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Planning for New Energy Infrastructure Draft National Policy Statements for energy infrastructure

Suffolk County Council (the Council) welcomes the opportunity to comment on the Draft National Policy Statements for Energy (EN-1 to EN-5). Suffolk is the County with probably the highest number of NSIPs in the country (five consented, three awaiting decisions, and an additional 11 in the pipeline). Suffolk has specific natural and geographic advantages which make it extremely attractive for locating offshore wind and interconnection projects. Suffolk has established industries: nuclear, offshore wind, offshore gas, logistics and agri-tech, as well as climatic conditions, which make it attractive for specific low carbon technologies, especially new nuclear, solar power, offshore wind, hydrogen production and anaerobic digestion. The delivery of Net Zero in the UK by 2050 is expected to require a pipeline of generation and connection projects in Suffolk. Therefore, significant changes for the economy, environment and communities of Suffolk can be expected as a result.

Suffolk County Council has a long record of engagement with projects consented under the Planning Act 2008, beginning with one of the earliest consents, the Ipswich Rail Chord, in 2011. Subsequently, the Council has been a statutory consultee for nuclear and offshore wind projects and is currently engaging with the largest solar farm proposal in the UK, as well as multiple transmission projects both on and offshore. The County Council has also successfully promoted its own infrastructure development under the PA 2008, with the Lake Lothing Third Crossing DCO (now the 'Gullwing Bridge') helping to consolidate the role of Lowestoft in servicing the offshore wind and gas sectors. In February 2021, the Council adopted its own policy on Energy Infrastructure.¹

Detailed responses to the consultation are appended to this letter.

In summary, the Council's key issues are:

Regarding the overarching policies:

- EN-1 should make clearer reference to the need by the Applicant, as far as reasonably possible, to minimise adverse impacts, by avoidance, reduction,

¹ <https://www.suffolk.gov.uk/assets/suffolk.gov.uk/strategic-electricity-networks/SCC-Energy-Policy-230212.pdf>

mitigation or compensation, and the importance of this within the planning balance and the decision of the Secretary of State.

- The legitimate role for compensation where impacts cannot be avoided, reduced, or mitigated, should be consistently recognised throughout EN-1.
- Communities adjacent to NSIP developments should not have to accept an increase in surface water flood risk during construction, or indeed a lesser level of protection from flood risk during construction than they would be afforded once the operational infrastructure has been delivered. Therefore, in the absence of a national standard for the management of flood risk during construction, it would be reasonable to apply the same standards as those applied during operation.
- Whilst the additional section on Biodiversity and Environmental Net Gain is welcome, the definitions of these need clarification. In some parts of the documents, this Net Gain is also conflated with mitigation. In addition, the explanation of the Mitigation Hierarchy (avoid/minimise – mitigate – compensate) and the need to follow it, should be more clearly articulated throughout. It should be noted that this section will require review following the passage of the Environment Act 2021.
- Given the significant public interest in the Cumulative Impacts of energy generation and transmission proposals, and the fact that energy projects tend to aggregate in specific locations or regions, it would be helpful to clarify in principle the approach to this matter briefly in EN-1, and in so doing refer to the relevant advice note or its updates.
- In terms of socioeconomics and skills, the requirement for a Skills Plan is welcome, but likewise, a Supply Chain Plan should be required. It would also be helpful for the NPS to specifically refer to the opportunity for projects to deliver Social Value, levelling up, and an equitable transition to Net Zero. This would help to achieve greater consistency with other policy objectives.

Regarding the technology specific policies:

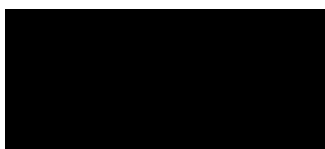
- In terms of the coordination of offshore wind and interconnectors, in draft EN-3, the policy wording is broadly consistent with the aspirations and objectives of the Offshore Transmission Network Review (OTNR). However, EN-3 does not set out the clear and robust tests needed to guide parties, including the Secretary of State, as to what is required from them, and to test if all reasonable endeavours have been made to coordinate, between and within projects, to minimise adverse impacts on communities and the environment.
- The Council does not consider that the proposed presumption of the need for new network infrastructure in draft EN-5 is appropriate or reasonable at this stage, particularly as such a presumption is not currently supported by the appropriate evidence base and the necessary processes, in particular the absence of a Future System Operator, or a transparent strategic planning

mechanism. Such a presumption would not win public confidence, and it is therefore likely to undermine the consenting process and may be open to challenge. However, these issues may be capable of being resolved in due course, at which point the presumption proposed may be reasonable.

