

Response ID ANON-SFAA-STG2-U

Submitted to Planning for New Energy Infrastructure | Draft National Policy Statements for energy infrastructure
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About you

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In what capacity are you responding?

On behalf of a government agency or public body

If you are responding on behalf of an organisation please tell us who:

Organisation name:
East Suffolk Council

If you are responding on behalf of a member organisation, please make it clear who the organisation represents and, where applicable, how you assembled the views of members. :

Through internal consultation with technical officers and lead councillors.

What sector does your organisation work in?

Please write your response here:
Local Government.

What is the principle area of activity for your organisation?

Please write your response here:
Local Planning Authority.

What is your role within your organisation?

Your role in organisation:
Head of Planning & Coastal Management.

Are you happy for your response to be published?

Yes, but without identifying information

Would you be happy for us to contact you for further information if required? If Yes, what is the best way to contact you?

Yes

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Draft EN-1 | Overarching Energy NPS

1a 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 on the government's energy and climate policy (Part 2)?

Yes

Please expand on your response here:

Ø However, East Suffolk Council considers that the proposed draft EN-1 has the potential to fulfil its role as an umbrella document under which the remaining energy National Policy Statements (NPSs) sit. It has needed updating for some time now, so we welcome the review. We welcome that reference to having regard to local impact reports submitted by the relevant local authority remains in the document with reference to any other matters

considered important and relevant. It is important that the suite of NPS's take priority but are not the sole policy document for the Secretary of State.

Ø East Suffolk Council understands the Government's ambitious carbon reduction commitment of achieving net zero by 2050, with an interim commitment of a 78% reduction in greenhouse gas emissions by 2035, we understand that this will require a significant amount of energy infrastructure at both a local and national level. Our primary concern is for the Government to take responsibility for ensuring that this demand is met through a strategically planned for and structured network of energy infrastructure that takes into account hosting environments and the cumulative impacts that numerous projects focused in one area can have.

1b 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 on the need and urgency for certain types of infrastructure (Part 3)?

Yes

Please expand your response here:

□ However, part 3 within EN-1 sets out the need for new nationally significant electricity infrastructure, replacing retiring plants and meeting increased demand for energy, as well as the forecast role of differing types of infrastructure. Given the need for new electricity infrastructure and the time it takes for electricity Nationally Significant Infrastructure Projects (NSIPs) to move from design conception to operation, East Suffolk Council agrees that there is an urgent need for new (and particularly low carbon) electricity NSIPs to be brought forward given the crucial role of electricity as the UK decarbonises its economy.

□ However, the Government is not reviewing or updating EN-6 on nuclear generation at this time which East Suffolk Council finds disappointing. The existing EN-6 is out-of-date, therefore the current proposal for Sizewell C has been considered under section 105 of the Planning Act 2008 by East Suffolk Council in our representations to the Examining Authority (The Sizewell C Project | National Infrastructure Planning (planninginspectorate.gov.uk)). Not including a revised EN-6 at this time is detrimental to future proposals for new nuclear in England and Wales and leaves a vacuum in national planning policy.

□ East Suffolk Council has a number of interconnector's proposed within our district that do not fall within the definition of an NSIP under the Planning Act 2008 but have the potential for cumulative impacts with energy projects in the District that do fall under the NSIP umbrella. It is therefore important that EN-1 provides a framework for related energy projects that self-elect to the NSIP process but do not have a specific policy document covering their specialism. Reference to this is made at new para. 1.3.5 which is welcomed.

□ East Suffolk Council supports the transition towards low carbon and renewable energy infrastructure which aligns with the principles established in both local and national planning policy and guidance, as well as our own local climate change commitments (Tackling climate change » East Suffolk Council). East Suffolk Council is proactively working to step up its positive work on environmental issues to help fight climate change and has joined with other local authorities by declaring a climate emergency which set commitments to do more to reduce carbon emissions and to encourage local communities to help fight climate change. We welcome the emphasis on this transition in the revised EN-1 but consider omitting to update EN-6 at this time does not support the transition to low carbon as fully as it could.

□ East Suffolk Council support EN-1 in justifying the need for certain types of infrastructure in reference to UK energy requirements, economic prosperity, and social well-being. We understand that local and national infrastructure is needed to meet these requirements and for the electricity generated to be transported to the locations needed, being crucial for economic growth, boosting productivity and maintaining competitiveness. However, East Suffolk Council considers strongly that the need for such infrastructure must not overlook potential and likely impacts on the environment and the local communities set to host and be neighbour to new developments. All local impacts must therefore be fully assessed and given due weight as part of the development consent process.

