

Heckington Fen Solar Park

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Chapter 5: Planning Policy

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CHAPTER 5: PLANNING POLICY

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5 PLANNING POLICY

5.1 INTRODUCTION

5.1.1 This chapter sets out an overview of the relevant planning policy context against which the application for Proposed Development consent will be determined.

5.2 PLANNING POLICY AND THE RENEWABLE ENERGY FRAMEWORK

5.2.1 This section summarises the key planning policy documents that will inform the EIA process. Each topic chapter of the Environmental Statement sets out the policy relevant to that topic.

National Policy Statements for Energy, Renewable Energy and Electricity Networks Infrastructure

5.2.2 The Planning Act 2008¹ requires that in deciding applications for development consent, regard must be had to any National Policy Statement (NPS) which has 'effect' in relation to development of the description to which the application relates (a 'relevant national policy statement'). Applicants should ensure that their applications are consistent with the instructions and guidance within the NPSs, and the Statements may also be helpful to Local Planning Authorities in preparing their local impact reports.

5.2.3 In 2011 the Government published National Policy Statements for Energy (EN-1)², Renewable Energy Infrastructure (EN-3)³, and Electricity Networks Infrastructure (EN-5)⁴; these need to be considered together in view of the Proposed Development consisting of a renewable energy generating station together with a grid cable route and National Grid extension ("electricity networks") infrastructure.

5.2.4 The 'Overarching' NPS for Energy EN-1 set out how the energy sector can help deliver the Government's climate change objectives by clearly stating the need for new low carbon energy infrastructure to contribute to climate change mitigation.

5.2.5 The NPS set out the UK's commitments to sourcing 15% of total energy from renewable sources by 2020 (across the sectors of transport, electricity and heat) (paragraph 3.4.1). To hit this target, and to largely decarbonise the power sector by 2030, EN-1 states that:

"It is necessary to bring forward new renewable electricity generating projects as soon as possible. The

¹ The Planning Act 2008, as amended. [Online] Available at: <https://www.legislation.gov.uk/ukpga/2008/29/contents>

² Department of Energy and Climate Change (2011) Overarching National Policy Statement for Energy (EN-1). [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf

³ Department of Energy and Climate Change (2011) National Policy Statement for Renewable Energy (EN-3). [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/37048/1940-nps-renewable-energy-en3.pdf

⁴ Department of Energy and Climate Change (2011) National Policy Statement for Renewable Energy (EN-5). [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/37048/1940-nps-renewable-energy-en5.pdf

need for new renewable energy electricity generation projects is therefore urgent.”

5.2.6 EN-3 should be read in conjunction with EN-1. EN-3 sets out the national policy Feia for renewable energy projects, highlighting that a 'significant increase in generation from large-scale renewable energy infrastructure is necessary to meet the 15% renewable energy target'.

5.2.7 Whilst EN-1 set out general principles that should be applied in the assessment of development consent applications across the range of energy technologies, EN-5 is concerned with impacts and other matters which are specific to electricity networks infrastructure or where, although the impact or issue is generic and covered in EN-1, there are further specific considerations arising from this technology. The policies set out in this NPS are additional to those on generic impacts set out in EN-1 and do not replace them.

5.2.8 In late 2021 a consultation was undertaken with regards to reviewing and updating the energy NPSs. The updated documents would ensure that decisions on major energy infrastructure reflect the current legislative framework and strategic policy approach and ensure that the planning policy framework can support the infrastructure required for the transition to net zero (see para. 5.2.15 below).

5.2.9 The draft revised NPS EN-1⁵ explains that the Government's objective is to ensure the UK's supply of energy always remains secure, reliable, affordable and consistent with meeting the target to cut greenhouse gas emissions to net zero by 2050. It states that 'this will require a step change in the decarbonisation of our energy system.' (paragraph 2.3.2).

5.2.10 With fossil fuels still accounting for around 80% of the UK's energy supply in 2019, the document states that the country 'will need to dramatically increase the volume of energy supplied from low carbon sources and reduce the amount provided by fossil fuels' (paragraph. 2.3.4). With an 'urgent need for new generating capacity' (paragraph. 3.3.20) and with wind and solar as the lowest cost ways of generating electricity, the draft NPS concludes that "a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar" (paragraph 3.3.21).

