

Planning Policy Consultation Team
Ministry of Housing, Communities and Local Government
3rd Floor, South East
Fry Building
2 Marsham Street
London
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10th May, 2018

Dear Sir/Madam,

Energy UK Response to the Ministry of Housing, Communities and Local Government's Consultation into Proposed Changes to the National Planning Policy Framework.

Energy UK and our members welcome the opportunity to provide this submission into the Ministry of Housing, Communities and Local Government's consultation into the future of the National Planning Policy Framework. This response has been developed in conjunction with our Planning Sub-Committee. We believe that it is important that the Government consults on the detail of future planning legislation with a wide range of stakeholders to ensure that it delivers the best outcomes for the environment, the public and UK industry.

Energy UK is the trade association for the GB energy industry with a membership of over 100 suppliers, generators, and stakeholders with a business interest in the production and supply of electricity and gas for domestic and business consumers. Our membership encompasses the truly diverse nature of the UK's energy industry – from established FTSE 100 companies right through to new, growing suppliers and generators, which now make up over half of our membership.

Our members turn renewable energy sources as well as nuclear, gas and coal into electricity for over 27 million homes and every business in Britain. Over 730,000 people in every corner of the country rely on the sector for their jobs, with many of our members providing lifelong employment as well as quality apprenticeships and training for those starting their careers. Annually, the energy industry invests over £11bn, delivers £88bn in economic activity through its supply chain and interaction with other sectors, and pays £6bn in tax to HMT.

The primary concern raised by our members pertained to Footnote 40 in the body of the consultation document. We note that that Footnote 40 only applies to "a proposed wind energy development involving one or more wind turbines"; that is interpreted to mean a completely new wind farm at a new location. As such this represents a significant concern to our members, many of whom are already repowering onshore wind sites. 'Repowering' is an all-encompassing term referring to the renewal of renewable energy power plants. This includes the full or partial replacement of installations or operation systems and equipment, in order to replace or increase capacity. Given the first larger-scale commercial sites were developed around 2002/2003, a continuing programme of repowering is in its early stages. A planning system that facilitates repowering and life extension proposals is critical to ensure continuing progress towards the UK's decarbonisation targets, as well as securing the economic and social benefits the onshore wind sector delivers for communities. Energy UK and our members do not believe that repowered sites should be treated differently to new-build onshore wind

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sites as both make a valuable contribution to the UK's enduring energy security, decarbonisation and industrial growth.

We and our members believe that the Ministry should remove the requirement to be in an identified area in the case of applications for repowering or extension of life, not least because the presence of the existing installation may be a factor in ruling out such an area for future additional capacity.

An adjustment to the wording of Footnote 40 is required in order to remove the possibility that it could be interpreted as meaning that if a planning authority simply hasn't progressed with the process of identifying areas suitable for wind energy development, then no wind energy development within that local authority area could ever be policy compliant. A more extreme interpretation still could be that until areas suitable for wind energy development have actually been adopted in a development plan, no wind energy development could ever be policy compliant. Considering the Government's ambitious decarbonisation goals it is important for the Ministry to ensure that the reformed National Planning Policy Framework will help deliver on these objectives.

Such interpretations are foreseeable and would be unacceptable in circumstances in which a planning authority is under no obligation. They would be prejudicial to a fair and transparent planning process which is designed to act in the public interest and would run counter to the objective of paragraph 150 which is to "help increase the use and supply of renewable and low carbon energy".

Additionally, apart from the difficulty of actually applying the wording, if it is left unaltered, Footnote 40 appears to represent a radical departure from orthodox land use planning. As the Planning Court has been at pains to point out repeatedly, the planning system is development plan led. The introduction of a test of public opinion divorced from any consideration of adopted development plan policies and other material land use considerations would run contrary to the underlying principles of the current planning regime.

A number of our members have submitted proposed new wording of Footnote 40; we would welcome consideration of these proposals by the Ministry to ensure that this aspect of the National Planning Policy Framework is fit-for-purpose.

For more detail about the questions posed within the consultation document please refer to the responses submitted by our members. Should you have any questions regarding this consultation response then please do not hesitate to get in touch via the details below.

I can confirm that this response may be published on the Ministry's website.

Yours sincerely,

Joshua Atkins



The voice of the energy industry

Policy Manager, Generation