Overarching Energy NPS (EN-1) - FINAL

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

a. on the government's energy and climate policy (Part 2)?
b. on the need and urgency for certain types of infrastructure (Part 3)?
c. to inform decision making?
d. to inform examinations?

CPRE response

Please note that a summary of key issues is given in response to Question 4.

In relation to Question 1, we would also make the point that we assume that third parties, such as CPRE and local communities/their representatives, are also included as those 'engaged in the process' despite the limited examples given.

a. **No**. We support the commitment to net zero carbon, but believe it should be brought forward from 2050 to 2045[1]. We also believe current policy relies too heavily on technology unproven at scale (notably carbon capture and the role of low carbon hydrogen) and unabated gas as a transitional fuel. Whilst carbon capture and hydrogen undoubtedly will have a role to play, a much greater emphasis needs to be placed on energy demand reduction (EDR) and distributed/decentralised energy (DE) production. In short, EDR reduces the transitional need for fossil-fuel energy production and scales down the volume of low carbon energy generation (of all types) needed, as well as reducing risks related to reliance on unproven technologies. We refer the Government to the recent authoritative report[2] by the Centre for Research into Energy Demand Solutions (CREDS) which shows that the UK could reduce its energy demand by more than half by 2050, compared with current measures (see Draft EN-1 para 3.3.10, quoting the Energy White Paper).

DE, and especially community energy, also reduces the need for investment in new or reinforced networks as well as providing levelling-up opportunities associated with broadening the energy market, increased flexibility, and a fairer transition based on improved social consent.

We note that demand reduction and decentralised energy are considered in paras 3.3.9 *et seq.* as alternatives to large scale energy developments. Whilst we would agree broadly that such measures will not replace the need for energy development at scale, stronger policy support for demand reduction and decentralised energy would significantly reduce the need for build out, whilst contributing speed, flexibility and cost efficiency to the transition to net zero.

[1] https://www.cpre.org.uk/resources/greener-better-faster/

[2] Barrett, J., Pye, S., Betts-Davies, S., Eyre, N., Broad, O., Price, J., Norman, J., Anable, J., Bennett, G., Brand, C., Carr-Whitworth, R., Marsden, G., Oreszczyn, T., Giesekam, J., Garvey, A., Ruyssevelt, P. and Scott, K. 2021. *The role of energy demand reduction in achieving net-zero in the UK*. Centre for Research into Energy Demand Solutions. Oxford, UK. ISBN: 978-1-913299-11-8

b. **No**. Given our views above on the need to curtail energy demand, we disagree with the likely proposed amount ('significant', para. 3.1.1) of large-scale energy infrastructure, in part because of the significant residual impacts, affecting communities and countryside, landscapes and nature. The proposed *de facto* imposition of 'blanket' need, and the parallel attribution of 'substantial weight' is unacceptable when insufficient policy measures are being deployed to reduce energy demand.

The caveat that not 'everything that obtains development consent will get built' is not reassuring and also highlights our concerns regarding lack of oversight (assessment) of economic and technical viability (para. 3.3.65; see also paras 4.1.2 and 4.2.11). We are aware of a number of cases that the CPRE local network has been involved in, ranging from an energy from waste plant to new nuclear proposals, where lack of viability (and/or failure to test it properly) has led to risibly optimistic proposals coming forward, or others being withdrawn at a late stage in the consenting process, with huge abortive costs incurred by all parties. This points to a need for improved viability testing at an early stage, especially given a desire to reform the NSIP system to be more efficient and timely. We suggest such testing is front-loaded into a strategic planning process.

We agree broadly with the urgency of need identified in 3.3.59 *et seq.* However, we do not believe it is right to unfetter the market-based energy system to the extent described in paras 3.3.62, 3.3.64 and 3.3.65. Counter to the text in 3.3.62, we do believe there is a wider role for the planning system to provide a more strategic and holistic framework that will result in a more spatially sensitive distribution of needed infrastructure, related to regional and local environmental (including landscape) capacity, without causing delay nor threatening security of supply. It is <u>precisely</u> the role of the planning system to guide the right amount of development to the right place.

Finally we are concerned that novel technologies appear to be given *carte blanche* by dint of paras 3.2.8 and 3.3.45 on weight. Elsewhere (see EN-3, para. 1.6.3), it is stated that when other types of renewable energy generation come forward that are not at present technically viable, but later become so at scale, they will be dealt with by revision to the NPS suite. The text in EN-3 implies a process whereby such technologies are appropriately assessed, including an Assessment of Sustainability, before need and planning weight is determined in a future NPS. Clarity is therefore required on this point and we firmly believe that such technologies can only be endorsed in a NPS after due consideration and not by *fiat* in anticipation. The latter route would, if nothing else, fly in the face of the precautionary principle and may also be unlawful.

c. **No**. Based on the above analysis (answers to questions 1a and 1b), and assuming that the suite of draft NPS is adopted as is, we believe there would be inappropriate direction − as to need and the planning weight attached to that need − to inform decision making. The information in the NPS (including policy and guidance) is therefore not yet fit for purpose.

