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Dear Sir/Madam,

East Suffolk Council (ESC) welcomes the opportunity to comment on the draft energy National Policy Statements (NPSs) EN-1 to EN-5 and has set out our responses to the questions asked below.

1. Do you agree with the glossary definition for Critical National Priority?

ESC welcomes the recognition of the importance of the provision of new nationally significant offshore wind infrastructure in contributing to energy security and net zero ambitions, which has previously been recognised by increasing targets from 30GW to 50GW by 2030. However, we query why offshore wind alone would be considered Critical National Priority (CNP) infrastructure when there are other existing and emerging technologies which can be deployed at least as fast as offshore wind, like large scale solar, in addition to raising questions regarding the consequences of the definition of CNP infrastructure provided.

The British Energy Security Strategy (BESS) introduced guidance strengthening the support for the approval of ground-mounted solar on non-protected land, including setting out interventions which could see a five-fold increase in total solar deployment up to 70GW generating capacity by 2035. This level support seems to be missing from the draft NPSs. Large scale solar is becoming more deployable at speed and could play an important part in the energy mix. Given the scalability of large scale solar and the importance of developing a mix of renewables, solar and perhaps other renewables/technologies should be considered priorities too.

Identifying only offshore wind as CNP may be interpreted as down-valuing other types of energy generation, which may not be a helpful move given the need for a varied energy mix. If only offshore wind can be considered CNP, this creates a negative overture that other technologies are not needed as urgently, which runs contrary to Government ambition as set out in many recent publications like the BESS, the Ten Point Plan for a Green Industrial Revolution, and the Net Zero Strategy, among others.

Technology develops faster than legislation, and it is important that the NPSs look forward with this in mind. The current NPSs have been in force for several years, and in that time, there have been significant and valuable technological contributions which require consideration and need to be reflected in the NPSs. In the time since the current NPSs were designated, offshore wind has proven its scalability and deployment potential, which is reflected in the potential designation of it as CNP infrastructure. However, in the near future there will be continued technological advancement in other technologies which can then be deployed at scale and at pace. The NPS wording should not place offshore wind in isolation as the only technology that can be deployed at scale and pace, given the length of time the NPS will be in effect once designated.

ESC would also raise concern that paragraphs 2.8.8 to 2.8.13 of EN-3 defining CNP set out a policy presumption that the urgent need for CNP infrastructure will ‘in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy’. This is strong terminology, and while ESC supports the recognition of the importance of delivering such infrastructure, it would caution that this specific wording seems to imply that the need for this infrastructure can override any significant residual impacts. This interpretation may then be very close to falling contrary to s104 of the Planning Act 2008, which states projects should not be consented where the impacts of a project outweigh the benefits. ESC would welcome this wording being revisited to emphasise that while there is an imperative need, the designation of CNP is not intended to override the considerations of the planning balance around impacts, mitigation, exceptionality, or special circumstances.

The glossary definition also states that ‘*the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial and net zero benefits....*’. It is not considered that economic and commercial matters should be referenced, as they cannot reasonably be given the same weight as national security and net zero. Based on the definition of CNP, it may be necessary to build network infrastructure to deliver the priorities outlined, which has limited economic or commercial returns.

Further clarification is required regarding the impact of the presumption and how this will be balanced against other policy tests. For example, on the need for strategic coordination, particularly given the new guidance on coordination introduced in the revised draft of EN-5. If CNP is the imperative factor in decision making, whether this would have the effect of discouraging projects seeking coordinated solutions to infrastructure delivery. If the need for offshore wind delivery as CNP is the priority, this may in practice discourage promoters/applicants from actively seeking coordinated solutions, and instead have the effect of prioritising speed of delivery of offshore wind projects in isolation.

ESC has continually raised the need for a more coordinated and strategic approach to network planning to minimise the amount of onshore infrastructure required, to alleviate the impacts on communities and the environment. ESC reiterates its position that greater levels of coordination are needed to 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. ESC wants to ensure that the positive additions to the NPSs and particularly EN-5 regarding the need for coordination, is not undermined by the currently worded definition of CNP. There is also a concern that the definition provided could undermine the Governments desire to achieve greater community consent for energy infrastructure sought through initiatives such as the community benefits proposals.

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?

The comments previous made in relation to Q1 have not been repeated to avoid duplication but remain relevant to Q2.

