

Energy Security and Net Zero Committee

Oral evidence: [National planning for energy infrastructure](#), HC 868

Wednesday 21 May 2025

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[Watch the meeting](#)

Members present: Bill Esterson (Chair); Torcuil Crichton; Luke Murphy; Claire Young.

Questions 1-84

Witnesses

[I](#): Sam Richards, Chief Executive Officer, Britain Remade, Jackie Copley MRPTI, Campaigns Lead, Campaign for Protection of Rural England and Isobel Morris, Senior Policy Office—Energy, Royal Society for the Protection of Birds.

[II](#): Peta Donkin, Board Member and Policy and Practice Lead, National Infrastructure Planning Association, Ali Leeder, Director, Aeos Infrastructure Planning and Graham Gunby, National Infrastructure Planning Manager, Suffolk County Council.

Examination of Witnesses

Witnesses: Sam Richards, Jackie Copley and Isobel Morris.

Chair: Welcome to today's Energy Security and Net Zero Committee hearing on the Government's draft update to the national policy statements for energy infrastructure. Would our first panel please introduce themselves?

Jackie Copley: Hello. I am Jackie Copley. I work for CPRE as a campaigns lead. I am a chartered town planner with 30 years' experience.

Isobel Morris: I am Isobel Morris, the energy policy lead at the Royal Society for the Protection of Birds. I previously worked in the renewable energy sector and in planning.

Sam Richards: Hello. My name is Sam Richards. I run the campaign Britain Remade, which is supported by 35,000 people across the country, to get Britain building the clean energy, homes and transport links that we need.

Q1 **Chair:** Welcome. The Government's proposed updates endorse several strategic plans currently in development. How should those plans relate to the national policy statements, and to what extent should they influence the assessment of individual projects?

Sam Richards: It is really important to remember why we are updating these policy statements, why we are here and the importance of these national policy statements. We currently have the highest industrial energy prices in the world. Why? As the Office for National Statistics set out this week, it is because we are incredibly reliant on expensive imported gas. Gas sets the price for electricity almost all the time, and we import about half of ours. Why are we reliant on imported gas? Because we have not built enough new energy. It has been 30 years since we built a new nuclear power plant. It takes 13 years to get an offshore wind farm up and running, despite the fact that it actually takes two years to build one; that 11-year gap is all in planning and grid connection. So the measures in these updated national policy statements are welcome, but we will discuss in further detail whether they actually do enough to get us building.

On the overlap with the forthcoming strategic spatial energy plan—SSEP—and centralised strategic network plan—CNSP, we clearly don't know enough at this stage because we don't have those two critical documents. The SSEP is the big spatial map that NESO is currently working on. It goes down to an incredible level of detail—down to, I think, 250 square metres and, "This playground needs to have 80 solar panels." If it is so prescriptive about what the future map of the energy system should look like, I am anxious about whether it can override the national policy statements. If developers are bringing forward plans for a new battery site or onshore wind farm that goes beyond what is set out in the SSEP, will



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the national policy statements kick in or will the SSEP override the presumption in the national policy statement to get building?

- Q2 **Chair:** That is very helpful. I will ask a question to Isobel and Jackie in a moment, but to follow up on your comments, Sam, would you recommend that the Government remove all references to the strategic plans from the national policy statement until the plans have been finalised?

Sam Richards: Yes.

- Q3 **Chair:** Okay. Isobel and Jackie?

Isobel Morris: First, I want to be clear that the RSPB recognises that we very urgently need more renewable energy and we need to accelerate its deployment. However, it is really important that we don't make wildlife a scapegoat for the failures of the planning system to deliver renewable energy in time. We need much more resource; the statutory bodies have had really significant cuts to their capacity, and many local authorities have only one planning officer. How are they supposed to accommodate an increase in applications?

On the strategic spatial energy plan, the documents have not yet come forward. We support the embedding of the strategic planning documents in principle, because we believe that a strategic spatial approach is vital to saving nature when it comes to planning for energy. It is difficult for us to say, without the documents having been finalised, what environmental impact they will deliver. I don't share the concerns about the granularity of the documents. My understanding is that they will not be so granular; I think they will give a more regional steer. Essentially, we are science based and pro-planning, and we support the embedding of the strategic documents in principle, but with some reservations.

- Q4 **Chair:** Before I move on to Jackie, we have heard about the very significant costs and delays, including from kittiwake hotels and bat tunnels. Isobel, what is your sense of what the right balance to be struck is?

Isobel Morris: First, I should say that we have been working closely to support the development of the strategic spatial energy plan because we recognise the importance of accelerating renewable energy while saving wildlife. We are in a climate and nature crisis, with one in six species in the UK at risk of extinction. Because of the scale of forthcoming energy infrastructure development, it is vital that we embed clear protections for wildlife within the planning process.

There are some changes in the new draft statement that take us further away from that strategic planning principle. There is some inconsistency in the documents between embedding the strategic spatial plans and other aspects of the draft policy document that lean toward a more market-led approach, which potentially facilitates the development of nature-protected sites even more, especially in combination with the Planning and Infrastructure Bill.

- Q5 **Luke Murphy:** I am interested in whether it is a tonal or substantive

disagreement between Sam and Isobel and Jackie on the level of protection needed and the concern about what could happen to wildlife. Is it just a tonal difference?

Isobel Morris: I would say not; there is a substantial difference. Last year, critical national priority status was introduced for energy infrastructure. As it is written, it overrides protections for sites of special scientific interest. There is new wording in the draft NPS that further embeds that and actually notes, for instance, that mitigation measures that would reduce the generating capacity of a new site would not be considered acceptable. That is the implication of the document. For instance, at our own turbine, at RSPB HQ, we have mitigation measures in place. We pause the turbine for a very brief period at the times of day when bats and birds are most active. For some wind farms in particular, that is a crucial part of mitigation measures. The new draft policy steers us further away from being able to make those mitigations, which are vital to saving some of the species at risk of extinction.

Sam Richards: I agree with Isobel that there is a substantive difference between us. I don't think that our current framework of environmental protections is fit for purpose. It is worth remembering that all our key biodiversity indicators are in decline under the current framework of protections; 40% of SSSIs are in unfavourable condition. This is despite their being designated SSSIs and also SACs. We have various types of site designation, some inherited from the EU and some not, some in statute and some not. Our system of protected sites is an absolute mess and needs wholesale reform. We need to move to a system whereby it is much easier to build the clean energy that we need to tackle climate change—the biggest driver of biodiversity loss—and whereby we have proper protections and are funnelling private cash into restoring nature and habitats.

Q6 **Chair:** You have not had a say yet, Jackie.

Jackie Copley: Thank you for the opportunity. The CPRE very much supports action on net zero. We think that the Government have been dragging their heels by not having already brought in a future homes standard that requires features such as rooftop solar, heat pumps and electric vehicle charging points. We are pleased to see that you are consulting on that.

In the evidence I provided, the CPRE had hoped strategic documents such as the land use framework would be available. We did a piece of work with the Aldersgate Group and RenewableUK to show that we do need a new approach, and we welcome the fact that NESO is progressing a strategic spatial energy plan. In fact, we are liaising with it on its visual societal forum. There is great value in having clear and transparent planning that engages people effectively. We are concerned that if you go too quick, with pressures on the environment—that's landscape and ecology—causing further degradation to already very degraded natural capital, as Sam and Isobel mentioned, we are in a lot of danger. Frankly, the proposals in the Planning and Infrastructure Bill don't give us any

confidence. Your own Office for Environmental Protection is warning you that if you continue, you are going to have a degraded environment.