1c 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 to inform decision making?

Yes

Please expand your response here:

Ø However, East Suffolk Council, consider that although EN-1 sets out the Government's policy and objectives for the delivery of major energy infrastructure which seeks to ensure a secure supply of energy to meet UK demands, it needs to understand and refer to the potential impacts the infrastructure can have on hosting communities and the need for this to be appropriately and robustly assessed.

Ø The document states that the Secretary of State must assess an application in accordance with the relevant NPS documents. The policy contained in EN-1 is intended to provide greater clarity around existing policy and practice of the Secretary of State in considering applications for nationally significant energy infrastructure. It provides detailed guidance on the decision-making process undertaken by the Secretary of State, highlighting factors considered as part of this process. It also sets out that the Secretary of State assesses applications for development consent on the basis that the Government has demonstrated that there is a need for those types of infrastructure. East Suffolk Council would appreciate greater acknowledgement and emphasis being placed on the cumulative impacts of energy projects in one locality and the adverse impacts this can have on hosting communities. We currently have upwards of 7 energy projects consented, or proposed in one area of our District, the cumulative impacts are potentially massive, so appropriate weight needs to be given to this assessment. Government should also be using this policy document to insist that promoters work together in a co-ordinated manner to minimise adverse impacts and reduce the amount of infrastructure required.

It is considered that EN-1 as the overarching policy document should include a section to specifically address the issue of cumulative impacts. This is a topic which will only become more challenging in the drive to meet the ambitious carbon reduction commitments and deliver the associated energy

infrastructure required. This new section should provide clear and unambiguous advice requiring the consideration of cumulative impacts and providing guidance on how impacts should be assessed and considered during decision making. Reference to the National Infrastructure Advice Note 17 should also be included. Although cumulative impacts are mentioned within some sections of EN-1, this is only in relation to health (Section 4.3), carbon capture and storage (section 4.8) and traffic and transport (Section 5.14), whilst cumulative impacts are not referenced adequately within the other policy documents, EN-2, EN-4 and EN-5 and therefore there is a void which a section within EN-1 should fill.

Ø The Secretary of State should consider the need to impose minimum capacity thresholds for developments. To ensure that the contribution expected and taken into account during the examination and decision making is delivered. There has been a clear move away from taking into account the contribution of a project, potentially due to legal challenges, but this seems a mistake given the need to deliver the Net Zero commitment.

1d 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 to inform examinations?

No

Please expand on your response here:

Ø Applications for development consent which are already in the examination process are reliant on the 2011 suite of NPS documents. EN-1 Section 1.6 states that the Secretary of State has decided that for any application accepted for examination before designation of the 2021 amendments to the suite of NPS documents, that the 2011 NPS documents should remain in effect. The 2011 documents are out of date and may not be appropriate so East Suffolk Council would like to see these updated documents in effect as soon as possible. This does potentially raise concerns if we were to have a proposal being considered under the 2011, alongside a proposal being considered by the 2021 documents. Guidance on any potential conflict, particularly from a cumulative assessment perspective should be included in the 2021 drafts.

Ø

Some new documents are suggested within the revised NPS, East Suffolk Council considers that there should be some guidance to help applicants with their submissions in the form of a validation list. Applications now must include a document setting out how opportunities for environmental net gain have been considered, a Biodiversity Management Strategy and a Geodiversity Management Strategy, these could be included in a validation list for all NSIP projects. Clear definitions of terms should also be provided, in particular a definition of environmental net gain should be included.

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?

Yes

Please expand your response here:

Ø Assessment principles – In light of the urgency and need for decarbonisation of the energy industry as set out within the Climate Change Act and Energy White Paper to meet the Government's legally binding target of net Zero by 2050, East Suffolk Council support the position that the Secretary of State will start with a presumption in favour of granting consent to applications for energy NSIPs.

Ø Assessment principles – The requirement for energy infrastructure applications to consider the importance of 'good design' at the application stage is fully supported. It is important that good design is embedded within NSIP projects, this should not be overshadowed by the overarching need for the infrastructure development. Projects should be sensitive in design towards their surrounding environment and landscape where possible.

Ø ESC has no Habitat Regulations Assessment comments to make.

Ø Biodiversity net gain (BNG) – Achieving biodiversity net gain is not currently an obligation for NSIP projects under the Planning Act 2008, however energy NSIP proposals are encouraged to seek opportunities to contribute and enhance the natural environment where possible. This reflects the requirements set for applications for planning permission determined under the Town and Country Planning Act 1990 (as amended). East Suffolk Council support EN-1 in encouraging NSIP proposals to seek opportunities to contribute to the natural environment and to explore opportunities to demonstrate enhancements and net gain improvements.

