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26th February 2010

Draft National Policy Statements for Energy Infrastructure: SDC Consultation Response

The SDC is the Government's independent advisor on sustainable development, reporting to the Prime Minister, the First Ministers of Scotland and Wales and, in Northern Ireland, the First and Deputy First Minister. Through advocacy, advice, appraisal and capability-building, we help to place sustainable development at the heart of Government policy. As a statutory consultee, we welcome the opportunity to respond to the consultation on the suite of draft National Policy Statements for Energy Infrastructure.

We strongly believe that the objective of the planning system should be to deliver sustainable development by basing the decision making process on sustainable development principles. We therefore reiterate the comments we made on the Planning White Paper, emphasising the relationship between the five principles as stated in the Government's 2005 Sustainable Development Strategy 'Securing the Future':

We want to achieve our goals of living within environmental limits and a just society, and we will do it by means of a sustainable economy, good governance, and sound science.¹

A genuinely sustainable planning system is one that should **promote the highest quality development and most beneficial use of land**, in the most appropriate locations at the most appropriate time, and in the public interest. It should assess and provide for **needs rather than just meet demands**. Conversely, it should prevent inappropriate, poorly located, poor quality or unnecessary development. Sustainable planning should result in a **net improvement in places**.

A sustainable development approach to development and land use change should have the following general features:

- takes a **long term view** – setting a vision for future generations
- provides integrated, **joined-up development** decisions and land use solutions
- **promotes social progress** in the public interest, including through effective public involvement, participation and mediation
- achieves **the protection and enhancement of biodiversity and natural processes**, and
- promotes resource **efficiency and reduced demand for consumption**.

¹ HM Government (2005), Securing the Future: delivering UK sustainable development strategy, p.17

The SDC recognises the need for a national strategic approach to infrastructure projects and has previously welcomed the concept of National Policy Statements (NPS) as a mechanism of 'joining up' government policy. In order to be taken forward in a meaningful way we set criteria that the NPSs will need to meet:

- The topics covered need to **be integrated together** to achieve a consistent **spatial** approach. Effective horizontal integration of policy, based on sustainable development principles, is critical to overcome the potential of 'silo' delivery
- Their primary focus must be to deliver whole policy solutions, which would include both the **reduction of demand** and the supply of infrastructure for national needs
- They must **meet other EU and national policy objectives** such as those within the Water Framework Directive, Habitats Directive etc
- They must **address the national carbon reduction target** (currently set at 80% cuts by 2050, based on 1990 levels)
- They should be **subject to Strategic Environmental Assessment**, both individually and as an integrated whole to assess their cumulative impact, and unintended chain effects – to include a 'climate proofing' test.
- They must be subject to **full consultation, and genuine engagement and debate**, at all levels and with all stakeholders throughout the various stages of their development, in compliance with the Aarhus Convention.

The SDC welcomes the Government's intention to use NPSs to explain how strategic economic, environmental and social policy objectives, including those on climate change, are integrated to deliver sustainable development of nationally significant infrastructure.

However, the suite of energy NPSs as drafted are not fit for purpose and will fall short of their potential. There are four main concerns:

- The lack of a case for the national need of various types of infrastructure
- The lack of a spatial approach, providing clear guidance on locations which are and are not suitable for development of all types of energy infrastructure
- The removal from consideration of a number of key issues affecting the potential suitability of a development proposal
- The ability of communities to engage with proposed developments

These concerns are briefly summarised in the following sections and are dealt with in detail in Annex A which answers specific questions raised in the consultation.

National Need

A key function for a NPS is to set out the case of national need, thereby allowing the IPC to concentrate its decision making role on the detail of the individual application. The SDC is concerned that the case of national need for various types of infrastructure has not been set out in this draft NPS as was the intention.

The central issue is the balance between a primarily market-led approach and a more strategic planning-led approach, both in terms of need and location. Effectively, the current energy NPS simply says we need more of

all types of energy infrastructure and potentially in any location² (with only the nuclear NPS providing site specificity) and there is no need for the IPC to consider the relative advantages of one technology over another as that is for the market to decide.

But the recent tightening of the targets for carbon reduction are likely to result in significant changes to our current energy systems, with much greater decentralised generation. The issue of demand reduction has also not been addressed directly. For example, the retrofitting of existing homes to make them not only energy efficient but potentially energy generators could have greater economic, environmental and social benefits than the provision of major infrastructure and result in a different technology mix with less requirement for major infrastructure.

Additionally, the long term economic case for new nuclear is still not yet clear, let alone key environmental issues such as waste handling (see paragraphs 25-30 below for further information). If a robust case is to be made for new energy infrastructure, and to give more certainty to developers and investors, all the NPSs will need to be consistent in their approach and there is currently a lack of clarity and consistency over the weighting of different impacts and objectives. This is further complicated by uncertainties and transparency of assumptions in current Government modelling of future needs.

