Planning and Infrastructure Bill

SSER response
22 May 2025

sse Renewables

Introduction to SSE Renewables

SSE Renewables (SSER) is a leading developer and operator of renewable energy generation, focusing on onshore and offshore wind, hydro, solar and battery storage. Part of energy infrastructure company SSE plc, UK-listed in the FTSE100, it is delivering clean power assets to increase SSE's operational renewable generation capacity from 5GW today to up to 9GW by 2027 as part of a ~£20bn clean energy plan, the five-year Net Zero Acceleration Programme (NZAP) Plus. This includes delivery of the world's largest offshore wind farm in construction, the 3.6GW Dogger Bank Wind Farm. SSER has a team of over 2,000 renewable energy professionals with a passion for championing clean energy delivery, each based across the markets in which it operates. SSER's core market focuses on UK and Ireland, with a growing international presence in carefully selected markets in Continental Europe and Japan.

Executive Summary

SSER welcomes the opportunity to respond to the Planning and Infrastructure Bill. As a leading developer and operator of renewable energy infrastructure in the UK and Ireland, we are committed to supporting the Government's ambitions for energy security, net zero, and sustainable growth. We commend the Government's efforts to modernise the planning system and accelerate the delivery of critical infrastructure.

A summary of our key points and proposed next steps for the Government include:

1. The attention the Government is giving to resourcing and reforming the planning system is very positive, as is the prominence of energy policy measures in the Planning and Infrastructure Bill (PIB), with the goal of building key energy projects as quickly as possible.

2. The introduction of clear statutory deadlines for every stage of the planning and consenting process—especially for statutory consultees—must be paired with enforceable consequences to ensure timely responses and reduce avoidable delays.

3. SSE fully supports the principles of a strategic, plan-led approach to environmental obligations. The proposed model for nature recovery has the potential to streamline regulatory processes, reduce delays, and provide greater certainty for developers.

4. To ensure that the best conservation measures are delivered at the lowest cost, efficiently and within specified timelines, we believe that the delivery of conservation measures could be subject to a competitive allocation process.

5. Further clarity is needed on how to ensure that the proposed spatial development strategies and Nature Restoration Fund in the Bill will interact and align effectively with other funds and mechanisms like the Marine Recovery Fund, Biodiversity Net Gain, Strategic Spatial Energy Plan, Land Use Framework, etc. to create a holistic, systems-based approach to development and environmental recovery.

Our detailed response is outlined below.

Part 1 Chapter 1 – Nationally Significant Infrastructure Projects

General Recommendations:

SSER welcomes the Government's commitment to streamline the Nationally Significant Infrastructure Projects (NSIP) regime. A more efficient and modernised process is essential to delivering the critical infrastructure required to meet the UK's energy security and net-zero targets.

To ensure the success of these reforms, **adding skilled resource in the Planning Inspectorate, statutory consultees and relevant government departments is crucial**. The efficiency of the planning system is not solely dependent on legislative change but also on the capacity of key decision-making bodies to process applications effectively and in a timely manner. Without adding sufficient and skilled resources within these organisations, delays will persist regardless of process improvements.

Furthermore, providing **clear guidance on expectations for statutory consultees and ensuring greater accountability** for their role in the process will be key to avoiding unnecessary delays. One of the measures that SSER strongly recommends in order to drive efficiency in the system would be the implementation of **clear and fixed statutory timelines for each stage of the planning process,** similar to what has been proposed in Part 1, Chapter 1, Clause 14 of this Bill. This should include appropriate **consequences for delays**, particularly for statutory consultees, to ensure that all parties engage constructively and respond within reasonable timeframes. The absence of meaningful enforcement mechanisms currently leads to prolonged decision-making, which ultimately increases project costs and uncertainty for developers.

