

Energy National Policy Statements: Response from the Landscape Institute

Consultation Response

Summary response

Overall, the LI welcomes the ambitious revised energy National Policy Statements that overarch the delivery of energy infrastructure in the UK and provide the legal framework for planning decisions.

In particular:

- The LI strongly supports the drive towards Net Zero and, in particular welcomes, the new guidance sections for renewable energy development.
- Overall, the strength and detail added to the landscape and visual considerations is welcome, these protections and considerations should not be eroded.
- The new additions of guidance on biodiversity enhancement and protection is also vital.
- Delivery of energy infrastructure will require a broad range of skills and additional capacity. Landscape practitioners possess many of the key competencies required, including but not limited to:
 - Landscape and Visual Impact Assessment
 - Seascape Character Assessment
 - Planning, legal, policy and regulatory compliance
 - Managing habitats and species
 - Landscape Ecology
 - Stakeholder and/or community engagement
 - Digital mapping and visualisation (including GIS)

Who we are

The Landscape Institute (LI) is the royal chartered body for the landscape profession. As a professional organisation and educational charity, we work to protect, conserve, and enhance the built and natural environment for the public benefit. The LI represents around 5500 landscape managers and landscape architects, including related professions including urban designers, parks managers, scientists, and planners, working across urban and rural areas.

Our members are closely involved at the forefront of scoping, assessing, and managing visual, heritage and biodiversity impacts of energy infrastructure. Landscape professionals are equipped to determine appropriate siting, design, and mitigation of energy infrastructure development. This includes, but is not limited to, the use of Landscape visual impact assessments. Where seascape is affected, this may be referred to as a Seascape, Landscape and Visual Impact Assessment (SLVIA) or a separate Seascape Character Assessment (SCA).

We would welcome further consultation with the Department of Business, Energy, and Industrial Strategy.

Consultation Questions

NPS EN-1

1(a). Does the draft Overarching Energy National Policy Statement (EN-1) provide suitable information to those engaged in the process for development consent (e.g., the Secretary of State, the Planning Inspectorate, applicants) for nationally significant energy infrastructure:

3.3.46 to 3.3.53

The LI acknowledges the need for robust and reliable electricity networks, for new onshore reinforcement works and increased transmission capacity over the next decade. We therefore strongly support the adoption of co-ordinated transmission plans, moving away from single radial onshore connections, because of potential adverse effects on landscape character, biodiversity, and views/visual amenity.

However, we would point out that in terms of adverse landscape and visual effects it is not just coastal communities (3.3.53) who are affected as grid connections from offshore wind farms often require lengthy cable corridors. These installations can result in adverse landscape and visual impacts all along the cable corridor and at the point of connection where new or additions to existing substations are required.

As in NPS EN-5 (para 2.5.3), the LI suggests that wording is added to cover “as well as the potential environmental, community and other impacts in neighbouring onshore areas”.

We therefore strongly support the planned coordination of onshore and offshore transmission, generation and interconnector developments as promoted in para 3.3.57.

1(b). 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)?

Overall, we welcome the commitment to updating the energy national policy statements so that there can be even greater clarity on the need and urgency for low-carbon infrastructure.

1.7.4 The LI strongly supports the ambition to ensure that "the energy NPSs will be transformational in enabling England and Wales to transition to a low carbon economy and thus help to realise UK climate change commitments sooner than continuation under the current planning system." This commitment by government to update the 2008 development consent regime is very welcome.

1(c). 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?

Yes

1(d). 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?

Yes

2. Do you agree with the amendments made to EN-1 Part 4 on assessment principles, including new guidance on the marine environment, and biodiversity and net gain?

Section 4.1

The LI welcomes the inclusion in para 4.1.3 of 'ecological enhancements' as potential benefits and suggests that the following phrase should be expanded to read 'and any long-term or wider benefits to local communities, human health and wellbeing, landscape and the environment' in order to be consistent with para 4.2.1 environmental principles.