There are advantages and disadvantages of moving towards a more planned or strategic approach, but unless Government sets out a more specific case for the numbers, types and locations of energy infrastructure it is not possible to assess the impacts of the proposed developments, individually or cumulatively, or whether this has achieved the sustainable development principles. This does not have to mean fully prescribing the energy mix with fixed GW of capacity to aim for, as this is likely to be far too inflexible and lock us into the 'wrong' set of infrastructure'. But, it could for example set boundaries within which the pathway of our **strategic** infrastructure can be more effectively guided. This is particularly important given the dramatic change that will be needed within our energy sector to meet our long-term greenhouse gas emission targets.

It is not clear yet whether the Government have fully accepted the Committee on Climate Change's (CCC) recommendations on the need for rapid decarbonisation of the power sector and their conclusion that "*in power generation [where] the current combination of markets and market instruments (the electricity markets and the EU ETS) is not best designed to deliver required long-term decarbonisation and [where] a combination of additional policies and more fundamental review of approaches is likely to be required*". But all of this has implications for the role of the NPS and IPC, at the very least in terms of being able to assess the cumulative impact of different proposals and being able to reject applications where they are likely to move us significantly away from our longer-term objectives.

Spatial

The NPSs set out a case for energy infrastructure overall (although as noted above not for the types), and highlight the urgency of new capacity to replace and expand the existing production and distribution networks. However, this is not balanced with clear guidance on locational criteria for site selection. Consequently, the weighting of need and urgency is such that there appears to be a very high likelihood of the IPC determining that need outweighs very significant (and particularly cumulative) adverse impacts, which might be avoided through the provision of more extensive guidance in the NPS on locations that will and will not be suitable for energy infrastructure.

The government's position appears to be that there is a need for all types of energy development and it is for the market to define the mix which is viable and, with the exception of nuclear power sites, the locations which

² Subject to standard practicalities about the location of e.g. renewable resources.

are most operationally convenient. These viable and convenient sites will be the ones which are put forward for development consent and then developed.

However, this approach is unhelpful to all participants, is at odds with prevailing policy and guidance and risks missing the enormous opportunity created by the need for and prospect of a large number of energy developments coming forward over the next decade. A clear spatial framework, defining suitable locations or zones for the largest classes of infrastructure, and providing well considered locational criteria for all other energy infrastructure, will reduce conflict at the application stage.

The SDC's position is that the locational criteria must set out a clear framework for balancing operational requirements with:

- the protection of the environment
- achievement of the greatest possible carbon reduction
- reducing other negative social impacts.

This balanced approach needs considerably more clarity from the Government and the NPSs should be revised to bring this into effect.

The spatial strategy need not be overly rigid or detailed but it should take its rightful place at the top of the national spatial planning framework, such that over time regional and local plans and policies will align themselves with, what is in effect, the "national plan". Without this framework, the UK will find that it has a very limited ability to influence behaviour and development so as to secure the achievement of the Government's very demanding carbon reduction commitments while also securing and maintaining the other key principles of sustainable development.

Matters Excluded from IPC Consideration

The SDC is concerned that a number of key issues have been set aside from IPC consideration within the NPSs. Among the key exclusions are:

- Demand management (with respect to energy, transport, etc)
- The relative carbon impact of development and technology options
- Supply chain issues such as proximity to fuel sources
- Handling and disposal of nuclear waste.

The NPSs are concerned with energy supply and distribution infrastructure, however, as our criteria above states: "their primary focus must be to deliver whole policy solutions, which would include both the **reduction of demand** and the supply of infrastructure for national needs". The SDC would wish to see more focus on energy efficiency, particularly in the consideration of options within the Appraisal of Sustainability. Applications that are then submitted should be considered by the IPC in light of their potential for demand management options to achieve significant carbon savings and flow down into operational strategy decisions such as support for transport demand management for individual sites.

The draft Overarching Energy NPS makes a clear case for the need to reduce carbon emissions through the transition to a low carbon economy. However, as outlined in section 2.1.5 of the NPS the IPC is effectively "carbon-blind" in its assessments:

"Given that the Government policies that underlie NPSs have been set in accordance with the Transition Plan and carbon budgets, the IPC does not need to assess individual applications in terms of carbon emissions against the budgets".

From a purely technical carbon budget accounting perspective, there is no apparent need for the IPC to assess compliance of projects with the carbon budgets. Power sector emissions are covered under the EU ETS and the traded sector portion of the budget is automatically credited or debited, on the assumption that participants will buy or sell the necessary credits relative to the UK's nominal allocation of EUAs (European Union Allowances)³.