We do not take issue with the overall framework wherein the Secretary of State (SoS) must decide an application for energy infrastructure generally in accordance with the NPS. But we are concerned about how the planning balance is set out in more detail in para. 4.1.3, which

describes how the Secretary of State should weigh up the balance of beneficial and adverse outcomes in decision-making. In later answers, we will also make technology specific points regarding the weight to be attached to a various types of adverse impacts, either on land use or conservation assets.

We note that ecological enhancements are mentioned specifically on the beneficial side of the equation, but ecological harm is not specified on the adverse side. This is unhelpful and potentially misleading. We say this is because ecological enhancements (i.e. as biodiversity net gain, BNG) are supposed to be applied to address the residual impacts after the mitigation hierarchy has been applied – as a compensatory arrangement for impacts that cannot be avoided or mitigated. Therefore enhancement should only be counted as a benefit at a point above and beyond the required net gain being achieved. In addition, specifying ecology implies a lack of weighting being attributed to wider environmental and landscape concerns. This runs counter to the new thinking developed in the NPS suite (which we applaud) around the provision of wider 'environmental net gain' (see below in response to question 2).

Finally in respect of fine-grained issues of decision making, we are concerned about the broad presumption that, where they are in conflict, NPSs take precedence over local development plans (para. 4.1.5). This suggests a risk that NSIP schemes will create conflicts with the spatial priorities of a local plan, i.e. they won't 'fit' and could create issues with prematurity. In our view there is a clear need for more strategic planning in order to assess the cumulative impacts arising from any approved or expected NSIPs and regular planning applications occurring within the same landscape or community.

In summary, we have detailed above a series of concerns about undue and/or overweening weight and need being given to almost any future proposals for new energy infrastructure. Whereas we understand the underlying rationale around need and urgency to address the climate emergency, and partly agree with that, we are concerned the result may be counter-productive. Put plainly, the draft NPS risk opening the floodgates to a high volume of applications, some of which may be inappropriate, that risk slowing down the whole NSIP process if the planning balance is altered and resourcing is insufficient. Third parties already perceive very limited opportunity to truly influence a DCO examination and decision. Thus 'streamlining' the process (both by dint of policy directions in NPS and procedural changes to the overall NSIP regime) risks alienating public opinion and causing delay, when time is of the essence to address the climate and nature emergencies.

For this reason, we advocate a more pronounced shift to more co-ordinated and strategic planning led by central Government and the National Infrastructure Commission which would be centered on the following proposals:

- better strategic planning of new energy infrastructure, both generation, storage and transmission projects, underpinned by more rigorous strategic environmental assessment and appraisals of sustainability (SEA/AoS). This would allow for more rigorous testing of need, alternatives and landscape-scale choices of best locations and routes prior to development (especially where applied to groups of projects where spatially or functionally linked);
- wider participation of environmental and representative bodies, including local authorities, in the strategic planning of network design, in part addressing issues around the serious deficit in social consent in the current NSIP/DCO process;
- best practice design and mitigation, including significant, compensatory provision of 'environmental net gain' and avoidance of unnecessary landscape damage where possible, e.g. from overhead lines (covering both landscape and biodiversity enhancement at scale), where residual impacts cannot be minimised or mitigated fully;
- much stronger co-ordination of onshore infrastructure, especially in relation to electricity transmission, building on the current proposals for enhanced offshore integration;
- much stronger emphasis on reduction in energy demand, energy efficiency and decentralised and community energy, thus reducing the need for and amount of new energy generation at scale and for new long distance transmission routes.

Although this would represent a significant change to the current NSIP and energy NPS proposals, we suggest that a more participatory, 'front-loaded' strategic, landscape scale planning/design process with a strong emphasis on environmental net gain and community benefits would improve overall consenting times by reducing friction at examination.

d. **No**. See above.

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?*

CPRE response

No. In previous responses we have already covered where we feel extant or amended assessment principles are unsuitable for the purposes of decision making or examination and refer again to them. Further comments, both in support and amending are made below.

We note in para 4.2.11 that the NPS does not contain any general requirement to consider alternatives or to consider whether the proposed project is the best option. This is wrong and could readily be addressed by testing at the 'front-loading' strategic planning stage we have outlined in answer to question 1c (see above). Alternatively the principles outlined in 4.2.13 should be applied generally as new policy (by dint of EN-1 text) with the exception of the ninth bullet in respect of third party alternatives submitted after an application is made. We suggest this is amended to require a third party, in that specific regard, to present an outline scope of evidence – which if deemed sufficient by the Examining Authority – must then be assessed fully by the applicant.