Section 4.2

Following the passing into law of the 2021 Environment Act, EN-1 should make specific reference in Part 4 to the requirement for developments to deliver Biodiversity Net Gain. [Also need to amend para 4.5.3 and footnote 59]

Section 4.3 Health

The LI welcomes the comment related to health impacts, inclusive use of open space, and introduction of green infrastructure. In particular we support the statement "Opportunities should also be taken to mitigate indirect impacts, by promoting local improvements to encourage health and wellbeing ... "

Section 4.5

The requirement in para 4.5.3 to consider "opportunities for delivering wider environmental net gains" is extremely welcome, and the ambition to take account of the widest possible range of ecosystem services is exactly the right approach for the NPS.

Footnote 59 needs amending to with regards to the Environment Act.

Section 4.6

The LI strongly welcomes the updates on good design, which strikes the right balance between utility and aesthetics. Our comments and suggestions on the sub-sections are as follows:

4.6.1

We support this excellent introductory paragraph, which emphasizes the relevance and importance of high-quality design, efficiency in terms of natural resources, and sustainability of infrastructure developments.

4.6.2

We welcome the addition to the explanation as to how policy objectives can be met by good design and the explicit link to the NIC design principles.

4.6.3

The additional clarification is welcome, "(... any potential amenity benefits, and visual impacts on the landscape or seascape)" – however it could be enhanced and better relate to

assessment methodologies if it states (... any potential amenity benefits, and visual, landscape and seascape impacts).

We welcome the addition towards the end of this paragraph - "seek to embed opportunities for nature inclusive design within the design process." However, we would prefer to see a firmer wording eliminating the 'seeking' i.e., 'embedding,' to ensure consistency with para 4.1.10 "To ensure good design is embedded within the project development ... "

4.6.4

We welcome the addition regarding wider impacts of a development, such as landscape and environmental impacts as important factors in the design process and that assessment of impacts must be for the stated design life of the scheme rather than a shorter time period.

4.6.5

We welcome the advice to consider independent design advice/ design review, but we feel this point needs to be strengthened in line with NIC design principles (i.e. from "should consider" to "must consider").

It would be useful to note not just the important work of the Design Council but the wider contributions and potential involvement of the national Design Network and National Infrastructure Design Group.

Also, in line with NIC design principles, this could be the point at which the desirability of applicants having a project [board level] design champion is set out in more detail (para 4.1.10).

4.8 Carbon capture technologies (CCS)

We acknowledge and support the emphasis placed on the need for the permanent storage of captured carbon. However, we are concerned that EN-1 para 4.8.7 anticipates the need for new onshore and offshore pipeline networks, including onshore routes towards the coasts for CO₂ transport on ships. These pipelines are advised to be over-sized at the design stage. However, it appears from the guidance that only larger scale pipeline projects will qualify as NSIP projects, this should be extended across other pipeline projects.

Para 4.8.3 identifies the need to assess the impacts on power CCS facilities and other capture technologies on the surrounding landscape and visual amenity. We consider that EN-1 needs to provide greater clarity around the requirements for social and environmental assessment of all CCS pipeline projects, including the potential positive and negative impacts of the proposed route corridors and associated works on communities, biodiversity, and landscapes, including visual impacts.

Section 4.9 Climate change

The LI welcomes the advice in para 4.9.5 to consider nature-based solutions to climate adaptation, and the incorporation of green infrastructure into energy infrastructure projects. Our members can offer site specific design solutions that address the potential impacts of the changing climate, including sustainable drainage systems (SuDS), biodiversity enhancements, multi-functional green infrastructure networks, and climate-resilient tree, hedge, and woodland planting.

3. Do you agree with the amendments made to EN-1 Part 5 on the generic impacts of new energy infrastructure?

The LI welcomes the acknowledgment in the introductory paras **5.1.2/3** that the list of potential impacts and mitigation measures in the technology specific NPSs "is not exhaustive." Our members are well aware that potential environmental and social impacts from any new development are closely related to the location, landscape setting, siting, and design of each specific proposal, including route corridors and connection points. We therefore welcome the advice to the decision-maker to consider all the potential impacts that may be relevant in each case, including the use of requirements, obligations, or conditions to secure appropriate mitigation measures at each stage of the development.