Ø The references to BNG made in paragraph 4.5.2 (and 5.4.4) are out of date. This refers to Footnote 59 which states that 'Although achieving biodiversity net gain is not currently an obligation on applicants, a proposed amendment to the Environment Bill would mean the Secretary of State may not grant an application for Development Consent Order unless satisfied that a biodiversity gain objective is met in relation to the development to which the application relates. The biodiversity gain objective will be set out in a biodiversity gain statement. Normally these statements will be included within NPS but the amendment allows for the statement to be published separately where a review of an NPS has begun before the proposed amendment comes into force. This would be the case with the energy NPS, should the amendment come into force.'

Ø Lord Goldsmith of Richmond Park's recommended amendment after Schedule 14(201A) to the Environment Act 2021 has now been agreed and makes provision for biodiversity gain to be taken into account in decisions under sections 104 and 105 of the Planning Act 2008 relating to development consent for nationally significant infrastructure projects. The Environment Bill has received Royal Assent and NSIPs will have to meet this requirement once the updated suite of energy NPS documents become designated. The wording within the document should be updated accordingly (Amendment 201A to Environment Act 2021 - Parliamentary Bills - UK Parliament).

Ø Marine environment changes – East Suffolk Council defers to Natural England and the Marine Management Organisation, on marine environment matters, noting that the mean low water spring mark demarcates the boundary of the local authority area.

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

Yes

Please expand your response here:

☐ East Suffolk Council supports the amendments made under Part 5 of the draft EN-1 which has been updated to reflect the latest policies and available guidance documents that are relevant to the generic impacts of energy infrastructure, with technology specific impacts being addressed more fully in the relevant technology specific NPS.

∅ East Suffolk Council supports Section 5.3 as a positive contribution to EN-1, providing clarity for the development consent process for how the NPS interacts with current policy on climate change and climate change adaptation.

∅ East Suffolk Council considers that Section 5.3 should include operational carbon emissions as part of the Secretary of State's assessment. We do not agree with para. 5.3.7 as operational carbon emissions should be a critical factor in assessment.

∅ Biodiversity and geological conservation – for biodiversity, please refer to question 2. East Suffolk Council notes that draft EN-1 requires applicants to demonstrate how a project has taken advantage of opportunities to conserve and enhance geological conservation, however East Suffolk Council has no specific comments to make at this time in relation to geological conservation sites designated for their geology and/or their geomorphological importance.

∅ East Suffolk Council welcomes Section 5.6 including the additional requirement for onshore infrastructure projects in coastal areas to not only consider coastal change but also climate change adaptation requirements. We are currently facing a climate change crisis and such a consideration is vital for all infrastructure projects in coastal areas to ensure sufficient due diligence is undertaken by applicants when forecasting the likely impacts of sea level rise and the impacts felt by worsening / more frequent storm events on coastal processes. East Suffolk Council is a coastal protection authority, so this is an area we strongly welcome.

∅ East Suffolk Council welcomes that with regards to potential impacts on the historic environment, EN-1 Section 5.9 now more closely aligns with the terminology and assessment applied within the National Planning Policy Framework (NPPF). This amendment provides useful clarification.

∅ Having regard to flood and water management, the sequential test paragraph (5.8.15) aligns with changes made to the NPPF, however no supporting information or update to National Planning Policy Guidance 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. This is an omission; further guidance needs to be provided on this matter.

∅ Traffic and Transport – It is noted that para. 5.14.8 has been introduced and although it is anticipated that Suffolk County Council as the local highway authority will provide further comment on this, it is considered that the term 'severe' should be defined. It is recognised that this term is reflected in the NPPF but it is ambiguous and further clarification would be beneficial.

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

Please write your response here:

∅ East Suffolk Council welcomes the EN-1 amendments including reference to greater coordination between offshore wind farm developers which reflects the expectation that a more co-ordinated approach to transmission from multiple offshore windfarms to onshore networks will be adopted, compared with a radial connection approach for single windfarm projects. We fully support this and have been actively engaged with the BEIS Offshore Transmission Network Review (OTNR) consultation process (including those held by Ofgem and National Grid ESO) over the last 12 months. However, the energy NPS documents should apply firmer language to mandate offshore wind energy NSIP developers to undertake an assessment as part of the development consent process which provides details of the scope and measures considered for greater levels of coordination. Parameters should be set for such an assessment which must be met in order to demonstrate that a project has met the 'coordination test'. The applicant should be required to provide information in relation to the degree of coordination achieved by the project alone and in combination with other projects, in addition to providing information on why further levels of coordination were not achievable.

