

CEE response to NPPF consultation

[“Proposed reforms to the National Planning Policy Framework and other changes to the planning system”](#) This links to the Scope of the Consultation, with explanation and the consultation questions. The [National Planning Policy Framework - draft text for consultation](#) shows the proposed changes which are referenced by paragraph numbers in our responses.

We would like to thank our expert member Kathy Smyth with whom we collaborated closely on this response. We responded mainly to the Energy chapter of the NPPF, chapter 9, along with a few other questions.

The response was submitted on the government electronic survey tool.

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?

Recommendation, old paragraph 154, proposed 151

“Small scale and community led renewables” should be added to the list of exceptions to the Green Belt so they no longer constitute inappropriate development.

Large scale renewables cannot be accommodated in urban areas and finding suitable sites for any free-standing renewables can be very challenging. To facilitate the decarbonisation of the metropolitan and urban areas with Green Belts we recommend that the Government allows “small scale and community led” renewable energy in the Green Belt.

We also think this change would make a major contribution to ensuring that the proposed new “grey belt” housing developments achieve the lowest possible carbon emissions.

Question 73

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

Community Energy England agrees with some of the proposed changes to the NPPF, but these alone will be insufficient to increase significantly the production of renewable and low carbon energy. More radical changes will also be needed. We expand further upon this point in our response to Question 81.

Old Paragraph 160 (new 161)

Recommendation

We believe that continued reliance on local authorities to identify areas suitable for renewables is mistaken. We suggest all policies which relate to local authorities or neighbourhoods identifying areas suitable for renewables should be deleted from the NPPF. National planning guidance (which is very out of date on this point) should be amended to reflect this.

The Government is aware that local authority planning departments are desperately under-resourced. Due to this, the great majority of planning authorities, but particularly second tier district authorities, lack the necessary knowledge, skills, resources and experience of renewable energy to be able to identify suitable areas.

Given the priority the Government is giving to the expansion of housebuilding this is where the efforts of local authorities are going to be focused, and we believe they will struggle to do the additional work necessary to identify suitable areas for renewables.

In our view identification of suitable areas is going to take far too long to implement. It will place an unnecessary burden on planning officers and Local Planning Authorities (LPAs) who, as a result of the 9 year onshore wind moratorium, have lost any real planning expertise in onshore wind. One example of the mountain that some local authorities would need to climb, and the extent of officer training required relating to onshore wind is paragraph 17.9 of the 2018 Waverley Local Plan covering a district authority just south of Guildford

*“17.9 A small number of individual wind turbines have been permitted in the Borough, but it is probably because of the Borough’s highly wooded landscape, as well as the important national and local landscape designations (see Chapter 16), that the Council has never received any applications for larger wind farm developments. It is reasonable to assume, therefore, that the wind energy industry does not consider Waverley to be potentially suitable for wind farms. **In that respect, it has not been considered necessary for the Local Plan to investigate or identify areas suitable for wind energy development.**”*

This policy takes no account of the effect the de facto ban on onshore wind had on the wind energy industry in England and has not looked at the real potential for wind in the area. It effectively reflects the resistance and lack of knowledge which persist in many planning authorities.

The renewables sector is, we suggest, best placed and resourced to assess potential sites for renewables.

Should however the Government decide to retain local authority involvement it should, at the very least, change any references from ‘energy’ to ‘electricity’ and provide skills and capacity building support for local authorities.

Renewable heat needs to be located close to the users/customers so generally within or close to the built environment. Identifying suitable areas is unnecessary.

The Green Heat Network consultation process has identified areas suitable for heat networks. However, there are significant areas of the country that would not benefit from this scheme. **Local authorities should perhaps be encouraged or mandated to identify areas that fall outside that and other countrywide schemes for decarbonising heat and look for solutions and partnerships to work on them,** such as proposed by the Net Zero Terrace Streets community energy project <https://rvenergy.org.uk/terraced-streets/>. This should not form part of the planning regime.

Old Paragraph 161

Provided the proposed changes to paragraph 164 are also implemented, we would support this amendment.

Paragraph 164 (b)

We broadly support the change to paragraph 164 (b) which gives support to all forms of renewable and low carbon development.

However, we think the overall effect of this sub-paragraph is extremely weak in that it just requires local authorities to 'recognise' that small scale and community led proposals have value. Recognise in this context is meaningless and some, perhaps a majority, of authorities may just repeat the statement and do little more. We would therefore strongly urge something stronger which requires local authorities to be more positive and pro-active.

Recommendation

Delete "recognise" and substitute "*provide a positive strategy to encourage small scale and community-led*"or alternatively "*support the development of small scale and community-led schemes through their policies and decisions*".