- The clarification of the importance and status of AONBs and National Parks, with the associated assumption in favour of undergrounding in draft EN-5, is very welcome. However, the importance of the setting of nationally designated landscapes is not recognised, this is inconsistent with both the revised NPPF at Paragraph 176, and the proposed revisions to EN-3 in respect of the impacts of Offshore Wind Farms on the setting of designated landscapes.
- The Council considers that draft EN-3 must deal directly with the issues of battery storage, as battery storage is an Associated Development with many energy projects in particular solar arrays. EN-3 should address the safety issues associated with Li-ion batteries, including mitigation and control of thermal cascade events.
- Consents for large scale solar should, in the absence of robust evidence to the contrary, be limited in their duration of consent. It is important for the Secretary of State to re-evaluate the planning balance of these schemes after 20-25 years, prior to the installation of new panels, having consideration of any alternative generation sources and land uses, available after a quarter of a century of operation.
- The Council looks forward to a review of EN-6 in due course. Given the importance of nuclear energy to the Government's Net Zero Strategy and in unlocking jobs and investment for the transition to a low carbon economy, the review of EN-6 is necessary to provide a robust policy framework for existing, and emerging nuclear technologies such as, SMRs, AMRs, and fusion.

It is hoped that you will find these comments useful, and the Council would welcome continuing engagement between its officers and BEIS officials, and the opportunity to be involved in any topic specific discussions.

Yours sincerely,



Mark Ash

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Suffolk County Council

Energy National Policy Statements Consultation - questions

This consultation focuses on the consultation questions listed below. However, respondents are free to make other comments, and the government will consider these where appropriate. When considering responses to this consultation, the government will give greater weight to responses that are based on argument and evidence, rather than simple expressions of support or opposition.

Draft Overarching Energy NPS (EN-1)

1. Does the draft Overarching Energy NPS (EN-1) provide suitable information to those engaged in the process for development consent (e.g., Secretary of State, the Planning Inspectorate, applicants) for nationally significant energy infrastructure

a. on the government's energy and climate policy (Part 2)?

Whilst this section is broadly aligned with Government policy it appears to be deficient in two areas, specifically:

Decarbonising the grid by 2035

The current Draft of EN-1 has not been able to keep up with emerging policy and will need to be further revised to encompass the *Net Zero Strategy*² in particular, the implications of the objective of a fossil fuel free Grid by 2035³.

For example, in section 2.4.4, the objective to develop business models to incentivise the deployment of Carbon Capture, Utilisation and Storage (CCUS) facilities and hydrogen in the UK, is described as “highly desirable”. However, these models are now essential, given the ambition to decarbonise the grid by 2035.

Delivering Levelling Up and an equitable transition to Net Zero

The Net Zero Strategy highlights that “net zero and levelling up go hand in hand”, with immediate opportunities for offshore wind, electric vehicle technologies, low carbon hydrogen and smart energy systems. Suffolk's communities include areas of high socio-economic deprivation (including Lowestoft and Leiston) as well as pockets of prosperity. Whilst the economic opportunities offered by new energy infrastructure are welcomed, those opportunities need to be translated into deliverable outcomes and ‘locked in’ to proposals, so that the levelling up benefits are realised for local communities. However, EN-1 takes too much of a promotional rather than a directional role. For example, section 5.13 on socio-economic impacts refers only to what ‘applicants may wish to provide’ on sustainable job creation, and that the use of local supply chains is ‘encouraged’. This will not achieve levelling up. Applicants should be required to prioritise local job creation and the use of local supply chains wherever practicable, so that the Suffolk economy can share in the opportunities created. Whilst the County Council has looked at this issue from a Suffolk perspective, the same need to ‘embed’ levelling up outcomes is likely to arise in other geographic regions, where energy development can be expected to take place. The answers to questions 1c and 1d address these issues in more detail.

Furthermore section 2.3.5 EN-1 cites the importance of transforming the energy system to deliver decarbonisation whilst providing a secure, reliable, and affordable supply of energy.

² <https://www.gov.uk/government/news/uks-path-to-net-zero-set-out-in-landmark-strategy>

³ <https://www.gov.uk/government/news/plans-unveiled-to-decarbonise-uk-power-system-by-2035>

Therefore, EN-1 should more clearly set out how new projects will be expected to contribute to this ambition, including how local fuel poverty may be addressed using options for local energy solutions.

b. on the need and urgency for certain types of infrastructure (Part 3)?

The Council, as set out in its own Energy Infrastructure Policy, recognises the need and urgency for improved energy infrastructure, and is well aware that (as stated in section 3.3.48), “substantial reinforcement is needed in East Anglia to handle increased power flows from offshore wind generation.”

The Council agrees with section 3.3.50 of EN-1 stating, “of particular strategic importance this decade is the role of offshore wind in our generation mix.” However, it is important to note that coordination of this new infrastructure, will be essential, to deliver the greater social consent required, to maintain an appropriate pace of delivery.

The Council supports the proposed text in sections 3.3.55-3.3.57 that states network projects are seen as elements of a coherent and strategic system and where possible are coordinated to provide the highest benefit to consumers, environment, and communities. However, the Council is concerned that this section does not provide clarity as to what will be considered a reasonable and successful level of coordination between projects, that promoters will need to demonstrate. This issue is dealt with in more detail in answer to question 20.

Whilst the Council recognises that there is pressing need to deliver new infrastructure, this cannot be achieved without a reasonable level of public consent, including in the most affected communities. This issue is dealt with in more detail in answer to question 18.

c. to inform decision making?