However, the lack of a formal link to the carbon budgets ignores a number of more fundamental issues, including:

- The purpose of the budgets is not a box-ticking compliance exercise, but is to help drive substantial long-term reductions in emissions **in the UK**, and the associated technological and structural changes required
- It assumes that the existing policy framework, particularly the EU ETS, is sufficient to drive the scale of the changes required. As indicated above this is not the view of the CCC, particularly with respect to decarbonisation of the power sector. This may have substantial knock-on implications for other sectors as low-carbon electricity is seen as a promising long-term route to decarbonise space heating and parts of the transport sector
- It ignores wider life-cycle and embodied emissions associated with new infrastructure.

The IPC must be able to explicitly consider greenhouse gas emissions (given changes to the NPS and technicalities of budget accounting) when assessing applications as no-one currently has the responsibility for making the link between new infrastructure and the UK's overall emission targets. The CCC are a statutory consultee under the Planning Act 2008, but their primary role is only to set and monitor overall carbon budgets.

The IPC could take the information on emissions provided within the applications' Environmental Impact Assessment and could use this information to assess the cumulative effects of these proposals going forward. The CCC could then provide guidance on carbon budgets and the IPC should have the power to accept or reject applications where such cumulative effects fulfil or detract from the UK's longer-term objectives (GHG emissions as well as other objectives).

Without these changes in the working relationship between the IPC and the CCC, there is no-one responsible overall for taking into account the impact of large scale infrastructure on UK carbon targets and taking decisions as to the acceptability of the development application. This could result in perverse decision-making by the IPC resulting in poor outcomes in terms of energy, climate change and sustainable development policy.

The location of individual developments will also have an impact on emissions due to supply chain factors, both up and downstream, as these are key determinants of a range of impacts, such as travel distances, need for associated infrastructure (e.g. for electricity networks) and mode and the overall emissions associated with the new development. The NPS should provide a clear, albeit flexible, requirement for applicants to provide information on the supply chains likely to be associated with new energy infrastructure. This information should include information on associated impacts and the measures taken to mitigate those impacts, such as demonstrating that there is a reliable and local supply of biomass which could be used in a proposed CHP plant.

Finally, the SDC contests the statement in the Nuclear Power Generation NPS in paragraph 3.8.20 that:

³ DECC Guidance on carbon accounting and the net UK carbon account (updated December 2009)

http://www.decc.gov.uk/Media/viewfile.ashx?FilePath=Consultations\CarbonAccounting\1_20091211101501_e_@@_guidancecarbonaccounting.pdf&filetype=4

“Having considered this issue, the Government is satisfied that effective arrangements will exist to manage and dispose of the waste that will be produced from new nuclear power stations. As a result the IPC need not consider this question”.

The SDC believes this position sets a dangerous precedent and falls foul of all five of the sustainable development principles as the Government has not provided any evidence to demonstrate that effective arrangements will exist for disposal of nuclear waste nor how they will do so sustainably. Our 2006 report on the Role of Nuclear Power in a Low Carbon Economy⁴ identified dealing with long-term waste as a key disadvantage (along with a number of others). On balance, the SDC found that such problems outweighed the advantages of nuclear. However, we did not rule out further research into new nuclear technologies and pursuing answers to the waste problem, as future technological developments may justify a re-examination of the issue. With respect to waste and in particular, given the precautionary principle, **tangible progress** on our ability to deal with existing legacy waste needs to be demonstrated, before we consider generating additional waste from new reactors, even if these will produce smaller volumes than older nuclear plants⁵.

At issue is what is considered sufficient to demonstrate “tangible progress”. An absolutist position, which the SDC does not support, is that a fully operational, and hence costed, geological repository is needed first before new waste is generated. However, neither do we agree that having a ‘paper’ strategy and being at Stage 1 of the site selection process, i.e. having received some initial expressions of interest for possible sites, as the current position stands, represents sufficient progress either.

We would expect to see, as a minimum, both a more focused timescale from Government to speed development of the repository and to be considerably further along the stages in the site selection process, as seen in countries such as Finland, where they have identified a site and are currently in the process of detailed geological testing, with the aim of having an operational repository by 2020.

The SDC believes that in order for the IPC to take decisions on the sustainability impacts of new nuclear development it must know how the developers / Government will handle the nuclear waste arisings. Therefore the issue of nuclear waste is one that must be addressed by the IPC in its decision making process just as dealing with any other material consideration. To do this effectively may require the Nuclear Decommissioning Agency to become a statutory consultee for nuclear installations as they are responsible for legacy nuclear waste.

