

SUFFOLK COASTAL DISTRICT COUNCIL: RESPONSES TO DRAFT ENERGY NATIONAL POLICY STATEMENTS

DRAFT OVERARCHING ENERGY NPS (EN-1)

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

Yes, subject to matters raised in the consultation, including but not limited to those listed below.

- 2 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?**

With regard to the energy documents, there is a general concern that the strong emphasis on the need for a new power infrastructure will mean that it would be difficult for the Infrastructure Planning Commission to find that local issues are such, in respect of a specific application, that it should be refused. It is important that this is seen as a realistic option. The public would wish to be clear that there is a genuine opportunity for strong local concerns, based on sound planning principles, to be able to override schemes put forward by commercial operators – that they are not a "fait accompli".

Furthermore, if operators believe that all schemes will be approved, there will be less incentive for them to introduce adequate mitigation measures or meet the reasonable needs of the local community. Therefore the NPS should make clearer that, despite the strong national need to update the energy infrastructure, individual schemes could still be refused where the local impacts are unacceptable in planning terms.

There is a concern that the statutory development plan (Regional Spatial Strategy and Local Development Framework) are not given sufficient weight in the NPSs. It must be the case that any national energy infrastructure should be considered in the context of and having due regard to relevant development plan policies.

At a strategic level the overarching NPS is considered to be fit for purpose other than a need to include the impact upon Areas of Outstanding Natural Beauty in paragraph 4.20.8.along with a suitable paragraph regarding the weight to be afforded to development plan policies.

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

Yes.

- 4 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?**

No. Section 3.1 "Summary of need" estimates that the demand for electricity in 2020 is expected to similar to the existing level of 60GW. It also identifies the need for net additional capacity, above the current level of 80GW, to ensure supplies in a more volatile market both as to demand and as to supply. It identifies in particular that some

35GW of the supply will be from renewables, and hence intermittent in nature. However the Summary does not quantify that additional margin and there is no statement of the perceived total gross capacity required.

Although the matter is further addressed in paragraphs 3.3.14 and 3.3.15, under various scenarios, no firm conclusion is drawn for policy purposes.

See also the response to Q2 above

5 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?

No, in that they do not give sufficient weight to the local circumstances of specific applications.

It is accepted that all of the nuclear sites listed are 'potentially' suitable, including Sizewell. But that is all that is established at this stage. The NPSs, in all contexts, must recognise that a specific application, of any of the types of energy infrastructure involved, in a particular location, and of a particular design, scale and impact, may not be suitable, particularly should the mitigation proposals be inadequate. In such an event the IPC must have the power to refuse an application on that basis. As written, it is debatable to what degree this is satisfied.

Also this is subject to inclusion of a reference to the potential impacts of coastal process change upon the character of AONB landscapes resulting from major infrastructure developments. Also AONBs should be added to the list in paragraph 4.20.8.

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

Yes.

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

No.

DRAFT NPSs FOR FOSSIL FUELS, RENEWABLES, GAS SUPPLY AND GAS AND OIL PIPELINES, AND ELECTRICITY NETWORKS (EN 2-5)

8 Do you think that the Government should formally approve ('designate'):

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

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

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

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

No comment.

9 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)?

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

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

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

Yes, but see the response to Q10(b) below.

10 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)?

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

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

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

The Council's comments relate to EN-3 only and in particular to On-shore wind generation

The NPS highlights that such wind farms are "temporary" in nature and typically of a design life of 25 years. It goes on to say:

"The time limited, non-permanent nature of wind farms is likely to be an important consideration of the IPC in assessing impacts such as landscape and visual effects and potential affects of the settings of historic assets. Such judgements should include the consideration of the period of time sought by the applicants for the plant to operate and the extent to which the site will return to its original state may also be a relevant consideration."

It is suggested that this is a fundamentally flawed approach by Government in that 25 years can hardly be considered to be "temporary" but is akin to a permanent feature

within the landscape or the setting of any historic asset. As such the District Council objects to this aspect of the NPS; either wind farms are acceptable in their own right as permanent features albeit limited to a 25 year period or they are not. Over and above this the NPS acknowledges that the owner of a wind farm may seek to “repower” the site with new turbines. Whilst the IPC would have to determine an application for repowering of a site on its individual merits nevertheless it must be the case that if a site was acceptable in the first instance unless there has been a radical change in circumstance it is likely to be suitable for repowering.

The NPS states “As most renewable energy resources can only be developed where resource exists and where economically feasible, the IPC should not use a sequential approach in the consideration of renewable energy projects (for example, by giving priority to the reuse of previously developed land for renewable technology developments).”

Given the potential in future for repowering of existing sites and also the potential within any particular area for the identification and use of brownfield land as opposed to greenfield land it is felt that this particular approach in the NPS is flawed and should be changed to allow for a sequential consideration of sites.