Application of the mitigation hierarchy and the planning balance

It is considered that EN-1 should make clearer reference to the need for the Applicant, as far as reasonably possible, to minimise adverse impacts, by avoidance, reduction, mitigation or compensation and the importance of this for the planning balance and the decision of the Secretary of State. The current wording is ambiguous both on the question of whether adverse impacts should always be mitigated as far as possible and on what an applicant is expected to do where impacts cannot be mitigated (or further mitigated). Inevitably, if adverse impacts (likely to experienced more commonly at the local scale) are weighed against benefits arising from the provision of Nationally Significant (Energy) Infrastructure, it is likely that those (local) impacts will be found to be outweighed in most cases. But this approach imposes too much of a burden on local communities and their immediate environment without providing adequate redress. There needs to be a clear and emphatic commitment to the mitigation hierarchy, across all impact topic areas, and that hierarchy needs to recognise the need for offsetting/compensation measures where other forms of mitigation are not practicable. Specifically, the following amendments are suggested:

4.1.3 In considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account:

- *its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, ecological enhancements, and any long-term or wider benefits.*
- *its potential adverse impacts, including any long-term and cumulative adverse impacts, and in how far these adverse impacts have been minimised or offset by measures to avoid, reduce, mitigate or compensate for any adverse impacts following the mitigation hierarchy. This expects such measures to reflect the following prioritisation: avoid, reduce, mitigate, compensate.*

4.1.4 In this context, the Secretary of State should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels. These may be identified in this NPS, the relevant technology specific NPS, in the application or elsewhere (including in local impact reports)., marine plans, and other material considerations as outlined in Section 1.1). ~~Where~~ *This NPS (or the relevant technology specific NPSs) requires an applicant to mitigate a particular impact as far as possible, but where the Secretary of State considers that there would still be residual adverse effects after the implementation of such mitigation measures, those residual effects should be weighed against the benefits of the proposed development. Residual adverse effects are those which cannot be avoided, reduced, mitigated, or compensated for. The Secretary of State, in their deliberations, should take into account in how far the Applicant, as far as reasonable possibly, has maximised the options to avoid, reduce, mitigate or compensate adverse impacts.*

The environmental principles in section 4.2 should also be explicit that compensation or offsetting is required as part of the mitigation hierarchy. At present, section 4.2.1 misstates the effect of the Infrastructure Planning (EIA) Regulations 2017 by omitting any reference to compensatory measures.

Consenting projects within designated areas

The following clarification is suggested to deal with large developments where the principle of its overall locations is justified, but elements of the proposal could reasonably be located outside of the designated area.

5.10.12 Nevertheless, the Secretary of State may grant development consent in these areas in exceptional circumstances. The development should be demonstrated to be in the public interest and consideration of such applications should include an assessment of:

- *the need for the development, including in terms of national considerations, and the impact of consenting or not consenting it upon the local economy*
- *the cost of, and scope for, developing **all or part of the development** elsewhere outside the designated area or meeting the need for it in some other way, taking account of the policy on alternatives set out in Section 4.2*

Socioeconomics and social value

The National Policy Statements, make little or no reference to Social Value, and thus are missing the opportunity to ensure that Social Value is considered and maximised in future projects.

The Green Paper consultation published by the Cabinet Office in December 2020, *Transforming Public Procurement*, put Social Value front and centre of public procurement of the pending new procurement regulations. Whilst the Cabinet Office Procurement Policy Notice 05/21: National Procurement Policy Statement implements a focus on Social Value by introducing national procurement priority outcomes that all contracting authorities must consider, this strengthens the approach already laid out in the Public Services (Social Value) Act 2012.

Social Value is a key tool to implement change for good in supply chains, including reducing negative environmental impacts. Given the often-significant purchasing power of NSIPs, there could be significant societal opportunities if Social Value were embedded in NSIPs and their procurements.

Cumulative Impacts

It is noted that the NPS suite refers to this issue throughout, specifically:

In EN-1 it is mentioned in sections 4.3 Health, section 4.8 Carbon Capture and Storage (CCS) and 5.14 Traffic and Transport. It is also well covered in EN-3 at; 2.24 Offshore wind impacts: biodiversity;

2.27 Offshore wind impacts: intertidal habitats and species; 2.29 Offshore wind impacts: birds; 2.30 Offshore wind impacts: subtidal habitats and species 2.48 Solar photovoltaic generation: factors influencing site selection by applicant; 2.54 Solar photovoltaic generation impacts: construction including traffic and transport noise and vibration. However, it is not mentioned in EN-2 EN-4 or EN-5.

The Council considers that the process for consideration of cumulative impacts is well established and dealt with in detail in PINS Advice Note 17. However, given the significant public interest in this matter and the fact that energy projects tend to aggregate in specific locations or regions, it would be helpful to clarify in principle the approach to this matter briefly in EN-1 and refer to the relevant advice note or its updates.

d. to inform examinations?

The points raised above would equally be valuable to inform examinations and provide clearer expectations for NSIP developers.

2. Do you agree with the amendments made to EN-1 Part 4 on assessment principles, including new guidance on the marine environment, and biodiversity and net gain?

The wording regarding Biodiversity and Environmental Net Gain will need to be updated to reflect the Environment Act 2021, and a clear definition of Environmental as distinct from Biodiversity Net Gain should be included.

This section will need to be accurately and appropriately referenced in all the technology specific NPSs, as discussed, in more detail, at Question 19 and Question 8.