Stakeholder Engagement

NPSs must be subject to full consultation, genuine engagement and debate. The SDC has previously acknowledged the difficulties of engaging the wider community in, what may seem to many, to be fairly abstract policy documents. However, we are concerned that the perceived shortened timescales for consultation (along with a limited public engagement exercise), resulting in parliamentary scrutiny and public consultation significantly overlapping, combined with the extent of the paperwork to be reviewed, weakens the Government’s case of compliance with the Aarhus Convention. The risk is that the process could be open to challenge leading to delay in implementation. Without strong community backing for the case for new infrastructure the whole point of the NPSs and the establishment of the IPC will be lost.

A parallel can be drawn with the Government’s 2006 Energy Review: The Energy Challenge. Following its publication Greenpeace brought a successful judicial review over the conclusion the government had reached on new nuclear plants, due to the limited level of public consultation. The February 2007 court ruling⁶ described

⁴ <http://www.sd-commission.org.uk/publications/downloads/SDC-NuclearPosition-2006.pdf>

⁵ The SDC report estimated that 10 GW of new nuclear capacity would add less than 10% to the total UK nuclear waste inventory (by volume)

⁶ <http://www.greenpeace.org.uk/MultimediaFiles/Live/FullReport/ERJRSullivanJudgement.pdf>

the consultation process as 'misleading', 'seriously flawed', and 'manifestly inadequate and unfair'. It concluded that the legitimate expectations of Greenpeace of the fullest public consultation had not been met; and that consequently the conclusions that the Government had reached on nuclear power could not be validly drawn.

Following this judicial review the DTI (as was) approached the SDC for advice on how a meaningful and comprehensive public engagement programme could be delivered, which we outlined in a guidance paper⁷. Whilst the subsequent consultation programme was somewhat of an improvement over the initial exercise, it by no means met the requirements that we had outlined, due to concerns from DTI over timescales and possible costs. However, time and resources for effective public engagement have to be contrasted with the importance of the issue. In the case of the NPS and IPC, these will lead to an absolutely fundamental change to our planning system with knock-on implications for the deployment of nationally significant infrastructure, which will then be with us for the next 50+ years.

Furthermore, it is not clear how the significant participatory expectations from this new front-loaded development consent process will be met by local authorities and local communities. The government needs to provide a support mechanism addressing both resourcing and technical shortfalls in communities affected by NSIP proposals.

Failure to address these issues may undermine the process and open up development consent decisions to legal challenge, which will have the effect of imposing delays into a system which has been designed to remove them.

The SDC is happy to work with the Department of Energy and Climate Change in the production of a robust and effective NPS programme. If you require any further clarification please contact Jayne Ashley, Head of Sustainable Places, on 07768 146363 or jayne.ashley@sd-commission.gsi.org.uk.

Yours sincerely



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⁷ http://www.sd-commission.org.uk/publications/downloads/Nuclear_public_engagement-briefing.pdf

SDC response to the Draft National Policy Statements for Energy Infrastructure consultation questions

7.1 *Similar questions have been grouped together and are answered in a single response.*

<p>1,10 and 16.</p> <p>Do you think that the Government should formally approve ('designate') the draft Energy National Policy Statements?</p> <p>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?</p>	<p>No.</p> <p>The non-nuclear NPSs all fail to provide sufficiently clear guidance on the locational criteria for siting of new energy infrastructure. The approach advocated in the NPS is to make site selection a largely commercial decision driven by the viability of the proposed development. Furthermore, the factors which should influence site selection are not presented in a way which is clear as to the weight to be attached to them.</p> <p>The site-based approach for the Nuclear NPS is welcomed and the SDC acknowledges that the public sensitivities relating to nuclear power necessitate this responsible approach. However, arguably coal-fired power stations generate an equivalent or possibly greater actual impact on local environments and communities than nuclear, where the perceived risks may be very high but the actual direct impacts are less severe. On that basis, locations for fossil fuel stations, especially those at the larger end of the spectrum, should also be identified.</p> <p>It is proposed that the Overarching NPS is reviewed and restructured to provide clear guidance on the sites for power stations and the major sites and routes for non-nuclear energy infrastructure. This could be provided in two parts:</p> <ul style="list-style-type: none"> • named locations or at least “areas of search” which are confirmed at a strategic level as suitable for development of major power stations (e.g. 300MW or greater) and major transmission lines (e.g. 400kV). Locations suitable for large scale storage facilities and pipeline corridors could also be identified • a clear list of locational criteria for all other sites coming forward, in relation to each NPS / energy infrastructure type. Each list should include, as a minimum, the following criteria / issues: <ul style="list-style-type: none"> ○ excluded or highly restricted areas (such as European designated sites, SSSIs, AONB, National Parks) ○ CHP / district heating potential ○ types of locations likely to be suitable (such as industrial and strategic employment
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- locations, which will be designated in regional and local plan documents)
- proximity to fuel supplies and downstream users of ash / waste / residues
 - energy networks (e.g. transmission lines or LNG ports)
 - transport networks, including access to sustainable transport modes such as rail interchanges, navigable waterways and ports
 - previously developed land;
 - flood risk and surface water quality
 - biodiversity
 - proximity to noise and air quality sensitive receptors (e.g. residential communities)

Where the criteria results in conflicting objectives the NPS should provide guidance on a hierarchy of factors where appropriate, such as banding the locational criteria into essential features and preferred features.

