Suffolk County Council

energyNPS@beis.gov.uk

Enquiries to: Phil Watson
Strategic Energy Projects Manager
01473 264777

Email: Phil.watson@suffolk.gov.uk

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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).

This response should be considered in conjunction with the County Council's previous response on this matter in 2021. https://www.suffolk.gov.uk/asset-library/imported/suffolk-county-council-response-to-nps-consultation-questions-final-281121-redacted.pdf

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').

In February 2021, the Council adopted its own Energy Infrastructure Policy, which was updated on the 16th May 2023, to the *Energy and Climate Adaptive Infrastructure Policy* https://www.suffolk.gov.uk/asset-library/energy-and-climate-adaptive-infrastructure-policy.pdf

The Council welcomes many of the changes made to the Energy NPSs to date, in particular the robust policy tests regarding the coordination of offshore transmission infrastructure.

Detailed responses to the consultation are appended to this letter.
In summary, the Council's key issues are:

- The principle of **Critical National Priority Infrastructure** is acceptable. However, the definition is not consistent or robust, suggested changes to resolve this are set out in the detailed response.

- The **application of the mitigation hierarchy and residual impacts** as set out in EN-1 is acceptable, subject to modification of the policy wording, as set out in the detailed response. There is also a need, when making a decision, for the Secretary of

State to specify those residual impacts that are not capable of being addressed by the application of the mitigation hierarchy, and that have been set aside when making the decision.

- **Social licence** is critically important to deliver the infrastructure required, to both mitigate, and adapt to, the impacts of climate change. Therefore, the pre-application process should be designed to support this. *The Planning Act 2008: Guidance on the pre-application process* should be thoroughly revised with this in mind, to improve the quality of pre-application engagement with communities, to support the development of essential energy and climate adaptive projects.

- **The importance of good design and placemaking**, is not adequately recognised in EN-1, or consistent with the recent NPPF consultation. Proposals are set out to strengthen the role of design in both the process of project consenting, and in decision making. It is considered that such an approach would also help to maintain social licence for change.

- **Policies regarding solar power are not sufficiently robust**, and the detailed response sets out several suggested changes; regarding the use of the sequential test, in respect of design, and the use of overhead lines to connect solar schemes.

Solar projects are not location specific, in terms of the availability of the resource, location is largely driven by the availability of network connection capacity. In the absence of a sequential test, this drives “honey potting” in locations with connection capacity. Therefore, a sequential test, coupled with effective consideration of cumulative effects and landscape capacity, in conjunction with a robust approach to design and placemaking, is essential.

In summary, the current consultation sets out a range of significant and welcome improvements in policies, compared with that in 2021, especially in relation to the policies to support offshore coordination.

However, if the principle of CNP infrastructure is to be implemented, this needs further refinement. Furthermore, it should be complemented by measures, to support effective engagement in placemaking, to properly protect communities and the environment from adverse impacts, and to ensure that the good design of transformational change is embedded in policy, and decision making.

Yours sincerely,

Andrew Cook

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Executive Director of Growth, Highways & Infrastructure

1. **Do you agree with the glossary definition for CNP?**

The principle of Critical National Priority Infrastructure is acceptable.

However, the definition does not appear to be consistent or robust.

Firstly, because it singles out one form of generation technology, offshore wind, for special treatment, rather than focusing on the critical network infrastructure. The definition as it stands would mean that onshore transmission infrastructure, relating to onshore generation, would fall outside the proposed scope of CNP infrastructure.

Secondly, the supporting rationale for CNP infrastructure is too widely drawn, it should be limited to National Security and Net Zero. Economic or commercial matters cannot reasonably be given the same weight as National Security and Net Zero. Furthermore, some of the infrastructure required to achieve these priorities, will have only limited economic or commercial returns.

Revised Definition

A policy set out at 2.8.8 to 2.8.13 of EN-3 which applies a policy presumption that, subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, ~~economic, commercial,~~ and net zero ~~benefits~~ objectives, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. CNP Infrastructure is defined as nationally significant new ~~offshore wind development and supporting~~ onshore and offshore network infrastructure and related network reinforcements, that support renewable and low carbon electricity generation projects, and may also deliver economic and commercial benefits.

Specific energy technologies, in addition to transmission infrastructure, that are also CNP Infrastructure, are set out in Appendix B. This appendix may be revised at any time at the discretion of the Secretary of State.

These modifications would not only make the definition of CNP Infrastructure more robust, but they would also ensure that the definition is not rapidly rendered obsolete by changing and emerging technologies.