5.2.11 A draft revision of NPS EN-3⁶ was also published in September 2021. This emphasises the Government's commitment to sustained growth in solar capacity to ensure that the UK is 'on a pathway' that allows it to meet net zero emissions. The document affirms at paragraph 2.47.1 that:

"Solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation worldwide. Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large-scale solar is now viable in some cases to

⁵ Department for Business, Energy and Industrial Strategy (2021) Draft National Policy Statement for Energy (EN-1). [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015238/en-1-draft-for-consultation.pdf

⁶ Department for Business, Energy and Industrial Strategy (2021) Draft National Policy Statement for Renewable Energy Infrastructure (EN-3). [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015238/en-3-draft-for-consultation.pdf

deploy subsidy-free and at little to no extra cost to the consumer... As such solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector."

5.2.12 The Government published the Draft NPS for Electricity Networks Infrastructure (EN-5)⁷ in September 2021. This recognises that new electricity networks required for electricity generation, storage and interconnection infrastructure are vital to achieving the nation's transition to net zero.

Renewable Energy Framework

5.2.13 Both national legislation and international agreements set targets for the reduction of carbon emissions and the increase in renewable energy generation. The NPPF states at paragraph 2 that planning decisions must reflect relevant international obligations, and the UK's legally binding commitments to energy targets is also an important material consideration.

5.2.14 The overarching context here is set by the Paris Agreement of the United Framework Convention on Climate Change in 2015 which introduced Nationally Determined Contributions (NDCs) - national climate plans that include commitments to increasing renewable energy provision, such as solar.

5.2.15 In 2019 the Government amended the Climate Change Act 2008⁸ by introducing a target for at least a 100% reduction of greenhouse gas emissions (compared to 1990 levels) in the UK by 2050. This is the well-known commitment to 'net zero', requiring a major shift to greater renewable energy generation.

5.2.16 These national and international objectives and commitments were endorsed by the COP26 summit hosted by the UK in November 2021. In order to accelerate action towards the goals of the Paris Agreement and the UN Framework Convention on Climate Change almost 200 countries agreed to the Glasgow Climate Pact, to limit the rise in global temperature to 1.5 degrees Celsius from pre-industrial levels. This commitment was endorsed by the final decision text (known as the Sharm el-Sheikh Implementation Plan and published on 20 November 2022) from COP27 in Egypt.

Energy White Paper (December 2020)

5.2.17 The White Paper⁹ was issued by the Department for Business, Energy and Industrial Strategy (BEIS) to address the transformation of the UK's energy system towards the 2050 target for net-zero emissions. The foreword states that:

"The UK has set a world-leading net zero target, the first major economy to do so, but simply setting the target is not enough – we need to achieve it. Failing to act will result in natural catastrophes and changing weather patterns, as well as

⁷ Department for Business, Energy and Industrial Strategy (2021) Draft National Policy Statement for Electricity Networks Infrastructure (EN-5). [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015238/en-5-draft-for-consultation.pdf

⁸ Climate Change Act 2008 (online) Available at: <https://www.legislation.gov.uk/ukpga/2008/27/contents>

⁹ Department for Business, Energy and Industrial Strategy (2020): Energy White Paper. [Online] Available at: <https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future>

significant economic damage, supply chain disruption and displacement of populations.”

5.2.18 The foreword concludes that:

“The way we produce and use energy is therefore at the heart of this. Our success will rest on a decisive shift away from fossil fuels to using clean energy for heat and industrial processes, as much as for electricity generation.”

5.2.19 The White Paper recognises the progress made to increase deployment of renewables and sees the expansion of renewable technologies as a key contributor to achieving an affordable clean electricity system by 2050. It states (page 45):

“Onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios.”

The Carbon Budget Order (June 2021)

5.2.20 The UK was the first country to enter legally binding long-term carbon budgets into legislation, first introduced through the 2008 Climate Change Act. Five carbon budgets have subsequently been put into law to eliminate the UK's contribution to climate change by 2050 and target net zero emissions. In April 2021 the Government announced new targets to cut emissions by 78% by 2035 compared to 1990 levels (63% relative to 2019); at the time this represented the world's most ambitious climate change target.

