



RTPI

mediation of space · making of place

Energy National Policy Statement

Submission to the Energy & Climate Change Select Committee

15th January 2010

The Royal Town Planning Institute (RTPI) is the leading professional body for spatial planners in the UK. It is a charity with the purpose to advance the art and science of town planning for the benefit of the public as a whole. It has over 22,000 members who serve in government, local government and as advisors in the private sector.

While the evidence provided in this submission focuses on the draft energy national policy statements (NPS), many of the issues will apply to the draft ports NPS, and the emerging NPSs for other infrastructures.

The briefing supplied to the Select Committee on the 16th December 2009 is also included at the end of this submission for information.

This paper has been prepared as evidence for the assistance of the Select Committee only and should not be taken as representing the Institute's final observations on the draft NPS consultations.

General observations of the draft Energy National Policy Statements

1. There is generally a lack of **clear spatial guidance** in the NPSs, particularly in translating the national need for infrastructure into the need to provide a particular type of infrastructure in a particular locality: this makes a robust assessment balancing need with local impacts very difficult. A national spatial planning framework could assist with giving locational guidance for investors, and this could be assisted by a sequential approach to site selection embedded in the NPSs.
2. Interpretation of the NPSs is hindered by their structure, which does not **clearly distinguish between what is policy and what is guidance**, or evidence/background. Lessons could be learned from the "new style" Planning Policy Statements (PPSs). Similarly, the NPSs should provide guidance for the preparation of policies and proposals for Nationally Strategic Infrastructure Projects (NSIPs) to come through development plans at the regional and local level.
3. Consideration needs to be given to the **relationship between each of these NPSs** and between them and subsequent NPSs to further reduce the potential for repetition, conflict and the constant review of established principles. This would also contribute toward greater understanding of the NPSs amongst stakeholders and the community.

Select Committee Questions (as supplied on 4 January 2010)

General

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

4. The points raised above highlight the key issues that require amendment in the current consultation drafts or to include in future national policy statements. Therefore the RTPI do not endorse the current form of energy national policy statements for formal approval.

Does the draft Overarching Energy National Policy Statement provide the Infrastructure Planning Commission with the information it needs to reach a decision on whether or not to grant development consent?

5. The draft NPSs does provide sufficient information for the IPC to assess proposals however the RTPI is concerned that in their current form, and without a national spatial strategy, the IPC is considering proposals in isolation of the wider spatial implications of other national policy.
6. The proposed assessment criteria are constrained, and the focus on the application stage means that it is difficult to assess proposals strategically, taking cumulative effects and alternative options properly into account.

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

7. The RTPI is satisfied that the energy and climate policy is accounted for in the draft NPS however, it does not translate these policies into locational principles.

The RTPI mentions that in parts the NPSs are the same but with different wording. Can you give an example of where the NPSs are repetitive?

8. One such example relates to references to landscape impact in EN-1, 2 and 3 (see EN-1 4.24.18: landscape and visual impact mitigation of energy projects generally, EN-2 2.6.7: visual impact reduction of fossil fuel electricity generating schemes, and c.f. EN-3 2.7.32: impact of onshore wind farms on national landscape designations etc).
9. This example demonstrates slightly different approaches taken to landscape impact in three circumstances (however this does not include every reference to landscape impacts). There is no indication as to why there should be a different approach taken for the different types of energy infrastructure, nor why the approach should be different for any type of NSIP, or, indeed, any type of development at all. Existing PPSs provide much of this information and should either be referred to, or be directly translated into the NPS to avoid conflicts when interpreting existing government policy. Where the NPS departs from existing application of national policy for a particular type of infrastructure (from a PPS or any other national policy), the NPS should highlight the reasons for the diversion.

Consultation process

What are witnesses concerns with the adequacy of the process?

10. RTPI is here to assist the committee with the content of the NPSs and how they will be applied, rather than examine consultation on the NPSs. We note that:
- different types of people respond to consultations in different ways and will have different experiences of the process: we do not consider that there are concerns about the consultation process from the point of view of professional stakeholders, such as our members, other than with the volume of documentation for these consultations.
 - our views with regard to community consultation accord with those of Planning Aid.

What are the challenges of good public engagement in consultation?

11. The particular challenge is in engaging “ordinary people” with abstract concepts of national policy for which they cannot be expected to envisage an immediate impact on their life or neighbourhood.
12. Given the lack of site designations (other than the nuclear NPS), it is particularly difficult to engage people when there is very limited idea of what type of development is likely to happen where.

How might the consultation process be improved at this stage?

13. The RTPI endorses the Planning Aid submission with respect to this question.

We know that PAE have been helping to retrospectively improve the process. What have we been doing?

14. The RTPI has not been involved with the consultation process.

Does the consultation meet government guidance on good consultation?

15. The RTPI have not identified a particular failure, but support Planning Aid suggestions for enhancements.

What are the risks if the consultation is seen as being inadequate?

16. Primarily the concern is that decisions based on policy are delayed at application stage and/or challenged through the courts.

Case for site specificity

What is the potential impact of a lack of site specificity for the five non nuclear NPSs?