The modifications suggested would also make the definition in the policy broadly compatible with the definition of Critical National Infrastructure, used by the National Protective Security Authority.[1]

[1] https://www.npsa.gov.uk/critical-national-infrastructure-0#definition-of-cni-27912

2. Do you agree with the new guidance added to draft EN-1, draft EN-3 and draft EN-5 on the CNP for offshore wind, supporting onshore and offshore network infrastructure, and related network reinforcements?

Subject to any revisions required in line with the answers to question 1 and question 8 and the following amendments.

EN3
Offshore Wind
Seascape and visual impact assessment and Designated Landscapes
3.8.224
This requires amendment, as an SLVIA could not be "in accordance" with the OESEA and the White Report 2020, therefore the section should be revised as follows:
in accordance with the relevant offshore wind farm EIA policy and with due regard for the findings of the latest Offshore Energy SEA, including the White Report 2020.

Specifically, do you agree that this policy will

a. support government ambitions to deploy up to 50GW of offshore wind by 2030, including up to 5GW of floating wind?

No Comments

b. support government objectives to streamline the offshore wind consenting process?

- **The pre application process**

Consenting of the infrastructure required to achieve both Net Zero and adapt to climate change is arguably more important than any other infrastructure consented under the Planning Act 2008. The extent, magnitude, and rate of change, required to deliver this infrastructure is very substantial.

Social licence is critically important to deliver the infrastructure required, to both mitigate, and adapt to, the impacts of climate change. Therefore, the pre-application process should be designed to maintain and develop this.

The *Planning Act 2008: Guidance on the pre-application process*[2] should be thoroughly revised with this in mind, to improve the quality of pre-application engagement with communities for both Net Zero, and climate adaptive projects such as for example, reservoirs or desalination plants.

It is anticipated that design and placemaking is likely to be an effective medium for engagement with communities at project and site level. The development of extensive new infrastructure to adapt to a changing climate, is for many areas a comprehensive exercise in placemaking. Therefore, effective participatory engagement, using techniques previously used in urban re-development and rural development programs, are likely to be appropriate.

[2] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418009/150326_Pre-Application_Guidance.pdf

3. Do you agree with the new text included in Section 2.8.103 of draft EN-3 relating to the Offshore Wind Environmental Standards?

No Comments

4. Do you agree with additions made in relation to strategic compensation and seeking the views of the SNCBs and Defra Secretary of State in Section 2.8.282 of draft EN-3 relating to the Compensatory Measures?

Strategic compensation is a matter for SNCBs.

However, the Council does consider that it is essential that these bodies are appropriately resourced to be able to engage in a timely and efficient manner in their full range of responsibilities, including in relation to Nationally Designated Landscapes

5. Do you agree that Section 5.5 of draft EN-1 relating to Civil and Military Aviation and Defence Interests, provides a more balanced and up-to-date view on offshore wind impacts of radar, and represents the needs of different stakeholders accurately?

No Comments

6. Do you agree with new guidance added to Section 2.8 of draft EN-5 on the inclusion of strategic planning as a consideration to support the needs case for electricity network infrastructure?

Subject to the effective operation of the Future System Operator and the implementation of Regional System Planning, this is acceptable.

It appears likely the HND may now require Strategic Environmental Assessment (SEA) and a plan level HRA; given that draft EN-5 relies on, and formalises the status of, the Holistic Network Design (HND), to support the need case for electricity network infrastructure in the planning process.

7. Draft EN-5 includes a strong starting presumption for overhead lines for electricity networks developments outside nationally designated landscapes, which was consulted on in 2021. Do you agree?

- The Council agrees that the presumption is consistent with the consultation in 2021.

It is also consistent with the approach taken historically by National Grid on the matter, specifically with reference to the undergrounding in the undesignated Stour Valley, on the Suffolk Essex boarder, proposed by NGET in 2012.

In terms of future decisions, regarding undergrounding in undesignated landscapes the application of policy should not be applied in a more restrictive way than it was applied in that instance in 2012.

- Undergrounding outside designated landscapes specific policy wording

At **2.9.23 and 2.11.5** the use of "significant" and or "widespread" is not consistent in these two paragraphs and should be resolved in favour of "significant". The word "widespread" should not be used in either case. Significant effects may occur because the effects are widespread, however they may also occur because the effects are localised on a very sensitive receptor. Widespread effects may have a low significance; therefore, this is not an appropriate policy test, and should not be used.

- Visual impacts of overhead lines - specific policy wording

2.9.25 the use of "particularly" as a qualifier to significant here is not appropriate or robust, and similarly to the use of widespread cited above, provides no benefit and introduces uncertainty, for the project promoter and decision maker alike.

