



Consultation on draft National Policy Statements for Energy Infrastructure

A consultation response by the English National Park Authorities Association (ENPAA)

February 2010

The English National Park Authorities Association (ENPAA) exists to provide a collective voice for the nine English National Park Authorities. It is governed by the Chairs of the nine Authorities. Our response represents the collective view of officers who are working within the policies established by the National Park Authorities (NPAs). Individual National Park Authorities may submit separate comments, which will draw on the specific issues for their particular area.

Q1. Do you think that the Government should formally approve ('designate') the draft Overarching Energy National Policy Statement?

No. There are three areas of concern that the overarching statement should address prior to approval.

(1) The treatment of need and the absence of any locational strategy

The Government's approach to the need for energy infrastructure is effectively to say that there is such a considerable need for new investment over the coming years that any new provision is needed. This is allied to an approach which leaves it entirely to the market to decide where proposals for new electricity generating infrastructure will come forward. Even in the case of nuclear energy where specific sites are addressed, these were identified by promoters without any steer from Government.

While it is agreed that the Government should not dictate what will be provided where, it is considered a serious omission that there is no indication of priority areas for new energy infrastructure provision, nor does the NPS, or accompanying subsequent statements, seek to steer investment away from areas or types of areas where such developments are not considered desirable.

In PPS12 Government rightly expects local planning authorities to create a spatial expression of their overall strategy for their area. Paragraph 4.1 of that Statement states:

4.1 Every local planning authority should produce a core strategy which includes:

- (1) an overall vision which sets out how the area and the places within it should develop;*
- (2) strategic objectives for the area focussing on the key issues to be addressed;*
- (3) a delivery strategy for achieving these objectives. This should set out how much development is intended to happen where, when, and by what means it will be delivered. Locations for strategic development should be indicated on a key diagram; and*
- (4) clear arrangements for managing and monitoring the delivery of the strategy.*

The same should apply to the energy infrastructure statement with a clear spatial expression to ensure delivery of the strategy. This is a serious omission within the statement that needs to be addressed.

Whilst EN-6 highlights the importance of considering the cumulative effects of nuclear development this only relates to nuclear. The overarching statement must give consideration to the cumulative effects of all types of energy infrastructure. There would be significant cumulative impacts if a number of different installations came forward in the same general area, for example, along a particular coastal stretch where, for example, a concentration of nuclear, wind and tidal could easily be anticipated. Such cumulative impacts could have wider impacts upon tourism, the fishing industry and other matters of considerable public interest. Whilst this example is speculative, it does illustrate one highly undesirable outcome which could arise in the absence of any locational strategy in NPSs.

It is therefore submitted that the Government should re-visit the NPSs to provide an indication of those parts of the country where additional generating capacity would be desirable to better balance supply with concentrations of population and high volume users, and broad locations or types of locations which ought to generally be avoided. That would not remove the principle that the prospective operators should decide where to bring forward proposals, but provide them with a steer in coming to such decisions.

(2) The weight given to development plans

The several draft NPSs do not give sufficient weight to the relevance of the development plan (regional spatial strategy and local development framework) to decision making.

Development plans are statutory documents prepared in accordance with statutory procedures, which are required to address all types of development and how they will relate to each other and to infrastructure, to ensure that the vision for an area can be fulfilled and desirable development brought successfully to delivery. This requires and should presume close collaboration between the local planning authority and developers (including energy infrastructure providers) to ensure that their intentions are properly reflected.

Paragraph 4.1.3 of EN-1 refers to the likely need for the IPC to refer to other documents, including development plans. However this does not suggest the weight that the statutory plan for the area ought to be accorded. The only other reference to the development plan is the regional spatial strategies in the draft renewable energy infrastructure NPS. Key policies within the LDF, conforming with national planning policy, should not be overwritten in cases of major infrastructure.

This should be rectified by the addition of a suitable paragraph in EN-1, together with appropriate coverage under "Land use" in each of the subordinate NPSs.

(3) Reference to the major development test

The NPS should reiterate PPS7's stance that major development within nationally designated areas is required to be both exceptional and be demonstrated to be in the public interest (para 22). This is not the case as currently drafted in para 4.24.7. The NPS appears to be trying to define this test and attempts to define exceptional circumstances as where development can be demonstrated to be in the public interest. The two are not always necessarily equivalent.