3. Do you agree with the amendments made to EN-1 Part 5 on the generic impacts of new energy infrastructure?

The following comments are offered on specific matters:

Highways

- The Council agrees with the amendment at paragraph 5.14.4.
- The Council is concerned about the ambiguity between paragraph 5.14.6 and 5.14.8 which indicate that the Secretary of State should consider requirements to mitigate adverse impacts but should only refuse an application on severe grounds. This statement could lead to an Applicant not including in their proposal's reasonable mitigation as the level of impact, whilst significant, could not be considered severe. This is particularly important as there is no definition for what is meant by 'severe' and this can often lead to ambiguity and inconsistency in decision making. The Council strongly advocates that all reasonable opportunities to sustainably enhance the transport network should be identified, especially where the project would be having a disproportionate impact on vulnerable road users due to high numbers of HGV movements.
- The Council agrees with the amendment at paragraph 5.14.11. However, further amendments should include projects needing to undertake early investigation of infrastructure requirements for moving materials by marine and rail, to avoid potential programme implications of being unable to deliver marine or rail infrastructure, resulting in HGV deliveries using the highway network, and sustainable legacy benefits not being realised. Where movement by road is essential, the Applicant should consider whether revisions to the DfT high and heavy abnormal road routes are required.

Rights of Way

- The section on Landscape Impact (paragraph 5.10.9) refers to several effects a project can have on the landscape but omits the impact on countryside access.

- Paragraph 5.11 on Land Use refers to Green Infrastructure; it would be useful if it would also refer to Public Rights of Way as a key means of accessing the landscape.

Flood and water management

- The information requirements for the applicant for demonstrating drainage mitigation needs to match those required to quantify flood risk (in paragraph 5.8.7).

Paragraph 5.8.7 sets out (under its 11th bullet point) the information that should be provided for a drainage strategy. The Council considers that this needs to be strengthened. For example, the Applicant is asked to ‘*set out (approximately)*’ or ‘*describe*’ their proposals. There is not enough emphasis here on demonstrating the feasibility and suitability of mitigation measures, which is key to ensuring not only that it can be delivered within the Order Limits, but also that it delivers the necessary level of protection. Failure of the Applicant to demonstrate their mitigation is sufficient, suitable, and deliverable could result in there being inadequate space at detailed design and discharge of Requirements, which would ultimately result in compromised mitigation, and potentially a lesser level of protection from flood risk.

The above approach contradicts bullet point 7 in 5.8.7 which requires the Applicant to quantify flood risk in terms of likelihood, depth, velocity etc. This would require an entire hydraulic model to be produced at this stage. The Council agrees that this level of information should be provided at that stage. However, it would be remiss to then require a lower level of information when demonstrating proposed mitigation, without which flood risk could be increased.

- EN-1 should include a requirement to take local advice from the Lead Local Flood Authority (LLFA), as is reflected in the NPPF.

Pages 118 – 123 of CIRIA SuDS Manual⁴ set out the expected approach for Outline Design. This is clear in that the sizing of surface water attenuation is required, to determine the likely run-off rates, infiltration rates, volumes of attenuation and size of attenuation structures etc. The Council’s Flood Risk Management Strategy, Appendix A⁵ also outlines the level of information expected for Outline applications, as is the case for most if not all LLFAs. No reference is made in the NPS to taking the advice of LLFAs, as is the case for NPPF.

- EN-1 needs to be consistent, in requiring a projects drainage system also for the construction period, as part of Development Consent.

Paragraph 5.8.12 states that a projects drainage system, including during the construction period will form part of Development Consent. However, this is not reflected in the level of information required by EN-1 in the Applicants assessment (paragraph 5.8.7 and other parts of policy wording).

This is an important matter, as the construction of NSIP projects can take years, in the case of for example Sizewell C 10+ years. This is a significant period and as such, the Council fully support the proposed wording of 5.8.12 to cover the construction phase, as well as operation.

There is no national standard on the required level of flood protection during construction. Based on the experience of multiple national infrastructure projects, the Council in its role as an LLFA considers this should be in line with the standards for operation, therefore this

⁴ <https://www.ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS>

⁵ <https://www.greensuffolk.org/app/uploads/2021/05/2018-10-01-SFRMS-SuDS-Guidance-Appendix-A-.pdf>

should be clarified in the NPS to prevent future debate, and delays, on this point during consenting.

It is noted that residential developments are often constructed in phases and are able to deliver surface water infrastructure as they progress. The risk presented by NSIPs is very different. As the Council's LLFA found during the East Anglia ONE North and East Anglia TWO examinations when it requested the same level of surface water flood risk protection to be delivered during construction as during operation, the Applicant did not consider this necessary.

The Council considers that there is no reason communities near NSIP developments should accept an increase in surface water flood risk during construction, or indeed a lesser level of protection from flood risk during construction than they would be afforded once the operational infrastructure has been delivered. The surface water flood risk presented by the construction phase is potentially greater than during operation, due to the sediments contained in surface water runoff during construction. Not only can this worsen the impacts of flooding, but it could increase the likelihood of surface water flood risk, again using SPR as an example, if sediment contained in runoff blocked the existing watercourse.

