

## **Response: Planning and Infrastructure Bill Committee call for evidence**

**April 2025**

Vattenfall is a leading European energy company with approximately 20,000 employees across Northern Europe and growing numbers in the UK. For more than 100 years we have electrified industries, supplied energy to people's homes and modernised our way of living. We are working for fossil-freedom.

Vattenfall has been investing in Great Britain for more than ten years, and with £1.6bn invested over the last decade, we have grown our wind business from one project in 2008 to eleven today, and now operate more than 1.3GW of onshore/offshore wind, battery, and solar power capacity.

In addition to our existing portfolio, we have a large development pipeline across the UK, especially in England, and with the de-facto ban on onshore wind lifted we hope to develop and construct England's first wind new wind farms.

Vattenfall is hugely supportive of the Planning and Infrastructure Bill which has the potential to reduce the cost and time it takes to progress developments through the planning system, which could help unlock growth and the rapid deployment of renewable energy projects.

Below, we have outlined what we think are some critical missing items from Bill, as well as some commentary on specific clauses where we think amendments should be made.

### ***Omissions from the Planning and Infrastructure Bill***

#### **1) Bringing all onshore wind projects greater than >50MW in size into the NSIP regime**

Vattenfall is very supportive of the Government's decision to bring onshore wind back into scope of the Nationally Significant Infrastructure Projects (NSIP) planning regime, as well as the number of other measures within the Planning and Infrastructure Bill which will make the process itself cheaper and faster. Ultimately this will reduce risk for developers and help to unlock investment and drive the deployment of onshore wind in England.

However, Government has opted to amend the legislation (see the Infrastructure Planning Onshore Wind and Solar Generation Order 2025) so that instead of all projects over 50MW being eligible for NSIP, as was previously the case in 2015, only projects over 100MW in size will be eligible. It is worth noting that in Scotland and Wales the equivalent planning regime is available for all projects over 50MW and 10MW respectively.

Vattenfall believes this is a missed opportunity given our expectation that the vast majority of onshore wind farms in England will be smaller than 100MW and so not classed as NSIP. This is because there are many challenges wind farm developers face in England that are not experienced to the same extent across in Wales and Scotland. These constraints include increased proximity to airports and radar stations which wind farms can interfere with, increased proximity to residential dwellings given a higher concentration of the population live in rural areas compared to Scotland, and various environmental considerations including nature, wildlife and agriculture. Overall this means there is a lack of suitable land mass for projects of this size.

As a result, we expect the majority of onshore wind farms in England won't be able to access the streamlined NSIP regime and instead will have to progress through the local planning process which is far riskier for developers and investors. This is because local planning authorities tend to refuse projects, often as a result of local political opposition and anti-wind farm groups.

We believe that projects over 50MW are still of national significance providing energy security whilst also decarbonising our energy supply, so whilst consulting locally, the decision to consent a project should ultimately be determined by the Secretary of State. Consequently, we are calling on the Government to amend the threshold so that all projects greater than 50MW in size are eligible for NSIP.

## **2) Inclusion of requirements on statutory consultees and local planning authorities to engage proactively with planning applications**

One of the biggest challenges developers face is the time it takes to engage with and receive input from local planning authorities and statutory consultees like Natural England and Forestry England during the planning process. These delays mean it takes longer to develop projects, and can also result in unresolved issues being carried into the examination phase which increases costs for all parties.

Vattenfall recommends the inclusion of a clause that either sets out clear legal timeframes in which statutory consultees must respond to planning queries and provide their views, or failing that a clause that would require the Secretary of State to set out guidance and expectations of statutory consultees when engaging with and responding to wind farm developers.

## **3) Introduce new provisions to allow Scottish Ministers to apply short-term oversail and overrun wayleave rights**

The Planning and Infrastructure Bill provides an opportunity to provide renewable developers with the ability to secure land rights in Scotland.

Currently, developers are required to create leases individually with landowners for oversail and overrun rights – where in the process of constructing a wind farm equipment swings over or vehicles need to cross privately owned land. For example, if transporting a turbine blade down country roads, and it oversails private land.

Developers currently have to sign leases with private landowners for the right to oversail, and as land becomes scarcer projects can sign as many as fifty oversail or overrun agreements for a single project. Land owners have begun holding energy companies to ransom for significant payments that developments cannot financially afford, despite the fact that in many cases this oversail has little or no physical impact on the landowner's property. This financial burden putting projects at risk.

Currently, the only solution for developers is to utilise compulsory purchase orders. However this is a blunt tool that would give the developer who uses it full land rights which are not necessary, but also not suitable when multiple developers will likely need to access these same pinch points.

Instead, we recommend the creation of a new provision that would allow developers to apply to Scottish Government for short-term oversail and overrun rights when required during the construction process and for any repairs during the lifetime of a wind farm.

Given the technological advances in onshore wind turbines, the blades are now much longer and as such we expect to see many more instances of oversail and overrun, so making changes to address this will become increasingly important. Landowners could still be compensated, but this could be determined on a statutory basis and set at a fair and reasonable level.

Although this has not yet been tested in England, it may be prudent to introduce a similar provision.

### *Commentary of on specific Bill clauses*

#### **Clause 15: “Variation of consents etc”**

Vattenfall is concerned over the power to vary, suspend or revoke consents. Whilst we agree there should be powers to make minor changes to consents, often to rectify errors in drafting without



generating additional administrative burdens or require the full resubmission of a planning application, the legislation as drafted introduces new risks for developers.

We do not believe there should be any ability to revoke consents in full given to get to this point developers have potentially spent millions of pounds developing projects. Introducing this risk will invariably push up the cost of capital because of the increased risk profile, which will ultimately make developing projects more expensive..

#### **Clause 48: “Overview of Environmental Delivery Plan”**

Vattenfall welcome the proposal of Environmental Delivery Plans to deliver a more strategic approach to environmental mitigation and/or compensation for onshore wind developments, as well as the Nature Restoration Fund that will deliver this service.

However, we do not believe that Natural England should be appointed to deliver the Nature Restoration Fund. Natural England is already resource constrained and the addition of this to the organisation’s remit may not only cause further bottlenecks in the other critical planning tasks it is required to deliver, but also slow the development of EDPs themselves. It is essential that the fund be administered by a well-resourced delivery body to ensure that it can deliver solutions quickly and effectively.

#### **Clause 67: “Collection of nature restoration levy”**

Vattenfall are concerned about the powers for regulations to impose conditions mandating levy payments. The clause should be amended to clarify that levy payments should only be mandated when an application has elected to use an Environmental Delivery Plan to discharge relevant environmental obligations.