The use of locational criteria is a regular feature of regional and local spatial planning. This approach would also enable better integration across all NPSs, since the identification of a suitable location for a major infrastructure development of one type in one NPS would trigger the need to identify related or supporting infrastructure in another NPS.

Missing entirely from the NPSs is a consideration of the supply chain factors associated with new energy infrastructure. This mainly affects combustion facilities (fossil fuel, biomass and waste plants) but is not exclusive to them. These include fuel location, mode of transport of fuel and construction materials, and the final destination of ash and other residues. Our comments under Matters Excluded from IPC Consideration are relevant here.

Paragraph 2.5.10 of EN-3 excludes consideration of sustainability issues associated with the supply chain for biomass and waste derived fuels. The SDC believes this is inadequate as the selection of sites should take into account the potential for the energy plant to secure a fuel supply within reasonable proximity. The SDC accepts that the IPC's decision will need to allow for future flexibility in supplies to reflect price fluctuations and future unforeseeable circumstances, but it asserts that the best chance of a renewable energy plant securing a low carbon supply chain will depend on the right location for the plant in the first place. Therefore, the applicant should be required to demonstrate how the plant will be capable of securing a low carbon fuel supply chain, taking account of distance to supplies and the potential for sustainable transport modes.

<p>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?</p>	<p>Yes, it provides a clear re-iteration of existing policy (although the SDC has raised a number of wider concerns on this policy), subject to the following comment.</p> <p>In relation to climate adaptation, the NPS requires that the potential impacts of climate change are considered in the design of the development. The SDC welcomes this emphasis on adaptation alongside mitigation. However, it considers that the selection of the site and the design of the facility should incorporate a wider perspective on energy system vulnerability and resilience. In addition to the consideration of direct climate change impacts upon the development, the applicant should be required to demonstrate how the proposed site and design contribute to the overall resilience of the regional energy supply and distribution system and of the community in which the infrastructure will be sited. This will ensure the steady increase in resilience of communities and energy systems to both rapid and slow onset climate change impacts.</p>
<p>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?</p>	<p>No.</p> <p>The NPS weights overall need and urgency to such a degree, and provides very little in the way of clear and emphatic guidance on the locational criteria for siting new energy infrastructure or the type of infrastructure. As a result there appears to be a very high likelihood of the IPC determining that need and criteria outweigh very significant adverse impacts which might be avoided through the provision of more extensive guidance in the NPS on locations which will and will not be suitable for energy infrastructure. The NPS should provide much more clarity on locational criteria for new energy infrastructure so as to ensure that locations are chosen both to maximise the potential for carbon savings (or reduced direct and indirect emissions) and to avoid significant adverse impacts on the environment and on the local community. The type of technology and choice of location will have the greatest influence on the overall potential of the new energy development to avoid unacceptable impacts.</p> <p>The SDC accepts that the location of energy resources and supporting infrastructure will drive site selection to a great extent, but these operational factors should be placed alongside the other factors in a way which provides greater clarity to the IPC and the applicants and which ensures that the wider carbon emissions and environmental impacts associated with different site options will be taken into account at the site selection stage.</p>
<p>5. Do the assessment principles in the draft Overarching Energy National Policy</p>	<p>No</p> <p>The IPC is told explicitly to not make the link between emissions from individual applications and the carbon budgets – i.e. it cannot consider this in refusing an application(s) - in EN-1 section 2.1.5.</p>

Statement provide suitable direction to the Infrastructure Planning Commission to inform its decision-making?

This NPS provides an excellent opportunity to secure the next generation of generating stations in locations which achieve the greatest possible reduction of carbon emissions, such as through securing CHP opportunities and by addressing the carbon emissions associated with the whole life and supply chains associated with the new infrastructure. CHP is addressed in the NPS, and the SDC welcomes this and it considers that the CHP capability should be identified as a fundamental determining factor (or an “essential feature”, as described in our response to Question 1) for the IPC.