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?

Yes.

In the interests of encouraging more, and more effective, local engagement by commercial renewables developers we would support the raising of the thresholds at which both onshore wind and solar projects are deemed to be Nationally Significant infrastructure. The raising of the threshold will reinforce the need for good local engagement. It may even highlight the potential benefit of 'shared ownership' with communities, as envisaged in Labour's energy policy. Done meaningfully, shared ownership can give communities a real stake and say in local developments. This change may make that policy aim easier to deliver.

It is good that the government is thinking about the potentially extremely counter-productive impacts of consenting very large projects under NSIP.

We anticipate that the industry will prefer to deal with the Secretary of State of a government with really ambitious renewables targets who will want to consent to the maximum capacity to help reach those targets. They will likely resist the lifting of the thresholds in order to lessen the need and risk of dealing with LPAs and engaging with local opinion. Whatever the upper limit, developers may seek to bring forward projects above it. This may seem like encouraging scale but may have the opposite effect.

Large projects visited upon the communities, often without prior warning, can set back the cause of net zero by mobilising resistance **to the grant of planning consent**, not just to the large local project but to renewable energy and net zero altogether, no matter what form, community-led or not, it takes. We have seen people historically supportive of local renewables become nimbies when threatened with a vast development in their area such as the 800MW West Botley solar project consented by the previous government. This is the opposite of putting “local communities and stakeholders at the heart of the energy transition,” which is the oft restated aim of government energy policy. (Michael Shanks, Energy Minister, <https://questions-statements.parliament.uk/written-questions/detail/2024-07-17/295>)

We support the urgent roll-out of onshore renewables by net zero cannot be imposed by brute force and must engender consent and participation not resistance – which will be fatal to it. The Climate Change Committee has repeatedly warned that “It will not be possible to get close to meeting a net-zero target without engaging with people or by pursuing an approach that focuses only on supply-side changes...people need to be brought into the decision-making process and derive a sense of ownership of the Net Zero project.” (6th Carbon Budget)

If vast projects ‘done unto’ the communities were devolved down to community collaborations in which people were “brought into the decision-making process and derive[d] a sense of ownership” so that the project is “done by, with and for the community” they would garner support rather than opposition. Local community energy organisations, either pre-existing or created through ‘shared ownership’, or during a

good community engagement process, would deliver much better community benefit (which currently commercial solar barely has a duty to deliver at all) often focusing on long-term energy saving interventions. They would also have an interest, which the big developers merely supplying the national grid do not, in the village and community scale energy management and supply projects that can constructively match generation with local demand thereby 'reducing pressure on the grid, enabling lower energy bills and delivering other benefits for local people' - all stated government aims.

Question 76

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

Yes.

(See the response to Question 75).

Question 81

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

A. Net zero mandate for the planning system

One outcome we need urgently to see in planning reform was promised by Labour in their Clean Energy Mission: "Labour have already succeeded in adding a net zero mandate to Ofgem through our amendment to the Energy Bill. We will add net zero mandates to all relevant regulators that need it, including in the planning system." This vital reform is nowhere among these consultation proposals. This is a serious omission and must be moved forward urgently.

Provision of more housing is an urgent priority but achieving net zero is an existential one, upon the success of which depends the success of all future policy and indeed life on earth. Planning's lack of clarity on this issue allows the permitting of developments which fly in the face and set

back the government's net zero ambitions and legally binding targets. The London Energy Transition Initiative calculates that 40% of emissions result from the built environment, from the process of building, the embodied carbon in the built environment and the emissions from operating inefficient buildings. Carbon neutral, even negative, building is possible. Housing which meets the previous Labour Government's criteria for Zero Carbon Housing (which it mandated to be achieved by 2016) can be built for as little as a 3% increase in cost over building to meet currently inadequate building standards. That is quickly recouped by vastly reduced operating costs, which increasingly enhances the long-term value of the property and reduces fuel poverty. More than 1 million houses built over recent years will have to be expensively retrofitted.

There is not enough definition of what "well-designed" means. The previous government's emphasis on 'beauty' is ripe for revision. It is subjective and indefinable. Achieving net zero, by contrast, is measurable and something we have the technology to do if it is mandated and encouraged by government and planning policy. These NPPF proposals, and previous policy, are a dereliction of duty in this regard. The consultation refers to the National Design Guild and the National Model Design Code. Both are deeply inadequate. The latter says simply that LPAs are expected to take into account when developing local design codes and guides and when determining planning applications, "The environmental performance of place and buildings ensuring they contribute to net zero targets". The former has good recommendations especially in the Resources section that are widely ignored. Planning applications should be interrogated against each recommendation. We note at R1 138 "maximising renewable energy especially through decentralised sources, including on-site generation and community-led initiatives." Onsite generation rarely exceeds the minimum and CEE is not aware of any planning officer recommending community energy organisations as partners to building developers.

