

Consulting the Secretary of State on planning decisions

Energy UK is the trade association for the energy industry, representing companies investing billions of pounds to secure our country's current and future energy needs.

From growing start-ups to major electricity generators, grid and infrastructure developers and energy suppliers, our members are driving change across power, heat, transport and flexibility.

We provide a collective voice for the sector working with governments, regulators, charities and other organisations to provide crucial insight that shapes policy, offers solutions and promotes best practice.

Our broad view across the whole system supports evidence-based positions which are not tied to particular technologies, and are focused on delivering strategic benefits for people, businesses and the economy.

We champion initiatives such as our Vulnerability Commitment, which pushes suppliers to go beyond regulation to support customers with additional needs, and TIDE, the industry's drive for greater inclusion and diversity. Through our Young Energy Professionals Forum, we support the development of future leaders.

We are equally committed to our team and are proud to be recognised as a 'Gold' Investors in People employer.

Executive Summary

There is a potential gap in the proposed between commercial floorspace and the need for energy infrastructure, which should be investigated as part of further consideration of this policy.

If you would like to discuss this response in further detail with Energy UK and its members, we would welcome further engagement.

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Question 1. Do you agree with this proposed consultation requirement for applications for large-scale, strategic commercial development where an LPA is minded to refuse?

Yes. Under the Town and Country Planning Act (TCPA), 'floor space' means the total floor space in a building or buildings. Therefore, this would largely exclude most forms of energy infrastructure (such as onshore wind, solar, storage systems, and network infrastructure) and associated infrastructure such as structures required to deliver ecological compensation.

Energy infrastructure must be brought onto an even level with other developments of similar natures, including commercial developments that may have high energy demands. Therefore, Energy UK would strongly recommend expanding the definition to include renewable infrastructure and associated developments (including storage and network infrastructure). This should also include associated infrastructure such as environmental mitigation and compensation solutions and structures, as they are integral to projects, but may require separate Town and Country Planning Act applications, so should also be referred to the Secretary of State if the Local Planning Authority is minded to refuse.

However given the range of sources of demand this might cover, such as major commercial centres of electricity demand, it is important that generation and supply infrastructure for electricity is not put on a separate footing. Whilst most energy infrastructure is consented under the Nationally Significant Infrastructure Projects (NSIP) system, separate TCPA applications are usually required post-consent, so a further evaluation may be needed on whether this puts energy projects through the TCPA at a disadvantage.

Major sources of demand such as larger data centres may get a reprieve from planning rejection from the Secretary of State under this model, but given the large electricity demand of some of these projects, if other forms of energy infrastructure are not matched in the TCPA, this could lead to a lopsided approach to energy supply and demand. Further analysis on how this is accounted for from both the Ministry of Housing, Communities and Local Government and the Department of Energy Security and Net Zero is recommended.