The NPS suggests that there will be a need for flexibility in relation to any submission by an applicant in relation to the dimensions of the turbines including tip height, hub height and rotor diameter. It also suggested that there should be some flexibility in siting to allow for any unforeseen site characteristics. It suggests that the tolerance in siting could be between 30 and 50 metres relating to elements of the required infrastructure. Whilst a caveat is included relating to the IPC’s consideration of the reasons behind an applicant seeking such “flexibility” as has been shown in a case in Suffolk Coastal District (Parham Airfield) this uncertainty can be very unsettling for local communities and gives rise to a number of practical and procedural problems that are often difficult to resolve. If there is to be “flexibility” it should be very limited. It is acknowledged that for example it might be necessary to move the base of a turbine by say 10 metres because ground conditions were found to be not what was expected or because of some unforeseen archaeological deposit. But in the normal course of events one would at least expect a wind turbine operator to know what the hub and tip heights were and within an approximation where the turbines will be located. This is particularly important in a closely settled area such as Suffolk Coastal and in a landscape wherein subtle variations in hub heights, tip heights and blade lengths can give rise to unforeseen consequences in respect of landscape impact, noise outputs and access issues.

One final concern in respect of on-shore wind farm criteria relates to the use of ETSU-R-97 as referred to in paragraphs 2.7.60 – 2.7.71. ETSU-R-97 was developed in 1997 and is now well beyond its designated date for review. It has been the subject of increasing criticism from acoustic consultants in the past few years and this is resulting in ever increasing planning appeals and judicial reviews. This Authority would therefore welcome a full revision of ETSU-R-97, particularly in respect of the following matters:

- Low Frequency Noise and Amplitude Modulation
- Standardised Measurement Criteria
- Wind Shear Criteria
- Directional Noise Data
- Planning Conditions and Enforcement Criteria

Any such revision should give considerable weight to the effect on the living amenity of residents affected, and specifically accommodate the known widely differing perceived effects of a given level and characteristic of noise on different individuals.

- 11 Do you have any comments on any aspect of draft National Policy Statements EN-2, EN-3, EN-4 or EN-5 not covered by the previous questions?**

No.

APPRAISAL OF SUSTAINABILITY AND HABITATS REGULATIONS ASSESSMENT FOR EN 1-5

- 12 Do you agree with the findings from the Appraisal of Sustainability reports?**

No comment

- 13 Do you think that any findings from the Appraisal of Sustainability reports have not been taken account of properly in the relevant draft National Policy Statements?**

No comment

- 14 Do you have any comments on any aspect of the Appraisal of Sustainability reports not covered by the previous questions?**

No comment

- 15 Do you have any comments on the Habitats Regulations Assessment reports for draft National Policy Statements EN-1, EN-2, EN-3, EN-4 or EN-5?**

No comment

DRAFT NUCLEAR NPS (EN-6) AND ASSOCIATED DOCUMENTS

16 Do you think that the Government should formally approve ('designate') the draft Nuclear National Policy Statement?

Yes, subject to the overarching caveats in the response to Q2 and the site specific issues raised below.

17 Does the draft Nuclear 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?

Section 3.5 "Good Design" needs to be strengthened generally, and particularly in respect of sites in sensitive landscape areas, particularly AONBs.

Similarly, Section 4.6 "Nuclear specific impacts: landscape and visual" does little more than identify the potential for long-term impacts on the landscape, including specifically at Sizewell. No guidance is given to the IPC of the importance of this aspect, which this Council considers to be a fundamental. This section requires considerable strengthening, including recognition that the design and scale of the buildings at such sites must be such that the landscape impact remains within reasonable limits. In the absence thereof, the IPC should have the power to refuse permission for a specific scale and/or design.

Socio-economic effects (S4.7) are given very little consideration, and crucially no distinction is drawn between the long-term effects of the operational phase and the much larger scale effects likely during the construction phase.

In the latter, an influx of temporary workers far outnumbering the local population is expected, and likely to have a range of major issues. This Council has unique experience of these matters in relatively recent times during the building of Sizewell B in the early nineties, when a wide range of social and other issues arose. Accordingly, we believe that this section needs a major expansion and strengthening.

Specifically, we should like to see at least the possibility, and possibly a requirement, that a proportion of the housing required for the temporary workforce should be constructed on the 'Olympic Model', i.e. to a permanent standard, and then released to local Housing Associations as affordable housing following completion of the construction phase. Such a proposal would of course have to be linked closely with the relevant LPA's LDF, and relevant consultation procedures followed. There may be other infrastructure that would also provide long term legacy benefits, provided that this is recognised and accounted for as part of the conceptual design phase.