SSER also recommends an **amendment system that provides greater certainty** without introducing additional complexity. The ability to make necessary modifications post-consent is important for delivering projects efficiently. However, it is equally critical that any changes to the system also focuses on **reducing opportunities for legal challenges**, which have significantly impacted infrastructure delivery in recent years. Addressing the risk of judicial review delays and ensuring that legal challenges are handled in a proportionate and timely manner will be key to the success of the proposed reforms.

Clause-wise Recommendations:

Clause 1 - National policy statements: review

SSER supports the proposed five-year review cycle as a sensible approach, provided it includes robust engagement with industry stakeholders and reflects evolving technologies, market conditions, and the UK's energy security needs. Renewable energy technology continues to evolve at pace and hence the ability to keep the NPSs flexible and update more regularly to ensure that the system remains relevant and agile and avoids hindering innovation and investment and delivery of much needed infrastructure is much needed. It will be important that clear transitional arrangements and grandfathering provisions are in place to ensure maximum certainty for industry.

Sub-clause 5C: The term "exceptional circumstances" is not clearly defined. Given that this provision may delay mandatory NPS reviews, greater clarity is essential to avoid ambiguity or inconsistency in its application. We recommend that guidance be issued to define the parameters of what constitutes an "exceptional circumstance."

Transitional arrangements and grandfathering: It is vital that transitional and grandfathering provisions accompany changes to NPSs, particularly where developers have relied on a previous version to advance project development. This will ensure planning certainty and protect investment confidence.

Clause 3 – Power to Disapply Requirement for Development Consent

SSER broadly supports the introduction of a power enabling Secretary of State to direct projects out of the NSIP regime, provided this is implemented in a clear, transparent, and predictable manner. However, any decision to remove a project from the NSIP regime must be confirmed early in the process to provide developers with certainty and confidence in their planning pathway.

Full details are needed regarding how the direction power will be exercised. At present, it is unclear what eligibility criteria will apply or how decisions will be evaluated. We request publication of draft guidance or regulations at the earliest opportunity.

Sub-clause 6(a): It is not clear whether Local Planning Authorities (LPAs) have the same ability to request a direction as developers. Clarification on the role and rights of LPAs in this process would be appreciated.

Clause 4 – Application for development consent, consultation:

SSER welcomes the changes to subsection 37(7) of the Planning Act as set out currently in the Planning and Infrastructure Bill. We furthermore welcomed the amendment NC44 introduced by the Ministry of Housing, Communities and Local Government on 23 April 2025 that would remove the pre-application requirement.

SSER has a strong track record of engaging early and closely with local communities and a wide range of stakeholders, and we will continue following the proposed changes. We encourage the Government to develop clear guidance together with industry and relevant stakeholders.

In addition, while amendment NC44 would remove mandatory pre-application in England and Wales, clause 14 would enable the Scottish Government to move forward with a mandatory pre-application process in Scotland – which are contradictory approaches.

Clause 5 – Applications for Development Consent: Consultation with Category 3 Persons

SSER broadly supports the proposed changes to the consultation requirements for Category 3 persons. The requirement to identify and consult Category 3 persons during the pre-application stage can be disproportionately complex, particularly in the early stages of project development when details of land requirements and potential impacts may still be evolving.

Definition of Category 3 persons: The current definition of Category 3 persons is broad because of which developers inherently over-do identification of every possible Category 3 person, often taking up more resources than necessary. A stricter definition of what constitutes a Category 3 person would go some way towards resolving this.

Clause 8 – Planning Act 2008 legal challenges:

We welcome the decision regarding legal challenges. Judicial reviews continue to delay the delivery of critical infrastructure. Stakeholders have sufficient opportunities to engage in each application. We would like to stress the importance that all stakeholders engage meaningfully at the pre-application and application stage to ensure that concerns and issues are raised early and can be considered and, where possible, addressed to reduce the likelihood of legal challenges post-consent.