We need to progress; we need the energy infrastructure to enable people to choose more low-carbon lifestyles, but we need to do that in a joined-up way. Strategic planning always has strategic documents that are in the process of being refined. Local plans still have to get progressed, even though at national level the national planning policy framework is subject to change. We would encourage you to move forward with the national policy statements and keep the references in. You need to keep in the references to those context documents, because they will be finalised soon.

Q7 Chair: Just for clarity, what is your view on front-loading strategic decisions out of the planning system? Do you think that undermines or could undermine the response to environmental and, indeed, local concerns?

Jackie Copley: We have said the issue is the framing. In order to have broad public support for net zero actions, you need to set out what the need is, but the safeguards have to be in place for when development is brought forward. NSIPs are of national importance; the scale of impact that you get is worthy of examination. You do need to understand that you are getting a positive planning balance in the end, and if you are not, the project should not be consented. By all means set out the strategic direction, but really you need to have a proper development consent order examination to understand a situation—for example, if a project was going to come forward, but had little prospect of being connected to the grid.

Q8 Chair: One final question from me before we move on—we do not have a huge amount of time for everything we need to get through. This is a quick one for all three of you: do you still see the importance of local authorities in examining planning applications, and would you want to see strategic energy infrastructure taken out of that system entirely?

Jackie Copley: I would say there needs to be local authority input, particularly now you are getting new devolved combined authority structures.

Chair: Anything different from you, Isobel?

Isobel Morris: I would add that it is really important to see that if we take all decision making away from the communities in which the infrastructure will be located, we risk seriously undermining public trust and acceptance of the energy transition over the medium term. That is currently being lost in the discourse around this subject.

Sam Richards: Yes, there should be some local input, but we should not allow a vociferous minority with vested interests to veto the energy that the majority want and need, and that democratically elected Ministers want to see built.

Jackie Copley: To challenge that, I would like to understand the evidence. It is very difficult for local communities to stop a nationally



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significant infrastructure project. That would happen only if there was something unlawful, such as harm to an irreplaceable habitat, which I think we would all agree needs to be safeguarded. I think it is the exception rather than the rule. In any case, planning has been misaligned, as have the so-called blockers and nature. It is not about that at all. If you look, it is about the market behind energy infrastructure. The only reason Sellafield has not had new infrastructure is that the South Korean company and Toshiba backed out of undertaking it. Really, the whole narrative of Government blaming people who care about the countryside or ecology is misaligned. There needs to be a correction.

Sam Richards: It is the case now that a majority—60%—of infrastructure projects the Government are trying to get built are being brought through the courts. At the start of this year, the Prime Minister raised the example of an offshore wind farm—off the top of my head, it was the Braes offshore wind farm. They filled out 6,000 planning documents—6,000 documents, not one 6,000-page document—including an environmental impact assessment running to tens of thousands of pages. Those assessments, by the way, are a great use of planning lawyers, but they do very little for actual nature restoration. Even after those 6,000 documents, it still faced a judicial review, which it ultimately overcame as most of these projects do.

I would not necessarily haul up saying, “If they are breaking the law, necessarily it must be a project that can’t go ahead.” The system is currently being stymied also by the difficulty of getting grid connections for clean energy, the failures of our environmental impact assessments to properly protect nature, and vexatious legal claims not allowing us to build. That is actually a key point for those documents and policy statements, but I will leave it there. Back to you, Chair.

Chair: Thank you very much. We are going to move on, as my colleagues have lots of questions and we have only until half-past 10 for this panel.

Q9 **Claire Young:** A stated aim of the amendments to planning policy for critical national priority infrastructure is to ensure that the national importance of those projects is considered, while encouraging higher quality applications. Do you think the amendments could encourage higher quality applications, despite the presumption of consent?

Jackie Copley: CPRE is all for better quality applications—and probably for shortening them too. We have all experienced examinations. The last one I was at had 28,000 pages to go through, which is obviously a lot. Critical national priority designation is important to support decision takers during the consenting process.

Isobel Morris: I would like to come back to the role of strategic planning. I think the Winsor report, a few years back now, recommended that we move towards this more strategic approach to planning, which is why those strategic planning documents are being developed. Why did we move toward strategic planning? The approach to site selection so far is very market-led, and if you remove the incentive from developers to



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choose sites that are best for the environment and community impacts, you end up blocking the planning system by encouraging projects that are poorly planned. You are effectively incentivising poor planning, which is what leads to a small minority—and it is a very small minority—of applications causing issues in the planning system. The Government's own impact assessment on the Planning and Infrastructure Bill found that there is little to no evidence that environmental considerations are a serious block in the planning system. The problem is resources.

To come back around to the point on environmental impact assessments, some offshore wind farms stretch over hundreds of square miles; the public want the infrastructure that is being built to have a rigorous examination, and that is an important part of environmental impact assessments. It is the same for nuclear power stations. These are major pieces of infrastructure that can have very serious consequences if they go wrong. The public want scrutiny of those developments to be thorough.

Q10 Claire Young: Sam, the Government believe that the updates will discourage repeated consultation and drive environmental statements to be "proportionate and focused". Will that prevent delays to critical national priority projects?

Sam Richards: It is worth breaking down where the delays come from. Part of it is in the environmental impact assessments. Don't just take it from me: I am sure you will speak to the renewable sector and the nuclear industry, both of which can speak at length to the delays that those assessments cause to the process. But they are not really covered by this; they will be dealt with separately in the planning Bill and with the introduction of EDPs.

You then also have grid connections. I said that it takes 13 years to get an offshore wind farm—that is 11 years in planning. About three or four years of that is environmental impact assessments, and four or five years is the delay in getting a grid connection. The presumption of overhead grid, which we will come to, and the other bits on grid in the policy, alongside the work the Government are doing to remove zombie projects from the queue, will be critical in speeding up the grid connection.

Finally, there is a chunk around judicial review. This is where I am concerned that there are hostages to fortune in the policy statement that could provide a way in for often well meaning, but also sometimes vexatious, lawsuits that delay projects. In the policy presumption for the critical national priority as it stands, it says that in general adverse impacts will not be a sufficient basis for refusing consent. Having discussed that with a prominent infrastructure lawyer, my understanding is that it could provide a basis for judicial review in certain cases, delaying critical projects.

I am sure that you will, but it is worth the Committee almost red-teaming this with some planning lawyers, going line by line, and saying, "Where are the points whereby judicial reviews could be brought against projects

that are approved on grounds that are set out in the national policy statements?”

Q11 Chair: To what extent are your concerns about judicial review covered in the Planning and Infrastructure Bill?

Sam Richards: The Planning and Infrastructure Bill will reduce the opportunity for judicial review from three bites of the cherry to one and a half, really. But there will still be the chance. Of course, we should not remove the opportunity for judicial review; there will still be the chance for that. My anxiety is that with some of the clauses in EN-1—and EN-2 and EN-3—there are hostages to fortune that could be used by those who would wish to delay projects, sometimes for well-meaning reasons, sometimes less so.

Q12 Claire Young: Jackie, do you want to come in on that point?

Jackie Copley: Yes. In being socially responsible, the Government have to bring forward net zero projects at speed. The two issues are linked. We need to protect our environment because where we have degraded peat or harms occurring, it is counterproductive, because you are actually accelerating the release of carbon into the atmosphere. We are all dependent on nature for survival, so decisions have to be balanced. It is fair enough to set the urgent priority for net zero projects, but there does have to be a proper examination and you have to do your surveys.