Related to CHP is the matter of decentralised energy (DE), which is a model of smaller scale generation close to the point of use and in contrast to the existing centralised system of very large and remote power stations relying upon extensive high voltage transmission networks. Government policy as stated in PPS1 Climate Change Supplement is to support the expansion of DE as a key feature of a low carbon energy infrastructure. This should be reflected in the NPS, with clear guidance about what types and how much large scale centralised generation and how much smaller scale DE is appropriate. Leaving such balances to the market appears to be a missed opportunity to provide a clear framework to drive the transition to low carbon energy systems.

Missing entirely is a consideration of the supply chain factors associated with new energy infrastructure. This mainly affects combustion facilities (fossil fuel, biomass and waste plants) but is not exclusive to them. These include fuel location, mode of transport of fuel and construction materials, and the final destination of ash and other residues. These factors can have a very material impact on the carbon emissions associated with the energy generation.

There is also insufficient guidance in the NPS to enable the decision-maker to judge how effectively the promoter is working with all its potential stakeholders. There should be a specific requirement in the NPS that seeks to ensure that relations between the stakeholders are productive and two-way. It is of vital importance that all new energy development works with a range of partners to achieve the widest possible benefits for communities, the economy and the environment. This is also a key part of the five agreed principles of sustainable development.

At paragraph 1.3.3, the NPS provides a brief commentary on how Associated Development should be treated by the IPC. The SDC recommends that, in view of the clear importance of the potential for securing CHP through a heat network as part of a generating station development, the NPS should state clearly that heat network infrastructure, including off-site pipe networks and other steam or hot water distribution apparatus should normally be treated as Associated Development. This is particularly

	<p>important for heat distribution infrastructure because heat is not a regulated utility. Incorporation of these works within the development consent will facilitate implementation of the heat network as part of the development and will also enable the IPC to secure its delivery through conditions or a planning agreement.</p> <p>See also response to Q3 on adaptation.</p>
<p>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?</p> <p>10 and 20. Do the draft National Policy Statements appropriately cover the impacts of new energy infrastructure covered in them and potential options to mitigate those impacts?</p> <p>27. Do you have any comments on the Impact Assessment report for the draft energy National Policy Statements?</p>	<p>Yes, subject to the following comments.</p> <p>At paragraph 4.22.20, the NPS highlights the need for designs to ensure that surface water run-off rates are no greater upon completion of the development than existed prior to development. However, it is current practice in areas subject to flood risk for the EA to require brownfield or previously developed sites to restore a site's surface water regime to "greenfield" run off rates. This is particularly necessary in urban locations where vulnerability to flooding has increased over time through the steady loss of flood storage capacity and the replacement of permeable surfaces with impermeable surfaces. The increasing risk of flooding as a consequence of climate change (a factor acknowledged elsewhere in the NPS) enhances the need to ensure that degraded surface water systems are progressively restored. Energy infrastructure developments on brownfield sites should be held to the same higher standard of greenfield run-off rates.</p> <p>At paragraph 4.24.13, the NPS indicates that temporary and reversible landscape impacts may be assessed to be less significant than permanent changes. While the generality of this statement is accepted, it is difficult to see how an effect lasting at least an entire generation (such as a wind farm) is in any meaningful sense temporary and reversible. Furthermore, given the likelihood of repowering applications for any site which continues to be viable (again, wind farms would almost certainly qualify), the NPS should quantify what it means by temporary and make it clear that permanent and very long temporary effects should be treated as essentially the same.</p> <p>Paragraph 4.27.6 within the socio-economic impact section is worded in such a way that appears to present a presumption that the need for infrastructure overrides the socio-economic impacts in the IPC decision making. This wording is not followed in other topics and should be reviewed to present a more balanced approach for the IPC to follow. This is compounded in paragraph 4.27.7, relating to mitigation measures, which provides an example that fails to capture the core of likely socio-economic impacts.</p> <p>The transport impacts section (4.28) is very weak and the SDC believes this approach will undermine the achievement of sustainable development. At paragraph 4.28.7 the NPS dismisses the use of demand management measures to reduce the need to travel. The principle of demand management in</p>

