed approach.

For clarity, the NPPF could incorporate similar guidance to NPF4 in Scotland, which stipulates that renewable energy proposals on peatland, carbon-rich soils, and priority peat soil habitats will only be supported if they contribute to greenhouse gas emissions reduction targets and there is a locational need. Where development on peatlands is deemed necessary, compensatory mechanisms such as peatland restoration initiatives and carbon offsetting requirements could be implemented to mitigate the environmental impact.

**Question 75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?**

The consultation proposes that onshore wind projects are nationally significant at 100MW, while solar projects are only deemed nationally significant at 150MW. It is difficult to justify the notion that 100MW of onshore wind is nationally significant but 100MW of solar is not, especially when both are energy-generating technologies that serve the same critical national need.

**Question 76: Do you agree that the threshold at which solar projects are deemed Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?**

Before implementing any changes to the planning system, it is essential to address several key areas to ensure that renewable energy projects of all sizes are processed

[2] https://solarenergyuk.org/resource/natural-capital-best-practice-guidance/

fairly and consistently.

**Increasing resourcing**

Under-resourced Local Planning Authorities and unsound decision-making at planning committee present significant risks to developers, which hinder the UK's ability to deploy well planned and designed renewable energy development in line with the Government's targets.

We were pleased to see the Government's commitment to providing 300 new planning officers to assist local authorities in processing planning applications. However, this number remains insufficient to bring renewable energy infrastructure projects online at the scale and speed required to keep the UK on track to meet its net-zero targets. Government must unlock additional funding to upskill and train new officers within Local Planning Authorities, as well as statutory consultees and PINS. By increasing planning resource at all levels of the planning system, and through the creation of Regional Planning Hubs, the Government can expect greater efficiency and consistency in how planning applications are determined. This would result in more planning applications being decided within the statutory time limits; addressing a challenge that is not being consistently met at present. In addition to this, upskilling and training of new dedicated energy experts within statutory consultees such as Natural England and Historic England would be warmly welcomed.

Finally, the government may find that local authorities and statutory consultees are driven to provide timely responses and decisions if they are appropriately compensated for reviewing projects more efficiently. Planning delays, often for no reason other than a lack of response from an officer or consultee, can add many months to the decision-making process, delaying the delivery of renewable energy generation schemes.

**Culture and Learning**

A culture of openness, learning and sharing of experiences needs to be developed across the planning system – at the local and national level. Anecdotally, we understand that a lack of such culture is leading to a lonely and isolated work environment, in which planning professionals – particularly within the Planning Inspectorate – are discouraged from learning and sharing between colleagues, and from industry. We believe that this goes part way to explaining some of the inconsistency in decision making that we see from PINS. We also understand there to

be challenges in recruitment and retention within PINS and Local Planning Authorities, which is hampering individual and organisational learning - causing delays in decision times and inconsistency of decision making. We suggest that these different challenges may have a common cause within the culture of these organisations, which needs to be addressed.

For our part, Solar Energy UK, and the renewables industry as a whole, would welcome greater engagement with PINS, and with the wider planning community through the RTPI and other organisations, to enable planning officers and inspectors to ask questions of the industry, learn from industry experience, and develop a greater knowledge of a range of technology-specific considerations. At SEUK we have developed a series of webinars with the Planning Advisory Service (PAS), which are proving to be very popular and are over-subscribed. We know that there is great appetite for such information from within the planning profession and are ready and able to assist Government in further supporting professional training and development in renewable energy.

**Proportionality and planning fees**

The level of documentation and associated fees required must be proportionate to the scope and impact of the application.

Additionally, planning fees should reflect the size and complexity of the project and correspond directly to the level of service provided by local planning authorities.

Planning authorities should be held more accountable given the substantial planning fees they receive from developers. While the industry does not object to paying proportionate fees, the current level of service does not reflect the fees expected from the sector. We elaborate on this can be found in our response to question 102.

**Planning Thresholds**

Solar Energy UK remains in active discussions with industry and other stakeholders to determine the appropriate threshold for solar projects in the UK. In line with the proposals in the consultation, we have outlined the opportunities and considerations for both increasing the planning threshold for solar projects to 150MW or 100MW (in aligning with onshore wind energy projects) and for maintaining the current planning regime (50MW).

It must be stressed that adequately resourcing the planning system – including

planners, planning inspectors and statutory consultees - is a prerequisite to any of the proposed options outlined below.