Part 1 Chapter 2 – Electricity Infrastructure

Consents for electricity infrastructure in Scotland

General Recommendations

Address Resource Constraints: To ensure timely input on Section 36 and Section 37 applications, adequate resources are needed. This includes providing the Local Authorities and statutory consultees with sufficient staffing, expertise, and funding. The ECU should also consider bolstering its technical expertise to effectively support statutory consultees, potentially by recruiting specialists or exploring partnerships with organizations such as SEPA.

Establish Clear and Fixed Timelines: Implementing clear and fixed statutory timelines for each stage of the process, with appropriate consequences for delays, would encourage timely responses from all parties. SSER supports the proposed six-week time limit for initiating challenges to consenting decisions, as this aligns with existing timeframes for challenging planning appeal decisions. Achieving Clean Power 2030 requires unprecedented pace of delivery and scale of investment. To stay on track, all parts of the system will need to stay focused. Hence, we urge the UK and Scottish Governments to ensure 12-month timescales for consent determinations are put on a statutory footing.

Clause-wise recommendations

Clause 14: Consents for generating stations and overhead lines: applications

Paragraph 1A (1) – As much of these reforms will be put through secondary legislation, we would like to understand what timescales we can expect to see this delivered, given the urgency of reforms need for projects in Scotland. To support swift delivery, we need to see any accompanying secondary legislation developed in parallel to be laid as soon as the Bill receives Royal Assent.

Paragraph 1A(2)(a) – SSER is concerned that the proposed pre-application requirements represent an overly heavy front-loaded process that will consume significant time and resources for both developers and statutory consultees. This overly procedural approach could create an additional burden and slow down the consenting process further rather than speed it up. It is crucial that the pre-application requirements are streamlined and focused on gathering essential information while allowing for flexibility in the consultation process to ensure it can be tailored as relevant to the nature of the project and community and other stakeholder's requirements. The intention behind this clause was to align the planning system with England and Wales. However, amendment NC44 would remove mandatory pre-application from this Bill in England and Wales. Moving forward with a mandatory pre-application process in Scotland would create a burdensome system out of step with England and Wales.

Paragraph 1A(2)(c) – SSER does not agree that an 'Acceptance Stage' is necessary as it has the potential to add significant delays to the consenting process without providing commensurate benefits.

Paragraph 1A(2)(d) - SSER understands and supports the need for the Scottish Government to recover costs associated with any changes that require additional resources. However, any fees charged should be proportionate to the services provided and must be linked to performance, including the introduction of fixed, statutory timelines for the determination of planning applications.

Paragraph 2A: SSER agrees with the proposed replacement of public local inquiries with a reporter-led process. However, it applies only to onshore wind projects leaving offshore wind projects in Scottish waters as the only form of development still subject to public local inquiries, creating a regulatory imbalance between technologies. We ask the Government to consider

what mitigation or streamlining measures are being explored for Scottish offshore wind consents to ensure parity with onshore wind and prevent unnecessary procedural delays.

Paragraph 7B: SSER welcomes the introduction of Section 7B, which allows for the specification of deadlines for all parties involved in the consenting process. This is a positive step toward improving efficiency and certainty. However, we request further clarity on the specific time limits that will be introduced, including whether statutory timelines will also apply to discretionary public local inquiries. We urge the Government to ensure that any new deadlines are fixed, enforceable, and support the timely progression of applications.