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

- **The use of qualification throughout the policy documents**

The suite of policies should be thoroughly reviewed in respect of such qualifying words and unless they provide greater clarity, for example, the use of "feasible" in relation to consideration of alternatives, or in relation to schemes of mitigation, "suitable" or "acceptable", they should be removed.

EN1

- **Application of the mitigation hierarchy and residual impacts**

This is acceptable subject to modification, such that the definition in the Glossary is added, for the avoidance of any doubt, to the face of the policy at this point, and elsewhere throughout the NPSs as required.

3.3.57 As set out in EN-3, subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, ~~economic, commercial,~~ and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy, which is; to avoid, reduce, mitigate and compensate for the impacts of the project both alone, and in combination with other projects, to protect the environment and biodiversity. Government strongly supports the delivery of CNP Infrastructure, and it should be progressed as quickly as possible.

- **Decision Making, the Mitigation Hierarchy, residual impacts.**

Modification of the decision-making process on this matter is also essential, specifically:

Given the proposed wording at 3.3.57 it is suggested that in making a decision, the Secretary of State should specify those residual impacts that are not capable of being addressed by the application of the mitigation hierarchy and have, consequently, been set aside when making the decision.

- **Criteria for "Good Design" for Energy Infrastructure**

The policy as set out at 4.6 is not sufficient or robust enough to ensure the principles of good design are applied throughout the development of the project, nor in the finalising of post consent design details.

The Policy as currently worded does not adequately recognise the scale and extent of change that has been, and will be, created by both energy and climate adaptive infrastructure. Furthermore, the policy does not recognise adequately the role of good design in place-making, nor the role of placemaking as a participative exercise with host communities, which supports social licence for change**.**

This is in direct contrast to the recent proposed revisions to the National Planning Policy Framework, which emphasised the value of beauty, and recognise the importance of placemaking, and shaping design through engagement.

Therefore, this section should be subject to further detailed revision, supported by specialist input, such as from the National Infrastructure Commission Design Group.

- **Good design and decision making**

The policy wording should be revised such that,

The Secretary of State should, in making a decision, be satisfied that the project promoter has applied the principles of good design at all stages of project development and, has made appropriate provision for these principles to be applied during the discharge of requirements.

EN5

- **Infrastructure Coordination; Policy Tests**

2.13.5 – 2.13.17 are acceptable and this will allow consultees to understand and comment on this issue, and allow the SoS to make an informed decision as at 2.15.1

EN3 Solar

- **New overhead lines to connect solar schemes.**

These should only be considered as a last resort, and underground connections should be the starting position for such connections.

This approach would support the established position that well-designed and located solar developments are, in principle, capable of *visual* integration into the landscape, notwithstanding any significant impacts on *landscape character* arising from the change of land use.

- **Application of the sequential test to solar power**

Paragraph 3.3.9 states that the Secretary of State 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).

The Council recognises that this is entirely appropriate where the resource is geographically restricted, as in the cases of wind, hydroelectric or geothermal energy for example.

However, it is considered that it is not reasonable to apply such an approach to solar energy, as this is a ubiquitous resource, to which the sequential approach could reasonably apply.

The application of the sequential approach would give weight to matters including for example, Best and Most Versatile Agricultural Land, or Nationally Designated Landscapes.

It is Suffolk County Council's experience that for consideration of the impacts of solar development on best and most versatile agricultural land in particular, statutory consultees' responses usually proceed on an assumption that solar proposals are time limited. However, given the anticipated 40-year lifetime and consenting of these projects as set out in policy, and the impacts this may have on the ability to maintain an effective, flexible, and resilient food system, in the face of climate change, the specific operation of the sequential test for solar projects in relation to land use, needs to be clarified.

Given that solar projects are not location specific, in terms of the availability of the resource, location is largely driven by the availability of network connection capacity. In the absence of a sequential test, this drives "honey potting" in locations with connection capacity. Therefore, a sequential test, coupled with effective consideration of cumulative effects and landscape capacity, in conjunction with a robust approach to design and placemaking, are essential.

- **Solar and good design**

Solar projects are, by virtue their modular nature, highly flexible, therefore they should be open to, and capable of, different approaches to achieve a well-designed project that is capable of effective integration into the landscape. However, insufficient weight is given to the importance of good design in respect of this technology. Therefore:

At paragraph 3.30.9, the requirement to demonstrably develop a comprehensive design approach to the scheme, and to select sites that are capable of effective integration of solar panels into the existing landscape, should be included.