∅ The Government's target of delivering 40GW of electricity from offshore wind energy resources by 2030 will require a new enduring regime which reviews current legislation and identifies and overcomes known barriers to future deployment. Greater levels of coordination will be essential if the 40GW target is to be met. Greater levels of coordination will reduce the level of disruption and adverse impacts on the environment and local communities set to host new onshore infrastructure across our region and this must be a government priority as it is happening elsewhere in the country.

∅ As commented earlier, East Suffolk Council understands that Nuclear Power Generation NPS (EN-6), which currently sets out the planning and consents regime for nuclear projects deployable before 2025, will not be amended as part of this review and is not part of this consultation. This is disappointing. The consultation material confirms that a review of this document has concluded that EN-6 will not be amended as there are no changes material to the limited circumstances in which it will have effect. This implies that EN-6 remains fit for purpose for the list of potentially suitable sites for deployment of new nuclear power stations before the end of 2025 – this is not correct. Recent experience within East Suffolk Council of the Sizewell C nuclear power station Development Consent Order (DCO) examination highlighted that for such a project, having a 10–12-year construction period, it would not be possible for this to be deployed and generating electricity before 2025. As such, NPS EN-6 would only serve as a material planning consideration in determining the project, with section 105 of the Planning Act 2008 instead being used to guide the Secretary of State's decision for the project based on guidance set out within the Written Ministerial Statement on Energy Infrastructure (2017). East Suffolk Council considers that EN-6 should have been included as part of the energy NPS review for this reason, as it has not, its independent review should take place imminently to support future nuclear energy proposals in the UK.

∅ Battery storage could require development consent either by comprising associated development with an NSIP or following a decision under s35 of the Act. EN-1/EN-3 should therefore address the safety issues in relation to the lithium-ion batteries which have been brought to light following a number of

fires experienced around the world at battery storage sites.

Ø On a more technical point, para. 5.2 relating to air quality and emissions provides a list at 5.2.6 to support the contents of an Environmental Statement relating to air quality. This should be more ambitious and include a requirement for the applicant to identify/show how they have reduced air quality impacts to a minimum so that mitigation is encouraged even where impacts are not substantial. This is important to take account of cumulative development and impacts in an area, and to reduce the potential for fine particulate release where there is a recognised no/very low safe level for exposure. At para. 5.2.8 it is suggested that it is extended to include the Secretary of State giving air quality considerations substantial weight where the applicant has not proved that they have reduced impacts on local air quality to a minimum.

Ø It is important that the mitigation hierarchy is accurately reflected throughout the document for example within para. 4.2.2 does not include reference to the need to provide compensation if negative effects cannot be avoided, reduced or mitigated.

Ø The language utilised within Section 5.13 on socio-economic impacts is at times quite weak, e.g., 'applicants may wish to' (para. 5.13.3), 'applicants are encouraged' (para. 5.13.5), 'applicants should also consider' (para 5.13.6) etc. The language should be strengthened and more positively worded to ensure measures are secured and action is taken.

Ø East Suffolk Council also considers that further expansion on what to consider in relation to the effects on tourism would be beneficial. It should be clear that a robust assessment of both the positive and negative impacts is required. It is also important in this locality, due to the number of infrastructure projects proposed, consented and under construction, the impact on tourism should include the effect of any proposal on visitor perceptions, in addition to a full assessment of cumulative impacts.

Ø East Suffolk Council considers there is a need for the communities and Districts hosting NSIPs to be compensated for the detrimental impacts experienced as a result of the developments. This is considered especially important for those areas, like East Suffolk having to host numerous projects by virtue of the grid connections offered. While some projects, for example Sizewell C nuclear power station, have on-going benefit to the areas due to the additional economic activity they can bring, other projects such as interconnectors or grid reinforcement works, result in no benefit to the immediate area with no or minimal employment attributed to the onshore infrastructure once constructed. East Suffolk Council considers that communities need to see some form of compensation for the impacts in their areas.