We welcome the recognition of the need for early engagement with key stakeholders which we presume includes third parties (falling within 'those likely to have an interest in a proposed energy infrastructure application', para.4.1.9) but this should be strengthened to be a requirement. This aligns with our proposals for front-loading of projects as part of our enhanced strategic planning proposals (see answers to 1c above).

We also welcome a wider approach to environmental and biodiversity net gain (section 4.5) and how it is secured and delivered (including ongoing landscape management plans, see para. 5.10.10). However, we would wish to see this go further and landscape enhancement (at scale) formally recognised as part of the necessary 'environmental net gain', initially identified as part of wider impacts analysis in the strategic planning/design process we seek. 'Nature inclusive design' is mentioned in para. 4.6 onwards as part of stressing the importance of 'good design'; again, we would wish to see this incorporated into a specific environmental net gain approach, combining significant enhancement to landscape/landscape character as well as biodiversity.

We strongly suggest that more detailed practice guidance on environmental net gain be issued as a PINS Advice Note at the point of designation. This would be complementary to PINS Advice Note 17 on Cumulative Environmental Assessment.

Biodiversity net gain (para. 4.5.2) should be made a mandatory requirement rather than 'may also deliver'. Given the concerns about the extent of loss of biodiversity and the links with climate change, achieving biodiversity net gain should be a consideration in all energy projects. Opportunities, wherever possible, should be identified to contribute to the enhanced delivery of Local Nature Recovery Strategies

The importance attached to good design (para 4.1.6 and Section 4.6) is welcome. We agree that the outcome must be to produce sustainable infrastructure sensitive to place (4.6.1) and that design principles from the outset of the project are key. We welcome the criteria set in relation to functionality and aesthetics and relationship to existing landscape character and quality. In our view this needs to be strengthened by mandating the need for environmental net gain (ENG) proposals as part of the project. By this we mean the incorporation of nature inclusive design (as specified in 4.6.3), biodiversity net gain and landscape net gain (as delivered through landscape management plans, see para. 5.10.10), summing to overall ENG.

We welcome the introduction of co-ordination of the grid network as it transitions towards a net zero system but believe it needs to be accelerated significantly through the revised NPS. The BEIS/Ofgem Offshore Transmission Network Review (OTNR) Phase 1 report[3] has shown the necessity and significant benefits of a more co-ordinated offshore/onshore network, including up to a 50% reduction in spatial infrastructure, which will markedly reduce impacts on coastal

[3] www.nationalgrideso.com/document/183031/download

communities and hinterland areas. A c.30% reduction in capital costs is also anticipated, giving a significant cost:benefit signal to the need for and value of early adoption. With this in mind, applicants must be mandated to co-ordinate proposals for onshore-offshore connections, not merely consider the option as stated at 4.10.1 (and earlier in section 3.3). Whilst the constraints to co-ordination, outlined in 4.10.4, are understood, there is a wider need to align commercial and regulatory frameworks to facilitate co-ordinated applications. This is a task for Government outside of NPS revision but must be anticipated by stronger direction in respect of co-ordination in EN-1 and EN-5. We will suggest specific text amendment in this regard in our response to EN-5.

We also welcome the aim for single or integrated tandem applications for generating stations and related infrastructure (para. 4.10.3). Given the likely economic efficiencies and reduced environmental impact, this should be subject to more than 'particular encouragement' and should be expected wherever possible. We would welcome seeing strengthened language in this respect.

In the experience of our local network, there is a danger that cumulative impacts are not properly assessed (i.e. holistically). For this reason in particular, we do not think it appropriate that battery storage proposals are removed from the NSIP regime (as proposed in 3.3.28), when associated with generating stations (e.g. solar farms) and grid connection infrastructure. We suggest reversing the direction proposed such that battery storage (as part of related new infrastructure) be deemed to be included as part of a single or tandem application, if falling to be considered together.

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

CPRE response

No. Whilst we welcome greater emphasis on protection of key conservation assets (especially in respect of the historic environment) we still have a number of dissenting points, as described below.

We strongly welcome the requirement for whole life carbon assessment of energy projects (para. 5.3.4). In principle, we also support nature-based mitigation or offset of emissions (para 5.3.6) but only where these are closely related (spatially) to the project location and assist in direct mitigation of potential local biodiversity or landscape impacts or give other local benefits. Market-based offsetting, remote to the site or outside of the UK should not be given weight.

