

## Infrastructure 19, ScottishPower Renewables

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Senedd Cymru | Welsh Parliament

**Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee**

Bil Seilwaith (Cymru) | Infrastructure (Wales) Bill

Ymateb gan ScottishPower Renewables | Evidence from ScottishPower Renewables

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### General principles

#### **What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?**

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ScottishPower Renewables welcomes the Infrastructure (Wales) Bill, and its intention to create a unified and simplified consenting process for Wales and Welsh waters.

We are currently experiencing a twin climate and nature crisis, with far reaching effects that have already impacting society. Headline Statements from the Intergovernmental Panel on Climate Change's latest synthesis report, AR6 (<https://www.ipcc.ch/report/sixth-assessment-report-cycle/>), highlight both the seriousness of our situation and the action needed to ensure a liveable and sustainable future for all people:

AR6 A.2 Observed Changes and Impacts “Widespread and rapid changes in the atmosphere, ocean, cryosphere and biosphere have occurred. Human-caused climate change is already affecting many weather and climate extremes in every region across the globe. This has led to widespread adverse impacts and related losses and damages to nature and people (high confidence). Vulnerable communities who have historically contributed the least to current climate change are disproportionately affected (high confidence) {2.1, Table 2.1, Figure 2.2 and 2.3} (Figure SPM.1)”.

AR6 C.3 Mitigation and Adaptation Options Across Systems “ Rapid and far-reaching transitions across all sectors and systems are necessary to achieve deep and sustained emissions reductions and secure a liveable and sustainable future for all. These system transitions involve a significant upscaling of a wide portfolio

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of mitigation and adaptation options. Feasible, effective, and low-cost options for mitigation and adaptation are already available, with differences across systems and regions. (high confidence) {4.1, 4.5, 4.6} (Figure SPM.7)".

In the energy sector there is a need for both significant deployment of renewable energy alongside efforts to increase energy efficiency. These efforts will contribute towards efforts to reach Net Zero and to ensure energy security. As highlighted within AR6 C.3 feasible, effective and low cost options for mitigation already exist, for example onshore wind energy to support decarbonisation of the energy system.

Wales has set ambitious targets in order to act on climate change and nature loss, including Net Zero greenhouse gas emissions by 2050. Renewables can play a large part in supporting Welsh ambitions, allowing a transition away from fossil fuels, providing cheap and clean energy.

The Climate Change Commission highlighted in their recent Progress Report: Reducing Emissions in Wales 2023 (<https://www.theccc.org.uk/publication/2023-progress-report-reducing-emissions-in-wales/>) that renewables capacity has increased overtime but at a slower rate since 2016. The Infrastructure (Wales) Bill provides an opportunity to accelerate renewables deployment and achieve generation of electricity equal to 70% of consumption from renewable sources by 2030.

The current rate of renewable energy growth will not be enough to meet demand. This piece of legislation is essential to ensuring that the consenting process enables the urgent deployment of significant infrastructure, such as renewable projects, across Wales.

ScottishPower Renewables would strongly support the aims of the Bill, to unify existing consenting regimes addressing:

- Consistency
- Certainty
- Chances of success
- Quality of application
- Confusion
- Complexity

The needs explored within the explanatory memorandum, outline a strong and accurate case for the legislation.

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## **What are your views on the Bill's provisions (set out according to parts below), in particular are they workable and will they deliver the stated policy intention?**

### **Part 1 - Significant infrastructure projects**

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The inclusion of Electricity Infrastructure within the Significant Infrastructure Project classification is welcomed, and necessary to achieve Wales' Net Zero targets, and to ensure generation of electricity equal to 70% of consumption from renewable sources by 2030.

The proposed approach to cover onshore generating stations with the exception of onshore wind projects of between 50MW and 350MW, onshore wind of over 50 MW, and within the SIP process is welcomed.

It is understood that Section 17 providing Welsh ministers with the power to amend projects defined as significant infrastructure projects is necessary and will facilitate potentially the addition of flood prevention projects at a later date. However, the committee should consider the potential risk posed by the ability to remove projects from the Significant Infrastructure Project list, as we have seen with the removal of onshore wind from the DCO system in England. Measures to mitigate this risk should be considered.

2(1)(ii) includes offshore generating stations between 50-350MW as SIPs. However, the definition and scope of offshore generating stations is not clear.

*Key question for committee - would offshore generating stations include electricity transmission infrastructure required as an integral part of a wider offshore wind farm project?*

There is the potential for inconsistent treatment by Welsh consenting bodies of offshore wind farms and associated transmission infrastructure projects within Welsh inshore waters (12nm) depending on whether they are within or exceed the 350MW threshold.

Offshore wind farms >350MW require DCO and inshore marine licence for all development (wind farm, cables, etc) within 12nm of shore. It appears the Bill would not change this so the separate marine licence requirement would continue for >350MW projects, whereas <350MW projects may instead be able to apply as a SIP for an IC.

The Bill does not cover subsea electricity transmission infrastructure (for which an inshore marine licence is presently required from Natural Resources Wales (NRW)) associated with an offshore generating station. The Bill and explanatory notes do

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not explain why inshore marine licences for both offshore wind farms and transmission infrastructure (cables and landfalls) should not also be brought within the SIP regime. There may be reasons why either the current NRW licensing regime (operating in tandem with the NSIP process where relevant) is considered effective or why it may be difficult for projects to be subject to a Welsh SIP as well as a UK DCO, but these have not been set out. We therefore have no further comments on this subject at present.

Key question for committee - why should inshore marine licences for both offshore wind farms and transmission infrastructure (cables and landfalls) not be brought within the SIP regime?

