



Review of Energy National Policy Statements

Solar Energy UK Response

Web submission

EN-1

1a. Does the draft Overarching Energy NPS (EN-1) provide suitable information to those engaged in the process for development consent (e.g. Secretary of State, the Planning Inspectorate, applicants) for nationally significant energy infrastructure on the government's energy and climate policy (Part 2)?

We welcome that EN-1 has been updated to reflect the government's existing net zero commitments. However, there seems to be no indication of how the Secretary of State should prioritise NSIPs contributing to net zero targets. Simply stating existing net zero and climate targets does not go far enough.

We strongly recommend that more work is needed in this area to strengthen the commitment to net zero in the decision-making process. EN-1 should be updated with to reflect the ambitions set out in the Sixth Carbon Budget, which will require significant new renewable electricity generation infrastructure to deliver. It should also reflect the government commitment to deliver a net zero electricity system by 2035.

The NPS confirms government's expectation that electricity demand will double by 2050 and to meet that a fourfold increase in low carbon electricity generation is needed, with most of this likely to come from renewables. In that context, the case for energy infrastructure needs to be expressed in the NPS in the strongest possible terms, particularly given the divergence in approach to the balance of national need and local impacts taken by the Planning Inspectorate and The Secretary of State over the last two years – it has been clear that whilst the Secretary of State places significant weight on the national need, the Planning Inspectorate has placed greater weight on local impacts.

1b. Does the draft Overarching Energy NPS (EN-1) provide suitable information to those engaged in the process for development consent (e.g. Secretary of State, the Planning Inspectorate, applicants) for nationally significant energy infrastructure on the need and urgency for certain types of infrastructure (Part 3)?

Emphasis is needed on the weight to be attributed to contributions to net zero in decision making. The NPS must give a clear direction in this regard with emphasis on the presumption

in favour of development. We do not consider the suite of draft NPS achieves that. We are concerned that the national need and presumption have been diluted by the identification of technology specific impacts absent direction on the weight to be applied, or guidance on which issues should prevail. We recommend BEIS considers how more direction can be given in relation to the weight to be applied to key impacts. The NPPF may assist here, which arguably contains a stronger presumption in favour of renewable energy development.

3.3 & 3.4 – There should be a prioritisation of the need for renewable energy in Part 3 of EN-1. Sections 3.3.3 and 3.3.5 rightly point out that demand for electricity will rise significantly, and “could more than double by 2050” requiring “a fourfold increase” in renewable generation. However, the supporting language for unabated gas (section 3.4) is given parity with the supporting language for wind and solar (section 3.3) despite the lack of any functioning commercial scale carbon capture utilisation and storage (CCUS) at a fossil fuel power station anywhere in the world.

Given the renewable energy sector’s proven success and rapidly growing installed capacity at commercial scale across the globe, the NPS should acknowledge the difference in technology readiness between renewables and CCUS and recognise the importance of prioritising renewable energy within the need case for low carbon energy. Part 3.1.1 acknowledges that “it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts”. However, we recommend that this statement goes further to add greater weight to renewable infrastructure versus residual impacts and how these will be managed.

We note the footnote in EN-1, which states that a Biodiversity Gain Statement will be designated alongside the energy NPS in due course, now that the Environment Bill has been enacted. Even so, we recommend stronger policy could be included in the NPS encouraging biodiversity net gain in advance of the legal requirement.

Also, whilst the statement that agricultural land value should not be the predominate test in site selection for solar projects, it should be acknowledged that there is broadly an inverse relationship between agricultural land value and BNG. In other words, the lower the quality of agricultural land, the higher the baseline BNG will be, e.g. pasture land, and vice versa. Therefore, if solar is proposed in part on best and most versatile (“BMV”) land, this could be acceptable in policy terms if, on balance, a higher percentage of BNG can be achieved. It would be helpful if the NPS could clarify this.

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

The NPS is just one part of the consenting process and related requirements. The current draft is not consistent with other legislative and regulatory requirements, which confuses the decision-making process. This needs to be addressed. For example:

- It would be helpful to include language that provides prioritisation of impacts. We would recommend that this is an overwhelming consideration to delivering net zero emissions.
- There are inconsistencies in the language used in relation to Biodiversity and Environmental Net Gain throughout the suite of the NPS documents. All NPS documents should be updated to reflect the Environment Act 2021.
- The NPS identify new application documents required (e.g. carbon assessment). Such requirements are better set out in the Infrastructure Planning (APFP) Regulations.
- We do not consider there to be clarity on balancing the need for nationally significant infrastructure, which confuses decision-making.
- Section 4.1.9 strongly encourages NSIP developers to engage with key stakeholders at the pre-application stage as early as possible. We recommend that stakeholders, such as Statutory Nature Conservation Bodies, are also strongly encouraged to engage with developers as early as possible as this might reduce resourcing pinch-points later in the application process.

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

As per Question 1a, there seems to be no indication of how the Secretary of State should prioritise NSIPs contributing to net zero targets. We strongly believe that there is a need for prioritisation and weight of impacts to enable Secretary of State decision making. EN-1 should also be updated with to ensure consistency with the Environment Act 2021.