We also have a concern about biomass in relation to generic impacts. We note that all biomass DCO applications to date have been for power stations. As we say in our EN-3 response, we welcome recognition of the need to account for the sourcing of fuel for biomass facilities, particularly so as not to export the harmful impacts to other countries and incur extensive transportation emissions. However, the landscape and visual impacts are

complex: whilst the direct impacts of a biomass power station itself might be straightforward to assess, there is clearly a potentially wide impact range from the production of biomass, depending on what is grown and where - and this may change over the lifetime of a power station. Further, it is not just the landscape impact that is of concern: biomass production runs a significant risk of removing farmland from food production, creating food security issues, and we do not currently see a mechanism within the development principles to give weight to this. Best and Most Versatile (grades 1-3a) farmland can, after all, be used to grow either food or energy crops without a change of use in planning terms. Such are the incentives for growing energy crops that, for any farm within 25 miles of a biomass plant, there is little point in growing anything else. In some areas energy crops have already replaced much pasture land along with the biodiversity it retained.

Given that carbon capture and storage (CCS) technologies are still relatively emergent, EN-1 places unacceptable reliance on biomass with CCS as a way to 'square the circle' in terms of a net-zero emission energy mix. There are certainly opportunities for sustainable biomass energy: for example, CPRE is campaigning for a 40% increase in native hedgerows by 2050, and managed hedgerows can support wildlife, carbon sequestration and also provide a supply of biomass. But industrial scale use of farmland - in the UK or internationally - to grow energy crops is broadly a poor solution and NPS should not encourage reliance upon it.

We are pleased to see and support the greater emphasis on heritage protection, evidenced by reference to setting in the Introductory section (5.9.1 *et seq.*), which is not present in the 2011 version. This is crucial to effective historic environment management and is therefore welcome. We are also pleased that the draft text also highlights positive reference to the consideration of:

- the importance of good design;
- heritage assets affected by proposals becoming “at risk”
- noise, vibration and dust impacts, and
- enhanced opportunities to better reveal significance (para. 5.9.13).
- the need to make a positive contribution to the historic environment (para. 5.9.14)
- compliance with Reg. 3 of the Infrastructure Planning (Decision) Regs 2010 which relates to the requirements on Listed Buildings/ Conservation Areas (para. 5.9.18)and Scheduled Monuments

We are particularly pleased to see para 5.9.29 where the Secretary of State should give ‘considerable importance and weight’ to the desirability of preserving and enhancing etc. This is considerably stronger than previous wording of ‘should treat favourably’.

On landscape and visual, we welcome new text on seascape character assessment (para. 5.10.5), new text on green infrastructure (GI, 5.11.2), protection of soils (5.11.18), GI and national trails and other rights of way and accessibility and new opps for access (5.11.23).

We also welcome the need to pay particular attention to development plan policies in respect of locally valued and designated landscapes (para. 5.10.16) but suggest that the final sentence

should be amended as follows: 'However, local landscape designations should not normally be used in themselves to refuse consent […]'

We strongly welcome text at para. 5.10.10 in respect of landscape management plans which we see as an explicit mechanism for the delivery of our vision for environmental net gain (ENG – see our comments above in response to question 2) and, for this reason, should be a required element of any application, given the scale of energy proposals anticipated in the NSIP regime.

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

CPRE response

In summary, we welcome and support the broad aim to enable the NPSs to properly support DCO decision-making in achieving urgent progress towards net-zero carbon. However, we are not convinced that the draft revisions will bring about sufficient system change to overcome local opposition and hence ease the risk to consenting at speed.

The most important and specific changes we would like to see to the NPSs are as follows.

1. Building on the excellent approach to offshore network integration, we seek much clearer strategic planning for onshore development and earlier implementation thereof. This should comprise:

- holistic testing of high-level network design;
- a robust, landscape-scale approach to assessing and minimising landscape cumulative impact;
- and provision of environmental net gain (including but not limited to biodiversity net gain).

Preferably this should take the form of an integrated Strategic Plan led by central Government for energy generation and infrastructure, on which local authorities, communities and third parties would be consulted, and by which all NSIP schemes can then be assessed for their contribution.

2. The draft NPSs describe how demand management, non-NSIP schemes and NSIP schemes all need to work together to contribute to meeting energy need, but there is no policy integration to show how delivery across the three will add up to the overall strategic outcome. To remedy this, the NPSs should require DCO applications and associated evidence (including EIAs) to demonstrate their fit with the Strategic Plan in terms of energy contribution and locational sustainability.

3. NPPF/PPG provides for the principle of a brownfield-first/roofs-first approach to renewable energy schemes within the local planning regime (albeit this needs to be strengthened). But EN-3 eschews that approach by presuming that NSIP solar schemes will be greenfield. This short-circuits any consideration of where the infrastructure for brownfield/rooftop solar requires strategic intervention to make it effective and viable. To

remedy this, our recommended Strategic Plan should embody a sequential, brownfield-first/roofs-first approach to locating solar capacity and identify where infrastructure improvements are needed to deliver it. We deal with this in more detail in our response to EN-3.