It is noted that paragraph 2.3.60 and the glossary definition of EN-1, and paragraph 3.8.13 of EN-3 identifies that CNP infrastructure will only outweigh residual impacts not capable of being addressed by the application of the mitigation hierarchy. It is essential that the CNP designation does not undermine the need to avoid, reduce, mitigate, and then compensate for impacts. There is however a concern that without further clarification on this matter, it might.

Further clarification is required in relation to the scope of the CNP definition. Paragraph 4.10.4 of EN-1 states that *“Transmission network infrastructure and related network reinforcement associated with nationally significant new offshore wind is considered as CNP infrastructure”*. This is also reflected in paragraph 1.1.4 of EN-5. In the case of a radial connection, it is understood that the offshore windfarm and transmission infrastructure offshore and onshore would be included. But in a more coordinated scenario, for example if an offshore windfarm connected to a multi-purpose interconnector (MPI), would the MPI be classed as CNP infrastructure? Paragraph 2.13.2 of EN-5 suggests that it would, but does the classification change if no UK offshore wind is connected to the MPI? The paragraphs also reference *“related network reinforcement”*, paragraph 2.7.5 of EN-5 implies that all network reinforcement is to be treated as CNP Infrastructure? This requires further clarification as not all network reinforcements would necessarily be related to offshore wind

generation, further guidance as to the extent network reinforcements could be CNP infrastructure is necessary.

Paragraphs 3.8.14 to 3.8.21 of EN-3 provides further guidance on CNP. ESC is concerned regarding the wording set out which makes it clear that the Secretary of State will treat all CNP infrastructure *'as if it has met any test requiring a clear outweighing of harm, exceptionality, or very special circumstances with EN-1, this NPS or any other planning policy'*. As previously stated, this comes very close to falling contrary to s104 of the 2008 Act. Paragraph 3.8.16 then includes a non-exhaustive list of tests, including those related to the green belt, SSSIs, irreplaceable habitats, coastal change, flood risk, nationally designated landscapes, and heritage assets which the Secretary of State will take as being met if the application is defined as CNP. Whilst the urgent need for specific infrastructure can be recognised through the NPSs, this should not prevent the need for applications to be judged on their own merits and appropriately assessed with the benefits and disbenefits of the project considered and a balancing judgement made.

For example, residual impacts on nationally designated nature conservation sites should not be blanketly accepted. Such sites are of at least national importance for biodiversity and significant residual impacts on them as a result of offshore wind infrastructure should not be considered acceptable by default, instead it must be demonstrated that the individual project meets the tests set out in EN-1 in relation to such sites. Continued inclusion of impacts on nationally designated nature conservation sites in this section risks projects not making best endeavours to avoid or mitigate impacts on such sites, and instead seeking to justify causing avoidable or mitigatable impacts because the project is CNP infrastructure. The same argument can be made in relation to the other matters outlined in 3.8.16.

The wording within this section also seems contrary to other sections within the EN-3 and EN-1 which highlight the importance of climate change adaptation and resilience and mitigating flood risk. Fundamentally, if the development is at significant risk from coastal processes or flood risk, or causes a significant risk elsewhere, the site is not an appropriate site.

At present the powers afforded to the designation of infrastructure as CNP are too great and risks promoters and projects not adequately assessing or taking appropriate actions to avoid, reduce and mitigate impacts which will result in projects being constructed inflicting potentially avoidable and mitigatable impacts.

a) Do you agree that this policy will support government ambitions to deploy up to 50GW of offshore wind by 2030, including up to 5GW of floating wind?

ESC agrees that the current wording of the NPSs will support the Government's ambitions for the deployment of offshore wind, it will send a clear message to promoters and clarify for decision makers the priority offshore wind technology is being given within national policy. ESC has however raised concerns and questions within the previous responses, which we would welcome being given further consideration to avoid the cost incurred as a result of prioritising the speed of delivery of offshore wind being too great.

As also highlighted previously, there is a significant risk that the designation of infrastructure as CNP with the definition as currently identified, will undermine the current efforts the Government are making to seek to secure greater community consent. The designation of infrastructure as CNP could leave the community feeling disempowered and with the perception of having even less of a voice.

b) Do you agree that this policy will support government objectives to streamline the offshore wind consenting process?