Additionally footnote 68 of the Statement raises significant concern as national considerations introduces the concept that these can be, in some cases, regional! This is not the case. A regional need for development does not equate to a national need. This footnote should be deleted and Government should reaffirm their commitment to national assessment only for consideration of major developments within designated areas.

The final NPS should include the major development test within nationally designated areas, as currently drafted in Planning Policy Statement.

The draft NPS contains a welcome recognition that for developments outside nationally designated landscapes the potential impact on the landscape should be taken into account by the IPC and the aim should be to avoid compromising the objectives of designation.

Q2. Does the draft Overarching Energy National Policy Statement provide the Infrastructure Planning Commission with the information it needs to reach a decision on whether or not to grant development consent?

No, because of the three points made above.

Q3. Does the draft Overarching Energy National Policy Statement provide suitable information to the Infrastructure Planning Commission on the Government's energy and climate policy?

This question cannot be answered because we do not have the knowledge or technical competence to validate or otherwise the Government's assessment of need for new energy infrastructure.

Q4. Does the draft Overarching Energy National Policy Statement provide suitable direction to the Infrastructure Planning Commission on the need and urgency for new energy infrastructure?

Whilst the statement of need in Part 3 of the NPS provides a good assessment of need and urgency for energy infrastructure the need to reduce demand further and improve energy efficiency should be strengthened.

Q5. Do the assessment principles in the draft Overarching Energy National Policy Statement provide suitable direction to the Infrastructure Planning Commission to inform its decision-making?

It is taken that this question relates to Sections 4.1 to 4.12 of the draft NPS. The guidance there appears to provide suitable direction. Where reference is made to national and international landscape, historic environment and nature conservation designations, attention should be drawn to the existing Planning Policy Statements that the IPC should take account of.

Q6. Does the draft Overarching Energy National Policy Statement appropriately cover the generic impacts of new energy infrastructure and potential options to mitigate those impacts?

The generic impacts cover the most likely and significant issues likely to arise.

Q7. Do you have any comments on any aspect of the draft Overarching Energy National Policy Statement not covered by the previous questions?

No.

Q8. Do you think that the Government should formally approve ('designate'):
a) The draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?

No comment.

b) The draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

No. Greater clarity is required within this NPS to the IPC and potential developers in relation to the following areas:

- Stronger linkages to key issues that will need addressing as set out in existing Planning Policy Statements;
- Stronger linkages to other legislation that the IPC will need to have regard to, for example, biodiversity legislation;
- Stronger reference for the IPC to seek evidence on wider sustainability and carbon accounting issues;
- The need for the IPC to consider the role of sub regional plans, targets or guidance, including Local Area Agreements and National Park Management Plans in addition to regional strategies and targets.

c) The draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

No comment.

d) The draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?

ENPAA is concerned that the transmission network appears completely private sector responsive with an absence of a national strategic framework. This is illustrated by a transmission agreement in place between National Grid to provide a three stage connection for RWE at Kirksanton. No consideration has been given to the appropriateness of this connection, nor the appropriateness of the site. Again a vision for the national grid network, including off shore grid routing, is called for.

Q9. Do the following draft National Policy Statements provide the Infrastructure Planning Commission with the information it needs to reach a decision on whether or not to grant development consent:

a) The draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?

No comment.

b) The draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

No. Para 2.2.1 states in relation to “Guidance in regional spatial strategies relating to renewables and renewable energy targets in England (in future the new single regional strategies) and in planning policy and advice issued by the Welsh Assembly Government...” that “Whether or not an application conforms to the guidance or the targets will not, in itself, be a reason for approving or rejecting the application.”

This appears to undermine their function and creates some confusion as to their status. Greater clarity in setting out the status of regional spatial strategies and local development plans and their relationship to the NPS is necessary.

In addition, in referring to criteria for good design for energy infrastructure proposals states “for renewable energy infrastructure, in particular the IPC should expect applicants to demonstrate good design in respect of landscape and visual amenity and in the design of the project to mitigate impacts such as noise, and effects on ecology.” The reference to good design should be more specific in relation to the need for higher quality design in specially protected landscapes such as National Parks and the Broads, AONBs and designated areas such as World Heritage Sites, SSSI’s, Natura 2000 sites (SPA’s, SAC’s etc) and Conservation Areas.

c) The draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

No comment.

d) The draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?

The NPS offers clear guidance to developers, National Grid and the IPC in terms of development proposals and decision making, in terms of mitigating measures the developer may need to consider, for example, in nationally designated areas. However, as previously stated, regional and local planning policies must be fully taken into account.

