

Introduction

1. Solar Energy UK is an established trade association working for and representing the entire solar and energy storage value chain. We represent a member-led community of over 400+ businesses and associates. Our members range from ambitious and innovative SMEs to global brands. Our mission is to empower the UK solar transformation. We are catalysing our members to pave the way for 60GW of solar energy capacity by 2030.
2. Solar Energy UK (SEUK) welcomes the opportunity to submit written evidence to the Public Bill Committee on the Planning and Infrastructure Bill. Our members are actively involved in the development of large-scale solar generation and associated infrastructure and thus have a strong interest in the provisions of the Planning and Infrastructure Bill. The following points provide a brief overview of our response, which is detailed further in subsequent sections.
 - 2.1 We support the Bill's overarching aim to reduce planning delays and accelerate the delivery of nationally significant infrastructure, including clean energy projects. However, several areas of the Bill would benefit from further clarity or targeted amendments to provide the level of certainty the industry needs to deliver renewable energy infrastructure at pace, while also contributing to nature recovery and supporting local communities.
 - 2.2 The current broad drafting of the Bill creates significant uncertainty for infrastructure developers. Providing greater clarity on the face of the Bill as it progresses through Parliament would help reduce risk and strengthen investor confidence in the sector.
 - 2.3 We support the Bill's proposal to legislate through regulation the size of planning committees, in order to support effective debate. We also support the requirement for committee members to undertake mandatory training before being able to take planning decisions.
3. We provide recommendations throughout this response, with particular focus on the proposed Energy Bill Discount Scheme and the introduction of the Nature Restoration Fund.

Energy Bill Discount Scheme

4. SEUK notes the Bill includes provisions to facilitate an energy bill discount scheme intended to benefit individuals living near new electricity transmission infrastructure – i.e. to provide a form of direct, financial, community benefit.
 - 4.1 We support the principle that local communities should benefit from infrastructure development with many developers of solar generation projects voluntary offering community benefit packages to communities neighbouring solar farms. However, under the current proposal, it would allow for the delegation of 'functions conferred in connection with the scheme'. We are concerned that this could include for the delegation of financial responsibilities. We are concerned that network companies could delegate the payment of such benefits to electricity generation companies where such companies benefit from transmission infrastructure being provided by

Transmission Operators, or where the company has built that transmission infrastructure itself. As a result, renewable energy generation companies (developers) could be required to cover community benefit costs for any associated transmission infrastructure, in addition to the community benefits that they will pay in relation to the renewable energy projects themselves.

- 4.2 Given the potential risks and cost implications for generation projects, we ask for clarity on whether the delegation of financial obligations to generation projects will be permitted under future associated regulations.
- 4.3 We also ask that amendments be made to:
 - 4.3.1 Make clear that there is not an ability to delegate responsibility for costs of the energy bill discount scheme to generation companies (developers). This could be done by adding the words 'but not functions relating to matters under subparagraph (d)' at the end of the new section 38A(4)(c) of the Electricity Act 1989 proposed by clause 22 of the Bill.
 - 4.3.2 Commit publicly to ensuring that any guidance associated with the new bill discount scheme will state that electricity network companies will not be able to contractually require generation companies (developers) to make payments on their behalf.
 - 4.3.3 Clarify that this scheme does not apply to generation companies which do not have domestic customers. Given the policy intent is to benefit domestic bill payers, this provision is necessary to avoid placing undue burdens on commercial only suppliers who have no billing relationship with residential customers. SEUK considers that this can be done by introducing a definition of electricity suppliers within the new section 38A of the Electricity Act 1989 proposed by clause 22 of the Bill, for the purposes of that section only.