4. The policy requirements for onshore wind are significantly more exacting than those for solar PV, through a combination of removing them from the scope of the NPS and requiring suitable areas for wind energy to be identified in a local plan or neighbourhood plan. Thus the capacity for wind energy is tested, with community scrutiny and support gained through the development plan process. By contrast, the NPS approach to solar PV effectively sidesteps local scrutiny, which is already generating considerable opposition to schemes. We believe that pushing any form of development through in the face of community opposition is undemocratic and ultimately leads to more delay and constraint in achieving the intended policy objectives. To remedy this, the NPS should mandate a 'suitable areas' approach to solar PV which should be led by local authorities through the established development plan process.

EN-3 FINAL

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?*

CPRE response:

No. Below we submit mixed comments (disagree and agree) on a range of issues covered by draft EN-3. We take these roughly in the order that they appear in draft EN-3.

In relation to biomass and waste combustion we note what is stated (paras 2.6.2, 2.6.3 and 2.6.4) about sourcing of material in terms of its sustainability (and the relationship to the RO and CfD incentive schemes) and welcome that sustainability is a relevant and important consideration for the Secretary of State (SoS) when deciding on applications. Our view, in general, is that importing wood chip for thermal power stations and palm oil for biodiesel cannot be right and could well be generating more carbon emissions in transit than are avoided in the UK, aside from potential environmental damage in the exporting country. We believe it is crucial that control over sustainable sourcing is maintained or indeed enhanced in situations where the plant may not be relying on RO or CfD subsidy, by way of condition in the DCO or other direction.

The importance of whole life carbon assessment needs additional emphasis in section 2.6; we suggest this is achieved by cross-reference, either in text or a footnote, to the requirements in EN-1 at para. 5.3.4.

We are concerned that a sequential approach cannot be applied to biomass and waste plants as the first sentence 'most renewable energy resources can only be developed where the resource exists…' very plainly does not apply to this type of technology, which is relatively footloose. We suggest this paragraph is removed and steer is given to prioritise location on brownfield (PDL) in preference to greenfield land.

In Section 2.17 we were pleased to note that projects need to be in accordance with the waste hierarchy and be of an appropriate type and scale so as not to prejudice the achievement of local or national waste management targets. This is an important principle and should be signalled more prominently, either earlier in section 2.5 or in pre-ambular text in section 2.1?

Throughout EN-3 (i.e. in relation to all the technologies described), we suggest a strengthening of text requiring environmental net gain (see our response in EN-1 to our suggested scope of ENG, which goes beyond the signalled statutory requirement for biodiversity net gain). The implementation of an ENG approach is especially important to offset residual impacts (after mitigation) on communities, landscapes and nature.

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

CPRE response:

No. Consistent with our comments on draft EN-1, in respect of grid connection, we wish to see a stronger expectation/requirement of/for co-ordination of offshore/onshore integration (para. 2.22.15) and for this to be implemented at the earliest possible opportunity. We are unclear as to why separate consents for transmission proposals will increase if the general aim is for holistic grid planning as outlined in EN-1 para. 4.10.3. Our strong preference, wherever possible, would be for combined or tandem applications with integration to the fore.

We welcome the encouragement of early engagement in offshore planning aimed at finding solutions to optimise capacity to enable net zero (end para. 2.22.20). We believe this approach to integrated spatial planning of energy infrastructure should also be applied onshore, where it would take a strategic view of best use of land and environmental assets. Significant steps should be taken to apply this approach more widely, through revised policies in the energy NPS, to ensure the most sustainable delivery of carbon net zero for the energy sector by 2035.

Consistent with our concern expressed above in relation to (lack of) locational considerations for biomass and waste plants, we suggest text in 2.22.26 should be removed or at least be amended to exclude coastal sites for offshore infrastructure landing onshore which should usually follow a preference for brownfield/PDL or lower grade land, other impacts and sensitivities notwithstanding (see para. 2.23.2).

We strongly welcome the direction to seek wider environmental gain improvements (natural capital and ecosystem services) when planning to deliver biodiversity net gain (BNG) as stated in para. 2.23.18. Although landscape will be less of a component in offshore considerations, some applications including coastal landings will have visual impacts and we would wish to see clearer direction on landscape enhancement using landscape management plans as specified in EN-1 para. 5.10.10.

We welcome the text dealing with seascapes and visual effects (para. 2.35.1 *et seq*.) and the requirement for Seascape and Landscape Visual Impact Assessment (SLVIA) in general and particularly where national designated landscapes (NDL) may be affected. We suggest the addition of 'or their setting' after 'Heritage Coast' to ensure compatibility with NDL policies elsewhere.

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

CPRE response:

No. We suggest the removal of para. 2.41.5 on 'other locational considerations'. In respect of pumped hydro storage, whilst there is clearly a strong locational tie to the resource being exploited (usually a significant potential head of water), a preference for sites where allied infrastructure (particularly existing reservoirs/water bodies) etc already exists will be important in limiting environmental impacts, especially in more remote, hilly areas.