Section 5.4 Biodiversity

This section needs to be amended in light of the Environment Act 2021.

The LI strongly supports the comment in para 5.4.4 "Energy infrastructure projects have the potential to deliver significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains." EN-1 could encourage applicants to incorporate significant generic environmental and biodiversity benefits that may potentially outweigh harm to other conservation or community interests. Wider Environmental Net Gain should be the ultimate goal for enhancing development sites.

5.10.7 and 5.10.8

The LI welcomes the continued strong link between the impacts on views and visibility as a contributory factor in assessing effects on the landscape (5.10.7).

We welcome the need for the landscape assessment to demonstrate how (for example) noise and light pollution from construction and operational activities on residential amenity and on sensitive locations, receptors, and views, will be minimised (5.10.8). The need for this form of assessment has not always been recognised in the past.

The LI considers that the need for this form of assessment should be cross-referenced in other sections of Part 5 and that a reference to air quality including dust and odour should also be included in the requirement for the construction stage assessment of effects on residential amenity and sensitive locations and receptors. There should also be a cross-reference to traffic and transport effects and potentially those arising from waste management.

The LI considers that NPS EN-1 should make it clear that this type of assessment is not only applicable to the location of the proposed development itself, but also to other affected locations such as borrow pits, construction compounds and settlements affected, e.g., by construction traffic.

5.10.10

The LI welcomes the addition of references to applicants using management plans to demonstrate environmental enhancement and contribution to landscape and townscape quality.

This would also be a suitable place to state the importance of considering the proposed development in the context of adjacent, existing, and additional anticipated developments and whether a broader masterplan approach, setting location or design principles outside the Order Limits should be required.

For example: "Applicants should consider whether the effects of the proposed development on its setting requires consideration of landscape enhancement outside the Order Limits and whether in addition to off-site planting proposals (5.10.25) a holistic, contextual master planning approach is required for the location in which the development is proposed."

5.10.13

It would be helpful to set out examples of matters which could be covered by requirements. Suggested addition: “Appropriate requirements (such as design codes, design approaches, design guides/ guidelines, post consent design reviews)”

5.10.19

Addition (new para?) to cover the Secretary of State’s consideration of the level of detail required – balancing the flexibility needed by applicants who are depending on future decisions on technology and the need for local authorities to have some guidelines against which to measure post-consent approvals.

Suggested wording:

'The Secretary of State should take into consideration the level of detail design which the applicant has provided and is secured in the Development Consent Order (DCO), and the extent to which design details are subject to future approvals. The Secretary of State should be satisfied that local authorities will have sufficient design content secured to ensure future consenting will meet landscape, visual and good design objectives.'

5.10.22

We note that this paragraph remains similar to that in current NPS EN-1. It would be helpful to set out that the desirability to attach requirements to the consent requiring the incorporation of particular design details are not exclusive to plumes and chimney stacks but to all aspects and types of development. Potentially separating the two sentences of this paragraph into two paragraphs would achieve this.

4. Do you have any other comments on the amendments to EN-1?

The added introductory comments on the pathway to net-zero **(2.3)** are welcome and add detail and context to the types of infrastructure that will be needed. It also further highlights the vital role of energy infrastructure in delivering net-zero policy objectives.

NPS EN-3

5. Do you agree that the amendments to EN-3 (in combination with EN-1) provide clear planning policy to support the government's position on renewable energy infrastructure?

2.4.15

We welcome the addition of the word 'character' after landscape at the end of this paragraph.

2.4.17

We welcome the addition regarding reference to landscape design (rather than just landscape). Reference to ground modelling including the potential of lowering of ground levels to accommodate structures partially below ground level should be mentioned here.

6. Do you agree with the amendments made to EN-3 guidance on offshore wind?

2.22.15 to 2.22.18

The LI strongly supports this more coordinated approach to onshore connections. The cumulative adverse landscape and visual effects (as well as the accumulation and interrelationship of adverse effects (NPS EN-1, para 4.2.4)) from the onshore grid connections can involve lengthy cable corridors through varied landscape character areas.

