

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

Consultation Response

September 2024

Introduction

Cubico Sustainable Investments (“Cubico”) is one of the world’s largest privately-owned renewable energy companies, operating in nine countries across four continents. Established in 2015, Cubico is jointly owned by Ontario Teachers’ Pension Plan and PSP Investments. We develop, own, and operate renewable energy projects across the entire energy chain, including onshore wind, solar PV, solar thermal, battery and transmission line technologies.

With over 3GW of operational assets globally and 700 MW currently under construction, Cubico manages 250MW of renewable energy assets in the UK from our offices in London and Manchester. We also have a robust pipeline of projects in development across the country.

Cubico fully supports the UK government’s ambition to become a “Clean Power Superpower” by 2030 and welcomes the proposed reforms to the National Planning Policy Framework (NPPF). However, we believe that additional reforms are necessary to establish a planning system that facilitates timely, consistent, and efficient decision-making for developers, investors, and policymakers alike.

We are pleased to contribute to the NPPF consultation with our detailed response in this report. Below is a summary of our top five priorities, which we believe are essential for accelerating the deployment of renewable energy in the UK:

1. **Strengthening NPPF and Aligning with National Policy Statements (NPS):** The NPPF should be further strengthened to give “substantial weight” to renewables and aligned with NPS by recognising renewable energy projects as Critical National Priorities (CNPs). Clear guidance on prioritising renewable energy and evaluating local impacts consistently will support more unified decision-making.
2. **Reform the NSIP Process and Introduce a Mid-Tier Consenting Route:** Reforms to the NSIP process are needed to address cost and timeline disparities with the TCPA process. A mid-tier consenting route, similar to Scotland’s Section 36, would streamline decision-making and reduce costs.
3. **Establish a Technology-Agnostic 100MW Threshold:** A unified 100MW threshold for both onshore wind and solar will ensure a fair and consistent approach. Clearer guidance on opting into the NSIP process for projects under 100MW would provide developers with more flexibility.
4. **Emphasise Local Economic Benefits:** Local planning authorities (LPAs) should place greater emphasis on the local economic benefits of renewable energy projects, such as job creation and investment. The Government should also consider allowing Community Benefit Funds (CBFs) to be considered as material factors in planning decisions.
5. **Provide Grandfathering Provisions for Projects in Progress:** An 18-month transition period is crucial to protect ongoing projects from disruption due to threshold changes to the NSIP regime, maintaining investor confidence.

We urge the Government to consider these recommendations in support of the UK’s clean energy goals.

Our Consultation Response

Chapter 9 - Supporting green energy and the environment

Q72. Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?

Response:

Local planning authorities, especially planning committees, often struggle to balance national priorities with local concerns, making national level consenting of the largest wind farms more effective in aligning broader national needs with local impacts. However, while the NSIP process provides greater certainty, it can be costly and time-consuming compared to the more flexible TCPA system. Therefore, achieving both national energy goals and addressing local concerns requires more than simply reintegrating onshore wind into the NSIP—it demands reform on both sides of the planning system.

Therefore, while we support shifting nationally significant onshore wind projects to a national consenting framework, the government must recognise that many future projects below the 100MW threshold will still be subject to the TCPA process—a process often hindered by delays, political risks, and costly appeals, which can impede timely development. TCPA reforms are crucial to streamline procedures for the majority of projects under its jurisdiction, ensuring efficiency for both large NSIP schemes and smaller TCPA-governed developments.

Given this context, we wish to present the following specific representations in response to the question:

1. Limited Number of NSIP-Eligible Onshore Wind Projects in England

Given the geographic and planning constraints in England, it's unlikely that many new wind farm projects will exceed 100MW (around 20 turbines), as suitable sites for such large developments in England are scarce. As a result, setting the threshold at 100MW may exclude many projects from the NSIP regime, leaving the majority under the jurisdiction of LPAs (and the Planning Inspectorate) via the TCPA process. Therefore, to ensure LPAs and the Planning Inspectorate can properly balance national interests against local impacts and benefits, the policy guiding the TCPA process must be strengthened, equipping LPAs with the tools and authority to make prompt and balanced decisions that reflect nationally significant energy policy objectives.