- The sequential test paragraph (5.8.15) aligns with changes made to NPPF, however no supporting information or update to NPPG has been issued so there is no identified way of how to apply forms of flood risk, other than Flood Zones, to the sequential and exception test.

4. Do you have any other comments on the amendments to EN-1?

Heritage (Archaeology)

The Council welcomes the additions and amendments in respect of heritage matters in both EN-1 and the other Energy NPSs, as they successfully make the policy clearer and more robust for all types of projects. The policies are clear on the potential heritage impacts of diverse types of projects, and the need for proper assessment and mitigation, which will certainly support the advice the Council gives in relation to these projects, and is in line with, and builds upon the NPPF, which is helpful in terms of consistency. Having most of the policy relating to cultural heritage matters set out within EN-1 will make referring to and using the policy easier.

Emergency planning

Paragraph 8.26 outlines the role of Local Authority emergency planning teams, emergency services and, where appropriate, the local resilience forum, in consideration of flood risk. However, this is too limited in its scope. There should be a requirement for more general consultation of emergency planning teams. This is because there are other aspects and issues of a development that could increase the risk profile. An increase in risk profile may require amendment to the existing emergency planning arrangements, and consequently, additional resources.

Highways

The Council recommends that paragraph 5.14.12 is amended from HGVs to HDVs (Heavy Duty Vehicles i.e., greater than 7.5 tonnes) so that it includes all large vehicles. The construction, and sometimes operation, of NSIPs can include significantly large workforces in often rural settings. Text should include specific reference to both workforce and freight transport impacts. Specific reference should be included to moving large workforces by public transport where feasible.

Consideration needs to be given to how additional elements of projects such as utilities and required rail improvements that are not directly assessed in the application are assessed and

delivered through relevant agreements, and in how far these need to be taken into account in the examination.

Health

Section 4.3 is a welcome addition to EN-1. This opens a better opportunity to addressing any impacts on services such as social care (re 4.3.4 access to key public services) or to wider health mitigation measures such as promoting outdoor recreation and access.

Environmental Principles

Paragraph 4.2.2 should include compensation; 4.2.2 (...) show *in accordance with the mitigation hierarchy* how any likely significant negative effects would be avoided, reduced, or mitigated, or compensated.

Socio-economics

The proposed changes to Section 5.13 are broadly welcomed by the Council, although the Council wishes to offer some comments as well as suggestions for additional amendments to further strengthen this section.

- 5.13.3 Applicant's Assessment, first bullet point - Proposed additions to highlight legacy information and local needs: *The creation of jobs and training opportunities: Applicants ~~may wish to~~ should provide information on the sustainability and legacy of the jobs created, including where they will help to develop the skills needed for the UK's transition to Net Zero, especially taking account of the needs of locally impacted communities*
- 5.13.3 Applicant's Assessment, second bullet point - proposed additions to put more emphasis on local opportunities: *The contribution to the development of low-carbon industries at the local and regional level, such as creating significant business opportunities for relevant local and regional supply chain, ~~as well as nationally~~ being a catalyst for the growth of local auxiliary businesses supporting the low-carbon industry*
- 5.13.3 Applicant's Assessment, third bullet point clarifications: *The provision of additional local services and improvements or addition to local infrastructure, that creates social value, including the provision of educational and visitor facilities.*
- 5.13.3 Applicant's Assessment, fourth bullet point: The Council welcomes the reference to indirect beneficial impacts for the region and use of local support services and supply chains. This supports the Council's corporate priority of Inclusive Growth. The Council adopts a multi-sector approach wherever possible when dealing with NSIPs, to maximise the impact and benefit of any development. It is recognised that a single initiative can have multiple benefits to a range of sectors.
- 5.13.3 Applicant's Assessment, fifth bullet point – Potential visitors, if made aware of forthcoming developments, may feel that this would have an impact on their stay. It is important that applicants provide accurate details of location, size and scale of their proposals. A large influx of workers can be both an opportunity and a challenge: An opportunity as it has the potential to bring additional business to the hospitality sector, but also a challenge, as it requires a fully trained and staffed hospitality workforce and can displace tourist stays. The Council proposes the following addition:
Effects on tourism; Applicants should provide information on the negative and positive potential impacts of any development on the relevant local and regional tourist attractions, tourist access, and on supporting amenities, such as the hospitality industry.

- Paragraph 5.13.5 should be strengthened: *Socio-economic impacts may be linked to other impacts, for example the visual impact of a development is considered in Section 5.10 but may also have an impact on tourism and local businesses. Applicants ~~are encouraged, where possible,~~ should demonstrate that ~~to ensure~~ local suppliers ~~are~~ have been considered in any supply chain.*
- Paragraph 5.13.6: The Council welcomes this statement that applicants should also consider developing accommodation strategies where appropriate; however, there should also be a requirement for a robust assessment of how this is balanced against any negative impact this would have on the hospitality industry.
- In paragraph 5.13.8, it is inferred that limited weight be given to assertions of socio-economic impacts that are not supported by evidence. Whilst the Council agrees with the notion of this statement, it is important that consideration is being given on evidenced increased risks to the local community – i.e., where an impact may not necessarily occur, but the risk of such an impact significantly increases. This is particularly important as some of these risks, if they were to occur, could have very high impact, including risk to lives. The Council proposes the following addition to clarify: *The Secretary of State may conclude that limited weight is to be given to assertions of socio-economic impacts that are not supported by evidence (particularly in view of the need for energy infrastructure as set out in this NPS). However, considerations should include, when it is evidenced, risks to the local community, such as in relation to delivery of health, social care, emergency services.*
- The Council welcomes, the requirement for a skills plan at paragraph 5.13.9 to inform decision making and recommends to also include a similar requirement for a supply chain plan, in order demonstrably meet the requirements of paragraph 5.13.5.