If CNP for offshore wind is introduced, the likely result is that it will speed up the offshore wind consenting process as it will effectively take priority over residual impacts, therefore shortening the amount of time to be spent on minimising adverse impacts. As set out in the previous answers, further consideration is required in relation to the scope and definition of CNP. Thorough and proportionate consideration of all impacts is necessary, and if CNP is the overriding priority, this may have the effect of giving the need case too much weight. The need case in consideration of offshore wind projects is already given weight, and ESC would caution about the potential implications of introducing CNP and overriding any residual impacts. While designating offshore wind as CNP vastly strengthens the need case, which as discussed above ESC is not convinced is without concern, there are other elements of the consenting process which require review and other contributory factors to lengthier consenting timescales. For example, significant time and resource is taken up agreeing methods of assessment and matters associated with the habitats regulations process. Further clarity is therefore required regarding the offshore wind environmental standards and strategic habitats compensation and the speed with which these will come forward. In addition to this, achieving community consent can make a significant difference. The deployment of CNP alone is not a panacea, and as discussed above while it may quicken the consenting process, ESC is not convinced this is the right way of doing so.

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?

The Offshore Wind Environmental Standards referenced in section 3.8.103 will seek to minimise harmful impacts on the marine environment and/or deliver environmental benefits. Whilst ESC supports this approach, we defer to Marine Management Organisation and Natural England for detailed comments. As stated previously, ESC would welcome clarification on the programme for the adoption of this guidance.

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?

ESC fully supports the introduction of text in relation to strategic compensation and the requirement for promoters/applicants to have greater upfront engagement on this matter prior to submitting their application. A process of statutory strategic compensation in the offshore environment is an imperative and therefore we would support amendments to the Energy Bill to secure this. ESC has had experience of promoters/applicants receiving consent for their offshore windfarm and then being required post consent to deliver offshore ornithological compensatory measures in a location remote from where the NSIP was consented, with no prior engagement with the local authority. This is not an appropriate approach, the process of seeking subsequent planning consent(s) for individual compensation measures adds a significant risk to the timely delivery of both those measures and the overall NSIP, and places pressure on the host Local Planning Authority to determine an application for development which may in itself may not meet local policy requirements, but which is required to deliver an NSIP.

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?

Yes, the revised draft focuses on the importance of collaboration and co-existence between aviation, meteorological, defence and energy industry stakeholders, who should strive for scenarios such that neither is unduly compromised. This is a positive step for the energy industry. ESC will however defer to the Civil Aviation Authority and Ministry of Defence for detailed 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?

Yes. This was a point ESC made in the 2021 consultation and is a welcome addition in the revised drafts. It is essential that proposed new electricity network infrastructure provides a clear and reasoned need case, particularly given the work carried out on and ambition set out regarding strategic planning.

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?

ESC is concerned about the strength of the presumption now included within the draft in favour of overhead transmission lines. The use of the term “strong presumption” may deter applicants who would have previously considered undergrounding cables to reduce the extent of visual intrusion, to reconsider this option. Whilst ESC understands that this could be a starting presumption outside designated landscapes, the strength of the terminology utilised, and blanket approach applied is not supported. There is a need to take into consideration the context of this site and specific impacts of the infrastructure.

Section 2.9.23 references the potential use of undergrounding in situations where no part of a proposed development crosses a designated landscape, but there is also potential for adverse landscape/visual effects elsewhere along the route in certain other circumstances such as the potential for adverse landscape and visual impacts of overhead lines in proximity to and in the setting of designated landscapes and other locally sensitive landscapes such as river valleys and historic parklands and their setting. Overhead structures are prominent in the landscape and can be viewed over long distances (including from within the designated areas if located close to the boundary). Overhead lines can also have significant effects on other assets and receptors, such as the setting of heritage assets, and comprise unacceptably intrusive structures to nearby residents.

The wording in current sections 2.9.20 to 2.9.25 does not expressly include these considerations. The NPS needs to build in consideration of particularly sensitive sites that are not designated, but which need to be considered on their own merits and individual context.

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

ESC has provided some overarching comments on the NPSs in addition to some more specific comments on the policy statements which have been set out below.

Overarching Comments

NPS EN-3 introduces new text on the importance of interconnectors and their potential benefits, but there is no specific policy or clear intention to add to the technology-specific NPSs. Given the multiple interconnector projects coming forward, several of which are proposed in East Suffolk, ESC would welcome more guidance on interconnectors in the NPS. This comment is also applicable to other technologies, such as hydrogen for example, where the BESS has identified that they will play a crucial role in achieving net zero but there is limited specific guidance provided.