When we left the European Union, we were promised the same standard or better. I am concerned that infrastructure will be projects advanced, possibly by French-owned companies, in a situation where we are getting a less protected environment than they have. We will end up not necessarily even getting the best of the infrastructure, because at this point in time we don't have the strategic oversight to understand the locations. At the moment, we think there is overplanning: there are a lot of grid connections that we will find we don't actually need, if we wait.

Q13 Claire Young: I am conscious of the time so will move on. Isobel, the presumption of consent for critical national priority infrastructure has been criticised for removing the incentive to avoid ecologically sensitive sites. Is that a necessary consequence of the policy achieving its objective, or could any improvements be made?

Isobel Morris: The aspects of critical national priority status that remove and override environmental protections should be removed. We think critical national priority status is important; however, we should not forget that ecosystem restoration is also a vital part of meeting our climate targets. Is that not why we are doing this in the first place? These policies make it difficult to do that.

Q14 Claire Young: Jackie, do you support the new policy whereby measures to mitigate the environmental impacts that cause a “material reduction” in the electricity generation capacity of renewables are unlikely to be appropriate?



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Jackie Copley: As I said before, everything has to be taken in balance, but the object of the NPSs is to progress net zero actions, so I could see that it would be unlikely to cause a reduction in generation power.

Claire Young: The policy says that if measures to mitigate the environmental impacts cause a material reduction, they are not likely to be appropriate.

Jackie Copley: Yes, that's right. Ultimately, we need some assurance that if projects are going to go ahead, they will use the mitigation hierarchy. You try to avoid, and if you cannot establish the gains on site, you have to look at a package of compensatory measures elsewhere. If that is dictated by local nature recovery strategies and through the new environmental fund, there would be some confidence, but you are probably aware that the Royal Town Planning Institute recently published a study on environmental mitigations to show that there has been a lack of enforcement. If you are going to go down that route, there would have to be some safeguarding to make sure that there are enough resources, with stakeholders such as Natural England and local authorities, to make sure that any agreed compensation actually happened.

Isobel Morris: Thank you for letting me come back in. I want to give a more illustrative example of what this might look like in practice. Many of our seabird species are on a pathway to extinction. The UK hosts the majority of some of these species. Say you have an offshore wind farm on a very large site covering hundreds of square miles, and a corner of that wind farm is found to cross a key feeding route for, say, puffins—which are on a pathway to extinction—to go from their nesting grounds to their feeding grounds. At the moment, you might try to remove that corner of the wind farm, which might take out only a small amount of capacity, or you might try to rearrange the turbines and move them somewhere else, or put measures in place such as pausing them. You can now use radar and cameras to help with mitigation and to pause the turbines for very short periods.

This policy would effectively discourage those mitigation measures from occurring. You might be able to remove just a very small amount of capacity and make quite a big difference to the impact on the environment, but the policy discourages you from doing that. It would effectively say, "Don't move the turbines," or, "Don't remove two or three of them," or, "Don't put mitigations in place that would stop the killing and displacement of seabirds."

Q15 **Chair:** Is there not a counterargument, though, that developers will not go ahead, and therefore we will not see the expansion of renewables and will be stuck with fossil fuel generation, which will do far more damage?

Isobel Morris: We need a marine spatial plan to help us to identify the best sites for offshore wind and for wildlife, so that we can effectively plan the use of our seabed to protect 30% of our seas for nature, as we have committed to at an international level, and choose the best sites for offshore wind as well. There is room for all the offshore wind we need, and

for nature in the sea, but we have to take a strategic and spatial approach to planning for them.

Q16 Claire Young: Sam, should the policy be reframed to allow more flexibility and to clarify when maximising generation or achieving specific conservation objectives will take precedence?

Sam Richards: I think more clarity would help. As I say, I am concerned that some of the clauses are sufficiently vague that they open up routes for blockages.

In EN-5, paragraph 2.11.1 says: "Where biodiversity impacts are identified...the Secretary of State should be satisfied that all feasible options...have been considered and evaluated appropriately." To me, that sounds like a route whereby well-meaning conservation groups will say to the Secretary of State, "Actually, you haven't properly evaluated this potential mitigation route. We're going to need another year of delay, another year of surveys, and another year of thinking about this project." Off the back of that, as normally happens, a report will be produced and no money will actually go into nature restoration, but a box will have been ticked. We are a year further down the line and a year further away from our targets, and have another year of high energy bills.

Greater clarity in some of the drafting would be welcome, but I will make the core point again. Jackie made the argument that we should retain the same environmental standards as the European Union, and Isobel went on to say that a quarter of our seabirds are facing extinction. They are facing extinction under those current standards. As NGOs will consistently tell us, all our key biodiversity indicators—from farmland birds to insect life—are consistently in decline, and have been for decades under the current framework.

It is surely possible—indeed, necessary—to devise a new approach to environmental regulation, as indeed the Government are looking to deliver through the planning Bill, that is more strategic, that front-loads some of these concerns and that allows us to build for the green energy we need to tackle climate change and funnel more private money into nature restoration.

Jackie Copley: If I may be so bold, as I mentioned before, the RTPI has mentioned that 39% of trees that are agreed are not planted, 75% of bird and bat boxes are not installed, 100% of invertebrate boxes are in the wrong place, and 83% of hedgehog highways are not provided. That is to do with the resourcing of the system. You cannot have it both ways. That is happening already under a system that is effectively broken.

Let us talk up the value of planning, of doing environmental assessments properly and of having more due regard to the outcomes. We need both, and we don't necessarily need to be pitting ourselves against each other. Let us just deliver both. The Government have it in their power to do that by bringing in NPSs—they need to be done, but there needs to be scrutiny

and DCO examination. Without that, you lack transparency and you lose the public.

The danger is that, already, very large mega-solar farms are causing stress to local communities when you have tenanted farms being evicted and, against promises that have been made, best and most versatile land being focused on. I have provided a reference to the renewable energy planning database, and you can look at our fenlands. A legacy of coal-fired power stations is that there is capacity on the east coast, which is why new energy types are being focused there, but new energy and grid upgrades should focus on existing settlements, to allow them to take advantage of renewables. There is no point in connecting up remote countryside, because in a way you are setting up future generations to fail.

We are already in a situation where we import 50% of our foodstuffs. Climate change means that 60% of our most prime agricultural land is at threat from flooding. So we really need the land use framework to identify which bits of farmland we should be retaining, how we are going to achieve our target of protecting 30% of land and sea for ecology, and enable that strategic oversight. I think we are getting there. Of course, the NPSs will need to be regularly refreshed to keep track of change.

We are in a situation where public confidence in the Planning and Infrastructure Bill is very low, because anybody who has ever been involved in ecological assessments can see that you are removing the public consultation stage from the beginning of the NSIP process, and then you are minimising the ability to do a judicial review. I agree that vexatious judicial review applications should not be allowed. I am a big advocate of planning because it is a method of mediating the local concerns, and you can address them through change of site location or through design and mitigation. I have been involved in many examinations where it has not been about stopping a development; it is just about getting better outcomes.

Q17 Claire Young: Isobel, beyond simply mitigating environmental impacts, should the NPSs focus more on using strategic planning to integrate conservation into the design and construction of new energy infrastructure?