**Option 1 – Increasing the threshold for solar projects**

The consultation proposes increasing the threshold for solar projects to 150MW and 100MW for onshore wind projects. We set these out as options 1a (150MW) and options 2b (100MW) below.

- Option 1a – Increasing the threshold to 150MW (The threshold at which solar projects are deemed nationally significant is 150MW and above)
- Option 1b – Increasing the threshold to 100MW (The threshold at which solar projects are deemed nationally significant is 100MW and above)

**Considerations**

- Increasing the threshold could support more projects between the size of 50-150MW through the local planning system.
- This change could give greater decision-making powers to Local Planning Authorities.
- This change would require better resourced Local Planning Authorities. Significant investment will be necessary to properly resource councils, in enabling them to respond to an increased number of projects, and projects of increased complexity. Increased resource and responsibility for bigger, more complex projects may also improve work culture.
- If significant levels of additional funding are not secured, the planning system at a TCPA level could deteriorate due to limited additional resource required to assess an increased number of solar applications. Resourcing and efficiency challenges would need to be addressed regardless of any changes in the planning regime.

**Option 2 - Maintaining the current planning regime**

Under this option, the existing planning regime would remain the same (i.e. Solar projects below 50MW would go through the TCPA route and projects above designated as NSIP) and there would be significant investment into properly resourcing existing regimes and the relevant stakeholders.

**Considerations**

- Retaining the existing threshold would maintain existing project capacity limits
- Local Planning Authorities would require additional resource investment to deliver greater consistency of decision making between local authorities, and between the TCPA and NSIP regimes (as above).
- These changes to resourcing and learning culture could be implemented straight away, meaning that positive impacts in terms of the speed and consistency of decisions could be felt relatively quickly. This could result in more projects coming through the planning pipeline.
- However, as above, if significant levels of additional funding are not secured, the planning system at a TCPA level will continue to struggle, due to insufficient resource required to assess an increased number of applications, whether these are for housing, renewables, or other forms of development. Resourcing and efficiency challenges need to be addressed regardless of any changes in the planning regime.

We would welcome the opportunity to collaborate further with Government to refine and develop these options to support the delivery of a more efficient planning system.

Additional Suggestions

Some SEUK members have suggested that a new consenting process for developments between 50MW and 150MW could be a good way of unlocking projects at this scale. This would involve an application for consent made directly to the Secretary of State using existing policy frameworks. Whether this entails amending the Town and Country Planning Act to create a 'regionally significant' category of development (see for example the approach to Developments of National Significance in Wales), or a new approach under the Planning Act 2008 for these developments e.g. "DCO-lite", would need to be considered in more detail. We would be happy to discuss this in more detail."

**Question 77: If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?**

See our responses to question 75 and 76.

**Question 78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?**

The global climate crisis means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change now. We also need to respond to the ecological emergency which is inextricably linked to our changing climate. The Government should therefore build on its existing commitments relating to strategic nature recovery and enhancement, as reflected in the Environment Act 2021.

Accordingly, a clear statement should be inserted into the NPPF that confirms planning decisions should give significant weight to development proposals that address the ecological emergency. An appropriate place would be para 164 a) where the following wording could be added to the end of the sentence: "and which addresses the ecological emergency."

Planning policy could also go further in recognising the complementary benefits of solar farms, for example, solar farms are able to support adaptation/mitigation of the impacts of flooding by designing solar farms to have items such as swales or ponds. These have dual benefits of reduce flood risk and also providing ecological habitats.

**Question 80: Are any changes needed to policy for managing flood risk to improve its effectiveness?**

We believe it would be practical for solar farms to be classified as appropriate development in flood zones, allowing land that might otherwise be unsuitable for other types of development to be utilised. Our reasoning is as follows:

- Solar installations can be safely placed in flood plains with water depths up to 0.9 meters (excluding critical infrastructure like inverters and substations).
- Solar farms do not significantly increase surface runoff, meaning they do not contribute to flood risk. There have been several research documents that have confirmed that solar panels do not have a significant effect on surface water runoff (thus leading to greater runoff rates than on undeveloped greenfield sites). This includes a published scientific study by Cook and McCuen (2013, Journal of Hydrologic Engineering) that assessed the hydrological impact from solar farms. We therefore ask that the NPPF acknowledge that solar farms do not contribute to flood risk**.**
- As an island nation with limited land, it's important to maximise the use of

available space.