	<p>favour of expanding the supply of road space is a firmly established feature of national transport policy and is a key feature of sustainable development patterns. In addition to reducing the direct carbon emissions associated with road transport, demand management also brings other environmental benefits such as air quality and noise impact reductions, as well as avoiding carbon emissions associated with the construction of new road infrastructure. The NPSs do not provide a rationale for this approach and the SDC can see no reason why the need for energy infrastructure should automatically override this principle.</p> <p>At paragraph 4.28.8 the NPS indicates a preference for non-road transport modes but only if cost effective, in spite of clearly demonstrated carbon emissions reductions associated with rail and water transport of bulk materials. Instead of the mildly supportive wording as proposed, the opportunity to maximise use of rail and water transport modes should be stated as a key locational criterion for all fuel and residue or waste materials associated with the development and the use of lifecycle cost analysis should be recommended. Similarly, the applicant should be required to explore the potential for transport of bulk construction materials by alternative modes and, if this is not possible, the applicant should be required to demonstrate why.</p>
<p>7, 11, 26 and 29. Do you have any comments on any aspect of the draft Overarching Energy National Policy Statement, the other Energy National Policy Statements or their associated documents not covered by the previous questions?</p>	<p>The SDC is concerned that the consultation as conducted for these very significant national policy documents weakens the Government's case of compliance with the Aarhus Convention. In particular the limited public engagement and the significant overlaps between parliamentary scrutiny and public consultation leave a risk that the process could be open to challenge, leading to delay in implementation. The cost of time and resources for effective public engagement has to be contrasted with the importance of the issue.</p> <p>In relation to the Local Impact Assessment process, the SDC is concerned that the complexity and technical issues associated with energy developments will require considerable resources and expertise within local authorities to provide a robust and meaningful engagement in the development consent process. Many local planning departments are currently under severe financial and resource constraints. Anecdotal evidence suggests that there is concern that they will not be able to properly support the IPC in these activities. The Government will need to put in place arrangements and support to ensure that the skills and capacity are in place in authorities affected by major energy development proposals. In many locations authorities may well be confronted with several concurrent processes, whether as parts of an overall scheme or because of more than one independent proposals. In such cases the need for support will be that much greater.</p> <p>Failure to bring about a mechanism for support to local authorities and key stakeholders risks having the</p>

effect of reducing the information available to the IPC to make its determination. This will potentially place the local authority in the invidious position of delaying or frustrating the development consent process or of having a decision made without full and proper airing of the local community and environmental issues. This latter outcome, in turn, may leave such decisions more open to challenge. As stated elsewhere, a strong, engaged community is a key principle of sustainable development and this cannot happen without a mechanism for supporting the engagement of the community with NSIP applications.

The Government has made it clear that the NPSs should be material considerations in relation to planning applications which fall below the NSIP thresholds. In other words, the NPS will have an equivalent or even greater weight as a Planning Policy Statement in relation to smaller scale development of a type covered by an NPS. This is perhaps inevitable even without the Government's explicit advice to this effect, since the thresholds for NSIPs are somewhat arbitrary. If so, then the need case as currently articulated in the energy NPSs appears capable of overriding many local objections to environmental impacts or inappropriate siting of energy infrastructure developments. This would undermine the existing system of RSSs (and the emerging Regional Strategies) and LDFs which are only just now settling into place. The SDC recommends that the status of NPS with regard to RSSs and LDFs is clarified.

However, the relationship between national and local / regional policy must be two-way: a locally evidenced and adopted plan or RSS must be included as material considerations for the IPC determinations and this relationship should be recognised in the NPSs.

<p>12 and 23. Do you agree with the findings from the following Appraisal of Sustainability reports?</p> <p>13 and 24. Do you think that any findings from the following Appraisal of Sustainability reports have not been taken account of properly in the relevant draft National Policy Statements?</p> <p>14. Do you have any comments on any aspect of the following Appraisal of Sustainability reports not covered by the previous questions?</p>	<p>No.</p> <p>The SDC's understanding is that the Appraisal of Sustainability (AoS) has been carried out in compliance with the Strategic Environmental Assessment Directive and extended to include wider sustainability objectives. However, as the suite of energy NPSs are not integrated, and applications for the development of individual infrastructure is to be left to the market, it is extremely difficult to assess the degree to which impacts of such developments have been taken into account. Environmental issues are generally relegated to focus on local impacts only and it is unclear how the IPC is to take account of cumulative impacts across the range of its decision making as the robustness of the guidance on cumulative impacts varies across the suite of energy NPSs.</p> <p>The selection of sites for major development and the consideration of cumulative impacts is embedded within regional and local planning practice as enshrined in PPS12. The North East RSS, for example, provides an effective model for identifying suitable potential locations for wind farms, and further work has been commissioned by the local authorities to provide a framework for the assessment of cumulative impacts. This robust approach is missing from the non-nuclear NPSs and consequently the statements are of considerably less assistance to the IPC, promoters and the affected communities than they should be.</p> <p>The RSPB and WWF have commissioned an independent analysis of the Appraisal of Sustainability process and we recommend that this forms part of DECC's evidence. A key concern has been that the SEA requires that alternative scenarios are assessed to test the sustainability of the proposal. The approach taken in the AoS is to only assess the impact of not having an NPS itself. It is hard to see how the sustainability of a proposed development can be properly assessed without consideration of credible alternatives, which are also difficult to effectively assess without the necessary spatial information.</p>
<p>15 and 25. Do you have any comments on the Habitats Regulations Assessment reports for the energy National Policy Statements?</p>	<p>The purpose of the Habitats Directive is to ensure that coherent internationally important networks of habitats are maintained and that their coherence is not eroded by progressive incursion of individual developments, each of which on their own might be deemed to outweigh the impacts of each incursion. The Habitats Directive is therefore not a local spatial issue. The NPSs have to set out the approach that will be taken in finding a way to meet our future energy needs within GHG budgets but simultaneously without damaging the overall integrity of the Natura 2000 series of EU protected areas. A similar approach applies to the need to restore the natural functioning of freshwater ecosystems under the Water Framework Directive and marine ecosystems under the forthcoming Marine Policy Statement.</p>