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

CPRE response:

No. From the outset, we query the direction of the policy and guidance contained in this part of EN-3. This is because it appears to be predicated predominantly on development on rural greenfield sites where, as para. 2.47.2 accepts, 'the scale of development will inevitably have impacts'. We do not think this should be either inevitable or acceptable, especially given the Government's previous commitment to the 'focus of [solar] growth to be on domestic and commercial roof space and previously used land' (2013 Solar PV Roadmap; 2014 Solar Strategy).

Whilst we expect utility-scale solar farms to come forward through the NSIP regime, this needs firmer direction as to a sequential approach, as made clear in the Solar PV Roadmap and the Solar Strategy. We therefore object to the current locational guidance to applicants ('factors influencing site selection': section 2.48) which is both unclear and unhelpful, in particular in relation to agricultural land classification and land type (see para. 2.48.13 *et seq.*). In particular, we suggest a stronger presumption against solar development on agricultural land of grades 1-3a.

A lack of reference to the demand-side, decentralised potential of roofs and brownfield sites is of great concern to our organisation and our England-wide network. This sits in the context of EN-1 which explains that both these sources of solar energy are needed to meet total generation capacity; this may be true, but the planning system currently contains no systematic requirement for roof and brownfield solar, whilst proposing through NSIP to offer a fast-track to large-scale greenfield schemes. This is plainly an imbalance that should be resolved, and we believe there are three principal justifications for a clearer policy:

- Avoiding unnecessary landscape impact and loss of productive agricultural land;
- Win-win outcomes for urban/brownfield/industrial sites – becoming carbon-negative and enabling decentralised supply;
- Public support – public response to roof/brownfield solar is likely to be overwhelmingly supportive, and facilitate progress, whereas greenfield schemes will tend to generate resistance and delay.

Text in EN-3 should be strengthened such that a locational hierarchy is reinforced much more strongly and become one of the main factors in determining suitability of location. This is necessary to give a clear policy signal of the need for a renewed focus on a 'roofs first' approach. This will also require complementary changes in the planning system, probably accompanied by other market signals, to ensure that solar development occurs more equitably in relation to land use and the importance of retaining farmland for food production. More use of urban, brownfield, peri-urban sites (whether roof or ground mounted) will also have distribution and transmission benefits and also improve the carbon efficiency of development, something woefully lacking at present.

The focus on greenfield sites also presents issues for commercial feasibility related to grid connection in remote rural areas, as is described in para. 2.48.11. To some extent, this issue

could be moderated by a 'roofs first' policy and a focus on previously developed land and new commercial sites, such as distribution warehousing. The guidance in EN-3 is relevant as some rural sites will come forward, but it needs amending.

We note that para. 2.48.12 attempts to deal with this issue but starts from an assumption that is not always correct: that location close to grid connection capacity minimises disruption to communities or environmental assets. The experience of our network bears out the opposite: that a focus on near-grid sites unduly distorts locational choice, informed by placing undue emphasis on commercial feasibility related to costs of connection. As para. 2.48.12 states this also gives rise to concentration of impacts at these sites via scale and massing, which can also be severely compounded by further proposals for battery storage facilities.

Later in the technical guidance section (para. 2.49.7), it is correctly stated that extensive underground cabling will be required to connect parts of solar development, which is part of the costs of connection. We therefore suggest that locational guidance, operating at a lower level than the sequential land use hierarchy we seek, imposes the need for a better balance between environmental impacts (including on landscape and amenity), agricultural land quality and distance to grid connection. Many solar farms could be made – through many of the 'good design' principles espoused in EN-1 (see in particular 'contribution to quality of area', para. 4.6.3) – much more acceptable when more sensitively located, at the mild expense of longer cabling to the point of grid connection.

We finally suggest that in para. 2.51.7 that greater weight be added in the Secretary of State's decision making on visual impacts to encourage and enable a more balanced approach between ease of grid connection and protection of landscape and amenity.

The section on cultural heritage raises the time limited nature of a solar farm to be considered in the assessment of impacts upon the setting of a heritage asset (para. 2.53.8). This seems highly dubious as it seems to suggest that, as a scheme will be decommissioned after 30 or 40 years, the harm should be given less weight in the planning balance. We consider that consents that would extend beyond 20 years (one generation) would inevitably impact on elements of the historic environment and the setting of designated heritage assets. We strongly suggest the removal of this paragraph. In addition we would also suggest that solar farm consents be normally limited to 20 years unless there is robust evidence of need (for a longer consent) and that impacts over a longer period are or can be made acceptable.