Clause 15: Variation of consents etc

Paragraph 37B –

- The Bill has proposed "change in circumstances relating to the environment" and “technological changes" as grounds for consent variation. However, it lacks clear definitions for these terms. SSER urges the Government to provide specific examples of what constitutes a "change in environmental circumstances" and "relevant technological changes" to ensure clarity and predictability for project developers.
- This proposal raises concerns about the potential for retrospective changes to consent conditions. Such actions could undermine the stability and predictability of the regulatory framework, making it difficult for developers to secure financing and make long-term investments. It could increase the likelihood of legal challenges, leading to further uncertainty for projects. The financial feasibility of the project could be significantly impacted to accommodate future mitigation measures. Projects proceed to final investment based on a validated model and energy yield and any changes to these parameters after the final investment decision has been taken would adversely affect the financial viability of the projects. Furthermore, projects which have signed government contracts with specific terms in place, risk not only financial viability but also exposure to penalties, terminations, and other liabilities. To mitigate these risks, SSER recommends that:
    - The Government should establish clear and specific criteria for when consent variations can be made without an application. Clear guidance would be needed for all parties as to what would be considered under this new requirement, and it would need to be applied in a consistent manner.
    - The scope for modification without an application should be limited to minor non-material adjustments, such as drafting errors. Any substantial changes to the project's consent should be avoided.
    - Before making any changes to a consent without an application, the Government should be required to consult with the consent holder and provide them with an opportunity to respond. This consultation process should be transparent and allow for meaningful engagement.
- SSER urges the Government to reconsider the proposal to grant Scottish Ministers broad discretionary powers to vary, suspend, or revoke consents without an application. We believe that such an approach would create risks for project certainty and undermine investor confidence. A more balanced and robust approach is needed, one that addresses the legitimate need for flexibility while ensuring the stability and predictability of the regulatory framework.

Paragraph 37C – SSER supports the power to correct minor variations or errors in the drafting of consent without generating an administrative burden.

Long duration electricity storage

Clause 21: Long duration electricity storage

We welcome Ofgem's development of the C&F regime business model - which the PIB imposes a duty on Ofgem to deliver - which would facilitate the first projects of this vital electricity storage technology being approved in Q2 2026. Our **Coire Glas Pumped Storage Hydro (PSH) project** in Scotland is the first large-scale PSH scheme to be developed in the UK for more than 40 years. It would nearly double our existing electricity storage capacity.

Whilst not a barrier the PIB can address, it's important to note that Ofgem's current design of the investment mechanism is not investable. Coire Glas and other PSH projects have design, construction and revenue risks, which the new regime's design needs to account for.

Part 2 – Chapter 1 – Planning Decisions

Clause 44: Fees for planning applications etc

SSER supports cost-recovery by the LPAs. However, we are concerned that local authorities may set fees at a level which can deter investment. Hence, we appreciate the proposals in the Bill to ensure that the fees should not exceed cost recovery and results in direct improvements to the delivery of services for the determination of planning applications as well as providing transparency for applicants so that they know how the income from planning fees is being spent by the LPAs. It is crucial that proposals for cost recovery from local planning authorities give industry confidence that they will receive a high-quality and solution-focused service.

Clause 45: Training for local planning authorities in England

SSER supports mandatory requirements for all LPAs and members sitting on planning committees to have training on the planning system. This could potentially be expanded to all elected Members (beyond those on the planning committee) given they have the opportunity to comment on applications and will be approached by constituents about applications, so they can use their training to inform these conversations which could help to streamline the planning process further.

We need further details on the type of training they would receive and how the impact of the training would be monitored. The training should make Members aware about the implications of their decisions, particularly where they overturn the officer's recommendation which results in significant cost and time for the LPA if the Applicant appeals that decision. Mandatory training should cover the key principles of planning, but there also needs to be a specific focus on renewable energy developments included. We would also recommend that any package of training be regularly reviewed to ensure that committee members are receiving the most up-to-date information as part of this training, and are informed of updates to policy, guidance and case law.

Clause 46: Delegation of planning decisions in England

SSER agrees that a national scheme of delegation would be helpful to improve certainty for developers when submitting planning applications. However, we urge the Government to ensure that renewable energy developments are explicitly considered within any national delegation framework, recognising their strategic importance. Where a development aligns with national energy policy and strategic energy frameworks, delegation to officers should be encouraged to facilitate timely decisions.