Ø There is currently no requirement for developers to provide community benefit. It is considered that EN-1 should support the provision of appropriate compensation packages by developers in order to address the impacts of their projects. In addition, the cumulative impacts of multiple projects being constructed at the same time also needs to be fully considered within any benefits package. There is a need for clearer expectations to be set out in relation to community benefit packages which should be supported by robust guidance. It is recognised that any community benefit provision would sit outside the development consent process and not form part of the Secretary of State's considerations or decision making. It is however considered that support for community benefit packages should be identified within EN-1 in a similar way that support for other measures has been outlined in the NPSs without being material to decision making.

In addition to developer led community benefits packages, East Suffolk Council considers there is also a need for a government led package of compensation. Compensation is required in recognition of the sacrifice and adverse impacts resulting from areas hosting significant amount of NSIPs in order to help achieve the government's commitments to Net Zero and maintain the security of the UK's energy supply.

Draft EN-2 | Natural Gas Generating Infrastructure

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?

Not Answered

Please expand your response here:

□ East Suffolk Council has no specific comments but welcomes the phasing out of coal and large-scale oil provided its replacements are appropriately planned for and assessed.

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?

Yes

Please expand your response here:

□ East Suffolk Council agrees with the way the amended EN-2 deals with the emerging potential for the use of low carbon hydrogen in electricity generation. Draft EN-2 (in combination with the overarching draft EN-1) reflects the Government's commitment to developing low carbon hydrogen and Carbon Capture and Storage infrastructure, both of which will be critical for meeting the UK's legally binding commitment to achieve net zero by 2050.

□ The identified need and support for low carbon hydrogen and Carbon Capture and Storage technology can however result in negative impacts on the environment and local communities if this is not properly planned. More infrastructure will need to be constructed which is expected to require potentially large areas of land at each site. Whilst East Suffolk Council supports the need for such technologies as part of the energy transition required to meet net zero, we consider that more could be done within the NPS to ensure such projects are properly planned in order to avoid/minimise local impacts.

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

Please write your response here:

No.

Draft EN-3 | Renewable Energy Infrastructure

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?

Yes

Please expand your response here:

Ø Low carbon and renewable energy generation has an important role to play in developing a low carbon economy and meeting net zero. East Suffolk Council agrees that the amendments within EN-3 (in combination with EN-1) provide clear planning policy to support the Government's position on renewable energy infrastructure. East Suffolk Council supports the greater emphasis placed on low carbon and renewable sources of energy generation within EN-1 and EN-3. The amendments within EN-3 (in combination with EN-1) provide clear planning policy guidance for those engaged in the process for development consent, reflecting current Government policy and objectives on decarbonisation and climate change.

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

Yes

Please expand your response here:

Ø East Suffolk Council largely agrees with the amendments made within EN-3 for offshore wind. These focus on policy updates, developments in the technology, scientific evidence, and best practice methodologies for development.

Ø EN-3 amendments include reference to greater coordination between offshore wind farm developers (as identified in EN-1 paragraphs 3.3.51 - 3.3.58, and Section 4.10). This now reflects the expectation that a more co-ordinated approach to transmission from multiple offshore wind farms to onshore networks will be adopted, compared with a radial connection approach for single wind farm projects. East Suffolk Council fully supports this and has been actively engaged with the BEIS OTNR Consultation process (including consultations held by Ofgem and National Grid ESO) over the last 12 months. However, the energy NPS documents should apply firmer, stronger language to mandate offshore wind energy NSIP developers to undertake an assessment as part of the DCO process which provides details of the scope and measures considered for greater levels of coordination. Parameters should be set for such an assessment which must be met in order to demonstrate that a project has met the 'coordination test'. The intention to shift the current connection regime to one which mandates wider coordination between projects will mean that there are fewer points of onshore grid connection required, reducing the spread of new infrastructure within coastal Districts such as East Suffolk, and minimising the level of potential disruption and adverse impacts on local communities and the environment within these areas. It needs to be widely recognised that the cumulative impact of multiple points of connection required to meet 40GW by 2030 under the current regime would be a significant hurdle to future deployment.

Ø In relation to Section 2.35 and the potential for seascape and visual effects, EN-3 states that a seascape and visual impacts assessment (SLVIA) should be carried out in accordance with the relevant offshore wind farm EIA policy, noting that this will always be the case where a coastal National Parks, the Broads, AONBs or Heritage Coast areas are potentially affected. East Suffolk Council supports this requirement as offshore views of wind turbines have the potential to deter tourists from coastal areas which can have a negative impact on the local economy. The consideration of onshore viewpoints is therefore important and should be agreed with the Local Planning Authority in the early stages of the EIA scoping process.

Ø As previously stated in relation to EN-1, the mitigation hierarchy needs to be clearly outlined throughout this document, in some instances the full hierarchy has not always been reflected within the text and this should be amended.