5.2.21 In line with the recommendation from the independent Climate Change Committee (CCC) - the independent, statutory body established under the Climate Change Act 2008 - the sixth Carbon Budget¹⁰ (imposed by the Carbon Budget Order 2021, from June 2021) seeks to limit the volume of greenhouse gases emitted over a 5-year period from 2033 to 2037.

“The Carbon Budget will ensure Britain remains on track to end its contribution to climate change while remaining consistent with the Paris Agreement temperature goal to limit global warming to well below 2°C and pursue efforts towards 1.5°C.”

5.2.22 The CCC advise that the rapid roll out of renewable electricity generation will form a key part of achieving this carbon budget.

Net Zero Strategy: Build Back Greener (October 2021)

5.2.23 In 2020 the Prime Minister set out the Government's 'Ten Point Plan for a Green Industrial Revolution.' In October 2021 the Net Zero Strategy: Build Back Greener policy

¹⁰ Climate Change Committee (2020): Sixth Carbon Budget. [Online] Available:



paper¹¹ was published which builds upon that 10 Point Plan in regard to the UK's carbon budgets, 2030 Nationally Determined Contribution and 2050 net zero target.

5.2.24 The Net Zero Strategy will be submitted to the United Nations Framework Convention on Climate Change (UNFCCC) as the UK's second Long-Term Low Greenhouse Gas Emission Development Strategy under the Paris Agreement. The Strategy addresses the objective of a decarbonised power system by 2035 (Section 3i), with a list of delivery commitments including to:

"Take action so that by 2035, all our electricity will come from low carbon sources, subject to security of supply, bringing forward the government's commitment to a fully decarbonised power system by 15 years..."

5.2.25 The Strategy confirms at Section 3i paragraph 11 that:

"...the Energy White Paper's fundamental approach remains unchanged. A low-cost, net zero consistent electricity system is most likely to be composed predominantly of wind and solar generation, whether in 2035 or 2050."

5.2.26 The Strategy affirms that the UK needs to continue to drive rapid deployment of renewables so that it can reach substantially greater capacity beyond 2030 (Chapter 3i, paragraph 35). Section 3i paragraph 36, which states that the Sixth Carbon Budget also requires:

"A sustained increase to the deployment of land-based renewables such as locally supported onshore wind and solar in the 2020s and beyond."

5.2.27 Finally, given the current situation in Ukraine, with the global increase in gas prices and threats to supply, the Strategy recognises that there is an important economic and social dimension to the generation of low carbon energy. The Strategy (Technical Annex, paragraph 87) states that:

"...Gas will continue to play a role in setting the electricity price for some years to come but, over time, will do so less frequently, as more and more low carbon generation (such as wind and solar) connect to the electricity system - consistent with the commitment to a fully decarbonised power system by 2035. This will help put downward pressured [sic] on wholesale electricity prices."

5.2.28 The Government published its British Energy Security Strategy¹² in April 2022. This policy paper set out the steps that the Government is taking to accelerate progress towards net zero, seen as 'fundamental to energy security.' The Government expects a five-fold increase in the deployment of solar energy by 2035 and the policy paper states that the Government will support the 'effective use of land by encouraging large scale projects to locate on previously developed, or lower value land, where possible, and ensure

¹¹ Department for Business, Energy and Industrial Strategy (2021): Build Back Greener. [Online] Available at: <https://www.gov.uk/government/publications/net-zero-strategy>

¹² Department for Business, Energy and Industrial Strategy (2022); British Energy Security Strategy. [Online]. Available at: <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy>

projects are designed to avoid, mitigate, and where necessary, compensate for the impacts of using greenfield sites.'

National Planning Policy Framework

5.2.29 The National Planning Policy Framework (NPPF)¹³ was published in 2012 and updated in 2018, 2019 and 2021 (Ministry of Housing, Communities and Local Government, 2021). In December 2022 the Department for Levelling Up, Housing and Communities published a consultation on the Government's approach to updating the NPPF; the consultation runs until 2 March 2023¹⁴.

