



RTPI

mediation of space · making of place

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8th September 2009

Faye Williams
Department of Energy & Climate Change
4th floor Area C, 3-8 Whitehall Place
London, SW1A 2HH

Email response sent to: coalandccsconsultation@decc.qsi.gov.uk

Dear Ms Williams,

RESPONSE TO CONSULTATION PAPER: A framework for the development of clean coal

Thank you for the opportunity to respond to the above consultation. The Royal Town Planning Institute (RTPI) is a membership organisation representing over 22,000 spatial planners. It exists to advance the science and art of town planning for the benefit of the public.

The RTPI takes the view that carbon capture and storage should be trialled as a matter of national priority, with a view to expediting the availability of safe, environmentally appropriate and commercially proven options for managing carbon emissions – particularly from generating stations. It follows that the RTPI considers that the development approval process requires to be managed in an expert fashion. It is desirable that all early and trial carbon capture and storage development, regardless of project scale, should be subject to expert policy advice and consideration in development approval. The Planning Act 2008 has recently passed into law with the express intention of developing an expeditious and expert development approval process for nationally significant infrastructure. The RTPI considers that the 'end-to-end' consideration of carbon capture and storage project development approvals is best achieved by ensuring that they are defined as 'nationally significant infrastructure projects' under the Planning Act 2008. A possible exception to this approach relates to time-limited works for the trialling of potential injection and storage locations prior to ongoing development approval, where arguably the need to test a large number of sites for suitability and the absence of a direct association with a carbon capture and storage project suggest that decision making by local planning authorities would be appropriate.

Carbon capture and storage entails the capture of emissions products from new or existing generating stations (process 1) and the routing of these products (process 2) into (largely) geological storage via injection (process 3). Analysis of these three main development processes associated with carbon capture and storage projects suggests that, at present, they do not clearly fall within the jurisdiction of the Planning Act 2008 from end-to-end. The RTPI recommends the making of orders under section 14(3)a of the Planning Act 2008 to draw all related development processes into the jurisdiction of the Planning Act, and the inclusion of relevant material in draft National Policy Statements (NPSs) to guide decision makers. Alternatively, if some decisions are to remain within the jurisdiction of local planning authorities, then new planning guidance should be provided in a Planning Policy Statement (PPS), making clear the priority nature of such development and advising that the appropriate geological conditions for emissions injection and storage rely on particular geological characteristics that only occur naturally in particular locations.

Please find the RTPI's more detailed analysis of the development approval processes necessary for carbon capture and storage below.

If you require any further assistance, please contact Rebecca Coates, Planning Policy Officer on 0207 929 9466 or email rebecca.coates@rtpi.org.uk.

Yours sincerely

A digital signature in blue ink, appearing as a stylized scribble. Below the signature, the text "DIGITALLY SIGNED BY RYND SMITH" and "not for unauthorised use" is visible in a small, light blue font.

Rynd Smith
Director Policy and Partnerships

Enc.

Introduction

Carbon capture and storage entails the capture of emissions products from new or existing generating stations (Process 1) and the routing of these products (Process 2) into (largely) geological storage via injection (Process 3). This document analyses each of these processes and considers how a development approval might be considered under current legislation. It proposes changes to simplify and clarify the development approvals process.

Process 1: capture

Capture technology will need to be fitted to generating stations. If these works are to new generating stations or entail the extension of existing generating stations that are both over 50mW installed capacity, it is likely that they will be 'nationally significant infrastructure projects' that fall into the jurisdiction of the Infrastructure Planning Commission (IPC) by virtue of section 15 of the Planning Act 2008. Any application to the IPC for development approval for a generating station in these circumstances should include associated carbon capture works. The draft National Policy Statements (NPSs) for Overarching Energy and Fossil Fuels should establish a development approval framework for capture technology projects.

It is possible that there will need to be a number of capture projects relating to existing or new stations smaller than 50mW, particularly as a means of trialling new capture technologies. If capture technology is being fitted to new or existing stations smaller than 50mW, then under current law the installation will need planning permission and the application will be made to the local planning authority that does not yet have good or clear policy guidance to assist them in assessing such an application. If a significant number of such applications would be likely, DECC should consider the provision of new planning guidance through work with CLG and the devolved governments in Wales, Scotland and Northern Ireland on Planning Policy Statements and equivalent documents.

Alternatively, there could be merit in the Secretary of State making an order under section 14(3)a of the Planning Act 2008 to specify that all capture works comprise a 'nationally significant infrastructure project'. Consideration could then be given to the inclusion of a development approval framework for all scales of capture projects in an appropriate draft NPS.