We also re-iterate the points made earlier both in relation to the need for holistic planning and consenting of all combined elements of infrastructure (e.g. solar farm, substation, battery storage) so that cumulative effects can be properly assessed and addressed. For this reason again, we do not wish to see battery storage proposals removed from the NSIP regime.

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

CPRE response:

No. We welcome the precautionary approach being taken to the development of tidal stream energy, based on current lack of a robust evidence base related to environmental impacts (para. 2.55.4) and recent modelling suggesting the potential for significant impacts from larger arrays. We welcome the approach being taken through the use of rolling SEA programmes.

However, we again object to the blanket rejection of sequential approaches to location (para. 2.59.3). Whilst we understand that there is locational specificity in relation to the presence of tidal stream resources, adjacent development (e.g. grid connection/substations etc) should still be steered to appropriate sites.

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

We refer to our answer to Question 1a (EN-1) in respect of the need for a much stronger emphasis on energy demand reduction and distributed energy (including community energy). In this respect there needs to be a re-balancing between policy and fiscal support for community energy (which is minimal) compared with the policy direction in the draft NPS and the sum of £285 million per year being offered in the forthcoming Contracts for Difference round.

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

No response.

EN-5 – FINAL

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?*

CPRE response:

No. Whilst we recognise that macro-level location of transmission infrastructure, i.e. the need to get electricity 'from A to B', is not entirely within the control of the applicant (para. 2.2.1), we still are of the view, as elucidated in earlier responses (see our comments on draft EN-1 question 1), that the volume of network infrastructure development could be reduced by a combination of more stringent and innovative approachs to energy demand reduction, distributed/community energy and more strategic planning.

Nonetheless we welcome the direction to applicants to carefully consider site selection, good design and impact mitigation and some of the emerging innovation in these areas contained in draft EN-5. We also welcome the general presumption of holistic planning (para. 2.4.1) and, despite recognising some of the specific problems raised in para. 2.4.2, we believe there is significant scope for a more consolidated approach for the delivery of new and reinforced network infrastructure, in particular because of the limited number of transmission operators and a unified electricity system operator (ESO).

For this reason, we very much welcome the text at 2.4.5 in respect of single applications for grouped sets of works which could also arise as more holistic solutions from a new form of strategic planning for onshore works, akin to the holistic network design (HND) proposals for offshore/onshore co-ordination emerging from BEIS and Ofgem's Offshore Transmission Network Review (OTNR) workstream. Furthermore, we have discussed this approach with one transmission operator (National Grid ET) who are aiming to pilot such holistic approaches in their East Coast Connections workstream, combining integrated planning with strong environmental net gain proposals over what would be widely affected areas. Crucially this would be delivered with significant stakeholder co-design and participation to address issues of social consent with affected communities.

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

CPRE response:

Yes. These will be important, if other arrangements prove insufficient and thus as a last resort, especially to secure land for biodiversity net gain and environmental net gain.

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?*

CPRE response:

No. The following improvements are suggested.

We have already supported the grid connection principles and enhanced network planning set out in EN-1 in relation to onshore-offshore co-ordination (also emerging from the OTNR workstreams, referred to above). However, in our view, there is an urgent need for this to be implemented at speed so we suggest strengthening text in para. 2.5.2 to that end, *viz.*- 'As identified in EN-1 , it is ~~expected~~important that a more co-ordinated […] windfarms ~~will~~ be adopted [….]. ~~In due course~~ Henceforth ~~it is anticipated that~~ applications […] will be brought forward'.

Similarly in para. 2.5.3, line 3, replace 'must be considered' with 'are required'. We also suggest, consistent with our proposals for wider use of environmental net gain (ENG), the end of the last sentence be amended to read '…and follow good design, avoidance, mitigation and environmental net gain principles'. It would then follow to add 'environmental' to the end of para. 2.5.4. to read '…will be achieved including any environmental and biodiversity net gain proposals'. In respect of para. 2.5.4 applicants should also be expected to provide robust evidence as to how coordination has been maximised or clearly explain why not. Finally in para. 2.5.5 insert 'clearly' in line 2 to read '…where these can be clearly demonstrated to be the only feasible solution…'.

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?*

CPRE response:

No. We welcome the recognition of the Horlock Rules and of undergrounding, but we also recommend further improvements and amendments.

We welcome the supplemental guidance on ENG and BNG in 2.8.1 and suggest adding a further scope of opportunity: 'iii) to enhance and restore landscape character and condition'. Such opportunities have already been successfully demonstrated through OfGEM's Landscape Enhancement Initiative (LEI) as part of the funding of transmission undergrounding in nationally designated landscapes (NDLs).

We welcome the recognition in para. 2.11.6 that even residual impacts of overhead lines in nationally designated landscapes may make a proposal unacceptable in planning terms.

