

PLANNING ACT 2008 ENERGY NATIONAL POLICY STATEMENTS

A response by the Royal Town Planning Institute to
The consultation on the draft National Policy Statements for Energy
Infrastructure
February 2010



RTPI

mediation of space · making of place

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Contents

Page	
1. Introduction.....	2
2. Response in Principle.....	3
3. Response to Consultation questions:	7

1. Introduction

The Royal Town Planning Institute (RTPI) is the leading professional body for spatial planners in the United Kingdom. It is a charity with the purpose to develop 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.

This document responds to the Department for Energy and Climate Change's six draft National Policy Statements for Energy Infrastructure.

The response has been formed drawing together internal consultations and the results of meetings with members, including formal debates within the RTPI Policy and Practice Committee¹, the South West Region, and individual members.

¹ Planning Policy & Practice Committee 14th January 2010

2. Response in Principle

General comments

The RTPI believes that in addressing climate change – whether by reducing our impact on the factors that contribute to it, or by adapting our environments to respond to its effects – we must not lose sight of the need to ensure that development is sustainable in the broader sense of the word.

There is generally a lack of clear spatial guidance in the draft National Policy Statements (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 (see below) could assist with giving locational guidance for investors, and this could be assisted by a sequential approach to site selection embedded in the NPSs.

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.

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.

National Spatial Planning Framework

The main purpose of a National Spatial Planning Framework (NSPF)² 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.

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.

The draft 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.

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. The location of such important infrastructure has a significant impact on the development of the entire

² 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>

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.

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 RTPI has always regarded a national planning context as an integral part of the hierarchy necessary for an effective planning service.

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).

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 RTPI 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 in the right areas to meet the needs of the nation. This will effectively mean NPSs are all strategic location- if not actually site-specific.

Case for site specificity

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.

There are examples in national, regional and local planning policies that could assist. For example:

- the sequential approach to site identification for housing (Planning Policy Statement 3) 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

Being site-specific, or narrowing the field of search, enables investors to make more informed decisions, and makes consultation easier and more meaningful.

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.

Impact on Planning System

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.

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.

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.

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.

There are sections within the NPSs which are repetitive, and some where they are almost the same but with slightly different wording. This may lead to confusion. This is particularly evident in the sections relating to weighing impacts and mitigation measures.

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).

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.

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.

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.

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.

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.

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.

3. Response to Consultation questions:

Chapter 2: Draft Overarching Energy NPS (EN-1)

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

There is generally a lack of clear spatial guidance in the draft National Policy Statements (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 (see below) could assist with giving locational guidance for investors, and this could be assisted by a sequential approach to site selection embedded in the NPSs.

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.

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.

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.

2. 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?

The draft NPS does provide sufficient information for the IPC to assess individual proposals. However, the RTPI is concerned that the decisions made would not necessarily be the most sustainable because strategic issues, such as the comparative evaluation of different options, would not have been taken into account early enough in the development process (we do not believe that the assessment of options under EIA would be sufficient in scope to properly achieve this). In its current form, and without a national spatial strategy, the IPC is considering proposals in isolation of the wider spatial implications of other national policy.

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.

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

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 or relate them to other aspects of spatial planning policy in a way that gives any strategic guidance.

4. Does the draft Overarching Energy National Policy Statement provide suitable direction to the Infrastructure Planning Commission on the need and urgency for new energy infrastructure?

Some aspects about the relationship between the need for different types of generation and their delivery are not entirely clear, especially with regard to the translation of need for a particular type of generation in any particular location.

The RTPI believe there is a case for keeping need under review as technologies and other contexts change.

5. Do the assessment principles in the draft Overarching Energy National Policy Statement provide suitable direction to the Infrastructure Planning Commission to inform its decision-making?

No. 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.

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).

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.

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.

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.

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.

6. Does the draft Overarching Energy National Policy Statement appropriately cover the generic impacts of new energy infrastructure and potential options to mitigate those impacts?

Yes, the generic impacts have been adequately covered.