Isobel Morris: Yes, I think we would support that in principle. Obviously, we would need to see the wording of any revised draft before agreeing to that, but yes, that is something we would support in principle because we do need more renewable energy. But we also need to not make wildlife a scapegoat and not trash the environment for future generations. That is why we have our climate targets in the first place.

One thing I wanted to talk about was the section on onshore wind in the new draft policy statement EN-3. I mentioned that we have our own turbine. We really support onshore wind and want to see more onshore wind in England. We are glad the ban was reversed. However, it is really important for the Committee to be aware that a lot of our upland areas in

England, where it is quite windy, have peat on them, and we have a climate target to restore 80% of our peat by 2050. The Climate Change Committee's recommendation is that 80% of our peatland should be restored by 2050.

The way the policy is written disincentivises developers from choosing the best-quality peatland sites. We have some sites where you have several metres' depth of peat, and it is a protected site that is recognised as an internationally important habitat and really important for the peat quality itself. When you build in it, you change the ability of the peat to absorb water and therefore make it more likely that it will dry out and emit carbon.

I want to take a closer look at the way the policy is worded. The way it is worded at the moment suggests that windiness should be the primary factor above all else, even if we need peatland restoration as part of our other climate targets. You cannot replace it once it has been destroyed.

Q18 Chair: How do you generate wind energy if you do not go to where it is windy?

Isobel Morris: There are lots of windy areas where there isn't peat. We published research last year that found that you could build the solar and onshore wind that we need for climate targets using just 2.6% of UK land, so it absolutely is achievable with a strategic approach to planning.

Q19 Chair: Where are these places?

Isobel Morris: We mapped the country and steered development away from ecologically important areas and away from the most productive agricultural land. We found that we could still build more than we need for the Climate Change Committee recommended pathways.

Q20 Chair: And that would work for the developers, for the connection to the grid and for the country's needs.

Isobel Morris: I think it would work best for the public, and ultimately what delivers for the public interest in the short and the long term is what we are all here for, isn't it?

Q21 Chair: Sam, are you familiar with what Isobel is proposing?

Sam Richards: I have not seen the details of that report. I would say that one area that we have not explored so far is new nuclear, and nuclear is incredibly energy-dense. If we did not have Hinkley coming on the grid, we would need a solar farm the size of the Isle of Wight or an onshore wind farm the size of the New Forest. I am all for more renewables, but there is a risk—this is more the focus of the Clean Power 2030 policy than necessarily of the planning statements—that the policy statements, with their focus on CP2030, kick new nuclear into the long grass.

Chair: There will not be any new nuclear before 2030.

Sam Richards: No, indeed. Other than Hinkley being completed.



Chair: Hopefully the first reactor, yes indeed. We will move on.

Q22 **Torcuil Crichton:** Thank you all for coming in. I have some questions on pylons, on turbines and, I guess, on bats and birds as well. To have this transition, we will have to build a lot of pylons everywhere and a lot of people will see them. As I understand it, the assumption is that it will be pylons outside national parks, and underground inside national parks and areas of outstanding natural beauty. Jackie, that presumption of pylons everywhere, is it right? Does the guidance in the national policy statement capture the considerations that have to be taken into account?

Jackie Copley: I think that the CPRE supports the electricity transmission design principles, in addition to the Holford rules, on the routing of pylons, and the Horlock rules relating to the siting of other infrastructure-like substations. We recognise that clean power commissioner Nick Winser previously identified issues in how the rules, the guidance, were interpreted, leading to different outcomes. I have had a look through EN-5, which relates to pylons, and I think that we are supportive of necessary pylons, but yes, if they avoid protected landscape, that is great. Elsewhere, it would benefit from having landscape sensitivity assessments to understand broad locations within geographies that are more acceptable than otherwise.

We have a few concerns. For example, our group in Derbyshire were trying to get a new route down the M1 corridor, because that is a landscape that had already been impacted, rather than going across a valley in Erewash, which currently has no other man-made intrusion. It seems a shame that the preferred route was to go through a green valley rather along a motorway corridor. We are always going to have issues like that, but broadly we agree with the rules that have been set out.

Q23 **Torcuil Crichton:** Isobel, where is the RSPB in this? The RSPB says that overhead lines will affect bat and bird populations, but that going underground will dig up hedgerows and bushes. Where do you stand?

Isobel Morris: We recognise the urgency of delivering new electricity infrastructure as an important part of the energy transition and of getting to net zero. We recognise that we need the infrastructure. Again, we want the strategic and spatial approach to ensure that the ecologically sensitive areas are prioritised as areas to avoid for new infrastructure. Sometimes we will need site-specific mitigations in place. In some instances, for example if building infrastructure near a wetland where there are lots of birds, prone to colliding with pylons, we might want to put those pylons underground. In other instances, we might want to put them overhead, because there might be important and rare fungi in the soil. We have a site-specific policy overall, but we are supportive in principle.

Q24 **Torcuil Crichton:** Okay. Sam, does it cost to put stuff underground?

Sam Richards: It costs loads to put stuff underground.

Q25 **Torcuil Crichton:** It cost £100 million to protect bats from HS2. To quote Steve Reed, and pardon my language, is all this stuff “bat-shit crazy” to



put them underground?

Sam Richards: The language in the policy statement that references the significant additional cost from undergrounding is absolutely right. There is a report out just this week by the IET that demonstrated that undergrounding cables cost four to five times more than doing them through pylons. The presumption of pylons here is absolutely right. To remake the point I made previously, we will obviously need loads more pylons as a result of the shift to a majority-renewables grid, where energy is much more dispersed and diffuse. We would need fewer if we had more large-scale nuclear power plants.

Q26 **Torcuil Crichton:** Jackie, there are costs the other way as well. People say that it will cost in lost tourism revenue or lost agricultural ground—there is a balance.

Jackie Copley: Correct; there are two things. I was going to push back on the quote in the paper about it being tenfold the cost. It is because we don't do it enough. If you look at Denmark in 2008, it decided to underground all its new infrastructure. Guess what? It has the most energy-secure supply because it never has outages, and it is also benefiting from clean energy. If we did more undergrounding, the cost of doing it would come down. In any case, it is more like four to five times the cost, rather than ten times.

You are right that England is known for its wet weather in the summers, so why do people go on holiday here? It is because there are attractive landscapes and people have an affinity to it and want to spend time at weekends. Yes, there will be harm to the visitor economy if you degrade our landscapes unnecessarily. That is the point: it is whether it is necessary or not, and there are choices here. As well as undergrounding, there is the use of different types of pylons that can reduce impact, such as T-pylons. We are all for looking at good engineering solutions, and we can probably support our own industrial strategy by having some well-designed, well-engineered products in the UK that we can utilise.

Torcuil Crichton: Sam, I know you want to come in, but let's make it quick.

Q27 **Chair:** Sorry to interrupt; can I just pick up on what you were saying, Jackie? I have people who complain about the number of hedgerows in my constituency. Laying underground cables involves moving hedgerows and disturbing species as well. By the way, I should declare an interest as a member of the CPRE, having forgotten to do it earlier. How do you address that challenge? You seem to have a problem whether you have pylons or underground cables.

Jackie Copley: It is all to do with scales, isn't it? How many metres of hedgerow will be impacted? How old is it? Is it significant under the 1997 hedgerow regulations? That would be a matter for examination, in the same way that any other planning application gets decided. Planning is a test. You set out what your strategic aims and objectives are, and when applications come in, you read them against your strategic aims and



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objectives. If it accords with it, even accepting some harms, it will be consented to. It depends on the severity of the harms, always.