ENPAA would stress the importance of considering applications for consent to develop new energy generating facilities at the same time as applications to develop related transmission infrastructure so that the IPC can fully understand the overall vision for the area, and assess the totality of impacts, both positive and negative.

Q10. Do the following draft National Policy Statements appropriately cover the impacts of the specific types of new energy infrastructure covered in them, and potential options to mitigate those impacts:

a) The draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?

No comment.

b) The draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

No. The NPS requires better reference to existing national planning policy on national and international designations and any reference to overriding public need. As the NPS includes reference to the Green Belt Planning Policy Statement, it should also refer directly to the need for the IPC to refer to planning policy statements relating to nature conservation (PPS9), landscape designations (PPS7) and historic designations (PPG15 and 16).

The following concerns are raised in relation to particular energy sources:

National designations

Para 2.5.31 states "In sites with nationally recognised designations (Sites of Special Scientific Interest, National Nature Reserves, National Parks, Areas of Outstanding Natural Beauty, Heritage Coasts, Scheduled Monuments, Conservation Areas, Listed Buildings, Registered Historic Battlefields and Registered Parks and Gardens) consent for renewable energy projects should only be granted where it can be demonstrated that the objectives of designation of the area will not be compromised by the development, and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits."

This paragraph concerned with the protection of National Parks and other nationally recognized designations is unclear. Furthermore, it does not echo the statements in EN-1, para 4.245.7, which reflect the caveats in PPS 7 and MPS1 regarding major developments in National Parks and, in particular, the need to assess the cost and scope for developing elsewhere.

A liberal interpretation of the words in para 2.5.31 is that these developments are acceptable if wider environmental social and economic benefits can be demonstrated which in the case of renewable energy proposals is not difficult to do. There has to be unequivocal protection from major development of this nature in these nationally

protected areas in all but the most exceptional circumstances in line with PPS 7 and MPS 1 and EN-1 as proposed.

Biomass and waste

The carbon footprint of the fuel supply required to serve such facilities should be taken into account by the IPC. EN-3 states that the biomass plants may source biomass from both domestic and imported suppliers and that the IPC should not consider the wider sustainability issues associated with where biomass comes from. It identifies that this issue would be addressed through Ofgem when it considers sustainability issues linked to issuing and monitoring the Renewables Obligation Certificates. It is considered that the IPC should not rely on Ofgem's assessment of sustainability and that it should require the developer to assess the overall carbon footprint of the development taking into account the source of the biomass and the transport distances associated with it. It is important that biomass comes from appropriately managed sources as close to the site as possible to reduce additional carbon emissions associated with the processing and transporting of biomass. The NPS should recognise this.

Access to sites or the transport routes associated with biomass delivery should be considered by the IPC. There are concerns that the level of vehicular movements associated with schemes of this size could cause problems with road networks. The NPS should be amended to include a reference on the need for developers to use appropriate water or rail routes in preference to road routes.

Other locational considerations

Para 2.5.33 states the IPC should not use a sequential approach in the consideration of renewable energy projects (for example, by giving priority to the re-use of previously developed land for renewable technology developments). In protected areas a sequential approach is necessary to ensure a hierarchy of protection.

Biomass /Waste Impacts Landscape and Visual

There should be mention of National Parks as a special designated landscape to highlight that there is a primary purpose of landscape protection and these developments will not normally be acceptable. There needs to be cross reference to the statements in EN-1 para 4.24.7 to highlight this important point.

Onshore wind

Reference to PPS22 "Renewable Energy" should be made as this provides technical information to support the NPS.

Regarding para 2.7.32 the same comments set out above under 'national designations' also apply here.

The reference in para 2.7.37 to the protection of peat is welcome on the basis of its significance as a "carbon sink".

Too much weight appears to be attached to the 'temporary' nature of onshore wind energy schemes. 25 years (the quoted typical life of onshore turbines) is a long time in human experience, and certainly not transitory. Moreover, the draft NPS acknowledges that operators may bring forward proposals for "repowering" sites with new turbines. It must be expected that having invested in grid connections and other infrastructure, operators will find it attractive to repower sites, so that they will effectively continue in operation for a further substantial period.

Some schemes may affect land outside the site boundaries, including wildlife habitats and bird feeding/roosting grounds. However the draft NPS does not identify the mechanisms that the IPC could employ to mitigate such affects. The NPS should refer to mechanisms available to mitigate effects outside site boundaries as these issues should be dealt with by the IPC.