Some of the development specific NPSs include a specific section on Environmental and BNG, but not all. Given the importance of all projects delivering environmental net gains, this should be consistently made clear in all the NPSs to supplement the information given in NPS EN-1.

Whilst there is a recognition of the need for applicants to minimise impacts on the best and most versatile agricultural land, neither EN-1 nor the technology specific policy statements explicitly support the desire to prioritise the re-use of previously developed or brownfield sites, where feasible. The benefits of the re-use of previously developed land for new development is however acknowledged in paragraph 5.11.3 of EN-1. It is understood that this may not be possible for some energy infrastructure, but it should remain a starting consideration for site selection requiring the applicant to justify an alternative approach.

As previously stated, ESC supports a more coordinated and strategic approach to network planning and infrastructure applications to reduce the amount of development required and degree and extent of impacts on communities and the environment. As part of this ESC considers that the feasibility of alternative offshore options should be required to be fully considered.

ESC has continually raised the need for a more coordinated and strategic approach to network planning to minimise the amount of onshore infrastructure required, to alleviate the impacts on communities and the environment. ESC reiterates its position that greater levels of coordination are needed to 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. ESC wants to ensure that the positive additions to the NPSs and particularly EN-5 regarding the need for coordination, is not undermined by the currently worded definition of CNP. There is also a concern that the definition provided could undermine the Governments desire to achieve greater community consent for energy infrastructure sought through initiatives such as the community benefits proposals.

NPS Overarching National Policy Statement for Energy EN-1

Section 3.4 - The need for low carbon hydrogen infrastructure

It is welcomed given the potential need for hydrogen networks in the future, that paragraph 3.4.21 acknowledges the need for applicants to consider foreseeable future demand when considering the size and route of their investments and therefore can propose pipelines with a greater capacity than demand might suggest at the time of consenting.

Section 4.5 - Environmental and Biodiversity Net Gain

Whilst the intention of section 4.5 is welcomed, the language used is not firm enough to ensure that all energy NSIP proposals deliver net gains for biodiversity and the wider environment. Use of phrases such as *“should seek opportunities to”*, *“where possible”* (paragraph 4.5.4) and *“are encouraged to”* (paragraph 4.5.5) do not provide clear guidance on what promoters/applicants are expected to deliver through projects and are likely to result in delivery of biodiversity and environmental net gain missing significant opportunities. The NPS must be clear that all projects must deliver biodiversity and environmental net gains as part of their design and delivery.

In relation to paragraph 4.5.17, it should also be recognised that the Government has committed to apply mandatory BNG to NSIPs no later than November 2025 (section 4.3 of the Government’s response to the BNG Regulations and Implementation consultation). The NPS should reflect this commitment to ensure that developers are designing BNG into their projects from inception, rather than attempting to ‘retrofit’ it at a time closer to the start of the mandatory requirement.

Section 4.6 – Criteria for ‘Good Design’ for Energy Infrastructure

The phraseology in paragraph 4.6.2 is unclear where it refers to energy projects demonstrating ‘good aesthetic’. This term is new, and not referenced in other planning guidance like the National Planning Policy Framework (NPPF), and so clarity on what is meant by the term would be welcomed.

The caveat in paragraph 4.6.2 about the nature of energy infrastructure development limiting its ability to contribute to the enhancement is honest and realistic. This should be retained in this NPS. There is an inherent tension between the industrialising effects of these kinds of projects in rural settings and their perceived necessity, that is often at the root of disagreement on their impacts.

Paragraph 4.6.4 discusses good design as something to be ‘applied’ to a project, however good design should be inherent and integral to a project from the outset and should be one of its principal outcomes. It is not an optional extra to be ‘applied’ or disapplied.

Paragraph 4.6.5 provides welcome emphasis to the use of guiding design principles and the use of a Board level Design Champion and Design Panel to ensure that these principles are embedded throughout the design development and beyond. The development of design principles in the NSIP process can be aided greatly where a Design Champion is independent of the promotor/applicant and the designer and can act as a ‘critical friend’ in the process.

Similarly, the reference in paragraph 4.6.8 to the use of the Design Council for NSIPs is welcomed. It is a high-level strategic body with extensive and relevant experience in such projects and it is welcome that it is embedded within this NPS.