2. Strengthening Policy and Resource for the TCPA Regime

With most onshore wind projects likely to remain under the TCPA regime, it is essential that the NPPF is further strengthened to ensure a steady flow of planning consents at the local level. The revised policy must provide clear, decisive guidance to local authorities and inspectors, emphasising the critical role of renewable energy projects in achieving national goals—such as meeting renewable energy targets, securing local electricity supply, reducing reliance on fossil fuels, and expanding energy capacity.

In addition, the policy must establish clear guidelines on acceptable local impacts from wind farms, enabling LPAs to balance local concerns with urgent national needs. LPAs should also be empowered to account for local benefits—such as Community Benefit Funds and business rate contributions—ensuring these projects are recognised not only for their

contribution to national energy security but also for the direct benefits they provide to local communities. Our specific reforms to the NPPF are outlined in response to Q73.

To further support renewable energy projects within the TCPA regime, MHCLG and DESNZ must allocate sufficient resources and skilled personnel at the local level. A promising strategy is Regen's proposal to hire 1,000 infrastructure planning officers, with an emphasis on creating specialist renewable energy planner roles to work across local authorities¹. These specialists could be embedded within Mayoral Combined Authorities or County Councils, offering expert advice on complex applications across multiple jurisdictions. This model would mirror the approach of Scotland's Energy Consent Unit, providing tailored expertise to streamline and expedite renewable energy developments.

3. Opting into NSIP

A key improvement to the current system would be providing developers with clearer guidance on how and when to opt into the NSIP regime for projects below the 100MW threshold, through Section 35 of the Planning Act 2008. This would enable developers to bypass the TCPA process and access the NSIP framework when local political challenges or resource constraints hinder progress on nationally significant energy infrastructure. However, the effectiveness of this opt-in mechanism depends on clearer guidance and the Secretary of State's discretion to bring projects below the threshold into the NSIP regime. This discretion should be applied where a project plays an important role in achieving national priorities, such as energy security and net-zero targets. Such an option is crucial for projects facing local opposition or delays, yet vital for meeting national renewable energy goals.

4. NSIP Reform

While the NSIP regime provides a more consistent and predictable consenting process, which is essential for large-scale renewable energy projects, it also introduces significant challenges. The substantially higher costs compared to the TCPA process often drive developers to design solar projects just below the 50MW threshold to avoid the more costly NSIP route. This approach, while cost-effective, limits energy production potential and impedes progress toward net-zero targets. A similar trend is likely to occur with onshore wind projects unless the NSIP process is reformed.

Although this falls outside the scope of the current consultation, we support reforming the NSIP regime to address the steep increase in costs at the threshold between TCPA and NSIP. The regime's procedures should be redesigned to ensure a more graduated cost profile, scaling proportionately with the size and complexity of the project. Simplifying the process would reduce legal complexities and professional fees, making it more cost-effective and accessible for developers.

One potential solution is the introduction of a mid-tier consenting regime, possibly based on the Section 36 process of the Electricity Act. Although this system was removed in England, it still proves effective in Scotland, consenting many gigawatts of renewable energy over the past decade. While implementing such a change would require primary legislation and take time, we believe it represents the most sustainable long-term solution.

¹ Regen, 2024, p. 9, <https://www.regen.co.uk/resources/2024/report>

In the meantime, we recommend immediate reforms to the existing NSIP regime to streamline processes and reduce costs, making it more developer-friendly.

Key improvements could include:

- **Simplified Application Requirements:** Narrow the scope of environmental assessments and technical reports to focus on critical issues.
- **Streamlined DCO Process:** Simplify the DCO process and align it more closely with standard planning permissions to reduce complexity and the need for extensive legal and technical expertise.
- **Defined Determination Periods:** Establish clear, enforceable timelines for decisions to prevent prolonged examination periods and provide greater predictability for developers.
- **Flexible Amendment Process:** Allow minor project modifications without requiring a full re-application, thereby saving time and reducing costs.
- **Energy Consent Unit for England:** Establish a dedicated unit of specialist planners and inspectors to expedite the approval process for NSIP renewable energy projects in England.

