

Insights

PROPOSED PLANNING POLICY FOR WIND AND SOLAR FARMS

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SUMMARY

Consultation closed at the end of September on [proposals to align national planning policy](#) with the Government's aspiration for Britain's future as a 'Clean Energy Superpower' by 2030. Government has committed to respond before year-end. What Planning changes are proposed for those looking to deliver solar and onshore wind?

A GREEN REVOLUTION

Labour's manifesto pledged to "end climate and energy chaos... and make Britain a clean energy superpower". Now in Government, the party is looking to make planning policy and processes for England facilitate that green revolution. So instead of relying on fleets of dreadnought battleships, vast numbers of photovoltaic tiles and wind turbines will be the basis of the nation's global economic and political clout.

In our [post yesterday](#) on how Government has consulted on planning changes to facilitate key growth industries requiring data centres, gigafactories and laboratories, we set out how that boils down to two key measures, and summarised how each worked:

- First, making the National Planning Policy Framework, the "**NPPF**", which applies in England more supportive of them.
- Second, enabling the schemes to follow the most proportionate route to consent. Either by way of a standard planning permission under the Town and Country Planning Act 1990 or a development consent order (a "**DCO**") under the Planning Act 2008.

The same measures are being applied to solar and onshore wind.

BRINGING ONSHORE WIND BACK INTO THE FOLD

The Conservatives embedded a very high bar for consenting onshore wind schemes to be granted into the NPPF: to be acceptable they essentially had to be in areas allocated in a local plan and have proven community support, virtually halting most schemes. That approach is being scrapped. The previous Government also removed onshore wind from the DCO regime. As such, developers were left with local decision-making. The Government is looking to re-integrate onshore wind schemes into the DCO regime. Those steps are very likely to lead to an increase in onshore wind consents. Landowners with suitable sites will have noticed an uptick in calls from wind farm promoters.

NPPF SUPPORT FOR RENEWABLES

The NPPF is already supportive of planning applications for renewable and low carbon development. For example, applicants don't need to demonstrate the overall need for renewable or low carbon energy. Applications also should be approved if impacts are (or can be made) acceptable.

The Government is proposing to take this further, directing decision makers to give "significant weight" to the benefits associated with renewable and low carbon energy generation. That means in the constellation of considerations with which decision makers must wrestle, these benefits of a scheme can more easily be taken to outweigh its disadvantages. Local authorities would need proactively to identify sites for renewable and low carbon development when producing local plans. It is proposed that the NPPF (if so updated) would be clear that development of renewables may be proposed in sensitive areas, including in valuable habitats like peatlands (subject to environmental safeguards).

REJIGGING DCO THRESHOLDS FOR WIND AND SOLAR

Government is also looking at raising the thresholds at which solar and onshore wind projects are considered "nationally significant infrastructure", and must therefore be determined under the Planning Act 2008. Notwithstanding its significant upsides, the DCO regime is not, however, always proportionate to smaller schemes, which can be required to follow most of the steps for some of the largest infrastructure schemes in the country (notwithstanding a fast-track process formalised in April 2024). The threshold for solar and onshore wind projects requiring a DCO is whether they have a generating capacity of more than 50 megawatts ("**MW**").

However, solar panels are now more efficient, enabling a greater MW yield per site. Onshore wind turbines are now also more powerful. That means that cheaper and relatively smaller-scale onshore wind and solar projects are increasingly captured by the 50MW threshold. In the case of solar, Government thinks this is causing a market distortion: lots of ground-mounted solar capacity entering the Town and Country planning system just so happens to be at a capacity just below the 50MW threshold. This is not a coincidence. At the same time, there are a lot of 150MW solar projects being determined in the NSIP regime. The planning system appears to be compelling

promoters to go large or cut scale and go for a normal planning permission. The fear is that the same is likely to happen to onshore wind when revived by policy inhibitors being removed.

So Government has consulted on setting the threshold for onshore wind projects at 100MW and solar projects at 150MW. This is similar to how the last Government removed battery energy storage systems from the DCO regime entirely, so they would be consented by local authorities whether above or below 50M, because of fears this was stifling investment.

WILL IT WORK?

Local authorities taking planning decisions must sometimes feel they are playing a game of “blind man's bluff” with their children, called in this direction or that by the competing voices of differing national and local planning policies. The proposal for the NPPF to require “significant weight” be given to the benefits associated with renewable and low carbon energy generation means the voices calling in that direction will definitely, and lawfully, be stronger. That must make it easier to consent these schemes unless the impacts clearly outweigh them.

Allowing medium-sized solar and onshore wind schemes to be determined locally and more quickly, instead of via the DCO regime aimed at much larger schemes, will also make it less financially intimidating to do so.

An absence of consents is, however, arguably not the greatest obstacle to unleashing the UK as a Clean Energy Superpower, and other key challenges such as grid connections and sufficient capacity in skilled supply chains will also need to be overcome. However, if these challenges can be resolved the UK becoming a clean energy superpower by (or relatively soon after) 2030 is a target within reach and (including with the UK Government's Planning and Infrastructure Bill scheduled to be introduced early next year) planning reforms are an important step on the road to achieving that target.

RELATED PRACTICE AREAS

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MEET THE TEAM



Sheridan Treger

London

sheridan.treger@bclplaw.com

[+44 \(0\) 20 3400 3642](tel:+442034003642)



Alexander Hadrill

London

alexander.hadrill@bclplaw.com

[+44 \(0\) 20 3400 4740](tel:+442034004740)

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