ESC considers the criteria set out in paragraph 4.6.11 for the Secretary of State’s satisfaction in consideration of design is not ambitious enough, all that is required of an applicant is that they have considered functionality and aesthetics, as far as possible. There is no guidance here on how they would demonstrate such consideration; and no apparent requirement for them to act upon any such considerations to provide a demonstrable outcome that includes good design.

Section 5.2 Air Quality and Emissions

Section 5.2 recognises the need for mitigation where air quality objectives are breached. However, for fine particulates there is no recognised safe level and therefore arguably any available mitigation should be used to reduce emissions of fine particulates. In the Climate Change section there is a statement that the Environmental Statement should show *“an explanation of the steps that have been taken to drive down the climate change impacts at each of those stages”*. This is a good statement that could be applied to fine particulates too.

As a brief note on Annex D, Figure 5, the Air Quality Management Areas in East Suffolk are so small they do not show on the map even when zoomed in, until zoomed in to 400% which somewhat obscures them from first view.

Section 5.4 - Biodiversity and Geological Conservation

Whilst it is understood that the protections afforded to Sites of Special Scientific Interest (SSSIs) in paragraph 5.4.8 is in accordance with that set out in other national policy (e.g. paragraph 180(b) of the NPPF), consideration should be given to including further guidance on what constitutes scenarios where *“the benefits (including need) of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs”*. It is noted that paragraph 5.4.41 provides some additional commentary on this matter.

The recognition of the value of Local Wildlife Sites (called County Wildlife Sites in Suffolk) in paragraph 5.4.12 is welcomed.

The list of irreplaceable habitats referenced in the final version of para. 5.4.15 should match those which are confirmed as such following the upcoming DEFRA consultation on irreplaceable habitats.

Paragraphs 5.4.30 and 5.4.31 should also highlight the need for the applicant to engage with the relevant Local Planning Authority for the area where any compensation measures are to be delivered at an early stage, as these locations can often be remote from the area where the NSIP is proposed. Applicants should also be discouraged from proposing to deliver compensation measures in remote locations via subsequent planning applications (under the Town and Country Planning Act) following submission or granting of a Development Consent Order. As previously stated, this can add significant risk to timely delivery of the measures and NSIP and places an unhelpful burden on the local planning authority.

Paragraph 5.4.32 should reference the need to avoid impacts on ancient woodland, veteran trees or other irreplaceable habitats before mitigation measures are considered.

It is unclear why paragraphs 5.4.35 to 5.4.38 are in a section titled ‘Mitigation’ when they cover avoidance, mitigation, compensation, and enhancement measures. The section should be renamed to better reflect the content of the paragraphs. Regarding the final bullet point of para. 5.4.35, whilst the intention that habitat creation should be *“focused on areas where the most ecological and ecosystems benefits can be realised”* is agreed with, it should also be ensured that there is a geographic element to this consideration so that habitat creation is undertaken as close as possible to the site of the original impact.

The intention in paragraph 5.4.44 that habitat creation should be maintained for 30 years or the lifetime of the project if this is longer is welcomed.

Section 5.9 Historic Environment

A threshold is set out for design quality in paragraph 5.9.24 with detailed criteria for consideration in this section on historic environment however there is not a similar section on the criteria for 'Good Design'. ESC consider that this should be addressed.

It is expressly stated that the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment should be considered by the Secretary of State. It is however considered that new development should make a positive contribution to the character and local distinctiveness of the environment as a whole. It is also considered that a similar requirement should be reflected within Section 4.6 with the same desirability though good design forming a consideration for the Secretary of State. At present there appears a mismatch between the different sections of the draft EN-1. Whilst it is recognised that technology specific NPSs include tailored design criteria and their inclusion within the overarching NPS would not be appropriate, the aspiration to the desirability of new development making a positive contribution should be an overarching principle, and therefore should be included within Section 4.6. ESC considers that what is stated within section 5.9 regarding good design and considerations should be reflected in section 4.6 on design quality.

ESC notes in paragraph 5.9.34 that *'When considering applications that do not do this [preserve setting], the Secretary of State should give great weight to any negative effects, when weighing them against the wider benefits of the application. The greater the negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to justify approval'*. The NPPF does not include this test at the equivalent paragraph 206, and, therefore, it is welcomed that this NPS brings clarity to negative as well as positive impacts and goes beyond the NPPF terminology in making this explicit.