In respect of each the matters entitled 'Flag for Local consideration', and very specifically the impact on the primary route network during the construction phase, it is highly regrettable that there is no provision, let alone a requirement, for 'mitigation', as with all of the other impact topics listed. This should be addressed, in line with the relevant parts of EN-1 in Section 4.28.

There are cases where the impact on the primary route network will be affected by more than one major energy facility, such as nuclear stations in proximity to each other, or in the case of Sizewell, the added traffic on the same route in connection with the development of Lowestoft as a major centre for offshore wind infrastructure provision. (The A12 as a 'low-carbon corridor') The IPC should be required, and have appropriate powers, to address the cumulative traffic impacts in such cases.

The Sizewell specific section requires further detail. Specifically, the section on Coastal processes (5.14.27 – 5.14.37) makes no mention of the need to accord with the Shoreline Management Plan, which this Council has recently developed as lead authority, in association with the Environment Agency. In regard to the location on the coast in the AONB, the visual effects on the shoreline, visible for many miles, should be identified as a specific issue.

18 Does the draft Nuclear National Policy Statement provide suitable direction to the Infrastructure Planning Commission on the need and urgency for new nuclear power stations?

Yes, if anything it is too dogmatic in its direction.

19 Do you agree with the Government's preliminary conclusion that effective arrangements will exist to manage and dispose of the waste that will be produced by new nuclear power stations in the UK?

SCDC is content with the Government's conclusion in regard to the technical feasibility of the eventual storage of waste in the long term at a central national site but would wish to see a greater commitment to long term funding of the NDA such that a national repository will be delivered in a timely fashion.

However interim storage of waste will be required pending a long term storage facility in a location in the immediate vicinity of any proposed new station. That storage facility must be secure in regard both to radiation containment and from potential attack or theft by terrorists. This implies a further significant building and land-take on an already congested site. Whether that is feasible and acceptable, or may alternatively be a contributory reason for a refusal on a site such as Sizewell, must be an appropriate matter to be taken into account by the IPC. Accordingly paragraphs 3.8.16 to 3.8.19 "Interim Storage" need to be strengthened, and further guidance given in regard to the matters above.

20 Does the draft Nuclear National Policy Statement appropriately cover the impacts of new nuclear power stations and potential options to mitigate those impacts?

No.

A number of impacts are not adequately considered, either in general or in the specific case of Sizewell, including effects on the AONB, Coastal process, impacts of the construction phase in particular, socio-economic issues, transport infrastructure and others. In respect of the site-specific chapters generally, and certainly in the case of the Sizewell chapter, the contents for the most part are historic, detailing the fact that the government has decided that each site is a potentially suitable location, and the outline reasons for that. There is very little guidance for the IPC on a site-specific basis, in relation to the particular local circumstances. This seems to be a flawed approach, and we believe that much stronger site-specific criteria should be included.

More details are given in respect of the example of Sizewell in response to question 21 below.

Such considerations by the IPC both at Sizewell and at other sites, of core infrastructure should be undertaken in the light of the other or, particularly, potential beneficiaries.

In the case of Sizewell, there are major opportunities for integration of Nuclear at Sizewell with Renewables at Lowestoft as part of a “Low-Carbon Energy Corridor”. Both areas suffer from very poor infrastructure, not only that of transport, but also of the skills base and the appropriate educational facilities hence the potential benefits from a proactive sub-regional stance are significant indeed. This is reinforced by the recent announcement by Crown Estates of the massive “East Anglian Array” offshore wind project with the clear possibility that Lowestoft should become the base for that £15Bn development.

The guidance to the IPC should be clear and strong that such opportunities should be sought, be recognised, and be maximised.

- 21 Do you agree with the Government’s preliminary conclusion on the potential suitability of sites nominated into the Strategic Siting Assessment? You can respond in general terms on the assessment as a whole, or against one or more specific sites.**

Agree that Sizewell a potential site but with some major reservations as set out herein and previously.

Coastal Processes

The Environment Agency has already identified the need for a full study to be carried out in regard to coastal process and erosion over the wider frontage of which the site will form part. SCDC believes that this is crucial, and furthermore that a primary objective in considering techniques to protect both the site itself and the adjacent frontages must be to achieve that protection in a manner having the least possible effect on the AONB and the coastal vista which is so fundamental a part of that. Accordingly, the preferred method of protecting the site should be funding by the site operator of the long-term maintenance of the existing shingle banks and other features, so far as that can be shown not to be impossible.. This will require major studies to be undertaken, taking into account the Shoreline Management Plan, involving both the EA and the District Council. Any option which would over the long term involve the nuclear site becoming a headland or promontory with hard protection extending seawards from an otherwise retreating coast must be avoided if at all possible.