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

Not Answered

Please expand your response here:

Ø East Suffolk Council has no specific comments to make.

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

Yes

Please expand your response here:

Ø East Suffolk Council agrees with the new guidance added to EN-3 on solar PV development within the NSIP regime (>50MW capacity). Solar energy is acknowledged as one of the most established renewable energy technologies and therefore has a key role to play in the Government's strategy for low-cost decarbonisation of the energy sector. However, it does require significant land take, so it is odd that para.2.48.13 states that land type should not be a predominating factor in determining suitability of the site selection, but then in the previous and subsequent paragraphs it is stated that there is a preference for previously developed sites, contaminated, industrial, and for the avoidance of the best and most versatile agricultural land. This is sending a confusing message and further clarification on this should be provided. Section 2.47 also fails to acknowledge noise impacts from the transformers associated with solar farms.

Ø East Suffolk Council acknowledges that commercial scale solar technology currently has a generation efficiency of between 15-20% and requires a large area of land at the commercial scale, with NSIP threshold projects (>50MW) typically taking up in excess of 200 acres (>81Ha). With projects generally having an operational lifespan of 40 years, we consider that there may be a better long-term use for the large swathes of land required for this technology and suggest that EN-3 considers the inclusion of an interim review for solar NSIP projects after 20 years. This would require applicants to re-apply for permission for a further 20 years (extending the operational life of the project to 40 years) being conditional on a review of the project's ongoing energy efficiency justifying that it remains the best use for the land.

12 Do you agree with the new guidance added to EN-3 on tidal stream energy?

Not Answered

Please expand your response here:

Ø East Suffolk Council has no specific comments to make but supports the request for monitoring (para. 2.58.13).

13 What further changes do you think might be necessary to EN-3 and the nationally significant infrastructure projects (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?

Please write your response here:

□ East Suffolk Council has no specific comments to make other than to re-iterate that battery storage could require development consent either by comprising associated development with an NSIP or following a decision under s35 of the Act. EN-1/EN-3 should therefore address the safety issues in relation to the lithium-ion batteries which have been brought to light following a number of fires experienced around the world at battery storage sites

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

Please write your response here:

Ø East Suffolk Council want to highlight that EN-3 paragraph 2.24.16 states that where several developers are likely to have cumulative impacts on the same species or feature 'it may be appropriate' to collaborate with each other on compensation measures. The requirement for collaborative working between developers must be much stronger in such instances, being especially important in areas expected to receive a large proportion of offshore wind energy over the next decade (as is the case for East Suffolk). The current language in EN-3 does not necessitate joined up working on these essential measures. Such an approach would not deliver true compensation and will mean that effects on the integrity of the designated site(s) is not properly addressed.

Ø Paragraph 2.24.12 sets out the requirements for offshore wind biodiversity compensation measures, however there should also be a requirement on project developers to engage with local planning authorities who are set to host compensation measures in situations where the proposed NSIP project is not located within their local authority area. This should take place as early in the process as possible to ensure that compensation measures are acceptable, appropriately designed and deliverable in the form required. East Suffolk Council is currently expected to host kittiwake mitigation resulting from an offshore windfarm development off the Norfolk coast, yet we were not informed of this until post-Examination. This should not be the case and East Suffolk Council pushes strongly for early engagement from developers/promoters.

Ø The inclusion of a section on cultural heritage is welcomed. As stated previously, solar farms generally have a life span of approximately 40 years and therefore can remain in situ for a significant period of time. The Environmental Statement should consider the impact of a project on heritage assets without consideration of the 'time-limited' nature of the works. It would also only be appropriate for the Secretary of State to take into consideration the 'time-limited' nature of a solar farm, if this is a significantly shorter timeframe comparatively than other projects and technologies and its removal within that time period is secured by a requirement.

Draft EN-4 | Gas Supply Infrastructure and Gas and Oil Pipelines

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

Please expand your response here:

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

Yes

Please expand your response here:

East Suffolk Council consider EN-4 may need revision and updating as the technology establishes itself.

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

Please write your response here:

No.

Draft EN-5 | Electricity Networks Infrastructure

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?

No

Please expand your response here:

Ø East Suffolk Council understands the importance of building electricity network infrastructure which guarantees system robustness and security of supply. However, the need for the infrastructure must be clearly evidenced as must a proper assessment of the form the infrastructure needs to take which must take into account location and environmental considerations. Para.2.1.2 states that the "Secretary of State should act on the basis that the need for the electricity networks infrastructure covered in this NPS has been demonstrated". It is not however considered reasonable for the need case of a specific project or technology selected for the alteration or modification of the transmission network, not to be properly tested. This is considered especially important given the current work being carried out on the OTNR and recommendations for strategic planning stemming from this.