7. Do you have any comments on any aspect of the draft Overarching Energy National Policy Statement not covered by the previous questions?

See section above 'Response in Principle' for further comments.

Chapter 3: Draft NPSs for Fossil Fuels, Renewables, Gas Supply and Gas and Oil Pipelines, and Electricity Networks (EN 2-5)

8. Do you think that the Government should formally approve ('designate') the draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure, Renewable Energy Infrastructure, Gas Supply Infrastructure and Gas and Oil Pipelines, Electricity Networks Infrastructure?

No. The RTPI does not support the draft NPSs in their current form. See previous comments relating to the overarching Energy NPS and Response in Principle.

9. Do the following draft National Policy Statements provide the Infrastructure Planning Commission with the information it needs to reach a decision on whether or not to grant development consent the draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure, Renewable Energy Infrastructure, Gas Supply Infrastructure and Gas and Oil Pipelines, Electricity Networks Infrastructure?

The draft NPSs do provide sufficient information for the IPC to assess individual proposals. However, the RTPI is concerned that the decisions made would not necessarily be the most sustainable because strategic issues, such as the comparative evaluation of different options, would not have been taken into account early enough in the development process (we do not believe that the assessment of options under EIA would be sufficient in scope to properly achieve this). 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.

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.

10. Do the following draft National Policy Statements appropriately cover the impacts of the specific types of new energy infrastructure covered in them, and potential options to mitigate those impacts the draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure, Renewable Energy Infrastructure, Gas Supply Infrastructure and Gas and Oil Pipelines, Electricity Networks Infrastructure?

The RTPI consider that there are some impacts that are may not be covered adequately in the NPSs and require further attention:

- Some types of infrastructure are considered by the NPSs as temporary – e.g. wind turbines – and it is implied that their temporary nature can be taken as mitigating against a harmful impact on a heritage or landscape asset, even though the lifetime of the structure may be 25 years. This approach is without precedent in planning and also fails to take account of the effect that the presence of such structures could have on subsequent decisions, which may be taken in the context of a landscape that is then seen as despoiled.
- The emphasis on flexibility could, if not carefully controlled, allow for technologies that have a greater visual or noise impact to be used than those that were considered as the ‘maximum’ scheme at the application stage.
- Physical impacts of construction on water supplies and drainage.
- Physical impacts of structures on radio transmissions, including television, mobile telephone and radar.

11. Do you have any comments on any aspect of the following draft National Policy Statements not covered by the previous questions the draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure, Renewable Energy Infrastructure, Gas Supply Infrastructure and Gas and Oil Pipelines, Electricity Networks Infrastructure?

We trust that the Government and the IPC will do all that they can to respect and protect all local interests at stake, when dealing with both the power stations themselves and the proposed new electricity power lines required for the connections to the national grid. This should include offering support and financial help to the Local Planning Authorities involved.

There is a concern that proposals for electricity generation should only be considered when the context of the routing of necessary grid connections is properly understood. The impacts of some network infrastructure can be as significant as those of the generation facilities.

It is essential that standards for measuring noise, vibration and other impacts keep pace with the development of the infrastructure technologies themselves, and that standards and guidelines set in the NPSs are capable of review as our experience with and understanding of renewable energy technology grows.

Chapter 4: Appraisal of Sustainability and Habitats Regulations Assessment for EN 1-5

No comments.

Chapter 5: Draft Nuclear NPS (EN-6) and associated documents

Questions 12 – 22

No comments.

23. Do you have any comments on any aspect of the draft Nuclear National Policy Statement or its associated documents not covered by the previous questions?

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 to the SSA).

Our final point concerns the Government's preliminary conclusion that effective arrangements will exist to manage and dispose of the hazardous waste that will be produced by the UK's proposed new nuclear power stations. The RTPi accepts that this highly controversial assumption has to be made if the whole programme of new plant is not to be stopped in its tracks, but since the long-term resolution of this matter is still not in place, even with respect to waste from existing plant, we have concerns about its being made.

Chapter 6: Impact Assessment and other questions

No comments.