17. It is recognised that site-specific policies are easier to determine for some project types than others, and it is appropriate for there to be a spectrum ranging from actual site designation (e.g. with nuclear plants), through locality-specific policies and “areas of search”, to non-specific criteria-based policies.
18. There are examples in national, regional and local planning policies that could assist. For example:
- the sequential approach to site identification for housing (PPS3) and retail (Planning Policy Statement 6 Planning for Town Centres – now Planning Policy Statement 4 Planning for Sustainable Economic Growth)
 - identification of towns suitable for urban extensions (without necessarily dictating a site, or even direction of growth), common to many Regional Spatial Strategies
 - areas of search for minerals extraction in minerals plans
19. Being site-specific, or narrowing the field of search, enables investors to make more informed decisions, and makes consultation easier and more meaningful.
20. It would be appropriate for non-site specific NPSs to give more detailed guidance on identifying appropriate sites to meet needs, either through development plans (sub-national or local) or, perhaps, through subsequent locationally specific NPSs.

What might a National Spatial Strategy consist of? What would the benefits of this approach be?

21. The main purpose of a National Spatial Planning Framework (NSPF)¹ is to enable the alignment, in an open and transparent way, of strategic investment decisions on housing and economic growth with the infrastructure needed to support them.
22. A NSPF would include broad expectations (not necessarily targets) for growth in different areas, and would enable a translation of the national need for infrastructure to target the locations for delivery to meet local/sub-national need.

Do you feel the approach to the SSA process will lead to open and effective decision making by the IPC?

23. There is a need to keep the sites selected through the SSA under review: as contexts and technologies change, and as local impacts are considered through the NSIPs process, different sites may be considered more or less appropriate. The SSA process has been an effective starting point for this, and it is important to ensure that the selection of sites for nuclear power continues to be undertaken in a holistic and strategic manner, presumably now through reviews of the nuclear NPS based on the SSA methodology (refer to our response).

¹ The RTPi has published research into the key drivers of national spatial planning which can be accessed here: <http://www.rtpi.org.uk/download/748/Uniting-Britain.pdf>

Accounting for cumulative carbon emissions

What do you think of the government's rationale for not making explicit reference to the carbon profile of new energy infrastructure in the NPSs? What is the potential impact of this?

24. The RTPI has supported the Low Carbon Transition Plan, and have no further comments to make on these issues.

Justifying need

Does the NPS adequately set out the need for new nuclear and fossil fuel generating capacity?

25. Generally, the need for this capacity is adequately set out in the draft NPS, but the need is not necessarily translated adequately into geographic areas.

26. Some aspects about the relationship between the need for different types of generation are not entirely clear, and we believe there is a case for keeping need under review as technologies and other contexts change.

The overarching NPS states that the IPC should not address technical or financial feasibility proposals. Do witnesses agree with the government's approach?

27. It is the RTPI's general view that normal planning practices should apply, and that technical or financial feasibility of a particular proposal should not be assessed by the IPC. However, there may be a case for considering feasibility when comparing alternative schemes, or when monitoring delivery against meeting the need for generation capacity.

Implications for the rest of planning

What should the relationship be between the NPSs and the rest of the planning system?

28. The structure of NPSs needs to be aligned more carefully with the "new style" PPSs, in which policy, guidance, background and assessment criteria are carefully separated, and which provide distinct policy/guidance for making decisions on consents and for local policy-making. The latter is disappointingly lacking in the NPSs as they are currently drafted.

29. In many respects, it is in the overlaps and variances between the policies and processes of the town and country planning and NSIP regimes that potential weaknesses may surface. A National Spatial Planning Framework that sets out the broad principles for both NPSs and PPSs is in our view the best immediate and long-term remedy.

30. The NPSs disappointingly repeat and reinterpret established planning policy in PPSs/PPGs – particularly, for example, PPG2 on Green Belts and general principles on design etc in PPS1, when it may have been more straightforward

simply to specify that the IPC should make decisions in accordance with PPGs/PPSs – unless directly and explicitly superseded by an NPS.

Should the NPSs have any bearing on applications that fall outside the NSIP criteria?

31. The RTPI believes that this approach seems reasonable, particularly where a non-NSIP development similar to an NSIP, or which supports an NSIP, is determined with a NPS as at least a material consideration. The primacy of an up-to-date development plan should not be over-ruled, however.

Do you believe that the energy NPSs should each contain separate assessment proposals for the impacts of new developments or should they focus primarily on policy?

32. Both. They should focus on policy, and contain separate assessment criteria related to the policies.

What would the benefits be of a simple overarching NSIP process document as suggested by the RTPI?

33. Primarily, the benefits would include the reduction of repetition and the risk of conflict in the interpretation of policy, establishing overarching principles that would apply to all types of infrastructure, and reducing the burden of consultation on later NPSs. Where a specific case can be made that a particular infrastructure type should be treated differently, this can be done through the NPS consultation. It should also be possible to make amendments to such an overarching NPS if necessary as the result of consultation on an NPS for a particular infrastructure type that is more broadly applicable.