**Question 81: Do you have any other comments on actions that can be taken through planning to address climate change?**

Solar Energy UK strongly urges the government to prioritise grid network infrastructure as a key factor in tackling climate change. Expanding the UK's transmission network is essential for renewable technologies to deliver clean energy to consumers. Without stronger efforts to develop this infrastructure, renewable projects will not be able to connect into the grid and the UK will likely fall short of net zero targets.

Government must evaluate planning policies (NPPF, NPS, PPG) to align with the impending Strategic Spatial Energy Plan and ensure that transmission network infrastructure is consistently supported within planning policies throughout the UK.

There is currently a wide variation between Planning officers within the same Local Planning Authority and even more between different Local Planning Authorities on how they assess different aspects of renewable energy applications, e.g. archaeology. This gives rise to inconsistency, a lack of understanding and a disproportionate approach, which is holding back renewable development across the country. For example, trial trenching requirements can vary enormously between Local Planning Authorities and many archaeologists don't seem to understand that solar is both temporary and reversible and has minimal impact on archaeology, unlike new housing. We ask that the language within the NPPF mirrors that of NPS EN-3 which acknowledges that solar can have a different approach from other forms of development, however stronger and more clearly worded policy would help to support that position and prevent misinterpretation.

In addition, it should be acknowledged that there is a suite of mitigation options available to prevent or reduce impacts on buried archaeological matters (including the use of 'no-dig' options such as development exclusion zones or ballast (instead of piled) foundations (such as concrete shoes)), in a way that is not accessible to most if not all other forms of development. Proportionate archaeological investigations should be carried out reflecting the fact that such developments might only displace 6 sqm of (horizontal) material per hectare (or 0.06% of the area)

as a worst-case scenario, but typically it will be much less than this. [3]There should also be nationally defined standards for all such assessments which Local Planning Authorities should conform to

**Question 82: Do you agree with removal of this text from the footnote?**

We strongly support the removal of this footnote (67). The previous emphasis on food production was subjective and lacked clear criteria for determining suitable development sites. Consequently, many solar projects have faced refusals and delays, hindering progress towards our climate and net zero targets. In addition, there has been inconsistency in the NPPF direction, as the National Policy Statement EN-3 has stated for land type not being a pre-determining factor in energy development. We ask that the NPPF adopt the same approach taken within the current National Policy Statement EN-3 that states *"land type should not be a predominating factor in determining the suitability of site location."* This would provide greater clarity and aligns with the overarching net zero policy.

Planning policy should explicitly recognise that the biggest threat to food security is climate change as recently stated by Secretary of State for Net Zero, Ed Miliband, in the house of commons. [4] We ask that the first sentence be redrafted to reflect the messaging that delivering 70GW of solar energy will still not impact food security.

The existing footnote discouraged the use of land for multifunctional purposes. For example, solar farm can provide clean energy whilst providing a stable source of revenue for farmers.

**Question 83: Are there other ways in which we can ensure that development supports and does not compromise food production?**

Solar farms do not present a threat to food production. The amount of land needed for solar farm deployment, in line with the UK's net zero ambitions is minimal. To meet the labour governments deployment targets of 50GW of solar deployment by 2030,

[3] (Solar Energy UK (2024), Position Statement: Solar farms and the assessment of buried archaeological remains - p2&3).

[4] https://hansard.parliament.uk/commons/2024-07-18/debates/1B2ABCB9-1455-4C86-8E2F-5E763B38E888/CleanEnergySuperpowerMission

and 70GW by 2035 approximately 0.4%-0.6% of the UKs land area would be needed.[5]

Any potential future land use pressures could be eased by solars ability to support multiple functional land use such as combining agriculture, energy production and embedding biodiversity enhancement and conservation within solar farms.

In addition, it should be recognised that the co-location of solar projects with onshore wind and/or storage would also reduce land use pressures.

Energy security and food production don't have to be in competition; with solar farms, both can coexist. In the UK, solar farms can be integrated with sheep grazing, allowing food production to continue seamlessly alongside renewable energy generation.

Solar farms built on previous arable land can give land a break from intensive cultivation for extended periods – with minimal or no inputs of pesticides, herbicides, and fertilisers – and can reap big rewards by boosting pollinators, biodiversity, soil health and regeneration and carbon sequestration. Well designed and well-maintained solar farms have been shown to support thriving wildlife habitats, providing a range of biodiversity gains for the duration of their lifespan.[6]

In compliment, innovation in solar technology has resulted in approximately a 3-4% increase in the efficiency of solar panel technology every 10 years, and we can continue to expect incremental improvements. Further improvements are being made on a rolling basis in cable technology, the quality of industrial grade glass, inverters, and other solar system components, all of which are helping to reduce electrical losses and ultimately improve performance. These improvements make a more attractive business case for solar, driving investments towards clean technology, whilst also supporting economic growth and the delivery of net zero. In addition, this is hugely beneficial as improvements in efficiency allow utility scale solar PV projects to achieve net zero in a sustainable manner as less land is needed to produce the same output of electricity.