Chair: I am sorry, Torcuil. Carry on.

Q28 **Torcuil Crichton:** You wanted to come in very quickly, Sam. I want to move on to pylons, so can we make it quick?

Sam Richards: Very quickly, when we built the world's first coal-fired power station, we did not worry about undergrounding the lines. We became incredibly rich as a country; we were the richest country in the world as a result of building stuff, and we have become relatively poorer as a result of not building that stuff. We should not be making it harder and more expensive for ourselves to produce our own energy.

Q29 **Torcuil Crichton:** Message received on that. Jackie, much of the opposition to pylons is the same as the opposition to turbines. I know that we are going to have more onshore turbines in England, and people mostly say, "I am not against wind farms, but just not here." Is the guidance sufficient on that?

Jackie Copley: I think it is, actually. I have looked at the detail of EN-5 and there are an awful lot of references to environmental mitigation, including the approach to the landscape. Of course, we would flag the Landscape Institute's GLVIA—the guidelines on landscape and visual impact assessment. When you are looking at your options for grid connections, you avoid protected landscapes. Most engineers prefer A to B, because it is the cheapest, quickest and most efficient way of doing it, but National Grid is good at talking to local groups, RSPB and CPRE; where there is, say, an SSSI or other protected ecology, it will route around it. It is doable and not that costly, given the environmental gains.

By the way, when I am in these forums, developer consultants will often say to me, "We would do that if we were required to do it; the only reason we don't is that we're not legally obliged to do it and we report to shareholders." I think you will find that not just the public, but most people involved in the built and natural environment sectors are supportive of this way of planning.

Q30 **Torcuil Crichton:** Can I ask you the same question about solar farms? We have heard that the guidance is confusing, and that it is equivocal about where exactly it is best to place solar farms.

Jackie Copley: I think I mentioned this before. A land use framework would help. CPRE did a report, "Shout from the rooftops"—my evidence says incorrectly that it was with the University of Central London; it was obviously with University College London. That identified that there was enough wasted space for 117 GW of installed solar on rooftops, car parks and other brownfield sites. However, even that report recognised that, because of the time it would take to get it installed on rooftops, we need some ground-mounted solar in the short term. Those locations ought to be advised through a land use framework and proper environmental assessments. We cannot keep losing the best and most versatile land, and

we should not be turfing out tenanted farmers who have worked the land for generations without due process.

Q31 Torcuil Crichton: Is that happening? I had not heard of that.

Jackie Copley: Yes. There was a case recently in Old Malton where the Secretary of State overruled an inspector's decision and, sadly, a three-generation farm lost half its land, so the farm was no longer viable. We are seeing that happen elsewhere. I think the Government are vulnerable on that. We should not be putting farm businesses out of business needlessly, but we recognise that, for some farmers, diversifying and having modest amounts of solar would be a way forward. But in the first instance we would like them to harness roof space.

Q32 Torcuil Crichton: Thank you. Isobel, when I hear the RSPB's support for wind energy, it sounds very qualified. It sounds like objections that lots of people have: "I support renewables, but..." You have strongly criticised the way that the Government's guidance for onshore wind farms addresses biodiversity and ecological considerations. Outline to me again your main concerns about onshore and offshore wind.

Isobel Morris: I want to be clear that we support the need for more renewables. So far, a key issue in delivering them has been resourcing. There are some challenges, as with all types of infrastructure, in terms of how you deliver for the environment. For wind, those are obviously often related to birds and bats. However, we have worked with developers in partnership to advise them on how to deliver for nature at sites.

We recently published research showing that, when they are well planned and well managed, solar farms can have a higher population of birds than surrounding farmland. We also support ScottishPower on Whitelee wind farm, which is the UK's biggest wind farm, and worked on some of the biodiversity measures there.

We are keen to support onshore wind and offshore wind, but because they have specific impacts on birds and bats, it is important that good mitigations are in place, particularly given the critical state of some of the populations that wind farms might affect, for instance sea birds. We are talking about a 42% decline in kittiwake in the last 20 years. That means that they are very much on a pathway to becoming extinct.

Q33 Torcuil Crichton: That is not because of turbines, though, but because of other environmental impacts.

Isobel Morris: Offshore wind is one factor, unfortunately. We have to have the mitigations in place. Offshore wind is adding an extra pressure on top of all the other pressures that are already there. That is why mitigations are really important. These structures will be in place in the decades to come when we need to restore these populations.

Q34 Torcuil Crichton: You gave a good illustrative example of puffins' flight paths. Do we need more data like that? Is there data like that? Is there data to show that wind farms affect bird populations?



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Isobel Morris: Yes, there is data, but we need more. We need more data to understand where the animals are going when they are out at sea. We need much more data on that. We have some data. One of the issues so far has been that when our first wind farms came forward, we did not have as much data as we have now. We are now in a much better place to do marine spatial planning, but we need a marine spatial plan. That is also important for the international commitments that we have made to restoring ecosystems, which are vital. The Climate Change Committee says that ecosystem restoration is absolutely vital for our climate change targets.

Q35 **Torcuil Crichton:** You said something interesting earlier about how under-resourced local planning is. Is there a case for a planning flying squad to go from area to area to back up local councils in the same way as an environmental task force—a more holistic approach to this?

Isobel Morris: That is a really interesting idea. We are open to innovation and ideas. We need more funding for the statutory body. Natural England's core aid funding was cut by 45% between 2014 and 2020. In 2020, Tony Juniper noted in a letter to the then Environmental Audit Committee Chair that that has had a significant impact on its ability to turn around advice on time. Given that we need three to five times more applications to come forward and be approved in the next few years, how are Natural England and local authorities supposed to deliver the advice that is needed with their current resources? I don't see how that is possible. I work regularly—on a day-to-day basis—with people in the industry. They talk all the time about the resource in the statutory bodies and in local authorities being a key problem.

Q36 **Torcuil Crichton:** Sam, is the country's love of birds getting in the way of the country's need to save the planet?

Sam Richards: I am sure that Isobel will know better than I, but my understanding is that your average British bird is orders of magnitude more likely to be killed by flying into a building or car or being eaten by a domesticated cat than it is by a bird strike from a wind turbine.

Isobel Morris: I think that is missing an important point, which is that it is certain species in key areas. We are not talking about urban birds being at risk from turbines. We are talking about really rare species and species at risk of extinction.

Q37 **Chair:** My cats would not distinguish between the two, I hate to admit. Before we thank you and let you go on your way, I want to go back to pylons and grid infrastructure. Sam, you talked about the importance of nuclear and its ability to reduce the expansion of new pylons. Can you confirm that that would require a big upgrade in the existing grid network? Are there implications for the discussion we have been having?

Sam Richards: Yes. You still need new grid to connect new nuclear power plants to the grid, and it needs to be reinforced. However, if you had more nuclear power, which is much more energy dense, you would require much less distributed networks. But we need both. We need lots more



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renewables and we will need lots more nuclear power to get our bills down, feed AI and tackle the climate crisis.

Q38 Chair: That is helpful. We touched very briefly on the role that transport corridors could play as places to put new grid capacity. Jackie, can you say more about that?

Jackie Copley: When weighing up the options, roads differ. For example, you would not necessarily want a pylon going along the Snake Pass connecting Sheffield and Manchester. It might be more sensible to put it along a motorway corridor or a dual carriageway.

Q39 Chair: Have you done any analysis or can you quote any studies that show how feasible this might be?