Recommendation

The NPPF should mandate developers to prove that their developments are as near to zero-carbon as possible and account for how they have met (or failed to meet) all of the recommendations in the Planning Guidance.

The "purpose of planning"

The current purpose of planning is "sustainable development", qualified by many paragraphs and footnotes which are increasingly meaningless and confusing. It also has no direct link with achieving net zero. We have seen local planning authorities fail to have the confidence to turn down patently unsustainable development, and where they have, have watched the Planning Inspectorate overturn those decisions. Conversely the Planning Inspectorate refused planning permission for Drax's plans to convert boilers to gas on sustainability grounds, only to see their judgement overruled by the Minister. Another way of ensuring that "the environmental performance of place and buildings... contribute to net zero targets" is to make that part of the purpose of planning.

Recommendation

The "purpose of planning" should be "achieving net zero as quickly as possible" whilst, and by means of, developing infrastructure.

B. Planning for increased amounts of renewable energy and to encourage energy saving

Without changes to other chapters in the NPPF and to some related statutes and statutory instruments, CEE does not believe that this Government can achieve its ambition to "significantly increase the likelihood of planning authorities granting permission for renewable energy schemes" as stated in the Scope of Consultation. This is because however supportive the policies for renewable energy are in NPPF Chapter 9, they are undermined and contradicted by policies elsewhere in the NPPF as well as in planning guidance, planning statutes and existing case law.

1. Green Belt

Large scale renewables cannot be accommodated in urban areas and finding suitable sites for medium scale is very challenging. The Government should look at allowing "small scale and community-led" renewable energy in the Green Belt. In our reply to Question 31 we propose that these should be added to the exceptions in proposed paragraph 151.

We also think this change would make a major contribution to ensuring that the proposed grey belt housing developments could achieve the lowest possible carbon emissions.

Recommendation, old paragraph 154, proposed 151 (see Question 31)

“Small scale and community led renewables” should be added to the list of exceptions to the Green Belt so they no longer constitute inappropriate development.

2. Heritage

Given the sheer number of conservation areas and listed buildings, some degree of visual impact from renewables is going to have to be permitted.

We suggest this needs to be considered together with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Recommendation

Chapter 9 should be substantially revised to reduce the number of renewable energy installations and energy saving provisions which are rejected on heritage grounds.

3. Protected Landscapes

The level of protection now afforded to some landscapes needs to be reviewed. Protected landscape designations are stifling renewable deployment, particularly onshore wind. The review should also examine the landscape policies which have led to the refusal of some wind farms located outside National Parks and AONBs but still visible from within them. This approach is sterilizing large tracts of open land with good wind speeds.

Recommendation

Conduct a review of the policy relating to renewables, including those relating to renewable heat and onshore wind, inside and adjacent to sensitive landscape areas such as AONBs and National Parks.

4. Energy Saving in Conservation Areas

Community Energy England’s membership includes many groups dedicated to energy saving and fuel poverty reduction.

They are therefore keenly interested in measures that will contribute to both.

Recommendation

A change of policy at national level to relax restrictions on energy saving and micro-renewables in conservation areas which is restricting or stifling much needed improvements in hard to heat and insulate properties with little, or in some cases no, contribution to local heritage.

5. Permitted development

CEE responded to the previous government's consultation on modifications to permitted development rights for renewable energy (https://communityenergyengland.org/files/document/789/1682440801_DRAFTPermittedDevelopmentRightsresponse.pdf) but we were disappointed by the relatively modest changes which were approved.

Recommendation

This Government should urgently review permitted development regulations for both micro-renewables and energy saving provisions.

This is of particular interest to our membership because the financial margins for most community renewables projects are very tight indeed so reducing costs associated with planning can make a significant difference to the viability or otherwise of a project. For instance, a glare report for a non-domestic array over 50kw can cost many thousands of pounds.

6. Planning policy guidance section on renewables and low carbon energy

Recommendation

There is a very urgent need for a review of the section in the National Planning Guidance on renewable and low carbon energy, (from Reference ID: 5-001-20140306 onwards).

The only update on the section on renewables since June 2015 has been in relation to guidance on battery storage in 2023. As a result, it now appears to have a number of inconsistencies with the NPPF.