**Question 86: Do you have any other suggestions relating to the proposals in this**

[5] https://solarenergyuk.org/wp-content/uploads/2022/03/Briefing-Fact-Checker-1.pdf

[6] https://solarenergyuk.org/resource/natural-capital-best-practice-guidance/

**chapter?**

We ask the MHCLG take the following recommendations into consideration:

1. Battery storage to be included in the definition of renewable and low carbon energy.

2. Solar farms should be specifically excluded from the definition of PDL as they are both time limited and completely reversible forms of development. It would be difficult to build community support for solar farms if they are perceived as being 'gateways' to more intrusive future development, such as housing, indeed this is an accusation that is often levelled at solar even with the current planning framework.

3. Given planning application fees for solar farms are based on land area, they generally pay bigger fees than most other types of development and so it is fair to expect that they should receive reasonable levels of service but in our members experience this is not always the case. We therefore suggest it would beneficial if para 38 (now para 39) could be amended to say:

*"Both local planning authorities, including all internal consultees, and external statutory consultees should approach decisions on proposed development in a positive and creative way…and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.."*

4. Furthermore in their response to planning applications, both internal and external statutory consultees should provide evidence of how they have satisfied the above and if they have not attended a meeting for the project (in-person or virtual, on-site or elsewhere) they should give reasons why these were not necessary. This particularly necessary for renewable and low carbon developments which are crucial to achieve the Government's zero carbon commitments.

5. Lastly, we request clearer guidance in the NPPF on the Government's definition regarding overplanting (allows the solar farm to maximise the renewable energy generating efficiency of the project over the lime time of the development and make the best use of the available grid connections export capacity with the land that is available for development). Overplanting is current defined in footnote 92 of the NPS and refers to the situation in which the installed generating capacity or nameplate capacity of the facility is larger than the generator's grid connection. This allows

developers to take account of degradation in panel array efficiency over time, thereby enabling the grid connection to be maximised across the lifetime of the site. Such reasonable overplanting should be considered acceptable in a planning context so long as it can be justified and the electricity export does not exceed the relevant NSIP installed capacity threshold throughout the operational lifetime of the site and the proposed development and its impacts are assessed through the planning process on the basis of its full extent, including any overplanting.

As currently written, the footnote has caused confusion as it implies that the only reason a developer would choose to overplant is due to degradation, which is false. We suggest amending the wording to clarify that overplanting can be used for more than just overcoming degradation over the lifetime of solar projects or that overplanting is just for degradation but good design and site optimisation should be allowed as standard and stated as such in EN-3. We ask that the footnote be placed into the main body of the text for clarity.

## Chapter 11: Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects

**Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?**

We do not feel it is appropriate for local planning authorities to set their own planning application fees should continue to be set at a nationwide level. Setting planning fees at a local level could discourage development in certain areas and restrict projects in locations already facing limitations, such as grid accessibility.

**Question 95: What would be your preferred model for localisation of planning fees?**

Neither. Please see our response to other questions in chapter 11.

**Question 96: Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services?**

The industry somewhat agrees that applicants should be charged an additional fee to fund wider planning services. Any fees from planning applications should be ring fenced only for development control/development management services (i.e. determining applications) and not used to cross subsidise other services. This would

ensure that planners are able to deal with renewable energy applications in a timely manner, improving the quality of service for the applicant and improving the efficiency of the planning system.

Whilst the industry is supportive of charging a fee (within reason) to recover costs for planning applications, this must be proportionate to the level of service provided for the delivery of that project.

Solar projects of all sizes, whether they are going through the planning regime at the TCPA level or the NSIP level will provide benefits beyond the financial gain for local authorities. Renewable energy projects can provide environmental, social and economic benefits at a local, regional and national level.

Under the Business Rate Retention Scheme (BRRS) Councils can retain up to 50% of local business rate revenues, while the remaining flows to central government. To maximise community benefits from renewable developments, we recommend increasing the BRRS threshold for renewables to 100% of business rate revenues (as is offered in some parts of the UK). This revenue should be ringfenced for planning departments.