Q73. Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?

Yes, we support the proposed changes to strengthen support for renewable and low-carbon energy in the NPPF, but they do not go far enough and risk adding confusion to the already fragmented policy framework across the NPS, NPPF, and local development plans without further clarification.

Lessons from Scotland's NPF4: A Clearer Path for Renewable Energy Projects

Scotland is recognised as a global leader in renewable energy, due in part to its Onshore Wind Sector Deal and the streamlined planning framework provided by NPF4. This framework has simplified decision-making and given developers, decision-makers, and stakeholders the clarity needed to consistently deliver positive outcomes for renewable projects.

A key factor in this success is the "significant weight" given to the global climate and nature crises, alongside a clear and proactive approach to renewable energy development. NPF4 also defines where renewable projects will be supported, establishes acceptable levels of impact on local receptors, and outlines the expected benefits that these schemes should deliver.

There are key lessons here for England. A similarly clear and cohesive framework could offer the much-needed clarity on where renewable energy projects are supported, what levels of local impact are acceptable, and how benefits should be assessed. Adopting such an approach would help streamline the planning process, reduce uncertainty, and ensure more consistent outcomes in support of national climate goals.

The Need for a More Cohesive Approach in England

In contrast, England's approach is far less cohesive. Two separate national policy documents—the NPPF and the NPS—lack the status of a development plan, as NPF4 does in Scotland. Furthermore, there is uncertainty regarding the weight of the NPS in relation to TCPA schemes, especially for onshore wind projects, which are excluded from NPS EN-3. Inconsistent appeal and Secretary of State decisions further complicate the process, with varying emphasis on renewables in planning outcomes.

Additionally, outdated local development plans, shaped by previous government policies enforcing the de facto ban on onshore wind, create a fragmented landscape, making it challenging for developers and decision-makers to navigate the planning process and deliver consistent outcomes.

The revised NPPF could address this ambiguity and create a unified policy framework for renewable and low-carbon energy by:

- **Prioritising Renewable Energy:** Clear guidance on the substantial weight given to renewable energy in planning decisions, ensuring its national importance is fully recognised.
- **Assessing Local Impact:** A consistent approach to evaluating acceptable local impacts, including visual, environmental, and community factors.
- **Highlighting Local Benefits:** Clear criteria for factoring local benefits, such as jobs, economic growth, and community energy schemes, into decision-making.

These improvements will streamline the planning process and support the UK's progress toward net-zero goals.

The following specific amendments are proposed:

1. Outdated Local Policies: Time for a Reset

Outdated local plan policies and evidence base should be reset by clearly stating that those adopted under previous NPPF versions or Written Ministerial Statements (WMS) are now obsolete. The revised NPPF and National Policy Statements (NPS) must take precedence until new local plans are adopted, and this point should be clarified in either the NPPF or PPG. This will ensure a more current and unified approach, streamlining planning processes and aligning with evolving national renewable energy priorities.

2. Align the NPPF with National Policy Statements (NPS)

The NPPF must be fully aligned with the NPS to create a consistent policy framework for all renewable technologies, regardless of whether they exceed the NSIP threshold.

Currently, some NSIP renewable projects are designated as Critical National Priority (CNP), but onshore wind is excluded from NPS EN-3 and the NSIP regime, preventing it from gaining this status. Solar schemes over 50MW gain CNP status, while those just under, at 49.9MW, do not—an arbitrary distinction. Raising the threshold to 150MW, without simultaneously adjusting the CNP criteria, risks excluding important projects from receiving this essential designation.

Unless the NPPF and NPS are aligned, increasing NSIP thresholds for onshore wind and solar risks relegating valuable renewable projects to a lower-tier policy framework with less support. All commercial-scale projects should receive equal recognition to ensure national energy security and net-zero goals are met.