2.23.2

We consider this paragraph should refer not only to the coastal environment for assessing effects of cable corridors, as the adverse effects on landscape character and visual amenity (as well as other adverse effects) can occur all the way along cable corridor routes and at grid connection points.

The applicant should assess the effects of the cable and any associated infrastructure on the marine and coastal environment and on the cable corridor route and the point of grid connection.

2.23.3

The LI welcomes the direction to the applicant in this paragraph which requires a more holistic design approach to the onshore elements.

2.23.8 and 2.23.9

The LI would like to see the micro siting requirements explicitly related to onshore cable corridors, so it is not referring only to offshore. This is important particularly for onshore landscape heritage.

2.35.2 and 2.35.3

The LI welcomes the additions and links to other guidance and policy.

2.35.6

The LI welcomes the reference to LI guidance on photomontages in footnote 40.

2.42.4 to 2.42.8

The LI welcomes the additional landscape and visual commentary regarding assessment and decision-making for pumped hydro storage schemes. The LI suggests that a cross reference to NPS EN-5 would be appropriate for grid connection aspects of the proposed

It would be helpful if there were a reference to NPS EN-5 for the grid connection element of all energy generation types, such that the Horlock Rules would apply.

NPS EN-5

11. Do you agree with the new guidance added to EN-5 dealing with land rights and interests?

2.3.3 and 2.3.17

The LI strongly supports the guidance's inclusion of land at substations and for landscape enhancement and biodiversity net gain in the case that can be made for compulsory acquisition. This can be particularly important to ensure long term management and maintenance of planting.

12. Do you agree with the new guidance added to EN-5 incentivising more coordination in the design and delivery of electricity transmission infrastructure associated with offshore wind?

2.5.1 to 2.5.5

The LI welcomes the additional guidance on co-ordinated approaches to grid connections and the requirements for demonstrating optimum onshore connection locations, mitigation of adverse effects through good design, environmental enhancement, and biodiversity net gain.

13. Do you agree with the amendments made to EN-5 to reflect priorities to minimise the landscape and visual impacts of new electricity network infrastructure including recognition of the 'Horlock Rules' and undergrounding in National Parks and Areas of Outstanding Natural Beauty?

2.11.2 and 2.11.10 and 2.11.9 and 2.11.19

The LI notes the inclusion of the overview of the Holford Rules and agrees that these form a robust background for routing overhead lines. However, these were written with lattice towers in mind. When it comes to monopole structures, backgrounding against a landscape setting is not necessarily the backdrop from which least visual harm would arise. However, we note that in 2.11.9 it states that the rules should be embodied in proposals, although we acknowledge that 2.11.19 uses the words 'reasonably possible.' We suggest the potential caveat below.

'And they should be embodied in developers' proposals for new overhead lines as is fitting for the support structure proposed

2.11.12

Bullet point 10 begging "in open landscape..." will need to be reviewed and reworded.

2.11.13

The LI welcomes the additional clarification about undergrounding. The LI considers that in line with NPS EN-1, paragraphs 5.10.14 and 5.10.15, there should be some commentary regarding adverse landscape and visual effects which are visible from a nationally designated landscape, acknowledging that this would not be a reason for refusal nor for automatic undergrounding.

2.11.14

The LI welcomes the clarity set out with regards the consideration to be given when weighing cost and harm of undergrounding outside nationally designated landscapes. However, landscape and visual effects of transferring from underground to overhead, such as cable sealing end compounds can themselves present significant adverse effects, this must therefore also be considered.

2.11.18

The LI strongly welcomes the inclusion of this paragraph confirming that management is essential to the mitigation function and requiring landscape management plans at least in outline to be developed by the end of the examination. This could be strengthened by extending the commitment to enhancement schemes (as these also require management). Whilst an outline management plan would be sufficient where the applicant is compulsorily acquiring the land as the local planning authority would be involved in agreeing the detail (if approval of the detail is secured by a requirement), this would not be the position for landowner agreements. This paragraph could be strengthened by requiring landowner agreements or draft landowner agreements to be in place by the end of the examination.