Nature Restoration Fund

5. SEUK welcomes the proposed changes within the Nature Restoration Fund (NRF) to create win-wins for nature, providing holistic and strategic solutions to protect sites and their conservation efforts. We understand the government's concerns that the status quo (providing mitigation or compensation at the project level) has not always delivered a betterment in terms of bringing sites to favourable conservation status.
 - 5.1 However, the Bill currently lacks sufficient detail on how the NRF and Environmental Delivery Plans (EDP) will operate in practice. We would welcome further clarity on the following questions:
 - 5.1.1 The Bill does not cover indirect impacts to Sites of Special Scientific Interest (SSSIs) – will that be dealt with through policy amendments?
 - 5.1.2 Will a Nature Restoration Fund payment also count as mitigation under the Environmental Impact Assessment (EIA) regulations? We ask that this be made

clear, particularly given the EDPs are proposed to enable NE to say that developers cannot mitigate impacts on site and must pay the proposed levy instead. This could be done, for example, by adding additional drafting to Schedule 6 of the Bill to amend Regulation 18 of the Town and Country Planning (Environmental Impact Assessment) Regulations (and equivalent provisions in other EIA Regulations) to state that written confirmation that a commitment to pay the nature restoration levy under clause 61(2) of the Bill will be sufficient to demonstrate that an environmental statement has adequately described *'measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment'* (as is required by Regulation 18).

- 5.1.3 How will payment equity be ensured, where later developments are only able to come forward thanks to payments made by earlier scheme promoters?
- 5.1.4 Will development be able to commence immediately after a payment is made, or would there need to be a wait until the relevant measure in the Environmental Delivery Plan (EDP) is delivered?
- 5.1.5 The Bill indicates (clause 61(4)) that a EDP could state that a NRF payment must be paid, even where developer-led mitigation measures could be brought forward as an alternative. Is this the intention? SEUK recommends this provision be removed or modified. Mandating a payment irrespective of viable alternative measures could undermine site-specific biodiversity outcomes and reduce flexibility.
- 5.1.6 How quickly will Natural England be able to deliver on EDPs to ensure that growth is unlocked? Whilst we are supportive of Natural England being the delivery body for the proposed scheme, we recognise that the organisation is already overstretched and under resourced. Further information as to how Government intends to appropriately resource the delivery body to fulfil the requirements of the NRF/EDPs would be valuable.
- 5.1.7 How will the Natural England monitor EDPs? Robust monitoring and accountability mechanisms are crucial to track the environmental impact of funded projects and ensure developers meet their obligations. This has historically been overlooked by local planning authorities due to a lack of resources to effectively police delivery plans, resulting in poor outcomes.
- 5.1.8 What will the EDP development framework look like, including supporting assessments? It is important that, either through this Bill or subsequent regulations, details are provided which specify what evidence an EDP must contain, or be accompanied by, to demonstrate compliance with the overall improvement test. For example, it seems likely that an EDP may need to be subject to its own Sustainability Appraisal and HRA, given that the 'measures' will likely involve some form of development.

- 5.2 In the working practice planning paper before Christmas, Government said it would not

include Biodiversity Net Gain within the NRF/EDP initiative, but that it would continue to review as appropriate. Being able to utilise NRF payments towards Biodiversity Net Gain (BNG) and other environmental obligations would be more straightforward and could also lead to better outcomes for biodiversity. A combined approach (BNG/EDP) could streamline the consent process, reduce complexity, and enhance environmental outcomes.

- 5.3 It should be noted that in most cases solar farms will be able to deliver significant onsite benefits for wildlife. For example, it is possible for the majority of sites to reach the 10% statutory BNG uplift and dependent on baseline site condition, exemplar sites can achieve net gains of up to 200%. Equally landscape and baseline conditions may also mean that for some sites achieving a minimum 10% net gain will be more challenging.
- 5.4 Solar Energy UK in collaboration with Lancaster University, Clarkson & Woods and Wychwood Biodiversity, produce an annual report on the biodiversity found on solar farms. The data from Solar Habitat shows that well managed solar farms can support biodiversity as well as identifying how managing sites for habitats has a positive correlation with the levels of species richness found on solar farm sites (invertebrates, birds and mammals).¹
- 5.5 In addition, a recent study by RSPB and Cambridge University has also supported the claim that well managed solar farms can benefit birds and biodiversity.² This has been acknowledged by solar farm developers for many years, preceding the introduction of BNG and mandated environmental obligations, who have often designed and managed sites with biodiversity in mind.
- 5.6 To support a scheme which truly delivers for nature whilst supporting responsible development, we would propose that amendments be made to the draft legislation to:
 - 5.6.1 Provide explicit confirmation that NRL payments count as EIA mitigation.
 - 5.6.2 Provide explicit confirmation within clause 61 regarding the stage at which a developer's environmental obligations will be considered to be met under the EDP (SEUK members would propose 'upon payment of the NRL').
 - 5.6.3 Provide explicit confirmation that subsequent regulations will be required to set out how payment contributions will be managed both for initial developments and those which follow, and which will have benefitted from the earlier developments, to avoid projects pausing to avoid liabilities.
 - 5.6.4 Remove the provision that allows Natural England to require NRL payments