Ø The Government have set ambitious targets to decarbonise the energy sector, leading to net-zero greenhouse gas emissions by 2050. As new electricity generation, storage, and interconnection infrastructure is built in order that our country can meet this transition towards low carbon and renewable energy generation, it is important that we also build the electricity networks that connect these vital facilities with each other and with centres of consumer demand but in a manner that does not have an adverse impact on local hosting environments. The responsible transmission network plans must be beholden to the same level of scrutiny, restriction, and evidence as developers and promoters.

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

Yes

Please expand your response here:

Ø The proposed approach is acceptable to East Suffolk Council, but BNG should not be treated as mitigation – para. 2.3.3 needs to be corrected. EN-5 has been amended to strongly encourage NSIP developers to pursue land ownership or permanent land rights wherever possible in order to install, inspect, maintain, and repair their infrastructure rather than relying on wayleaves. Permanent arrangements are strongly preferred over wayleaves (i.e. permission from the present landowner which is terminable on notice) due to these providing greater reliability and economic efficiency.

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?

Not Answered

Please expand your response here:

Ø East Suffolk Council agrees with the new guidance which incentivises more coordination in the design and delivery of electricity transmission infrastructure associated with offshore wind. EN-5 now incorporates a new section addressing the need for more coordination in the design and delivery of onshore and offshore electricity transmission infrastructure associated with the development of offshore wind farms and network reinforcements. The amendments at paras. 2.5.4 and 2.5.5 set out the key tests for applicants and are supported by East Suffolk Council. However, we consider that the energy NPS documents should apply stronger language to mandate offshore wind energy NSIP developers to undertake an assessment as part of the DCO process which provides details of the scope and measures considered for greater levels of coordination. Parameters should be set for such an assessment which must be met in order to demonstrate that a project has met the 'coordination test'.

Ø East Suffolk Council expect that increased co-ordination will reduce the number of landing sites and landfall impacts associated with bringing offshore transmission onshore compared with the number which would otherwise be needed under the current point-to-point radial connection regime. We fully support a more co-ordinated approach to transmission from multiple offshore windfarms to onshore networks.

Ø East Suffolk Council has been actively engaged with the BEIS-led OTNR which is currently underway and is seeking to deliver much greater coordination through its various workstreams which are targeting projects at different stages of development. The OTNR Consultation process (including those held by Ofgem and National Grid ESO) seeks to shift the current connection regime to one which mandates wider coordination resulting in fewer points of onshore grid connection being required. This is critical for Districts such as East Suffolk which are set to accommodate a large proportion of new offshore wind farm projects looking to connect to the onshore transmission network in these areas.

Ø Greater coordination between projects will ultimately mean less onshore infrastructure is needed to meet Government targets, minimising the level of potential disruption and adverse impacts experienced by local communities and the environment. Good design, avoidance, and mitigation principles are also important considerations in sensitive areas, particularly where landscape designations exist close to the coast. This is especially important in regions such as East Suffolk, where the local economy relies heavily upon tourism and is currently undergoing a post-Covid 19 recovery.

Ø East Suffolk Council also notes that further change may be required to the energy NPS documents to take account of the recommendations from the OTNR in relation to the enduring regime when policy is more advanced. We support this and look forward to future engagement opportunities regarding greater levels of coordination being mandated within the suite of energy NPSs.

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?

Yes

Please expand your response here:

Ø East Suffolk Council supports the amendments made to EN-5 reflecting 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 AONBs. These amendments are specific to electricity network infrastructure over and above those landscape and visual effects covered in Section 5.10 of EN-1. However, the setting in respect of nationally designated landscapes (such as the Suffolk Coast and Heaths AONB) is not expressly included which is inconsistent with the NPPF para. 176 and the proposed revisions to EN-3 (para. 2.35.2). This should be revised to be consistent in its approach.

Ø East Suffolk Council supports the amendments for minimisation of the landscape and visual impact of electricity networks, noting the impacts this infrastructure can have on the environment and local communities where adequate avoidance of impacts and/or mitigation has not been fully considered.