EN-3 should include reference to the role of regional and sub regional strategies and plans. The NPS should be strengthened to also reflect the role of sub regional strategies and studies in IPC decision making.

c) The draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

No comment.

d) The draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?

Yes.

Q11. Do you have any comments on any aspect of the following draft National Policy Statements not covered by the previous questions:

a) The draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?

No comment.

b) The draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

No comment.

c) The draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

No comment.

d) The draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?

No comment.

Q12. Do you agree with the findings from the following Appraisal of Sustainability reports:

a) Appraisal of Sustainability report for the draft Overarching Energy National Policy Statement (EN-1)?

b) Appraisal of Sustainability report for the draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?

c) Appraisal of Sustainability report for the draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

d) Appraisal of Sustainability report for the draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

e) Appraisal of Sustainability report for the draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?

No comment is made upon the Appraisals of Sustainability, because to provide properly informed comment would require a detailed technical review of the whole AoS process and outputs. The Government should have considered introducing an additional stage in the public consultation to allow proper consideration of the Appraisal of Sustainability

prior to Government's determination as to whether to pay regard to it or override it. This comment applies also to Questions 13 and 14.

Q13. Do you think that any findings from the following Appraisal of Sustainability reports have not been taken account of properly in the relevant draft National Policy Statements:

- a. **Appraisal of Sustainability report for the draft Overarching Energy National Policy Statement (EN-1)?**
- b. **Appraisal of Sustainability report for the draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?**
- c. **Appraisal of Sustainability report for the draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?**
- d. **Appraisal of Sustainability report for the draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?**
- e. **Appraisal of Sustainability report for the draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?**

As stated for Q12 above.

Q14. Do you have any comments on any aspect of the following Appraisal of Sustainability reports not covered by the previous questions:

- a. **Appraisal of Sustainability report for the draft Overarching Energy National Policy Statement (EN-1)?**
- b. **Appraisal of Sustainability report for the draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?**
- c. **Appraisal of Sustainability report for the draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?**
- d. **Appraisal of Sustainability report for the draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?**
- e. **Appraisal of Sustainability report for the draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?**

As stated for Q12 above.

Q15. Do you have any comments on the Habitats Regulations Assessment reports for the following draft National Policy Statements:

- a) **Habitats Regulations Assessment report for the draft Overarching Energy National Policy Statement (EN-1)?**
- b) **Habitats Regulations Assessment report for the draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?**
- c) **Habitats Regulations Assessment report for the draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?**
- d) **Habitats Regulations Assessment report for the draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?**
- e) **Habitats Regulations Assessment report for the draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?**

No comment is made upon the Appropriate Assessments (AA), because to provide properly informed comment would require a detailed technical review of the whole AA process and outputs.

Please note that ENPAA has not made comments upon Questions 16-26 inclusive (relating to draft nuclear NPS). Individual National Park Authorities will be making individual representations, where appropriate.

Q27. Do you have any comments on the Impact Assessment report for the draft energy National Policy Statement

We have not had sufficient time to examine in detail the Impact Assessment report.

Q28. Does this package of draft energy National Policy Statements provide a useful reference for those wishing to engage in the process for development consent for nationally significant energy infrastructure, particularly by applicants?

Yes, subject to amendment in the light of the above comments we consider the draft NPSs are a useful reference for those who wish to be involved in the development consent process.

Q29. Do you have any comments on any aspect of the draft energy National Policy Statements or their associated documents not covered by the previous questions?

We are concerned about this particular stage of the process in developing the Government's policy framework. It is the only public opportunity to consider the generic impacts of major infrastructure projects and the time allowed is far too short. In addition to the Energy NPSs the public is being consulted upon a Ports NPS. In addition there are other consultations being undertaken by other Government Departments, for example, the consultation on a new circular for National Parks by Defra. The sheer volume of material to be digested in a very short period has not allowed time for the National Park Authority to consult fully with key partners about the content of its response. Nor has there been sufficient time to fully consider potential impacts of developments or cumulative generic impacts where these might occur. More time is needed by the public and stakeholders to properly read, absorb, discuss and consider their responses. In addition there are certain questions about technicalities that the general public, and local planning authorities do not have the technical expertise to address competently. Whilst Government may gain support for early delivery on some major projects the delivery of such projects will be jeopardized if public confidence is not maintained that the new planning system is fair and allows public views to be developed, heard and fully considered.