Draft EN-2

5. Do you agree that the amendments to EN-2 (in combination with EN-1) provide clear planning policy to support the government’s position on the use of fossil fuels in electricity generation and the phase out of coal and large-scale oil?

Presumption in favour of combined heat and power

There is a missed opportunity 2.3.2 and 2.3.3 to set a more stringent test for CHP to be combined with Natural Gas Generating Stations. Specifically, the assumption should be that projects must either deliver CHP or include CHP readiness unless the applicant can demonstrate that this cannot or should not be delivered as part of the project proposal.

Carbon Capture Readiness

The approach outlined is acceptable, however the threshold of 300MW would exclude projects such as the current series of consented peaking plants, and as such does not appear to be consistent with recent statements from the Secretary of State for decarbonisation of electricity generation by 2035.

Climate Change adaptation

The wording in this section should be revised to include resilience from surface water and flash flooding events. It should not be assumed that all projects, particularly the lower output peaking or inertia plants, will be built in coastal areas.

6. Do you agree with the way the amended EN-2 deals with the emerging potential for the use of low carbon hydrogen in electricity generation?

Given that hydrogen powered generating plants are an emerging technology at present, the approach set out is reasonable. However, the establishment of this technology is likely to necessitate a revision of EN-2 in due course.

7. Do you have any other comments on the amendments to EN-2?

The policy wording in this area should be reviewed to ensure it is consistent with the ambition to create a Fossil Fuel Free Grid by 2035 as set out in the Net Zero Strategy 2021.

Draft EN-3

8. Do you agree that the amendments to EN-3 (in combination with EN-1) provide clear planning policy to support the government's position on renewable energy infrastructure?

Environmental and Biodiversity Net Gain

Paragraph 2.23.18; This section will need to be updated to reflect the passage of the Environment Act 2021.

There should be a clear distinction made between Biodiversity and Environmental Net⁶ Gain.

The potential spatial scope of any gain should be clarified in respect of intertidal and benthic habitats and species. Attention is drawn, in this regard, to the current and emerging scope of the Natural England Biodiversity Metric.⁷

9. Do you agree with the amendments made to EN-3 guidance on offshore wind?

Seascape and visual effects

The Council welcomes the recognition of the contribution of the seascape to the setting of designated landscapes and coastlines, and undesignated but undeveloped coastlines, at paragraph 2.35.2. However, it is essential that this section should make direct reference to the *OESEA Review and Update of Seascape and Visual Buffer study for Offshore Wind farms 2020*.⁸

Coordination of infrastructure and connections

See answers to Question 20

10. Do you agree with the new guidance added to EN-3 on pumped hydro storage?

No comments

11. Do you agree with the new guidance added to EN-3 on solar PV?

Consented Operational Lifetime

The Council welcomes the additional guidance on solar PV, and the learning from the initial projects consented under the Planning Act is clear. Furthermore, the Council welcomes the implicit assumption that consent for these projects will be finite. Given the extensive land take and limited

⁶ <https://cieem.net/i-am/influencing-policy/strategic-policy-sub-committee/environmental-net-gain/>

⁷ "The metric includes both intertidal and terrestrial habitats. Work is underway to develop an approach to marine net gain for English waters. Defra is currently working towards a consultation on the principles for marine net gain by the end of the year. We will update the metric to allow for a better integration of intertidal and sub-tidal habitats as marine net gain evolves"

<http://publications.naturalengland.org.uk/publication/6049804846366720>

⁸

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/896084/White_Consultants_2020_Seascape_and_visual_buffer_study_for_offshore_wind_farms.pdf

capacity factor of this technology in the UK, of around c10% of installed capacity annually, which declines over the lifetime of the panels, such that they have a limited efficient operational lifetime.

The Council considers therefore that such consents should, in the absence of exceptional circumstances, be limited to 25 years as it is important for the Secretary of State to re-evaluate the planning balance of these schemes after 20-25 years, prior to installation of new panels, having consideration of any alternative generation sources and land uses, available after a quarter of a century of operation.

Therefore, the following amendment is suggested at paragraph 2.49.12:

*Where the consent for a solar farm is to be time-limited, the DCO should impose a requirement setting that time-limit from the date the solar farm starts to generate electricity. Such a requirement should also secure the decommissioning of the generating station after the expiration of its permitted operation to ensure that inoperative plant is removed after its operational life. A limit of 25 years will be consented, ~~is typical,~~ although **applicants may seek a longer period of consent, based on robust evidence that this is necessary and the impacts of the proposal over a longer period are, or can be made, acceptable.***

Battery Storage as Associated development

Notwithstanding paragraphs 3.3.28 and 3.3.29, battery storage that is associated development, with an NSIP, or has been brought into the Planning Act regime following a s36 direction, will be dealt with under the NPSs. It is therefore the Council's view that EN-3 must deal directly with the issues of battery storage, and in particular address the safety issues associated with Li-ion batteries, including mitigation and control of thermal cascade events.