We propose amending both the NPPF and NPS in tandem so that all commercial-scale solar and onshore wind projects—whether or not they fall under the NSIP regime—are classified as CNPs. This would underscore their critical role in national security, economic stability, and decarbonisation. The NPPF should also reflect Section 4.2 of NPS EN-1, which states that the benefits of CNPs, such as energy security and decarbonisation, should generally outweigh any unmitigated residual impacts.

3. Assign “Substantial Weight” to Renewable Energy Projects

The revised NPPF (paragraph 164, criterion a) should be amended to assign "substantial weight" to the benefits of renewable energy projects, rather than the proposed "significant weight." This change would underscore the critical importance of renewable energy in achieving net-zero, decarbonising energy production, and enhancing domestic energy security.

A recent decision by the Secretary of State² applied "substantial weight" to renewable energy in the context of a solar farm and battery storage facility, setting a precedent for this approach. Adopting "substantial weight" in the NPPF would provide clearer guidance for decision-makers and help elevate the role of renewable energy in the planning balance.

4. Clearer Guidance on Acceptable Local Impacts

The Government’s ambition of “radically increasing onshore wind deployment by 2030”³ not reflected in the NPPF, which fails to propose significant changes to the spatial criteria for onshore wind developments, or define the level of impact that can be justified when weighed against the substantial benefits of wind energy.

To address this, the NPPF needs to provide greater and clearer guidance on acceptable local impacts from renewable energy developments. While Paragraph 164 encourages support for renewable and low-carbon projects, it lacks specific criteria for determining when such developments should be refused.

Scotland’s NPF⁴, particularly Policy 11, provides a useful precedent by acknowledging that renewable projects can cause unavoidable landscape and visual impacts, but that these are generally acceptable when localised and mitigated through appropriate design. Adopting similar provisions in the NPPF, especially with regard to buffer zones around National Parks and protected landscapes, would establish clearer expectations on where schemes will be supported, and ensure a more consistent approach to renewable energy planning in England.

5. Ambiguity in Suitable Area Policies

We are concerned that Paragraphs 161(b) and 165 introduce unnecessary policy barriers for renewable energy developments, potentially slowing deployment. There is no standardised definition or methodology for LPAs to identify suitable areas for renewable and low-carbon technologies, leading to a fragmented approach in local plans and inconsistent decisions by Local Plan Inspectors over the past decade. Some LPAs have even used this lack of clarity

² Planning Inspectorate, Appeal Decision, APP/T3725/V/23/3332671, para. 24, <https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=58291367>.

³ Department for Energy Security and Net Zero, 2024, <https://www.gov.uk/government/publications/energy-security-and-net-zero>

to apply these policies restrictively, treating land not explicitly designated as suitable as effectively off-limits for renewable energy development—often based on political considerations rather than technical merit. This creates hidden barriers to development and increases reliance on the appeal process.

While we support the inclusion of proactive renewable energy policies in Local Plans, we believe all land should be considered equally via criteria-based policies, allowing developers the opportunity to present their case based on evolving technologies on a case-by-case basis. Therefore, we recommend the deletion of Paragraphs 161(b) and 165.

6. Recognising Local Economic Benefits of Renewable Development

The NPPF should be refined to instruct developers to take proactive steps to maximise local benefits and for planning committees to give greater weight to local economic impacts, such as job creation, investment, and increased business rates, alongside other considerations in decision-making.

Currently, while Community Benefit Funds (CBFs) are considered voluntary and non-material contributions outside the formal planning process, they play a significant role in many renewable energy projects. Under current English planning law, decisions are based solely on "material considerations" related to land use and development, excluding CBFs from influencing planning outcomes. However, CBFs offer tangible local benefits that can build community support for projects.

While amending the law to allow planning committees to consider CBFs is beyond the scope of this NPPF consultation, it remains a crucial issue. Enabling decision-makers to take CBFs into account, alongside other local economic benefits, would provide committees with a more comprehensive understanding of the value these projects bring, offering clearer grounds for support.

6. Strengthening Support for Extensions, Repowering and Co-Location of Renewable Sites

Paragraph 164 should be expanded to include not only the repowering and life-extension of existing renewable sites but also their physical extensions and co-location with other technologies. Extensions generally have a lower impact than new developments, as established sites already have grid connections, community backing, and supply chains in place.