<p>17. Does the draft Nuclear 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?</p> <p>19. Do you agree with the Government's preliminary conclusion that effective arrangements will exist to manage and dispose of the waste that will be produced by new nuclear power stations in the UK?</p>	<p>No.</p> <p>Furthermore, the SDC does not share the Government's satisfaction (stated at paragraph 3.8.20) that legacy and new nuclear waste will be managed effectively. The SDC considered that the Government's approach runs counter to the five principles of sustainable development.</p> <p>The SDC has reviewed these issues in the past, notably in the 2006 report on the Role of Nuclear Power in a Low Carbon Economy. Its position has not changed since that report was issued, i.e. that tangible progress on our ability to deal with existing legacy waste needs to be demonstrated, before we consider generating additional waste from new reactors, even if these will produce smaller volumes than older nuclear plants. This precautionary approach is consistent with the principles of sustainable development and should be the one adopted by the NPS.</p> <p>The timeline for development of a long term waste storage repository set out in the NPS appears vastly too slow and is wholly inconsistent with the conclusions of the need and urgency for new energy development in the UK. If there is an urgent need for new capacity, and if nuclear will play a major role in the mix, then the urgency for a long-term waste solution must be equally great, if not more so, since it is needed to deal with the current legacy waste.</p> <p>The SDC therefore opposes the position in the NPS that the IPC should not consider the issue of waste in relation to individual nuclear development consent applications. It is suggested that the effective consideration of waste will require the Nuclear Decommissioning Agency, which is responsible for legacy waste, to become a statutory consultee for nuclear installations. This will ensure that the IPC is able to monitor developments in long-term waste storage and can incorporate the current position as each application comes forward. It is noted that, if the SDC's position regarding the consideration of this issue by the IPC is adopted, the NPS will need to provide clear guidance as to how this issue should be weighted and what conditions must exist to trigger the expansion of nuclear power station development, should that continue to be the Government's long-term preferred solution.</p>
<p>18. Does the draft Nuclear National Policy Statement provide suitable direction to the IPC on the need and urgency for new nuclear</p>	<p>No.</p> <p>The nature of nuclear power requires that these stations are located far from population centres and that they are designed as very large generating stations. These are the elements of the 20th century model of remote and highly centralised energy infrastructure when what is needed is decentralised energy which can deliver low carbon combined heat and power systems with significantly lower transmission</p>

<p>power stations?</p>	<p>losses (as Government itself states in its energy policy. The decentralised energy solution also provides a much more resilient approach in relation to both energy security and climate change risks.</p> <p>The NPS highlights that the need for energy infrastructure comes from the transition to a low carbon economy, which will mean a new generation of low carbon generating facilities that together provide greater overall capacity to accommodate a growth in electric power to run vehicles and adequate system capacity to accommodate intermittent supply elements such as wind, solar and tidal resources. The need for nuclear power as part of the mix is supported by an energy security case and the Government's conclusion that nuclear provides a reliable and relatively low carbon base load. However, the overarching energy NPS places a great and, in the SDC's view, wholly appropriate emphasis on combined heat and power, which nuclear cannot deliver.</p> <p>In our previous work we have expressed concern about the economic case for new nuclear and we do not believe the case is yet proven.</p>
<p>21. Do you agree with the Government's preliminary conclusion on the potential suitability of sites nominated into the Strategic Siting Assessment?</p> <p>22. Do you agree with the Government's preliminary conclusion that the three sites identified in the Alternative Sites Study are not potentially suitable for the deployment of new nuclear power stations</p>	<p>The SDC does not have comments on any particular site proposed for deployment of nuclear power station, not least because of the comment made above that we do not believe the case for new build is proven.</p> <p>However, the SDC does support the approach of the NPS to identify locations that the Government deems suitable and those which is considers unsuitable for nuclear power stations. This approach is consistent with the original purpose of the NPS system and should enable the many interested parties to move forward (subject to adequate support and capacity building mechanisms within affected communities) together to identify the key issues and the optimum design, construction and operational solutions.</p>