**Question 98: Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?**

The consultation lacks clarity and is ambiguous regarding the specific proposals for cost recovery.  It is unclear whether the approach will mirror that of the Statutory Environmental Bodies (implemented from April 2024), where fees are typically charged at an hourly rate or per meeting or whether it would be a flat fee. We request that the Government provide further details on how this fee structure would be applied. The guidance should also include a clear explanation of the methodology used to calculate the fees.

It's important to recognise that solar projects, like many renewable energy initiatives, require significant investment upfront. Introducing an additional fee could add financial pressure to projects that are already costly to develop. Therefore, it’s vital that all fees—whether existing or new—are clearly communicated from the beginning of the application process. This transparency will allow applicants to understand the full scope of costs involved from the start, helping them plan their projects more effectively.

Any additional fee that is introduced should be fair and directly related to the quality

and level of service provided by the planning authorities. It's essential that this service is consistently monitored and improved to ensure it meets the needs of developers. It would also be helpful to have further information as to how Government would see these fee interact with current planning application fees to avoid duplication of costs already covered by existing mechanisms, for example Planning Performance Agreements. Additionally, we are aware that Government intends to issue guidance on PPAs this year, we would welcome this and ask for greater clarity as to what the guidance will contain and how it relates to fees.

If this is introduced we suggest that Local Planning Authorities and statutory consultees are mandated to attend monthly progress meetings with applicants, as some Local Planning Authorities already do for residential planning applications where planning officers are either keen to maintain a five year land supply position or to assist them rectify a shortfall in their housing land supply.

To avoid inconsistencies, it's critical that a standardised approach is applied uniformly across all local authorities. This will help prevent variations in fees and service levels that could disadvantage certain projects based on their location.

**Question 97: What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?**

No other services should be funded by planning application fees. See response to question 96.

**Question 100: What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?**

Where an examining authority or statutory consultee is unable to meet statutory timescales, applicants should be entitled to compensation (i.e. refund of fees) for failing to deliver within the timeframe.

**Question 101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.**

We disagree that Local Authorities should be able to fully recover costs. Under a full cost recovery scenario there is no incentive for a Local Planning Authority to reach

agreement in a timely manner. Our members have expressed concern that with full costs covered, Local Planning Authorities are more likely to be casual with their time, potentially raising very minor points within applications as they are not paying. This would likely result in a smaller number of projects being determined, which could implicate the UK's ability to reach net zero.

In addition, the Local Planning Authorities could decide to employ a solicitor when the applicant has no counsel, and under full cost recovery, the applicant could be paying counsel fees for the Local Planning Authority to potentially oppose the project.

**Question 102: Do you have any other suggestions relating to the proposals in this chapter?**

We do not necessarily object in principle to an increase in planning application fees but would caution that any additional fee introduced should be fair and directly related to the quality and level of service provided by local planning authorities. It is also important to recognise that renewable energy projects require significant investment upfront (not helped by the fact the costs of grid works can increase significantly even after contracts have been signed). Many renewable energy developers now also provide community benefit funds for every project to deliver a wider range of environmental, social and economic benefits, which is becoming standardised across the industry. It is therefore vital that any potential increase in the cost to planning application fees does not undermine the delivery of renewable and low carbon energy developments or reduce the ability to contribute to community benefit funds (and we reiterate such developments of any scale should be classified as Critical National Priority infrastructure) - see our response to Q73 for full details.

It is also a reasonable expectation that those applicants that pay the largest planning application fees should receive a better level of service, if the same service levels cannot be guaranteed for all applicants. At present this is not the case, for example, one of SEUK's members has submitted three planning applications for 49.9MW solar farms (application fees were £130k-£153k for each (although we understand that some developers have been paying closer to £200k) in the last three years and in each case have only had one meeting with the planning case officer and a handful of consultees. In contrast our planning consultant is currently acting as the agent for a residential development (circa 50 homes) where the planning application fee was circa £31k and has secured monthly meetings with the

planning case officer. This suggests an innate prejudice against renewable energy in the LPA, and is certainly not logical when we need to act now to achieve the Government's zero carbon commitments.

We also consider the 'free-go' mechanism should be reintroduced to the Planning Application Fee Regulations because it is a very helpful tool, particularly for renewable energy and low carbon developments. Significantly, it should be noted that a planning application fee is only one cost to a developer and so there are still significant costs incurred in re-submitting a planning application under the 'free-go' mechanism, such as updating all technical assessments, supporting documents and plans, the payment of legal fees and additional option fees etc.