Section 5.10 Landscape and Visual

Section 5.10 states that the special statutory purposes for designation of national landscapes (National Parks, AONBs) will only be given "regard to" rather than "substantial weight" as previously by the SoS in decision making, which raises concern and should be reconsidered.

The addition to section 5.10.7 regarding provision for considering impacts on designated sites from development outside their boundaries is welcomed.

NPS for Natural Gas Electricity Generating Infrastructure EN-2

It is noted that paragraph 1.6.6 states that EN-4 does not have effect for hydrogen infrastructure. It is considered that there is a need for further guidance in relation to this technology given the increasing emphasis being placed on its contribution to help achieve net zero targets.

NPS for Renewable Energy Infrastructure EN-3

Section 3.5 – Consideration of good design for energy infrastructure

Paragraph 3.5.2 includes a welcome requirement that *“Proposals for renewable energy infrastructure should demonstrate good design”*. This simply worded and clear requirement contrasts with that of overarching NPS EN-1, where it is absent.

Paragraph 3.5.2 states a requirement for considering opportunities for co-existence/co-location that is restricted to other marine uses and raises a question of whether this should include terrestrial uses.

It is welcomed that paragraph 3.5.2 includes mitigation of heritage effects as a requirement of good design.

Section 3.8 Offshore Wind

ESC has provided comments in relation to the definition and scope of CNP infrastructure in response to Q1 and Q2 and therefore these comments will not be repeated.

ESC welcomes the confirmation in paragraph 3.8.21 that amendments will be tabled to the Energy Bill to establish a process statutory strategic compensation.

Applicant assessment – Offshore-onshore connection

ESC notes and welcomes the statements within paragraphs 3.8.46-3.8.55 that *“a more co-ordinated approach to offshore-onshore transmission is required”* and acknowledgement that the design of

both wind farms and interconnectors should be sufficiently flexible to enable potential future connections.

Impacts – biodiversity and ecological conservation

In addition to the specific consideration identified in the 'Impacts – biodiversity and ecological conservation' section (paragraph 3.8.109 onwards), consideration should also be given to potential impacts on other transboundary migratory protected species such as bats (particularly species such as Nathusius' pipistrelle (*Pipistrellus nathusii*)).

Mitigation

In paragraph 3.8.236, applicants must be required to develop and implement an ecological monitoring programme rather than being advised to, and the results of all monitoring should be made publicly available. In the absence of such monitoring and reporting the success of mitigation and compensation measures cannot be determined and improvements for future schemes cannot be identified and implemented (as highlighted in paragraph 3.8.238).

The requirement in paragraph 3.8.245 for the applicant to provide an alternative plan in case proposed Horizontal Directional Drilling fails is welcomed.

Compensatory Measures

Paragraphs 3.8.290 and 3.8.291 – As set out previously, applicants must also be required to engage with the relevant Local Planning Authority at an early stage in the preparation of any compensation plan, particularly where a planning authority area remote from the NSIP boundary will be proposed to host compensatory measures.

3.10 Solar Photovoltaic Generation

Impacts – Biodiversity and ecological conservation

Paragraph 3.10.70 – Given the scale of solar farm proposals which will be considered under this NPS, it is our view that a 'desk study' of biodiversity records must be undertaken to inform the ecological assessment unless clear justification for not doing this is provided. Also, the final ecological impact assessment should not identify any further surveys required. A preliminary assessment should do this, with the final assessment being based on all necessary survey data. Applications must not be

submitted for examination with missing or incomplete survey data or ecological impact assessment, otherwise it is not possible to fully consider the potential ecological impacts of the development.

In reference to paragraph 3.10.80, whilst it is agreed that solar farms can have the potential to increase the biodiversity value of a site, it should be made clear in the NPS that measures to do this must be incorporated into the design of the development at the earliest stages. This is particularly the case where management measures such as livestock grazing are proposed as design and installation of the development is likely to require specific considerations to make this type of management feasible.

Mitigations – Biodiversity and ecological conservation

Paragraphs 3.10.119 to 3.10.121 deal with management, monitoring and ecological enhancement measures but are in a section titled ‘Mitigations’. It is suggested that the section is retitled to reflect the content.