RTPI

mediation of space · making of place

Energy National Policy Statement

Submission to the Energy & Climate Change Committee Select Committee

16 December 2009

The Royal Town Planning Institute (RTPI) is the leading professional body for spatial planners in the UK. It is a charity with the purpose to advance the art and science of town planning for the benefit of the public as a whole. It has over 22,000 members who serve in government, local government and as advisors in the private sector.

While the evidence provided in this briefing focuses on the draft energy national policy statements, many of the issues will apply to the draft ports NPS, and the emerging NPSs for other infrastructures. The following represents the key headlines of evidence that the RTPI is intending to present in the oral evidence session on the 6th January 2010 at the Select Committee for energy NPSs. A subsequent submission prior to the session will give more detailed information on these and, potentially, additional issues.

National Spatial Strategy

1. The draft national policy statements (NPSs) only consolidate existing Government policy and outline a framework for assessing development proposals. As a result they lack the spatial element of policy necessary for meaningful and informed decisions to be made about the location and/or routing of the envisaged infrastructures. A pre-requisite for this is a national spatial strategy to co-ordinate the appropriate location and timing of infrastructure with the broader growth, development and conservation needs of the nation.
2. NPSs outline the need for infrastructure, but then leave it to the market to come forward with proposals for the location and type of energy infrastructure, effectively putting at risk the impetus to ensure energy security of supply.
3. The location of such important infrastructure has a significant impact on the development of the entire country. Such important location decisions cannot be dealt with adequately through individual assessments (as proposed in the NPSs), left to be proposed by the market, or indeed at the regional or local level, as commercial conflicts may override the national good. It is, therefore, important that an integrated assessment of the spatial consequences of major infrastructure projects should be carried out at the national level.
4. The effectiveness of the planning system depends on the clarity of the national policy context within which all plans, whether national, regional or local, must fit. The relevance of national policies depends on their sensitivity to the great spatial

variation in the needs and opportunities throughout the country. Against this background, the RTPPI has always regarded a national planning context as an integral part of the hierarchy necessary for an effective planning service.

5. The national spatial strategy should be accompanied by a delivery plan that identifies committed and potential funding, together with the expected timing of development to enable the transparent and efficient delivery of infrastructures (including any public private partnerships).
6. NPSs must have a spatial element, and this implies a connection both between the various energy NPSs and with other NPSs. However, they do not so far integrate with policies in the ports NPS. The RTPPI believe Government should undertake a strategic assessment of suitable locations/areas for all infrastructures based on best practice sustainability and climate change considerations to ensure NSIPs are delivered to meet in the right areas the needs of the nation. This will effectively mean NPSs are all strategic location- if not actually site-specific.

Policy content

7. As drafted, the draft NPSs do not introduce new policy, as they are only intended to provide a framework for the IPC to make decisions based on the infrastructure 'need' and how to weigh up impacts. However, the implications for planning policy will be in how the IPC weigh national policy with existing regional and local policy when taking decisions on major infrastructures.
8. NPSs are proposed to be taken as material consideration for lower level planning decisions and this will have implications for regional and local planning. Local development frameworks and regional spatial strategies will also need to consider the implications of each development consent for major infrastructure and this provides yet another significant basis for Government to prepare a national spatial strategy.

Structure and Navigation of NPSs

9. The draft NPSs do not clearly articulate what is actually to be consulted on given the level of existing policy contained in the document to enable effective consideration of the issues.
10. There are sections within the NPSs which are repetitive, and some where they are almost the same but with slight different wording. This may lead to confusion. This is particularly evident in the sections relating to weighing impacts and mitigation measures.
11. The IPC should be afforded a clear policy statement that reflects Government policy and provides a clear means of implementation for consistent decision making for each of the NPSs for different types of infrastructure.
12. The draft NPSs would do well to follow the approach being applied to new PPSs of producing clear strategic policies in the actual NPS, backed up by detailed technical guidance in separate documents. Much of the guidance/advice contained in the draft energy PPSs, especially the overarching NPS, appears to have the potential to apply to entirely different infrastructure types, and

consideration needs to be given to whether a single overarching NSIPs process guidance document may be necessary.

NPS Consultation Procedure

13. Because of the strategic and high-profile impact of nationally significant infrastructure projects it is important that consultation procedures meet and exceed basic requirements, and seek to continuously improve.

14. The RTPI therefore recommends that Government considers:
 - Continuing to seek to draft policies using clear and accessible language, and supports this by reducing the volume of documentation where possible and, importantly, providing accessible summary documentation;

 - Improving the clarity of what matters are being consulted on (see point number 9 of this briefing);

 - Ensuring that consultation event venues are in well-visited locations accessible by a variety of means of transport, and are publicised in advance through local authorities and other groups where possible;

 - Optimising the effectiveness of consultation and consultee buy-in by keeping the burden of consultation to a minimum.

For more information, please contact:

Jamie Hodge

Communications and Public Affairs Officer
Royal Town Planning Institute
41 Botolph Lane
London, EC3R 8DL

Tel: +44(0)20 7929 8182

Email: jamie.hodge@rtpi.org.uk