Ø We also support the amendment introducing a presumption in favour of undergrounding of overhead lines in National Parks and AONB areas. In these areas, EN-5 states that the strong starting presumption will now be that new lines should be undergrounded, unless the harm of doing so outweighs the landscape and visual benefit. Overhead lines are often unsightly structures and can deter people from visiting popular locations designated for their natural beauty, flora and/or fauna. It is anticipated that this amendment will bring welcome clarity to communities and stakeholders in these areas, being especially important in rural Districts where the local economy relies upon these assets for tourism benefits, noting that many small businesses in these areas are still recovering from the impacts of Covid 19.

Ø However, we wish to highlight that whilst undergrounding of overhead lines through National Parks and AONBs is supported, concerns remain over detrimental impacts to the setting of designated landscapes once the underground cables re-emerge above ground-level and return to being overhead lines in proximity to the designation boundary. Such structures are prominent on the landscape and can have long views (including from within the designation areas if located close to the boundary). Greater consideration of the setting for designated landscapes should be factored in to EN-5 to align with general considerations for landscape and visual impact set out in the overarching EN-1.

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

Please write your response here:

Ø Draft EN-5 highlights that as the electricity system grows, reinforcement of the networks will be necessary to maintain system robustness and security of supply. Given that location and need will play a critical role in the site selection for network reinforcements, East Suffolk Council considers that this should not overshadow the significance of potential impacts on the environment and local communities in these areas simply because mitigation is being offered. Potential impacts should be avoided in the first instance and project developers should not overlook this aspect in the knowledge that mitigation will be applied. This should be clearly expressed in draft EN-5.

Assessment of Sustainability EN-1 to 5

23a Do you have any comments on the AoS findings for the draft Overarching NPS for Energy (EN-1)?

Please write your response here:

□ East Suffolk Council makes no comment on this matter.

23b Do you have any comments on the AoS findings for the draft NPS for Natural Gas Generating Infrastructure (EN-2)?

Please write your response here:

□ East Suffolk Council makes no comment on this matter.

23c Do you have any comments on the AoS findings for the draft NPS for Renewable Energy Infrastructure (EN-3)?

Please write your response here:

□ East Suffolk Council makes no comment on this matter.

23d Do you have any comments on the AoS findings for the draft NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

Please write your response here:

□ East Suffolk Council makes no comment on this matter.

23d Do you have any comments on the AoS findings for the draft NPS for Electricity Networks Infrastructure (EN-5)?

Please write your response here:

East Suffolk Council makes no comment on this matter.

Habitat Regulations Assessment EN-1 to 5

24a Do you have any comments on the HRA findings for the draft Overarching NPS for Energy (EN-1)?

Please write your response here:

East Suffolk Council makes no comment on this matter.

24b Do you have any comments on the HRA findings for the draft NPS for Natural Gas Generating Infrastructure (EN-2)?

Please write your response here:

East Suffolk Council makes no comment on this matter.

24c Do you have any comments on the HRA findings for the draft NPS for Renewable Energy Infrastructure (EN-3)?

Please write your response here:

East Suffolk Council makes no comment on this matter.

24d Do you have any comments on the HRA findings for the draft NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

Please write your response here:

East Suffolk Council makes no comment on this matter.

24e Do you have any comments on the HRA findings for the draft NPS for Electricity Networks Infrastructure (EN-5)?

Please write your response here:

East Suffolk Council makes no comment on this matter.

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

If no, how do you think this could be improved?:

East Suffolk Council agrees with this approach as the existing suite of energy NPS documents provide a sound framework for NSIP policy and guidance, and we consider that maintaining the same structure within the updated NPS documents is the correct approach to take.

This will aide a smooth transition for the DCO process once the updated suite of documents become designated, noting that the updated 2021 amendments will only have effect in relation to those applications for development consent accepted after their designation.

It is however noted that any emerging draft NPS is potentially capable of being an important and relevant consideration in the decision-making process, the extent to which they are relevant being a matter for the Secretary for State to consider within the framework of the Planning Act 2008 and regarding the specific circumstances of each DCO application. Consistency between the two versions of the energy NPS documents will therefore enable their consideration in such cases where they more closely align.

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. Is there a way we can improve how the NPS signpost existing and future guidance?

Yes

Please expand on your response here:

East Suffolk Council considers it would be beneficial for each section within the suite of energy NPS documents to close with a policy reference table which links to a Government webpage containing links to all up to date reference material summarising key amendments. Tables at the end of each section would provide the reader with a clear snapshot of the materials relevant to that section as well as providing a timeline for current and future revisions, reviews and likely consultations where applicable.

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

Not Answered

Please expand on your response here:

Ø East Suffolk Council has no additional comments to make at this time.