Jackie Copley: As I say, our Derbyshire group looked at the different options for routeing it, so I can ask them if they have evidence that I can pass on to you. Andy Tickle wrote a report for the counties of Suffolk, Norfolk and Kent, I think, giving advice on options for grid infrastructure there. It was linked to the Tilbury line.

Q40 Chair: Of course, there are limited trunk roads and almost an absence of motorways in—

Jackie Copley: Yes. It is to do with managing the landscape, and understanding what is sensitive and what is not, isn't it? I suppose I ought to refer to cumulative impact as well. That is obviously an area that CPRE is concerned about. If there is going to be so much infrastructure coming forward—not just pylons for transmission, but district network—there is a lot to be considered.

Q41 Chair: Are there similar opportunities with rail?

Jackie Copley: Yes, probably. Absolutely.

Chair: If there is evidence, we would be very pleased to—

Jackie Copley: I will ask if there is such evidence in the network.

Chair: In that case, Jackie Copley, Isobel Morris and Sam Richards, thank you very much for your evidence this morning and for a very entertaining and interesting session.

Examination of Witnesses

Witnesses: Peta Donkin, Ali Leeder and Graham Gunby.

Chair: Welcome back to the Energy Security and Net Zero Committee. Welcome to our second panel of the morning on the national policy statements and the Government's draft updates for energy infrastructure. Will you please introduce yourselves?

Peta Donkin: Good morning, everybody. My name is Peta Donkin and I am here representing the National Infrastructure Planning Association,

which I will refer to as NIPA for brevity throughout the session. I am a board member and policy and practice lead there.

Graham Gunby: Hi there. I am Graham Gunby from Suffolk County Council, which I will refer to as SCC. I am the national infrastructure planning manager.

Ali Leeder: Good morning. I am Ali Leeder, a director at Aeos Infrastructure. I am also on the board of the National Infrastructure Planning Association. I specialise in DCO consents.

Q42 **Chair:** Thank you. You are all very welcome. Graham, you were shaking your head furiously at a question asked by Torcuil Crichton in the last session. I wonder whether we can start with your reaction to what you heard.

Graham Gunby: I think there was a suggestion that there should be a kind of national planning hit squad, and I would rail against that. The value that local authorities bring to the discussions at the pre-application stage and afterwards, and during discharge requirements as well for that matter, is the local knowledge. As you know, we don't receive any fees for dealing with these projects, but we do agree planning performance agreements. In a recent meeting, one of the questions was, "Do you employ in-house technical experts, or are they consultants?" We said, "No, they are full-time employees," and they said, "Well, that's good, because they give that local perspective." I think that is what we can bring to the table; we are dealing with projects from international entities, supported by consultants who are in the same position, really, and obviously the Planning Inspectorate are working nationwide, so I think that local perspective is very valuable.

Obviously, we try to support local communities, including parish councils. I think it is all part of the pitch, really. It brings that local experience, which we have now because we have had more than 20 NSIPs in Suffolk—and some of the lessons learned there, and it enriches the developers' views. Also, for some of the early proposals—we welcome early engagement, as we will probably come on to later—some of the quite significant changes that we gained from those discussions came from local knowledge.

Chair: Thank you for explaining your reaction earlier; that is very helpful, and we very much value your input.

Q43 **Torcuil Crichton:** Just to assuage your worries, Graham, my suggestion would be that local government be given more resources, not that national Government comes in and imposes its will on local decision making. There are huge challenges facing local government in getting this transition through, and I just think that there should be more devolved back-up from central Government to local government, not that national Government should impose its will on local government.

Graham Gunby: Yes, I totally agree with that. I think we are slightly under-resourced—we are under-resourced; that is probably a better way of putting it—and I think that idea could be extended to local communities.



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The lowest tier of local government is parish councils, and I note that, in the past, they have been able to get money for doing their neighbourhood plans, for instance. I think that might have been reduced now, but there was a thought at one time that a similar scheme could be available so that they could employ a planning advocate to engage with these proposals.

We have heard about the weight of the applications. Just to put it in context, if we were to consider the normal workload of a county council, 20 years' worth of minerals and waste regulation 3 files for eight districts might occupy an archive's cupboard; one NSIP would be the whole cupboard, and for Sizewell C, it would be a whole room. And obviously local communities, as you have probably heard yourselves, do suffer from consultation fatigue, because they have multiple projects and they need to find resources.

At the same time, even at the county council level, and no doubt at the district council level—just yesterday, we were discussing a solar development and there was criticism from the parishes that the district, I think, had not reflected particular concerns around a particular area of a particular village. But, in a sense, they are best placed to do that, because they have that very fine-grained knowledge. However, they do need support to be able to do that. I think that is an area that could be looked at as well.

Q44 Chair: Thank you. We are going to come back to the balance between national and local in the next 45 or 50 minutes, but I want to turn now to the national policy statements and the strategic plans that NESO are developing. Perhaps, Peta, you can address this first: what changes, if any, would you make to the Government's current drafts to ensure that there is a clearer relationship between them?

Peta Donkin: It is a very good question. I think the relationship between all of the policy documents is key. We at NIPA would like to see the NPSs take precedence in the hierarchy—they are the overarching policy—and then we would like to see transparency in NESOs' selection and routing strategies to demonstrate that spatial awareness across the nation.

Q45 Chair: Thank you. For network upgrades, the updates suggest that NESO's strategic plans will decide the parameters for the final route, and that alternatives can no longer be considered. That goes back to what you were saying, Graham. Does that render the examination of individual projects effectively meaningless?

Graham Gunby: I wouldn't say so. Obviously, I have a long career in planning. Strategic planning has a role, and so have local planning and applications. Strategic planning can be very broad-brush. It is about overall need—it could be minerals, waste or housing numbers. When you get down to a lower-tier plan or a development proposal, it is very useful to have that question effectively answered but, at the same time, if you are going to go down that route with strategic planning, you need an open process with consultation on it; otherwise, people will be mystified.



We have had that in Suffolk, where the selection of substation sites is a bit of a mystery, and the local communities think it is completely unsatisfactory. Obviously, the developers only really have one connection officer, so they have to follow suit.

I think you can get the overall routeing, or possibly nodes, but you have to focus in on the area, even at the strategic level, to reality-check it. But you would still have all the detailed issues in an application or an EIP. There are lots and lots of issues around the build, the mitigation and the decommissioning. We have heard about mitigation for bird strike and so on. All those sorts of things would still need to be discussed. It would be a useful thing, but it has to be an open process.

Ali Leeder: I agree with Peta entirely that we need to be clear that the NPSs have primacy, and about how the other policy documents will relate to the NPS. Obviously, as set out in the Planning Act, we are determining in line with national policy statements unless a number of provisos are met. I think that could be stated more clearly in the NPS.

Previous NPSs were really well drafted, in terms of the need of the project. Perhaps some of the way the Government have worded the documents and the strategic framework could call into question that need, if you read them in the way that an objector might. For example, in places the capacities set out for different technologies are referred to as targets. We understand that they are not targets, but we need to be careful with that language; otherwise, that starts to call into question any projects that go beyond those capacities. Those capacities are mentioned to 2030, not beyond, but we know that projects have a lifespan longer than five years, and a lot of the projects that are coming forward at the moment will not be delivered by 2030. We just need to bear that in mind when we are looking at the wording of the NPS. We must be really clear that we are still establishing that need.