The NPPF should also clarify that while development consents may be time-limited, areas designated for wind farms are expected to remain suitable for continued use, reflecting the principles of Scotland's NPF4 Policy 11 (criteria F).

Conclusion

Together, these amendments could implement a consistent "tilted balance" approach for all renewable and low-carbon energy generation, where the benefits of renewable projects outweigh residual impacts. This is essential to creating a more favourable consenting environment for renewable energy development in England, aligning with the success seen in Scotland.

Q74. 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?

Response:

Renewable energy development can play a significant role in protecting carbon-rich soils and restoring degraded peatlands. Examples such as Whitelee Wind Farm⁴ have successfully integrated wind farm development within peatland environments, delivering long-lasting peatland restoration and biodiversity net gains. These projects have contributed to national energy security and net-zero goals while also providing significant environmental benefits through carefully managed soil disturbance and targeted restoration initiatives. By enhancing the carbon-sequestering capacity and biodiversity of the peatlands, these projects demonstrate that renewable energy development and peatland conservation can work hand in hand.

This best practice shows that renewable development and peatland protection are not mutually exclusive. These case studies highlight how careful planning and innovative approaches can ensure that renewable energy projects contribute positively to both energy objectives and environmental conservation.

Given this context, it is crucial that national policy does not simply preclude energy developments in locations with the potential to significantly contribute to national security, economic stability, and net-zero goals. A blanket ban on development in these areas could inadvertently hinder peatland restoration and effective management by removing a valuable form of enabling development.

We advocate for an approach similar to Scotland's NPF4 Policy 5, which emphasises the protection and restoration of valued soils, including carbon-rich soils, while still allowing for carefully considered development. This policy framework is built on the following principles:

- Protecting and restoring valued soils.
- Ensuring soils, particularly carbon-rich soils, continue to sequester and store carbon.
- Maintaining healthy soils that provide essential ecosystem services for nature, people, and the economy.

Under this approach, development proposals would be supported only if they adhere to the mitigation hierarchy by first avoiding and then minimising soil disturbance on undeveloped land. Projects must also be designed and constructed in ways that protect soils from damage, including compaction and erosion, while minimising soil sealing.

Specifically, development proposals on peatland, carbon-rich soils, and priority peatland habitats should be supported when they generate energy from renewable sources that optimise the area's contribution to greenhouse gas emissions reduction targets and facilitate peatland restoration.

A balanced approach that allows for sensitive development, as illustrated by the aforementioned case studies, can facilitate beneficial restoration projects, ensuring that renewable energy initiatives enhance peatland health rather than compromise it. This

⁴ Scottish Power Renewables, 2024, https://www.scottishpowerrenewables.com/news/pages/milestone_in_peatland_restoration_at_whitelee_windfarm.aspx

approach would also avoid a de facto ban, which could otherwise impede the restoration and sustainable management of these critical habitats.

Q75. 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?

Response:

We believe that the threshold for all renewable energy technologies should be consistent, as national significance is determined by energy generation capacity, not the specific technology. Whether energy is generated by solar or onshore wind, its contribution to national energy security, economic stability, and net-zero goals is paramount. Therefore, it is logical to apply the same threshold for both solar and onshore wind, ensuring a fair and balanced approach to planning and consenting.

However, we request that the following points be considered when finalising this policy:

1. Grandfathering Provision for Existing Projects

If the threshold change is implemented, we strongly recommend including a grandfathering provision for onshore wind projects currently excluded from the NSIP regime. An 18-month transition period would provide certainty for developers and accommodate projects already in progress. For example, we are currently promoting a major onshore wind scheme under the TCPA regime with plans to submit in Q1 2025. A sudden change in the consenting process would cause delays, increase costs, and disrupt progress. Grandfathering provisions would allow such projects to proceed under existing rules, ensuring stability and maintaining investor confidence during the transition.