5.2.30 Paragraph 5 of the NPPF states that the document does not contain specific policies for NSIPs. These are to be determined in accordance with the decision-making framework set out in the Planning Act and relevant NPSs for nationally significant infrastructure, as well as any other matters that are considered both important and relevant (which may include the NPPF). The NPPF does, however, state that the planning system should support the transition to a low carbon future and support renewable energy and associated infrastructure (paragraph 152) and that local planning authorities should, when determining planning applications for such development, approve the application if its impacts are (or can be made) acceptable.

5.2.31 The NPSs provide the predominant policy context; whilst noting that the Environmental Statement has had regard to NPPF and Guidance, where any inconsistencies may exist between them and the relevant NPSs, it is policies within the latter that prevails.

National Planning Policy Guidance

5.2.32 On 6 March 2014, the then Department for Communities and Local Government (DCLG) (now Ministry of Housing, Communities and Local Government, MHCLG) launched the planning practice guidance web-based resource to support the NPPF. The National Planning Practice Guidance (NPPG)¹⁵ provides guidance across a range of topic areas, including in relation to environmental topic areas relevant to the EIA process.

Local Planning Policy

5.2.33 The Planning Act 2008, as amended, does not incorporate Section 38(6) of the Planning and Compulsory Purchase Act 2004, which provides the principal basis in legislation for the determination of planning applications under the Town and Country Planning Act 1990, namely that they must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. Applications for development consent made under the Planning Act are determined as set out above. The local development plan is not therefore the starting point for the consideration of an application for development consent. Nevertheless, local policy has been considered through the EIA process where relevant.

¹³ Department of Levelling Up, Housing and Communities (2021) National Planning Policy Framework (NPPF). [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

¹⁴ Department of Levelling Up, Housing and Communities (2022). [Online] Available at: <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

¹⁵ Department of Levelling Up, Housing and Communities (2014, as updated): Planning Practice Guidance. [Online] Available at: <https://www.gov.uk/government/collections/planning-practice-guidance>

5.2.34 **Table 5.1** outlines the key local planning policy documents that are under consideration during the EIA process. Where relevant, emerging policy documents are also listed.

Table 5.1: Key Local Planning Policy

Authority	Adopted Policy	Emerging Policy
Lincolnshire County Council <i>As part of Central Lincolnshire Joint Strategic Planning Committee</i> <i>As part of South East Lincolnshire Joint Strategic Planning Committee</i>	Central Lincolnshire Local Plan 2012-2036 ¹⁶ South East Lincolnshire Local Plan 2011-2036 ¹⁷	Local Plan Review 2019
North Kesteven District Council	Central Lincolnshire Local Plan 2012-2036 <i>Adopted April 2017</i>	Local Plan Review 2019 <i>Submission Local Plan March 2022; Examination November 2022 Proposed Main Modifications published January 2023</i>
Boston Borough Council	South East Lincolnshire Local Plan 2011-2036 <i>Adopted March 2019</i>	

5.2.35 In addition, relevant supplementary planning documents have also been considered where they are relevant and important. Where study areas for individual topics extend beyond the above administrative areas, planning documents relevant to additional administrative areas within the study areas have been taken into account.

5.3 CONSIDERATION OF PLANNING POLICY IN EIA

5.3.1 Within this ES, each of the environmental chapters and its associated appendices will reference the national and local planning policies that are relevant to their topic of assessment. The ES does not consider the planning balance of the Proposed Development in line with planning policy. Instead, this is set out in the Planning Statement which is submitted as a standalone document as part of the DCO Application.

5.3.2 The purpose of considering planning policy in the EIA is two-fold:

¹⁶ Central Lincolnshire Joint Strategic Planning Committee (2017); Central Lincolnshire Local Plan 2012-2036. [Online] Available at <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

¹⁷ South East Lincolnshire Joint Strategic Planning Committee (2019); South East Lincolnshire Local Plan 2011-2036. [Online] Available at [REDACTED]

- To identify policies that could influence the sensitivity of receptors, and therefore the significance of effects, and any requirements for mitigation; and
- To identify planning policies that could influence the methodology of the EIA. For example, a planning policy might require the assessment of an impact or the use of a specific methodology.