On your question about routeing, there is merit in producing documents that set out broad routeing so that there is a clear understanding of what is coming forward, but again we need to think carefully about how we word that. For example, there is some text in the NPS that says that projects must be brought forward within the broad parameters of those routes, and I can see that potentially being an issue from both directions. If you have a project—they tend to be early-stage projects when they go into those kinds of strategies—and you go out and talk to communities, do your environmental surveys and find a better route that is not within those broad parameters, you would not in any way want to stop that better project, from all perspectives, coming forward. We need to think carefully about how we do that, so that we give Graham and others the useful information that they are looking for, in terms of reasoning for broad routeing. Equally, we need to be able to deliver the best projects we can and respond to consultation responses and environmental surveys.

- Q46 **Chair:** Moving on to the environmental impacts, which we just heard a great deal about from the previous panel, and the same applies to community impacts: should local authorities be able to reject the chosen



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route in preparation of a strategic plan on environmental or community grounds? Peta, I will ask you first and then the rest of the panel can respond.

Peta Donkin: My background is in environmental impact assessment. I am an EIA co-ordinator; that is my bread and butter. I have worked on infrastructure projects for the last decade. I find that the input from local authorities is incredibly valuable. As Graham said earlier, they understand their patch; they know their area. They know what communities want. They know what is important and what the environmental sensitivities are. The role of EIA in that is to look at balancing all those impacts to produce a project that fits well into the environment and is not unacceptable. So, local authorities are incredibly important in that process.

As ever with planning, there needs to be a balance. That comes down to, in these cases, examination, where you would have the cases for either side argued out appropriately and then an appropriate decision is taken.

Q47 **Chair:** Should they have the power of rejection?

Peta Donkin: I think that is what the examination is for; you would explore those options. And the pre-application process is very important in that, so that you don't get to examination with too many outstanding issues. You should get to examination with one or two critical issues that potentially need to be further explored.

Q48 **Chair:** Graham, should you or the district be able to reject applications of this nature?

Graham Gunby: I think that is problematic. The thinking behind the 2008 Act was to take it out of that domain. You would struggle to get many proposals through. I don't want to disenfranchise local authorities, but that is part of the reason for the original Act.

On welfare and wellbeing, we have looked into that where you have a high concentration of projects, and it is a real thing. You certainly should be able to bring up those issues as an objection. It is quite possible that authorities will object and back it up. I guess that it will come down to what is in the national guidance as to the weight that might be given to that. It is definitely a factor; we have seen that in Suffolk.

Q49 **Chair:** So, it is a question of how much notice the Secretary of State takes of local responses?

Graham Gunby: Yes. They would tend to follow the NPS, because that is probably the best way of doing it. I think that is the way to go about it.

I will just say that wellbeing is an issue. A typical scenario is that if you get a substation in a coastal area, it tends to attract multiple projects and local communities are somewhat overrun. That causes a great deal of distress.

However, my view is that if you gave local authorities the power to veto projects, you would get lots of vetoes. And what would happen then?

Q50 Chair: Thank you; that is very helpful. Ali, I will move on to a different topic. How well do the updated statements add the guidance needed to clarify and enhance the critical national priority status for low-carbon infrastructure policy?

Ali Leeder: Sorry—how far do they go to enhance the priority?

Chair: Yes—how far do they go to clarify and enhance the policy?

Ali Leeder: I think the targeted updates are useful. The establishment of critical national priority in the previous versions was very useful. One thing that I would like to comment on, having listened to the previous speakers, is that the wording of the critical national priority text states that the need will outweigh the residual impacts that are not addressed by the mitigation hierarchy.

That is really important. What that policy is saying is, “Yes, you look at your projects, reduce your impacts, avoid your impacts, mitigate your impacts and you look at compensation. At that point, the need is then unlikely to outweigh the residual impacts.” We need to be really careful in understanding that, because in my view, you do need to strike a balance between the consideration of impacts, proportionality and delivering this urgent infrastructure. I think the text we have got around critical national priority infrastructure does that; it strikes that balance quite well.

There is an additional sentence that was also discussed earlier: “Measures that result in a material reduction” of output, “are unlikely to be considered to be appropriate as mitigation.” I think the word “material” is very important. It is not saying that no reduction is appropriate mitigation. That sentence is preceded by this sentence: “Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated.” Again, when you read it in the context of the national policy statement, it is absolutely clear that applicants need to be applying the mitigation hierarchy and doing so in routeing as much as in the later stages of design to demonstrate compliance with that policy. It is just that once those things happen—

Q51 Chair: Do you think it is possible to quantify what “material” means?

Ali Leeder: It is very difficult, and I am not a lawyer, but as a planning consultant and a consents specialist, you use material in different ways. It is not an insignificant change, and you would always look at it in the context of what your outcome is. How important is your environmental impact? Is this about somebody’s view from 300 metres away or is this about a critical protected species? Those things are obviously different.

Q52 Chair: This sounds like an opportunity for people with legal qualifications to make lots of money.

Ali Leeder: Yes. The word “material” is used a lot in planning.

Chair: And they make a lot of money.



Ali Leeder: Yes. It would certainly be tested. In my experience of major infrastructure projects, I think there are already lots of discussions that go on over the extent to which a reduction of output is justified due to environmental considerations. Wind turbines are removed from projects because of ecological impacts. Areas of solar panels are removed because of archaeological impacts. This already goes on, and that is just reinforcing it.

Q53 **Chair:** Do you share Sam Richards's concerns that there is still far too much opportunity for judicial review and related legal challenge?

Ali Leeder: Yes, I do. I think the changes to the judicial review process that are proposed through the Banner review will mean that project reviews without merit don't proceed further, but I think about 60% or 70%—a lot—proceed after that first stage. There is a lot of delay in major infrastructure projects through judicial review. I am not sure we have quite got the right balance on that yet.

Q54 **Chair:** Thank you; that is very helpful. Graham, you mentioned the importance of the pre-application process. Perhaps you can say how the guidance for critical national policy projects and the pre-application system will help in the new guidance.

Graham Gunby: The removal of the section 42 statutory stage of pre-application consultation is concerning to us. Like I say, we put a great deal of emphasis on pre-application consultation. There is acknowledgment that if you do consultation at a late stage in the project, as statutory consultation tends to be, it tends to be not massively helpful because it is difficult to get change in the project—developers have gone down a certain road, and it is probably very difficult for them to change course at that stage because they have invested a lot of time and money in getting there. That is acknowledged, but earlier stages around optioneering, with radically different options, and then the general locational details of the favoured option are still very useful.

There is an idea that, even though a statutory responsibility might not be spelt out, responsible developers would continue to do that. There is also an idea that solar schemes need to come forward close to 2030 to get in the queue; there is a bit of a build-up of projects in that regard. Will they choose the least detailed option and take the quickest route to application? That is a concern.

We have made representations separately from this Committee on the amendments that have been put forward, but we need to have early sight of applications—two years for large developments, and one for smaller developments. It needs to be set out very clearly that that kind of process does need to happen. Even though it might not be the statutory consultation with the preliminary environmental information report attached to it, we still need it, basically.

Q55 **Chair:** Thank you very much. We have heard that the presumption of consent for critical national priority infrastructure effectively predetermines that such projects should override environmental concerns, and removes

any incentives for developers to avoid ecologically sensitive sites. Peta, what is your view on that analysis?

Peta Donkin: Could I come back on Graham's point very quickly? I fully agree that we need more guidance now that statutory consultation and the preliminary environmental information report will effectively disappear from the process. We do need guidance, but not enough restrictive guidance that we are back to where we were, having to do statutory consultation and produce a PEIR.

