

Public Bill Committee: Environment Bill

Schedule 14 Amendments

Key points

- Amendments tabled to Schedule 14 of the Environment Bill would require post-development habitat enhancements for the purposes of biodiversity net gains (BNG) to be maintained in perpetuity rather than for 30 years.
- This would present significant issues for energy infrastructure developers in that most windfarms are subject to time-limited planning permissions (20-30 years) and are required to have detailed decommissioning plans in place.
- Amendments would push up the costs for developing renewable energy and would put at risk future projects for development.
- Ensuring land is kept in BNG management after decommissioning of the site has occurred, introduces disproportionate costs at a time when the energy industry is seeking to deliver renewable energy at low cost to the consumer.
- Renewables developers tend to lease the land, rather than own it. Onshore windfarms would have to pay to lease land in perpetuity with biodiversity enhancement plans after having decommissioned the windfarm, the cost of which would be a significant unknown (likely very high) and would throw up sizable challenges for the economic feasibility of some new projects. Consequently, this measure acts as a barrier to the growth of low-carbon energy infrastructure which is the key to unlocking a Net Zero future.

This briefing, from the leading trade associations in the energy industry representing developers and operators of renewable energy projects, outlines concerns our member companies have regarding two amendments (75 and 168) tabled to Schedule 14 of the Environment Bill.

The energy industry is committed to drive further and faster toward the 2050 Net Zero target and help meet the recommendation of the Climate Change Committee (CCC) to increase the supply of low-carbon renewable power fourfold by 2050.

Amendments tabled to Schedule 14

These amendments look to mandate Biodiversity Net Gain (BNG) *'in perpetuity'* rather than the current requirement for 30 years and apply to England only. Biodiversity Net Gain is an approach which aims to leave the natural environment in a measurably better state than beforehand. While we understand the desire for the outcomes these amendments are seeking to deliver, as an industry we have concerns that ultimately they would have major impacts on the industry's ability to deliver future renewable energy projects, while pushing bills up for customers.

Our concerns

- From a renewable energy perspective, our main concern with maintaining biodiversity plans in perpetuity, is that most windfarms (which now fall under the Town and Country Planning Act regime in England) are subject to time-limited planning permissions, usually on the order of 20-30 years and are required to have detailed decommissioning plans in place.
- Ensuring land is kept in BNG management after decommissioning of a site presents a distinct challenge and would introduce disproportionate costs at a time when industry is seeking to deliver renewable energy at lowest cost to the consumer.
- An additional factor is that the renewable energy development industry tends to lease the land, rather than own it.

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The voice of the energy industry

- This raises the possibility of onshore windfarms needing to pay to lease land in perpetuity with biodiversity enhancement plans after having decommissioned the windfarm.
- If this is the case, the costs would be a significant unknown and likely very high, throwing up sizable challenges for the economic feasibility of new projects and acting as a barrier to the growth of low-carbon energy which is the key to unlocking a Net Zero future.

Case study

Energy UK and RenewableUK welcome efforts in the Environment Bill to streamline the planning process and can see opportunities for the introduction of a BNG principle to help achieve this. Several of our members have had their habitat enhancement work recognised by the RSPB and won awards as a result. Our members work closely with local authorities, and statutory natural conservation advisors to avoid, mitigate and compensate for ecological impacts from our renewable energy projects.

Renewable energy generators already undertake stringent action to support BNG to protect our environment, while maintaining the deployment of low-carbon energy development in line with 2030 targets and keeping bills down.

ScottishPower Renewables are delivering on its commitments to restoring nearly 9,000 hectares of previously degraded peatland habitat. A working group including members of RSPB, NatureScot and Forestry and Land Scotland was established to improve the biodiversity value of a 25km2 habitat management area at Whitelee Windfarm.



“RSPB Scotland has been impressed with SPR’s commitment to delivering high quality habitat management and enhancement at its wind farm sites. In particular, the quality of their peatland restoration work at Blacklaw and Whitelee wind farms led us to nominate them for a Nature of Scotland Award, which they won. SPR’s track record and openness has helped to instil confidence in us as stakeholders throughout the development process.”

RSPB Scotland

Next Steps

Going forward, it would be beneficial for the Committee to understand that amendments 75 and 168 if aimed to apply across all sectors, would be disproportionate and unnecessarily burdensome for those sectors, including energy, that do not fit the classic model of owning the land they are developing upon and therefore would be unable to practically hold the liability of maintaining the delivered biodiversity gains, after they have decommissioned. We would ask that you do not support these amendments and keep to the 30 years originally proposed, with a voluntary approach for any maintenance beyond that.

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Energy UK

Energy UK is the trade association for the energy industry with over 100 members spanning every aspect of the energy sector – from established FTSE 100 companies right through to new, growing suppliers and generators, which now make up over half of our membership.

We represent the diverse nature of the UK's energy industry with our members delivering over 80% of both the UK's power generation and energy supply for the 28 million UK homes as well as businesses.

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RenewableUK

RenewableUK members are building our future energy system, powered by clean electricity.

We bring them together to deliver that future faster; a future which is better for industry, bill payers, and the environment. We support over 400 member companies to ensure increasing amounts of renewable electricity are deployed across the UK and access markets to export all over the world. Our members are business leaders, technology innovators, and expert thinkers from right across industry.

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