In para 2.11.7 we suggest amending the last part of the final sentence to reflect a requirement to deliver ENG: 'for additional mitigation and environmental net gain'. Further in 2.11.8 we believe the methodology proposed for weighing feasible alternatives is skewed, as the value of the benefits of improvement in visual amenity brought about by undergrounding is not included or counted. Willingness-to pay studies conducted to underpin the current OfGEM funding of transmission undergrounding in NDLs repeatedly show substantial sums are accepted and desired by customers to improve visual amenity in our finest landscapes.

We strongly welcome the reversal of presumption from overhead lines to underground cabling in nationally designated landscapes (para. 2.11.13). We suggest that text in the second bullet later in this paragraph be amended/balanced to acknowledge the network benefits of reduced faulting in underground cables.

We welcome the identification of further mitigation and best practice from 2.11.15 onwards, including para.2.11.16 on landscapes schemes (building on the OfGEM LEI scheme), including the need for long-term management. We also suggest in para. 2.11.18 that these management plans could be usefully widened to those defined in EN-1, para. 5.10.10 and therefore should perform an enhancement role in pursuit of ENG. Although this is partly recognised by the final clause in the last sentence ('alongside any pertinent commitments…'), we feel it would be preferable to require ENG overall and then define the elements within that as described in 2.11.16-2.11.18. Such re-arrangement of text would therefore define a) what constitutes ENG and b) how it is operationalised, thus giving clarity to applicants and all those involved in NSIP applications. We have suggested elsewhere that practice guidance for ENG could be usefully set out in a new PINS Advice Note to be issued when the new energy NPS are designated.

As stated earlier, we welcome the reversal of the presumption of overhead to underground in national designated landscapes (NDLs). As an aside, we have a preference for the term 'reversal' as used in 2.11.13 rather than 'inverted' in 2.11.20, both in terms of consistency and linguistically. We also welcome the greater consideration of undergrounding away from protected landscapes (2.11.20) although repeat our concerns about the equitable weighing of factors, for and against, outlined above in relation to paras 2.11.7 and 2.11.13.

The increased use of undergrounding through Ofgem's funding scheme for burial of transmission assets has also highlighted a pertinent issue, namely the visual impact of related infrastructure, in particular sealing end compounds (SECs), where cabling returns back to overhead lines. The location of the SECs and thus the extent to which undergrounding extends beyond the designated landscape is crucial in terms of potential impacts on the setting of the NDL, and views out from the protected landscape, and impact on local, high quality landscapes. This should be addressed by adding text as follows to sentence 1 in 2.11.20: 'The SoS should also have special regard to nationally designated landscapes and their settings, where…'.

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

Yes. We would wish to emphasise that the current revisions to EN-5, though a strong step in the right direction towards more strategic planning of electricity transmission networks, are insufficient to reduce the risk to consenting posed by lack of public support. There is therefore a need to accelerate the implementation of strategic planning mechanisms that will maximise opportunities for offshore and onshore co-ordination at speed. Without this, the targets of 40GW by 2030 and a carbon zero grid by 2035 are at risk. We also believe that accelerated co-ordination will significantly reduce impacts on landscape, nature and

communities as well as reduce overall capital expenditure as demonstrated clearly in the OTNR Phase 1 report (2020)[1].

Appraisal of Sustainability EN-1 to 5

23. *Do you have any comments on the AOS findings for the following draft NPSs:*
   a. The draft Overarching NPS for Energy (EN-1)?
   b. The draft NPS for Natural Gas Generating Infrastructure (EN-2)?
   c. The draft NPS for Renewable Energy Infrastructure (EN-3)?
   d. The draft NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?
   e. The draft NPS for Electricity Networks Infrastructure (EN-5)?

Yes. We believe that, in relation to the consideration of alternatives, the AoS in general underestimated the scope of energy demand reduction and distributed energy, which in turn has led to a skewed weighting of need for energy supply. We refer in particular to recent research by CREDS[2] which suggested greatly enhanced scope for reducing overall energy demand (by up to 50%), compared with current Government projections.

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?*

CPRE comment:

Yes.

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

CPRE comment:

This is an important point. It should be a matter of Government department good practice to ensure signposting is there and is easy to find. We suggest updates are promoted as widely as possible through the usual channels (electronic and physical) with links to an updated version online or details of where changed guidance can be found.

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

[1] www.nationalgrideso.com/document/183031/download

[2] Barrett, J., Pye, S., Betts-Davies, S., Eyre, N., Broad, O., Price, J., Norman, J., Anable, J., Bennett, G., Brand, C., Carr-Whitworth, R., Marsden, G., Oreszczyn, T., Giesekam, J., Garvey, A., Ruyssevelt, P. and Scott, K. 2021. *The role of energy demand reduction in achieving net-zero in the UK*. Centre for Research into Energy Demand Solutions. Oxford, UK. ISBN: 978-1-913299-11-8

No.