Part 2 – Chapter 2 – Spatial Development Strategies

Clause 47: Spatial development strategies

SSER would like to understand how "strategic development" is defined in terms of renewable energy development. It should be aligned with national and regional policy priorities, including projects that contribute significantly to net zero targets, national energy security, and infrastructure resilience. Large Renewable energy projects should be classified as strategic to ensure appropriate decision-making mechanisms are in place. We also recommend that the wording of this requirement be tightened, including the requirement for spatial development strategies to include a strategy that maximises the potential of the area to contribute to climate change mitigation and adaptation.

Furthermore, we would like to get further clarity on how these spatial development strategies would interact with the Strategic Spatial Energy Plan (SSEP), Regional Energy System Plans (RESPs), the Land Use Framework and the National Planning Policy Framework to ensure there is alignment and minimal duplication. Lack of alignment between other strategic plans risks further complicating the landscape and creating duplication and confusion for developers.

Part 3 – Development and nature recovery

General Recommendations

SSER fully supports the principles of a strategic, plan-led approach to environmental obligations. The proposed model has the potential to streamline regulatory processes, reduce delays, and provide greater certainty for developers. By shifting from a project-specific assessment to a strategic environmental delivery mechanism, developments could proceed more efficiently, with contributions directed toward targeted, large-scale nature recovery initiatives.

We would like to make the following recommendations to ensure confidence in the process of developing a Delivery Plan and request the government to consider including some of these measures in the Bill, rather than regulations:

- **Competitive Process:** Based on our experience, SSER recognizes that the delivery of some compensation measures can be technically very challenging. We are concerned about the resource implications of Natural England. Hence, to ensure that the best conservation measures are delivered at the lowest cost, efficiently and within specified timelines, we believe that the delivery of conservation measures could be subject to a competitive allocation process.

- **Community and NGO Delivery:** Where possible local communities and stakeholders should be provided with the opportunity to develop conservation schemes that deliver the required strategic outcomes and local benefits. The model of “bottom up” development of environmental schemes that are conceived and developed by local communities that have a good understanding of local conditions and requirements have been shown to be effective. For example, the Farming in Protected Landscapes schemes that have funded effective conservation efforts by local farmers and landowners to meet the environmental objectives of the National Parks.

- **Focus on Net Zero:** Delivery Plans should also embed climate change mitigation and net zero objectives at their core. Given the Critical National Priority (CNP) status of energy infrastructure projects under the National Policy Statements (NPS), these projects should

be prioritized to ensure that the UK meets its renewable energy and decarbonization goals while balancing nature recovery.

- **Timelines and Monitoring Framework:** Clear timelines and accountability mechanisms must be built into the Delivery Plan process. The creation, approval, and implementation of these plans should adhere to strict deadlines, and the delivery body must be held accountable for meeting them and detailed guidelines on what happens in case the delivery body falls short of its objectives. Delays in stakeholder consultation or decision-making could have significant repercussions, particularly for Nationally Significant Infrastructure Projects (NSIPs), which are essential for the UK's energy security and net zero transition. As set out in the working paper it is essential that the delivery body also monitors the actual impacts from development and adjusts the compensatory measures required accordingly.

- **Alignment with existing consenting and assessment processes to prevent duplication and reduce administrative burdens:**

    - Marine Recovery Fund: Further clarity is needed on how the Government will ensure that these funds interact and align effectively to create a holistic, systems-based approach to environmental recovery. However, it is essential that the introduction of the NRF does not cause further delays to the implementation of the MRF, which is already critical to unlocking offshore renewable projects. For offshore wind and marine-based infrastructure projects, a clear, coordinated approach is essential to avoid duplication, ensure consistency, and maximize the positive impact on marine and coastal ecosystems.
    - Biodiversity Net Gain: A site-specific requirement for Biodiversity Net Gain is contrary to the principle of this fund, as it is tying nature recovery to the specific site of development and not pooling funding for biodiversity net gain elsewhere. Site specific BNG still puts significant requirements on developers to mitigate environmental impacts on a site level, and if this continues alongside nature recovery funds, it needs to be examined whether there is a risk of increasing the overall cost to developers.