Process 2: routing

Locations for emissions product injection into geological storage will be defined following the identification of geological measures able to support injection and storage (see Process 3). These geological measures will not be present everywhere and it is to be anticipated that some existing carbon emitting generation stations may require a long route to an injection site if carbon capture and storage is to go ahead. A pipeline will be needed to link the existing or new generation station to the injection site – although there may be scope to use some existing/redundant gas or oil transport assets for this purpose. The location of the injection site and the cost of emissions transport from the source to the site may well become a significant factor to be considered in the siting of new generating stations or the retro-fitting of new capture projects to existing generation stations and decision makers should be made aware of this in policy guidance.

If a new pipeline is needed, it is potentially a 'nationally significant infrastructure project' subject to development consent under the Planning Act 2008 because it is capable of being an 'Other Pipeline' under section 21 (1) or (2) of that Act. However, there is some uncertainty because that Act refers to the concept of such a pipeline being a 'cross country pipeline' and a pipeline requiring authorisation under section 1(1) of the Pipe-lines Act 1962. Whilst it appears that the definitions and exclusions in the Pipe-lines Act would ensure that any cross country pipeline for emissions product routing would fall within section 1(1) and hence section 21(1) of the Planning Act 2008, there could be merit in the Secretary of State making an order under section 14(3)a of the Planning Act 2008 to specify that an emissions product

pipeline connecting a generation station and an injection site is without doubt a 'nationally significant infrastructure project'.

Consideration should be given to the inclusion of a development approval framework for routing projects in an appropriate draft NPS.

If pipe routes are potentially to be developed subject to planning permission and an application will be made to the local planning authority, the provision of planning guidance to authorities should also be considered.

Process 3: injection and storage

As made clear above, the sites for injection and storage will be defined by the identification of geological measures able to support these functions. These are likely to include depleted oil and gas measures and other measures suitable for gas storage. The relationship between sites suitable for carbon capture and storage and sites suitable for underground storage of hydrocarbon gas products for combustion may need to be considered.

Trialling works may be required to test whether geological measures are suitable for storage and means of securing planning permission or development consent for trialling measures will be needed. There is no clear procedure for such trials to proceed subject to the Planning Act 2008 and hence planning permission is likely to be required. If this is the case and the application will be made to the local planning authority, the provision of planning guidance for such trials should be considered as there is no clear guidance already in place. It should be made clear in guidance that an application for trialling does not entail approval of an eventual storage facility and that doubts as to the safety or broader environmental impact of an eventual facility should not normally be considered as reasons for refusing a trial application. On balance, the small scale and short duration and likely large number of applications required for trials suggests that such applications should probably remain within the town and country planning regime.

There may be an argument that trial works preparatory to injection and storage could become a class of 'permitted development' (e.g. under the Town and Country Planning General Permitted Development Order and equivalents) in certain circumstances: for example where the trial site was below a minimum size, was separated from dwellings by a minimum separation distance, could obtain direct access from a road with a minimum pavement width, did not require new access to a trunk road and any rig, pipe-work or pump-work was below a specified maximum height and could meet defined noise and dust emissions standards to ensure acceptable standards of amenity on surrounding land.

Once a proven injection and storage site is proposed for development for ongoing use, there is considerable doubt as to the planning regime that will apply. Sections 14(1)c and 17 of the Planning Act 2008 provide for underground gas storage to be considered as a 'nationally significant infrastructure project', but interpretation of these sections suggest that they are intended to apply to the storage of combustible or fuel gas. It might be argued that they do not apply to the storage of emissions products, in which case emissions storage will require an application for planning permission to the local planning authority. Even if emissions product storage is accepted to fall within these sections in principle, it may also be that legislated storage capacity conditions in Section 17(4)a and b (43 million standard cubic metres or a flow rate of 4.5 million standard cubic metres per day) are not relevant and hence emissions storage could not qualify as a 'nationally significant infrastructure project'.

To avoid this doubt, the RTP1 considers that the Secretary of State should make an order under section 14(3)a of the Planning Act 2008 to specify that the injection and storage of carbon emissions gases is a 'nationally significant infrastructure project'.

Consideration should be given to the inclusion of a development approval framework for injection and storage projects in an appropriate draft NPS.

If injection and storage sites are potentially to be developed subject to planning permission and an application will be made to the local planning authority, the provision of new planning guidance to authorities should also be considered as a matter of priority.

A considerable number of potential injection and storage sites may be at sea, accessed by infrastructures initially designed to extract and transport oil or gas. Injection may provide a means of enhancing output from existing and still productive oil wells. Consideration should be given to policy and development approval processes under the Marine and Coastal Access Bill currently before Parliament to ensure that the policy basis for such approaches is set out in marine policy statements and plans and is made clear to decision makers.