¹ <https://solarenergyuk.org/resource/solar-habitat-2025/>

² [Solar farms managed for nature can boost bird numbers and biodiversity](#)

where developer led mitigation measures could be an alternative.

5.6.5 Explicitly state that subsequent regulations will allow for the NRL scheme to deal with BNG obligations (noting section 64(3) of the Bill.

5.7 Given the above, we would strongly advise that paying into a NRF should be maintained as optional and not mandated or preferred. Discharging environmental obligations onsite should not be seen as outside of scope but supplementary and encouraged where a developer is able to do so.

Additional Recommendations

6. SEUK notes that the justiciability of National Policy Statements remains a live issue. While the decision not to exclude them from judicial review may reflect a wider political judgement, we would encourage consideration of further protections to provide certainty for developers relying on these policy documents.
7. SEUK also supports the proposals made in the Government's pre-Christmas working paper on Nationally Significant Infrastructure Project (NSIP) reform. In particular, we endorse the recommendation to enable more flexible examination procedures, including co-joined examinations where multiple projects are proposed in the same area. This would better reflect the realities of infrastructure delivery and reduce unnecessary duplication in the process.
8. Further, SEUK urges Parliament to consider revoking section 150 of the Planning Act 2008, as referenced in earlier reform proposals. This provision, which requires statutory consultees to approve the disapplication of their own powers within a Development Consent Order (DCO), frequently causes procedural delays. Enabling the Secretary of State to determine such matters directly would streamline the process without compromising the integrity of statutory oversight.
9. In addition, SEUK calls for Parliament to review consideration regarding the use of overhead or underground 132kV lines, and the requirement for overhead lines of 132kV to be considered as Nationally Significant Infrastructure Projects where electricity lines are longer than 2km (as is currently prescribed under the Planning Act 2008 regime). There are significant benefits to increasing the length limit on 132kV lines – e.g. to 10km – and to reduce the use of underground 132kV lines, for the following reasons:
 - 9.1 Speed, cost and reduced community impact / disruption: Overhead lines are cheaper and faster to deploy and reduce levels of community disturbance in terms of roadworks / traffic congestion resulting from undergrounding lines, along roads and verges – as is commonly done at present. The cable route is often on the critical path for the project, with any delays resulting on impact to the whole construction timetable. Additionally, the statutory two-year moratorium on excavating roads following resurfacing presents a potential challenge for projects involving underground cabling
 - 9.2 Better siting and potentially less community opposition: The lower cost of 132kV lines (either wooden pole or lattice towers) – if taken out of the NSIP regime for 2km+ distances – could enable projects to be located further from the point of distribution connection (currently around 10km). This would expand the range of viable sites,

enabling better project siting, reducing the likelihood of community opposition, and reduce the clustering of developments around existing grid connections.

9.3 Less environmental impact: There can also be an environmental impact from underground cabling, especially if there are water filled ditches. There are also often concerns about the traffic impact of the project on the environment from underground cabling.

10. SEUK actively supports the proposed measures to limit repeated legal challenges to DCO projects. The measure reduces the potential delay to projects and will prevent repeatedly failing challenges being brought against solar developers.