- **Flexibility to Address Future Environmental Challenges:** The NRF should be designed with built-in flexibility to adapt to emerging environmental challenges and new scientific evidence. This will ensure that nature recovery efforts remain responsive to evolving ecological conditions and that the fund can support a broader range of environmental initiatives as priorities shift over time.

- **Devolution/Cross Government Collaboration:** In England, Defra is key in supporting the deployment of offshore wind, together with the Department for Energy Security and Net Zero (DESNZ) and MHCLG. It will be paramount that there should be a clear join-up at the cross-department level as well as the devolved administration as it will provide clarity for cross-border projects.

- **Interaction with other strategic plans:** Further information is needed on how the fund would interact with the Strategic Spatial Energy Plan (SSEP), the Land Use Framework and the National Planning Policy Framework to ensure there is alignment and minimal duplication. Lack of alignment between other strategic plans risks further complicating the landscape and creating duplication and confusion for developers.

Clause-wise Recommendations

Clause 50: Environmental features, environmental impacts and conservation measures

There may be cases where there are not sufficient conservation measures to contribute to an overall improvement in the conservation status of the environmental feature. In these cases, greater flexibility is necessary to enable development to progress and achieve overall environmental improvements. Hence, SSER recommends addition of the following sub-section at the end of Clause 50 (after sub-section 8):

(9) In the event of justified circumstances, including where needed to accelerate the deployment of renewable energy to achieve the climate and renewable energy targets and the conservation measures stated in the EDP may not be available to contribute to an overall improvement in the conservation status of the environmental feature then Natural England may set out conservation measures that contribute to an overall improvement in other environmental features.

Sub-section (3) - Furthermore, SSER would like to recommend that in setting out the measures ("conservation measures") to address the environmental impact of development, Natural England should refrain from adopting the principles that have historically caused delays under the HRA process—such as the precautionary principle in identifying adverse effects, the de minimis approach to small impacts, and restrictive approaches to compensation (e.g., requiring strict like-for-like replacement and additionality constraints). Instead, a more pragmatic and proportionate approach should be adopted to facilitate timely decision-making while still ensuring strong environmental outcomes. In the case of ornithology impacts, proposals may need to go further than outlined in the working paper by focusing delivery plans on the apex objective of the Birds Directive – "…maintain the population of species referred to in Article 1 at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt those populations to that level". The example provided places emphasis on securing the coherence of the network, which may not be the most ecologically and cost-effective way of achieving the overall objective of the Birds Directive and may not be possible in all circumstances.

Sub-section (4) – SSER welcomes the proposal to allow the environmental impact of a development on a feature to be addressed at a different site. This is because, while for some features it makes sense for compensation measures to be delivered close to the affected area (e.g. habitats), for others, this approach may not always be possible because many species, especially birds, have large foraging ranges. Delivery of compensation elsewhere within the species range (e.g. on breeding or wintering grounds) may provide greater benefits to the environmental features as a whole.

<u>Clause 51: Nature restoration levy: charging schedules</u>

SSER recommends that the EDP must not prescribe a specific charging schedule. Instead, developers should have the flexibility to choose between lump sum, instalment, or milestone-based payments that best suits their project circumstances and financing arrangements. Offering a choice, rather than mandating a particular approach, will help ensure the NRF is accessible and workable across a diverse range of projects. Requiring a one-off lump sum payment for large projects could create undue financial pressure on developers and may discourage participation, potentially undermining its objectives

Furthermore, once the payment or the first instalment has been made, it should be sufficient to discharge the developer's obligations under the HRA conditions. Developers should be provided with clear assurance that, following payment, the responsibility for delivery of the conservation measures transfers to the relevant delivery body, and that any subsequent non-delivery by the delivery body will not adversely impact project construction or operation. **Providing legal and regulatory certainty in this regard is**

essential to give developers the confidence needed to participate in the scheme. This condition should be included in the Bill, rather than secondary legislation.