2. Limited Impact of Raising the Threshold, Strengthening the NPPF and NSIP “Opt In”

The 50MW threshold, set in 2008, reflects an outdated view of onshore wind technology. At the time, turbines typically produced around 2.5MW, meaning NSIP projects required 20 or more turbines. Today, with turbines producing 5-6MW, similar projects would only need around 10 turbines.

While raising the threshold to 100MW is appropriate to reflect these advancements, the geographic and planning constraints in England mean that few wind farms will exceed 100MW, as such developments would require 20 or more turbines, and suitable sites are scarce. Therefore, raising the threshold will impact only a limited number of projects, leaving most under the jurisdiction of LPAs via the TCPA regime.

Ultimately, the goal of bringing onshore wind projects into the NSIP regime is to elevate decision-making to the national level for more consistent and timely outcomes. However, since most projects will still fall under the TCPA regime, raising the threshold to 100MW will have limited effect in achieving this goal.

As outlined in our response to Q72, the key challenge lies in addressing inconsistencies between the TCPA and NSIP regimes, particularly in decision outcomes, timelines, and costs. To address this, we recommend strengthening the NPPF (as discussed in Q73) to empower LPAs and the Planning Inspectorate to make balanced decisions that align with nationally significant goals. Additionally, clearer guidance is needed for developers on how to

use Section 35 of the Planning Act 2008 to "opt in" to the NSIP process for projects below 100MW. This would allow developers to bypass the TCPA system when local political challenges or resource constraints hinder progress on nationally significant infrastructure.

3. Considering a "Mid-Tier" Consenting Regime

Although outside the scope of this consultation, we also suggest considering a "mid-tier" consenting regime, or "NSIP-lite," to streamline decision-making for renewable projects without the full complexity and costs of the NSIP process. A long-term solution could involve reintroducing a model similar to Section 36 of the Electricity Act, which has proven effective in Scotland but was removed in England. While implementing such changes would require legislative amendments that could take several years, a reformed NSIP process, as outlined in Q72, could provide a quicker solution in the interim.

Q76. 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?

Response:

We understand the rationale behind the proposed threshold change for solar projects, but we believe that raising the threshold to 150MW is not the right solution. While there may be clustering of projects just below 50MW and some above 150MW, this evidence does not justify raising the threshold so significantly. Instead, the focus should be on creating a more efficient, consistent, and supportive consenting process for all solar projects, regardless of size.

We request that the following points be considered when finalising this policy:

1. Grandfathering Provision for Existing Projects

If the proposed threshold change is implemented, we strongly recommend including a grandfathering provision for projects currently in development, such as solar and onshore wind. An 18-month transition period would provide certainty for developers and allow ongoing projects to progress. For example, our Frodsham project, a circa 140MW NSIP that has been in development for over two years, requires flexibility during this transition. A sudden change in the consenting process would jeopardize projects that are already advanced in the NSIP process. Grandfathering provisions would ensure such projects can continue under the existing rules, preserving stability and investor confidence as the new regime is introduced.

Notably, when previous changes were made to the Planning Act 2008 regime—such as removing onshore wind, altering electric lines criteria, and adjusting highways and railways criteria—the transition point was based on whether the project had been accepted for Examination. However, we consider this point to be too late in the Planning Act 2008 process if the Government's proposed changes are implemented. The Planning Act 2008 process is designed to be front-loaded, meaning applicants invest significant time and resources—especially with recent updates to Guidance and Fees Regulations—before reaching statutory consultation and submission. This investment should not be wasted.

At the same time, we recognise the Government's desire to maintain flexibility for solar deployment as market conditions evolve. Therefore, we suggest that any transitional arrangements following this consultation should set the transition point at when a project

promoter has notified the Secretary of State under Section 46 of the Planning Act 2008 that statutory consultation has begun, unless the promoter informs the Planning Inspectorate that they no longer wish to pursue the project as a DCO.

2. The Real Need: Faster, More Efficient Consenting Routes

The key issue is not about raising the threshold, but rather improving the overall consenting process. Raising the threshold to 150MW could, in fact, deter the development of mid-sized solar projects, which are vital for meeting the UK's energy targets. Tripling the threshold appears excessive and disproportionate to the original 50MW threshold set for NSIPs.