The IPC should satisfy itself that:

- The coast and flood defence required to protect the site would not adversely affect the quality of the landscape of the AONB in this location, nor would it result in the long term in a coastal form that could not be sustained without unacceptable impact on other property or cost to the public finances.
- Any beach structures needed for the construction and maintenance of the power station would not result in coastal erosion or unacceptable impacts on the AONB.
- Potentially significant “thermal groyne” effects due to the inflow and circulation of warmed cooling water are fully investigated as part of the overall study of the hydromorphology of the project, both during construction and operational phases.

Visual impact in the AONB

Any new station built at Sizewell will inevitably have a major visual impact, both locally, and on the wider AONB, particularly the coastal vista. It is essential therefore that this is minimised to the utmost degree by both the scale and the visual design of the new build. And furthermore, it must be established that if a particular scale and design should be proposed whereby the impact is such as to be completely overbearing on the landscape, that judgement by the IPC must be capable of becoming a reason for refusal of that particular proposal. Accordingly it is essential that the guidance on the NPS reflects this aspect. This should be both by strengthening the general discussion

in Parts 3 and 4 of EN-6, and in more specific terms in relation to the location in the AONB in the Sizewell specific section.

Transport Infrastructure

The inadequacy of the A12 (no longer a trunk road maintainable by the Highways Agency) as the primary access to the site needs specific recognition. In the long term, the operational phase of the station, its role in the supply of the station and movements of its workforce will be incremental to the existing situation where certain parts (notably in and near the village of Farnham) are already beyond their environmental capacity, and the needs of the growing economy in Lowestoft, not least in relation to that town's major role in regard to off-shore wind infrastructure. In the short-term, the very large volume of traffic for construction, both related to supplies to the site and the movement of the very large temporary workforce will render the project untenable in the absence of major improvements to the road, specifically in the vicinity of Farnham. The IPC should be directed to specifically consider this issue.

Size of Site

The Council welcomes the acknowledgement in EN-6 of its concerns in respect of the proposed northern access route and the need for the IPC to have regard to the potential adverse environmental impacts that this may bring. The options of a major commitment to distributed locations for all functions and staff not essential for on site construction or operation, a reduced development or revised/reduced site or a refusal of consent must all be available to the IPC. The Council remain concerned about the land to the south of the site in terms of its exposed location in the AONB.

Relationship to Sizewell A & B Stations

The Council consider that the NPS should acknowledge that it would be desirable for any new build proposal at Sizewell to look at the potential to use the now decommissioning site at Sizewell A and the potential for joint use of facilities with Sizewell B. The guidance should strongly advocate maximising the synergy between the historic and new build sites at all relevant locations, and specifically that different ownerships and regulatory regimes should not be permitted to present undue obstacles in this regard. To follow this approach would be in line with the government's overall planning aim to make the best use of previously developed land in preference to green field land and would minimise the impact of new build in the AONB in the case of Sizewell.

Impact on Tourism

The area of AONB and Heritage Coast within which Sizewell is located is a significant tourist destination and this should be reflected in the advice to the IPC within the NPS.

- 22 Do you agree with the Government's preliminary conclusion that the three sites identified in the Alternative Sites Study are not potentially suitable for the deployment of new nuclear power stations by the end of 2025?**

No Comment.

- 23 Do you agree with the findings from the Appraisal of Sustainability reports for the draft Nuclear National Policy Statement?**

No Comment.

- 24 Do you think that any findings from the Appraisal of Sustainability reports for the draft Nuclear National Policy Statement have not been taken account of properly in the draft Nuclear National Policy Statement?**

No Comment.

- 25 Do you have any comments on the Habitats Regulations Assessment reports for the draft Nuclear National Policy Statement?**

No.

- 26 Do you have any comments on any aspect of the draft Nuclear National Policy Statement or its associated documents not covered by the previous questions?**

No.

IMPACT ASSESSMENT AND OTHER QUESTIONS

- 27 Do you have any comments on the Impact Assessment report for the draft energy National Policy Statements?**

No.

- 28 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 for applicants?**

Yes.

- 29 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?**

Sections 43, 47 and 60 of the Planning Act 2008 refer to the "local authority" as the relevant body in respect of consultation and submission of local impact statements. Part 8 of the Act refers to the "local planning authority" as defined in Section 173. We had assumed this distinction reflected the potential impacts of a Nationally Significant Infrastructure Project that would involve the Council in its wider role as a focus for community involvement pre-decision by the IPC. Post decision it is clear that the role is totally regulatory and hence one for the local planning authority.

Against this background this Council has been channelling its responses both to policy and consultation matters via the Cabinet or Portfolio holders as a role for the executive arm of the Council rather than the regulatory arm.

Confusion has now arisen, however, following the reference in paragraph 1.1.4 of EN-6 to the "local planning authority" as the relevant body to submit local impact statements under the Planning Act 2008. This appears to be an error in EN-6 which needs to be corrected in the final version.