Clause 53: Preparation of EDP by Natural England

Subsection (1): SSER recommends that Subsection (1) should be amended as follows (amendments highlighted in red):

(1) When Natural England is instructed by the Secretary of State or decides to prepare an EDP, it must -

(a) notify the Secretary of State of that decision, and
(b) publish the notification given to the Secretary of State
(c) Submit the draft EDP within 6 months to the Secretary of State to be made

This is because, Natural England may decide not to prepare an EDP, there is no requirement for them to do so and no time limit for them to complete the work.

Furthermore, SSER recommends the addition of following sub-section in this clause:

A developer may submit a written request to the Secretary of State requesting that Natural England prepare an EDP for a specific development area or environmental feature.

This is because, as mentioned above, Natural England may decide not to prepare an EDP, there is no requirement for them to do so. Requests from developers would enable a focus on development areas or features that are currently hindering progress or development.

Clause 55: Making of EDP by Secretary of State

Sub-section (4) – As mentioned above, SSER recommends that while conducting the overall improvement test, the Secretary of State must not consider the worst-case scenario for those impacts. Using the worst-case scenarios for individual projects and adding them together will lead to an overestimation of the likely significant effects and over delivery of compensatory measures. Furthermore, the principles that have historically caused delays under the HRA process—such as the precautionary principle in identifying adverse effects, the de minimis approach to small impacts, and restrictive approaches to compensation (e.g., requiring strict like-for-like replacement and additionality constraints) should not be adopted. Instead, a more pragmatic and proportionate approach should be adopted to facilitate timely decision-making while still ensuring strong environmental outcomes.

Clause 59: Revocation of an EDP

More specific criteria for when a Secretary of State may revoke an EDP must be introduced. Wording must be introduced that requires a Secretary of State to direct an equivalent and appropriate environmental mitigation alternative where required.

Clause 64: Amount of the levy

SSER Recommends that developers should be provided with early visibility of the process and potential measures to be included in the Nature Restoration Fund and other funding mechanisms. This will allow for better financial planning and integration of environmental obligations within project timelines. Mechanisms to ensure that the financial contributions required from developers remain predictable, proportionate, and aligned with the scale of

impacts. These contributions must align with the statutory tests for planning conditions and section 106 agreement, that is:

- The contribution should be necessary to make the development acceptable
- It should directly relate to the development, and
- It should be fair and reasonable

More clarity is needed on how the cost will be apportioned across all the developments which may come up in the future.

Clause 67: Collection of nature restoration levy

As mentioned above, SSER recommends that developers should have the flexibility to choose between lump sum, instalment, or milestone-based payments that best suits their project circumstances and financing arrangements. Offering a choice, rather than mandating a particular approach, will help ensure the NRF is accessible and workable across a diverse range of projects. Requiring a one-off lump sum payment for large projects could create undue financial pressure on developers and may discourage participation, potentially undermining its objectives. Payment should be aligned with the anticipated expenditure profile of the compensation delivery to ensure proportionality and financial fairness.

Natural England: powers and duties

Clause 71 Administering and implementing EDPs

As mentioned in our response above, we are concerned about the resource implications of Natural England. Hence, to ensure that the best conservation measures are delivered at the lowest cost, efficiently and within specified timelines, we believe that the delivery of conservation measures could be subject to a competitive allocation process.

PART 5 COMPULSORY PURCHASE

Clause 83: Electronic service etc

SSER welcomes the initiatives aimed at simplifying and accelerating CPO procedures to support the delivery of NSIPs. We recognise the importance of an efficient and transparent compulsory purchase regime to ensure timely project delivery. In this regard, we support the proposal to allow the service of statutory notices to be undertaken by electronic methods of communications, and along with the wider reforms, it should be extended to include CPOs made under the Electricity Act 1989. Addressing procedural inefficiencies will help accelerate the development of critical energy infrastructure, reduce costs, and provide greater certainty for investors, developers, and affected landowners.