Moreover, there are mixed views within the industry on whether raising the threshold would lead to faster approvals for projects between 50-150MW. Many LPAs struggle to approve even smaller projects due to local objections, political pressure, and inconsistent decisions by the Planning Inspectorate. For example, Inspectors have applied varying weight to issues such as the loss of Best and Most Versatile (BMV) land and the 2015 Written Ministerial Statement (WMS), leading to inconsistent outcomes. Even with proposed NPPF changes, there is little evidence to suggest that raising the threshold would result in more timely or consistent approvals for mid-sized projects.

This underscores our broader point: the NPPF needs to be further strengthened (see our response to Q73) and summarised below, and the NSIP process should be reformed, potentially through the introduction of a new mid-tier consenting regime.

3. Lack of Policy Support for TCPA Solar Projects

The proposed revisions to the NPPF fall short in addressing the need for stronger policy support for solar projects under the TCPA regime. As highlighted in our response to Q73, additional reforms are crucial to provide clearer guidance and stronger backing for renewable energy projects, particularly for solar schemes under the proposed 150MW threshold.

In summary, the NPPF should be enhanced to:

- **Prioritise Renewable Energy:** Assign substantial weight to renewable energy projects in planning decisions, fully acknowledging their national importance.
- **Assess Local Impact:** Establish a consistent approach for evaluating acceptable local impacts, including visual, environmental, and community factors.
- **Highlight Local Benefits:** Define clear criteria for incorporating local benefits, such as job creation, economic growth, and community energy schemes, into the decision-making process.

Specifically, the NPPF currently does not classify solar projects between 50MW and 150MW as Critical National Priority (CNP), despite their significant role in achieving the UK's energy targets. Without this designation, increasing the threshold may discourage the development of mid-sized solar projects, which are essential for meeting the UK's Net Zero commitments.

Conclusion

While we agree that thresholds across renewable technologies should be consistent, simply raising the threshold for solar projects to 150MW is not the answer. The real focus should be on improving the speed, consistency, and clarity of the consenting process for all solar

projects. By providing clearer policy support and addressing existing inconsistencies, the government can help drive the development of solar projects critical to achieving the UK's energy and climate goals, aligning with the broader reforms outlined in our response to Q73.

Q77. If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?

Response:

We advocate for a technology-agnostic threshold of 100MW for both onshore wind and solar projects. The focus should be on energy generation capacity rather than the specific technology, ensuring a consistent and equitable approach across the renewable energy sector. A 100MW threshold strikes a balance between the current 50MW limit and the proposed 150MW for solar, offering a more proportionate step that avoids discouraging the development of mid-sized projects, which are crucial for meeting national energy targets.

Additionally, clearer guidance is needed on the opportunity for developers to "opt-in" to the NSIP process for projects below the 100MW threshold under Section 35 of the Planning Act 2008. This provision allows projects under 100MW to be treated as nationally significant where local political challenges or resource constraints impede progress. Increasing awareness and support for this mechanism would give developers more flexibility, ensuring nationally significant projects can access the most suitable consenting route.

While outside the scope of this consultation, we also suggest considering a "mid-tier" consenting regime, or "NSIP-lite," to streamline decision-making for renewable projects without the full complexity and costs of the NSIP process. A long-term solution could involve reintroducing a model similar to Section 36 of the Electricity Act, which has proven effective in Scotland but was removed in England. Although such changes would require legislative amendments, a reformed NSIP process, as outlined in Q72, could offer a faster solution in the interim.

In summary, a unified 100MW threshold for both onshore wind and solar, along with enhanced guidance on the Section 35 opt-in process, would create a balanced and flexible approach to accelerate the deployment of renewable energy projects in the UK.

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

We agree with the removal of the footnote regarding Best and Most Versatile (BMV) land. While the issue is politically sensitive, it's important to recognise that solar developments are temporary, and any loss of BMV land should be viewed in the same way. Solar farms can be easily decommissioned, allowing the land to be restored to its original condition, ensuring minimal long-term impact on agricultural productivity.