In the absence of current guidance on this matter it is suggested that EN-3 include the following, or a similar provision, that:

A scheme of mitigation and management for the control of, leakage, fire and thermal cascade must be agreed with relevant Local Authorities and the Statutory Agencies, based on the best available information. Both the scheme of mitigation and management, and the underpinning basis of the scheme, will need to be tested by the Secretary of State on a case-by-case basis, unless and until guidance is issued on this matter. In that case, the Secretary of State must be satisfied the scheme of mitigation and management conforms to the current guidance.

Highways

The Council agrees with the inclusion of paragraph 2.54.9, that if abnormal loads are proposed, the Secretary of State should be satisfied that they can be safely transported in a way that minimises inconvenience and environmental effects are acceptable. However, the Council strongly considers that this should be included in all NPS where abnormal loads are relevant.

Rights of Way

It is recommended to change the wording in paragraph 2.49.5, on site layout, design, and appearance, from 'local footpath networks' to 'public rights of way networks' as many sites are crossed by bridleways, restricted byways, and byways, not just by footpaths.

Paragraph 2.49.6 states that a Public Right of Way Management Plan is 'anticipated'. This should be strengthened by stating that such a plan is 'expected.'

12.Do you agree with the new guidance added to EN-3 on tidal Stream Energy?

No comments on this matter

13.What further changes do you think might be necessary to EN-3 and the NSIP regime more broadly in the longer term to deliver our de-carbonisation and other objectives including to deliver the scale of deployment needed for Carbon Budget 6 and Net Zero?

No comments on this matter

14.Do you have any other comments on the amendments to EN-3?

Heritage (Archaeology)

The addition of a cultural heritage section in relation to solar farms in EN-3 is very welcome and will provide greater clarity for all parties when considering these matters.

Flood and water management

Paragraph 2.50.7 should also reference the need for consideration of surface water runoff originating from the ancillary buildings and structures.

Draft EN-4

15.Do you agree that the amendments to EN-4 (in combination with EN-1) provide clear planning policy to support the government’s position on gas supply infrastructure and gas and oil pipelines?

Yes.

16.Do you agree with the way the amended EN-4 deals with the emerging need for low carbon hydrogen?

Given that hydrogen is an emerging technology at present, the approach set out is reasonable. However, the establishment of this technology is likely to necessitate a revision of EN-4 in due course.

17.Do you have any other comments on the amendments to EN-4?

No

Draft EN-5

18.Do you agree that the amendments to EN-5 (in combination with EN-1) provide clear planning policy to support the government’s position on electricity networks infrastructure?

Presumption of the need for new Network Transmission Infrastructure

With reference to paragraph 2.1.2: “The policies set out in this NPS are additional to those on generic impacts set out in EN-1 and do not replace them. Accordingly, the Secretary of State should consider this NPS and EN-1 in tandem when evaluating applications relating to electricity networks infrastructure. Notably, Part 3 of EN-1 sets out the government’s conclusion that there is a significant need for new major energy infrastructure generally, and for electricity networks infrastructure specifically – including in areas with comparatively little infrastructure build to date. In light of this, and in accordance with the need statement set out in Section 3.3 of EN-1, in making recommendations to the Secretary of State, the Secretary of State [Planning Inspectorate?] should act on the basis that the need for the electricity networks infrastructure covered in this NPS has been demonstrated.”

The Council considers that, notwithstanding the need to achieve Net Zero, or the interim targets related to it, it is not reasonable for the need case for a specific project, or the technology selected for the extension or modification of the transmission network, to be untested. Whilst such a presumption has been made in relation to the siting of new nuclear power, that was made on the basis that the principle had been previously established, by the provisions of EN6.

Whilst Ofgem's proposed *Future System Operator*⁹ may underpin this presumption, that body is not yet established. Therefore, a robust and transparent process for the identification of strategic projects, which has the public confidence necessary to deliver Net Zero transmission infrastructure, on which the proposed presumption might also be based, has not been established.

19. Do you agree with the new guidance added to EN-5 dealing with land rights and interests?

The proposed approach to land rights and interests provides greater clarity particularly in respect of land required for both mitigation and Biodiversity Net Gain (BNG). However, the current wording at paragraph 2.3.3 is such that BNG is treated as mitigation, which is not accurate and should be corrected. This would make paragraph 2.3.3 consistent with the new wording of section 2.8 Environmental and Biodiversity Net Gain. It is recommended to clarify the status of Environmental Net Gain as distinct from Biodiversity Net Gain as discussed at question 8.

20. Do you agree with the new guidance added to EN-5 incentivising more coordination in the design and delivery of electricity transmission infrastructure associated with offshore wind?

Much of this section sets out what is "expected" of applicants. However, the key tests for applicants are found at paragraphs 2.5.4 and 2.5.5.