The Bill excludes offshore and buried onshore electricity transmission infrastructure from >350MW offshore (wind) generating stations on the basis that such projects would be consented as NSIPs through the DCO process. However, this does not recognise:

- >350MW NSIP projects in Welsh waters (12nm) still require a separate marine licence from NRW.
- The potential for applicants to decouple a >350MW offshore wind generation station (i.e. the NSIP) from associated offshore and onshore electricity transmission infrastructure including buried cables and substations.
- In particular, as an inshore marine licence covering development up to mean high water spring tide is required from NRW in any case, applicants may prefer the consenting of onshore infrastructure from above mean low water springs to the final point of connection to be undertaken by the relevant Welsh Local Planning Authorities (LPAs) or Welsh Government (as a DNS) rather than by the UK SoS as associated developments to the NSIP. This could result in separate consenting applications being made to Welsh consenting bodies, which would be outside the scope of the Bill as drafted.
- Such applications for offshore wind related transmission (and potentially wider enabling) infrastructure would not benefit from the Compulsory Purchase Order powers, administrative consistency, time frames and decision-making framework benefits which will all be provided for SIPs.
- The ongoing Offshore Transmission Network Review and the emerging development of co-ordinated offshore grid networks. This may result in new entities or partnerships seeking consent for and developing offshore electricity transmission infrastructure separate to the consenting and development of individual offshore wind farms.

SPR welcome the simplification of the consenting process to allow applicants to obtain all the authorisations and consents necessary to implement a project.

However, as noted above greater clarity is required for marine licences and inshore marine licences for both offshore wind farms and transmission infrastructure (cables and landfalls) to detail why they are not included within the SIP regime.

Further, we understand the potential value of a direction made by the Welsh Ministers under section 22 to ensure certain projects enter the SIP process. Without complete details of the regulations and any potential parameters that will prescribe when projects will be directed into the NSIP process we are unable to provide further comment. The regulations should however, be detailed enough to continue on the objectives and purpose of the Bill to ensure a clear and consistent approach.

### **Part 3 - Applying for infrastructure consent**

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The details that have been provided within the draft Bill are limited, precluding us from understanding what Significant Infrastructure Project consenting application process will look like in practice. However, we welcome measures to make the consenting system streamlined.

ScottishPower Renewables support the principle of setting universal pre-application requirements including consultation across infrastructure types for major projects. The absence of clear requirements and inconsistent practice between non-National Significant Infrastructure Projects developments is a weakness of current consenting arrangements (especially under the Electricity Act 1989).

It is unclear whether and how a deemed marine licence could be sought and granted through the Bill as drafted. Section 20 of the Bill does not include marine licensing under the Marine and Coastal Access Act 2009 as being a consent which could either be replaced by an IC or deemed through the granting of an IC.

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Overall, greater clarity is required regarding the relationship between the SIP categories and IC regime proposed in the Bill and marine licensing discharged by NRW.

#### **Part 4 - Examining applications**

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No Comments.

#### **Part 5 - Deciding applications for infrastructure consent**

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In general SPR welcome the provisions outlined in Part 5 of the Bill. However, we would suggest that 52 weeks remains a generous period of time to make decisions on applications that will be front loaded and whose timely consent is required to meet challenging Net Zero and renewable energy targets. We would suggest that it is clarified that 52 weeks is the limit but not a target to be aimed for, if an application can be determined in a shorter timeframe it should be.

We would agree with the application decision being made in accordance with relevant infrastructure policy statements, the National Development Framework for Wales or the provision in a marine plan. There should be direction from Welsh Government to inform to what extent SIP projects will be required to comply with the National Development Framework for Wales.

#### **Part 6 - Infrastructure consent orders**

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No comments.

#### **Part 7 - Enforcement**

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No comments.

#### **Part 8 - Supplementary functions**

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We welcome the proposed infrastructure policy statements and the process by which applications are decided in accordance with the infrastructure policy statements. Welsh Government and statutory agencies should look to engage with relevant sectors when drafting the documents, which should be consulted upon, and reviewed regularly to remain fit for purpose.

#### **Part 9 - General provisions**

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No comments.

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**What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?**

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Resourcing within the planning sector remains a challenge across the UK and within Wales. The streamlining of the consenting process as outlined within the Bill contains a framework that could help relieve pressure on the planning system from infrastructure projects on the Welsh system.

The Bill does not cover subsea electricity transmission infrastructure (for which an inshore marine licence is presently required from NRW) associated with an offshore generating station. The Bill and explanatory notes do not explain why inshore marine licences for both offshore wind farms and transmission infrastructure (cables and landfalls) are not also brought within the SIP regime. There may be reasons why either the current NRW licensing regime (operating in tandem with the NSIP process where relevant) is considered effective or why it may be difficult for projects to be subject to a Welsh SIP as well as a UK DCO, but these have not been sufficiently rationalised in this consultation.

**How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?**

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SPR believe that the powers in the Bill for Welsh Ministers to make subordinate legislation are appropriate and necessary in order to enact what is proposed within the Bill.

**Are any unintended consequences likely to arise from the Bill?**

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With the information provided within the Bill and the Explanatory Memorandum, we cannot see any unintended consequences from the Bill. As the Bill progresses and its powers are enacted more details will naturally come to light. As this process occurs we will reassess and any unintended consequences may become clearer. However, we would hope there will be opportunities to engage with the process further downstream to ensure that any potential unintended consequences could be mitigated sufficiently.

**What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?**

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No comments.

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**Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?**

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No comments.

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