Impacts – Biodiversity and ecological conservation

Paragraphs 3.10.145 to 3.10.147 are titled ‘Biodiversity and ecological conservation’ and are within the section on impacts that the Secretary of State must consider in decision making, however the text provided does not include any specific reference to the need to consider impacts on habitats or species (particularly those that are legally protected or of nature conservation importance). Reference to these must be included in this section so that it is clear that the Secretary of State will consider impacts on such ecological receptors during the decision-making process.

Seascape and visual effects

Section 3.8.365-368 seems to dilute the relevance of seascape in relation to offshore wind farms which is of concern.

Impacts – Cultural heritage

The wording of paragraph 3.10.109 could be made more precise and therefore helpful to heritage professionals working for local planning authorities. There should be no qualifier included about the level of harm arising which requires ‘careful consideration’ given to the impact of solar farms causing it. Harm is harm, regardless of its level and this is set out in paragraph 199 of the NPPF where it states that great weight should be given to the conservation of a designated heritage asset,

irrespective of whether any potential harm to its significance is substantial or less-than-substantial. The implication of the wording used in this NPS paragraph is that less-than-substantial harm does not require 'careful consideration' to be given to the impact of solar farms causing it. As such, we would welcome this wording being changed. From appeal decisions, it is very, very rare for setting impacts to ever cause substantial harm (if they do at all). Setting impacts are the most likely type of impacts to arise on heritage assets from solar farms proposed in their setting. They do not involve direct impacts, and it only from direct impacts on heritage assets that we understand that substantial harm ever has the potential to arise (from demolition or partial loss of historic fabric, for example).

The statement in paragraph 3.10.110 about visualisations is welcomed but raises the question of why it is not made a requirement. Visualisations provide useful support to independently assessing impacts and effects arising from solar farms, and their becoming a requirement would be welcomed.

The note in paragraph 3.10.151 on the duration of development operation being highlighted here under Cultural heritage is welcomed.

NPS National Policy Statement for Electricity Networks Infrastructure EN-5

Section 2.4 Consideration of good design for energy infrastructure

Paragraphs 2.4.3 and 2.4.4 provide useful clarity on matters of good design; that the functional performance of energy infrastructure in respect of security of supply and public and occupational safety is a paramount consideration, that it must not be threatened and that it may limit an applicant's ability to influence the aesthetic appearance of that infrastructure. This provides a clear context within which design parameters can be set, and then understood by all involved and interested.

Undergrounding and subsea cables

In paragraphs 2.9.23 and 2.11.5 the use of '*significant*' and or '*widespread*' is not consistent in these two paragraphs and should be addressed within the final policy statement. Significant effects may occur because the effects on the landscape are widespread, however they may also occur because the effects are localised on a receptor. Widespread effects could for example have low significant, for this reason it is not appropriate for this to be used as a policy test.

Further clarity is also required within the latter part of paragraph 2.9.23. Subsea cables are not an alternative to the burial of onshore of overhead lines. Subsea cables are a separate alternative to onshore infrastructure, this needs to be clearly set out in the final version of EN-5. Subsea links create significantly different opportunities to undergrounding overhead lines, in addition to causing very different impacts onshore and offshore.

Environment and Biodiversity Net Gain

The second bullet point of paragraph 2.14.2 regarding the requirement for applicants to demonstrate how proposals can contribute towards BNG is welcomed.

Coordinated approach, including for 'Early Opportunities' projects

ESC welcomes the statement in paragraph 2.13.5 that *"Radial offshore transmission options to single windfarms should only be proposed where options assessment work identifies that a co-ordinated solution is not feasible"*. The need to be 'ambitious' in the degree of coordination identified in paragraph 2.13.7 and reference to taking account of *"opportunities to connect windfarms and multi-purpose interconnectors and/or bootstraps with each other"* is noted. The requirement for evidence and an assessment to demonstrate why coordinated options are not feasible is an important addition to the current drafts. It is also welcomed that paragraph 2.15.1 states that the Secretary of State must consider the coordinated approaches and ensure they have been evaluated appropriately.

Supporting the need to minimise the adverse impact on communities and the environment, there should be a requirement for applicants to consider the feasibility of alternative offshore options for their terrestrial transmission proposals.

If you would like to discuss any of the above responses further, please do not hesitate to contact me.

Yours faithfully,

Naomi Goold
Energy Projects Manager
East Suffolk Council