To provide further context, solar farms do not pose a significant threat to the nation's food security. According to Regen's NPPF consultation response, even under the highest estimates for solar energy capacity required to meet net-zero by 2050, solar would only occupy 0.5% of all farmland. This clearly demonstrates that solar energy can be effectively integrated with agricultural use, contributing to the UK's renewable energy goals without compromising food security.

Chapter 5 - Brownfield, grey belt and Green Belt

Q21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of Previously Developed Land (PDL) in the Green Belt?

Response:

Yes.

Q23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?

Response:

Yes.

Q25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution to Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

Response:

We agree that additional guidance is essential for identifying land that makes a "limited contribution" to Green Belt purposes. Developers require a clear and unambiguous understanding of land that fits within the grey belt definition to make informed investment decisions. This clarity is crucial to avoid costly planning appeals and litigation. If there is ambiguity, leading to increased risk and cost, the policy will not be as effective as the Government intends.

In this context, the proposed definition of grey belt in the glossary is somewhat vague, particularly regarding what constitutes a "limited contribution." To ensure consistency and transparency in decision-making, we believe that a clear definition in the NPPF Glossary on "Limited Contribution" should be included in the NPPF, rather than relying solely on planning practice guidance. While more detailed and adaptable planning practice guidance can further support this policy, it is vital that the policy itself is precise and unambiguous from the outset.

Q26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?

Response:

In line with our response to Q25, we agree that the proposed definition should be clearly embedded into the NPPF Glossary. This will ensure consistency and clarity in how land making a limited contribution to Green Belt purposes is identified and treated across all planning decisions.

Q31: 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?

Response:

We support the proposal to allow the release of grey belt land to meet commercial and other development needs. However, the current drafting is ambiguous regarding whether energy infrastructure would benefit from the grey belt designation.

We believe there is a significant opportunity for renewable energy development on grey belt land, particularly for solar, onshore wind (in suitable locations), and battery energy storage systems (BESS). Grey belt areas typically present lower environmental sensitivity and can serve as ideal sites for developments such as solar farms, wind turbines, and BESS, which are crucial for the transition to a low-carbon economy.

Under the current policy framework, such developments are often granted on Green Belt land under "very special circumstances," but this process can involve costly planning applications, lengthy appeals, and extended timescales.

To address this, the revised NPPF policy should include a clear and explicit reference to the suitability of energy infrastructure on grey belt land. This would provide developers with greater confidence to invest in these projects and expedite the delivery of the vital infrastructure the country needs.

Chapter 7 - Building infrastructure to grow the economy

Q62. Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?

We fully support the intention behind these paragraphs to foster a conducive environment for business investment.

However, it is crucial for national policy to explicitly recognise the pivotal role of battery storage, energy development, and grid connections in unlocking sustainable economic growth. In particular, the NPPF needs to recognise the following:

- **Balancing the Grid:** Battery storage plays a critical role in balancing the grid, which in turn unlocks additional grid capacity and frees up grid connections from substations. This enables developers to secure essential grid connections for housing and employment projects.
- **Co-locating Energy Infrastructure:** Establishing energy infrastructure near industrial sites creates optimal conditions for growth, particularly for businesses with ESG targets and a need for low-carbon energy access. Co-located setups present significant opportunities, especially through corporate Power Purchase Agreements (PPAs), allowing businesses to secure long-term, stable energy prices while advancing the transition to renewable energy. Additionally, direct wire connections between energy generation sites and industrial facilities can bypass grid connection constraints, offering a more efficient and reliable energy supply. This approach not only reduces pressure on the grid but also accelerates the deployment of clean energy solutions.

To reflect these critical considerations, we recommend amending paragraph 87 (new paragraph 85) as follows, with our suggested changes in bold:

“a) clusters or networks of knowledge and data-driven, creative, or high-technology industries; and for new, expanded, or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres, **battery storage, renewable and low-carbon energy generation, direct wire connections,** and grid connections);”

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Would you like this response to remain confidential: No

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