

# Response to the Housing, Communities and Local Government Committee inquiry: The future of the planning system in England

30 October 2020

## About Energy UK

Energy UK is the trade association for the energy industry with over 100 members spanning every aspect of the energy sector – from established FTSE 100 companies right through to new, growing suppliers and generators, which now make up over half of our membership.

We represent the diverse nature of the UK's energy industry with our members delivering over 80% of both the UK's power generation and energy supply for the 28 million UK homes as well as businesses.

The energy industry invests £13bn annually, delivers £31bn in gross value added on top of the £95bn in economic activity through its supply chain and interaction with other sectors, and supports 738,000 jobs in every corner of the country.

## Executive Summary

- Energy UK welcomes the opportunity to provide this submission to the Housing, Communities and Local Government Committee inquiry into the future of the planning system in England.
- Energy UK is supportive of any proposals which provide a clear and consistent approach to planning across England, reduce bureaucracy and deliver a greater emphasis on the certainty of outcomes and delivery of development.
- We consider that a clear, positive vision for the planning framework in England is key to ensuring that climate change is a key priority and significant volumes of new low-carbon energy infrastructure, supported by a sustainable mix of conventional gas generation critical to security of supply, are delivered in a timely manner to meet Net Zero by 2050.
- We would be happy to discuss any of the points made in further detail with the Housing, Communities and Local Government Committee if this is considered to be beneficial.
- Should you have any questions regarding this submission then please do not hesitate to get in touch via the details below.

We can confirm that this response may be published on the Parliamentary website.

Yours sincerely,

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## Response to inquiry questions

### **Q1 Is the current planning system working as it should do? What changes might need to be made? Are the Government's proposals the right approach?**

1. The proposed reforms are largely housing focussed, which is understandable given the UK Government commitments to affordable housing, however it is worth pointing out that there are other developments that Government must consider, and where they fit in under these reforms. Energy and associated developments, in the context of our increased climate ambition and net-zero target, will need to be safeguarded in all three types of areas ('Growth Areas', 'Renewal Areas' and 'Areas that are Protected') proposed in the planning reforms. Onshore renewable energy projects tend to be located in rural areas due to the fact that there are very few potentially suitable brownfield sites.
2. Given the locational constraints that are unique to energy infrastructure, we ask that existing and consented energy assets are classified as 'Growth Areas'. This will give the positive policy signals to industry that energy reinvestment is a priority. We welcome the statement in the White Paper to have a policy position specifying developments that are allowed in the protected areas and would expect that new low-carbon energy developments and supporting infrastructure, including networks, are within that definition of allowed developments especially.
3. We have some concerns regarding the proposal within the White Paper to merge the existing Section 106 obligations and the Community Infrastructure Levy (CIL). We consider that energy infrastructure should continue to be exempt from any future CIL, as the industry is providing infrastructure, not contributing to the need for more infrastructure. As a useful tool, we value the positive flexible approach of Section 106 obligations and feel its removal will constrain developers' and Local Planning Authorities' ability to identify meaningful and mutually beneficial mitigation measures.
4. While we understand the housing sector is the main audience for this proposal, it is not workable for the energy sector. If changes are made the current Section 106 and CIL systems, quantification of the obligation should be impact-based, rather than project cost-based. A cost-based system disproportionately penalises the energy sector, without adequately considering the impacts and benefits to the community from the energy development.

### **Q2 In seeking to build 300,000 homes a year, is the greatest obstacle the planning system or the subsequent build-out of properties with permission?**

No view.

### **Q3 How can the planning system ensure that buildings are beautiful and fit for purpose?**

No view.

### **Q4 What approach should be used to determine the housing need and requirement of a local authority?**

No view.

### **Q5 What is the best approach to ensure public engagement in the planning system? What role should modern technology and data play in this?**

No view.

### **Q6 How can the planning system ensure adequate and reasonable protection for areas and buildings of environmental, historical, and architectural importance?**

5. We support Proposal 16 in the White Paper and the intent to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England. We recognise that the detail of streamlining the Environmental Impact Assessment (EIA) process is likely to come through in primary and secondary legislation. We are encouraged by any intent to reduce what can be an unnecessarily significant delay in the development process, one which involves onerous administrative activities, whilst still ensuring

robust consideration of environmental impacts through the planning process. EIA reform represents an opportunity to remove causes of unnecessary cost and delay, which often stem from a lack of clear requirements and standards as part of any regulatory framework. Therefore, we offer the below recommendations to support the EIA reform:

6. Publish clear requirements and standards for the EIA: We would suggest the formation of a working group to define existing good practice, which will deliver the key themes outlined in the “Planning for the future” White Paper. This would lead to an agreed set of enhanced and simplified requirements and standards that would give practitioners and decision makers the evidence behind approaches taken or decisions made.
7. Ensure Environmental Management Plans (EMPs) are central to the EIA process and provides certainty on implementation: EMPs become a validation requirement of any EIA and this provides a single point of reference for all design and mitigation requirements, delivering quality design. This can become a single plan, which could be monitored to ensure implementation of post-consent monitoring and evolve to provide the structural/control mechanisms of further plans. For example, construction environmental management plans.
8. It would be beneficial to include EMPs in the earlier stages of the EIA process because the EMP can be used to very clearly set out the mitigation a developer is putting in place, ensuring it is proportionate to the impacts outlined in the EIA. This would reduce the potential for uncertainty with the local authority and ensure unnecessary or unexpected conditions will not need to be imposed.
9. Embrace innovation and digital EIA: We recommend defining the steps that will be implemented and when (acknowledging that some of them will be required to be available prior to implementation of reform). Priorities should include a national data hub (for primary data and EIAs), a permanent move to digital submissions and improved use of interactive mapping to provide clarity on whom or what is impacted. Any national data hub needs to deliver better accessibility and can also be used to share industry intelligence.
10. Competence in EIA: Acknowledge EIA as a specialist area of expertise, one that requires competent experts to lead, prepare and use the tool correctly in the decision-making process. This may include a decision on shared technical capacity across determining authorities so that the value of training is realised.
11. We look forward to more detailed proposals from Government on the streamlining of the planning and EIA processes and how this would be achieved to expedite the development of low-carbon energy developments and supporting infrastructure to drive the transition to Net Zero by 2050.

**Q7 What changes, if any, are needed to the green belt?**

No view.

**Q8 What progress has been made since the Committee’s 2018 report on capturing land value and how might the proposals improve outcomes? What further steps might also be needed?**

No view.