Paragraph 2.5.4 states: "Applicants are expected to be able to demonstrate: how the optimum onshore connection locations have been identified; how environmental, community and other impacts have been considered and where possible how adverse impacts have been avoided or mitigated through good design; and how enhancements to the environment post construction will be achieved including any biodiversity net gain proposals."

This test is one of outcomes which should apply to both single radial *and* coordinated connections, it does not test the degree of coordination or the project promoters' efforts to achieve coordination.

Therefore, the wording of this section should also include the following or similar:

Applicants will be expected to provide detailed and substantive evidence as to how they have coordinated and consolidated connection and transmission infrastructure, both within and between projects, that they, and others, are promoting. The evidence provided will also set out the extent to which further coordination is not feasible, and clearly explain why this is.

It is suggested that such an approach would be consistent with the more stringent test at paragraph 2.5.5, in respect of single radial connections providing greater clarity for applicants as to what is required, and for the Secretary of State, greater clarity as to why and how a specific coordinated design has been proposed.

21. Do you agree with the amendments made to EN-5 to reflect priorities to minimise the landscape and visual impacts of new electricity network infrastructure including recognition of the 'Horlock Rules' and undergrounding in National Parks and Areas of Outstanding Natural Beauty?

The clarification of the importance and status of AONBs and National Parks, with the associated assumption in favour of undergrounding is very welcome. However, the importance of setting in

⁹ <https://www.gov.uk/government/consultations/proposals-for-a-future-system-operator-role>

respect of nationally designated landscapes is not expressly recognised, this is inconsistent with both the revised NPPF at paragraph 176¹⁰ and the proposed revisions to EN-3, at para 2.35.2, in respect of the impacts of offshore wind farms on the setting of designated landscapes.

It is suggested that wording consistent with that of the NPPF is included in this section.

The draft policy wording identifies undergrounding as an additional measure, and cost, in respect of transmission projects and designated landscapes. The Council considers that the scope of additional measures, and consequent costs to address both harm and consenting risks, is likely to be wider. If undergrounding is not feasible, as set out in the draft policy, it would be appropriate to expect additional measures to mitigate and offset harm to the Natural Beauty Indicators (which are the expression of the reasons for designation¹¹ of a landscape) and Special Qualities of the designated area. These harms may also arise from transmission projects that are outside, but adjacent to, the designated area.

In summary, the Council considers the policy is welcome, but should be revised and clarified, to fully encompass both the extent of potential harm to designated landscapes, and the extent of likely measures required to address such harms.

22. Do you have any other comments on the amendments to EN-5?

Flood and water management

There is no reference to the requirement for the consideration of existing watercourses with respect to the potential need for culverting and/or crossings. Acknowledgement of the need to liaise with Lead Local Flood Authorities (LLFAs) and obtain Land Drainage Consent should also be included.

Highways

The Council agrees with the inclusion of paragraph 2.8.1; however, consideration should be given to what further opportunities can be identified via green corridors for enhancing connectivity particularly through improvements to the rights of way network. The projects should be required to have a net gain on the public rights of way network.

Assessment of Sustainability EN-1 to 5

Suffolk County Council makes no comment on this matter

23. Do you have any comments on the AOS findings for the following draft NPSs:

- a. The draft Overarching NPS for Energy (EN-1)?
- b. The draft NPS for Natural Gas Generating Infrastructure (EN-2)?
- c. The draft NPS for Renewable Energy Infrastructure (EN-3)?
- d. The draft NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?
- e. The draft NPS for Electricity Networks Infrastructure (EN-5)?

¹⁰ "development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas" <https://www.gov.uk/guidance/national-planning-policy-framework/15-conserving-and-enhancing-the-natural-environment>

¹¹ <https://www.legislation.gov.uk/ukpga/2000/37/section/82>

Habitat Regulations Assessment EN-1 to 5

Suffolk County Council makes no comment on this matter

24. Do you have any comments on the HRA findings for the following draft NPSs:

- a. The draft Overarching NPS for Energy (EN-1)?
- b. The draft NPS for Natural Gas Generating Infrastructure (EN-2)?
- c. The draft NPS for Renewable Energy Infrastructure (EN-3)?
- d. The draft NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?
- e. The draft NPS for Electricity Networks Infrastructure (EN-5)?

Other Comments

25. To maintain consistency and ensure an efficient transition to the updated NPS, the drafts adopt the same structure as the existing suite of NPS. Do you agree with this approach?

Yes

26. The NPS direct the reader to relevant additional policy and regulations that should be reflected in the submission and consideration of applications for development consent. Such guidance could be periodically updated or changed. How can we improve the way that the NPS signpost existing and future guidance?

No comments

27. Do you have any comments on any aspect of the draft energy NPSs or their associated documents not covered by the previous questions?

It is suggested that the wording of the draft NPS package is reviewed to ensure that policy is clear in terms of expectations. This would avoid the use of phrases/words such as 'applicants are encouraged...' or stating that x 'should' be provided. Terms such as 'will' and 'applicants will be expected to demonstrate...' will provide greater certainty as to expectations for project promoters, Councils, and communities alike. These words will also reduce the level of debate during consultation and at Examination, thus helping to streamline the NSIP process.