Preliminary environmental information reports are lengthy—they are almost a full environmental statement. To meaningfully engage with communities, local authorities and other stakeholders, sometimes, as Graham said, that is a room full of information. Actually, we ought to be targeting that information to deliver positive outcomes and get some really meaningful feedback from communities and local authorities. I would support more thought on that, more guidance and more consultation on how that would go. NIPA would support that. In terms of the critical national priorities—

Chair: And the presumption of consent.

Peta Donkin: Yes. The changes there have been really helpful to date. We do need energy schemes and infrastructure schemes in this country, so that is very helpful to us, but we are very mindful that there are balances to be found. A project in the right place is the right project, and environmental considerations do need to be taken into account. Above all else, it is very important that all those are balanced in the decision-making process.

Q56 **Chair:** Ali, what is your view on the presumption of consent?

Ali Leeder: I am not sure that that is what the wording delivers. The policy is still very clear that you need to apply the mitigation hierarchy prior to that presumption applying. Section 104 of the Planning Act, which sets out how you make decisions on applications, says that applications should be determined in line with national policy statements unless five provisos apply. They include provisos on the adverse impacts outweighing the benefits—we have not yet seen how that plays out with CNP policy—and on international obligations. I understand where the interpretation has come from, but when it is actually applied to the regime, I think those environmental protections are still there. It is just that they need to be balanced with the very urgent need for nationally significant infrastructure.

Q57 **Chair:** Would you encourage a re-drafting to reflect what you have just said?

Ali Leeder: In my view, that is what the drafting says.

Q58 **Chair:** The evidence we have had is that it does not. You are happy with it?

Ali Leeder: Yes, I support the current drafting.



Q59 Claire Young: As you know, the Government are using the Planning and Infrastructure Bill to remove statutory pre-application consultation requirements. To implement that effectively, what further guidance do you want to see in the national policy statements?

Peta Donkin: Great question, thank you. NIPA would like to see further guidance, and we would like to be involved in helping shape that guidance. As a practitioner myself, when involved in large-scale projects, we come at this often from a standpoint where we start very early, and early engagement with everybody is important. If the guidance were to help set out what might be a minimum level of engagement for developers, that would be helpful. A lot of developers will want to do better. They will want to achieve positive outcomes in their projects, and to do that you need to be engaging early, considering good design and taking on all feedback from all stakeholders involved. The worry is that without the requirement to do something, there might be a perception from local communities or objector groups that, potentially, developers might slide in under the radar. There needs to be a minimum level of consultation or engagement set out.

Q60 Claire Young: We have just been talking about the presumption of consent for critical national infrastructure. How do you think that new policy will interact with that? Do you think that the NPSs need to set out a strong expectation that consultation is still expected? That then leaves the question, why remove the requirement in the first place?

Peta Donkin: We still need to maintain the need to consult and engage. That is very important. The NPSs do still refer to statutory consultation, so that change needs to come into effect. The way we can consult can be done better to be more engaging and to obtain better feedback, to deliver more positive outcomes. I work in this field. We attend parish village halls and put up exhibition boards and talk to communities, and at that point in the statutory consultation process, as we alluded to earlier, the development is pretty much quite well shaped. Any changes that then come out of those discussions with communities can be done, but they are a considered approach. Whereas, if you take that back a step and you come earlier in the process, potentially before you even have a layout, and you are looking at your parameters and your broad descriptors of the project, that is the time to bring local communities and local authorities into the mix, because they have so much to offer that developers can find useful in the development of a project.

Q61 Claire Young: Could further amendments to the NPSs support the intent of the Planning and Infrastructure Bill to consent projects faster and ensure smooth transition until those reforms come into force?

Peta Donkin: If there were clearer guidance on how the consultation stage would look, it would be useful to reference that and link to that guidance. Whether that guidance sits in the NPS itself, I am not sure; it could sit separately but be referred to.

Q62 Claire Young: Graham, do you have anything to add?



Graham Gunby: I concur with lots of things that Peta has said about it. Obviously, the concern is to make developers do something or follow the guidance. One thought was, is it the fact that it is statutory guidance that is the problem, or is it what the statutory guidance has to be, with a preliminary environmental impact report and a statement of community consultation? What if it was simplified down to the bare bones, or if it referred to the fact that there would be guidance? It probably doesn't work legalistically, but we need some hook to ensure that developers follow guidance. I know that guidance does have a status, and generally speaking, in planning you follow guidance unless you have a really good reason not to, but I guess there is the fear that developers, especially now, wanting to get their applications in, will cut it to the bare minimum and avoid a lot of the constructive dialogue that could be had.

Q63 **Claire Young:** Is there not a mixed message coming from the Government on this, if they are making it not a requirement but at the same time are trying to set out in the guidance how it should be done?

Graham Gunby: It is the current format of the statutory guidance—the requirements are quite onerous on the developer and take a huge amount of work. It is a kind of application-lite. Should it be more like an informal consultation? One option would be to start with something quite broad-brush—if it was an offshore wind farm, landing places and substation locations and so on—and then obviously have a much more focused one on the actual chosen option. But when you get into detailed consideration of impacts, it is going to be pretty difficult to change course. It is a bit of a straitjacket and it mitigates against being able to take on board the views of local communities. I think it is more of an instinct to say, "No, we've got that covered," and carry on down the same path and defend what you've done, rather than saying, "Fair enough."

Peta Donkin: I am a very strong advocate for proportionality in these cases as well. You prepare an environmental statement or a preliminary environmental information report, and it is vast, and the information in there is difficult to get to grips with and difficult to understand. Actually, how much help is it in shaping a project when you are speaking to communities and local authorities at that stage? It is all useful for examination because you need the evidence there to assess, but in the early stages, in terms of good design and progress, proportionality is key.

Q64 **Claire Young:** Ali, do you want to add anything?

Ali Leeder: I completely agree with the views expressed. My understanding of the Government's intention with the Planning and Infrastructure Bill was that it was not to say that pre-application consultation wasn't important—it very much is—but to acknowledge that the Planning Act sets out these stringent requirements that are not leading to proportionate and meaningful consultation, and that therefore there is a better way of doing it. My understanding is also that there is intended to be guidance that accompanies those changes, and I think that will be very beneficial—for communities as much as for applicants. As Graham and Peta have said, the current system results in late consultation and a lot of

documents that are very technical and are perhaps not read or understood by communities. I don't think that is in the best interests of communities or projects.

- Q65 **Claire Young:** Let us move on to the question of grid connections, which we discussed in the previous session. Again, I will start with Peta. The National Infrastructure Planning Association has referred to misunderstandings emerging about the role of the regional capacity targets in the Clean Power 2030 Action Plan. What further clarity is needed?

Peta Donkin: I know that was picked up in the session with the earlier witnesses. Ali mentioned targets earlier as well. I think it is some of the wording. In my written evidence we submitted some paragraph numbers that we suggested some amendments to. The use of targets is misleading. It suggests that there are regional caps in areas where energy should be delivered, but actually we have a national need, and it is the national priority that needs to take precedence here. We should not cap or limit our ability to produce energy schemes until we have reached our national target—our national goal. So we should not be restricting ourselves to targets in certain areas. There is a misconception that if a project is taking that region over their target, that that project is not required, which is incorrect; all projects are required until we meet our national need.

- Q66 **Claire Young:** Graham, should national policy statements give significant weight to the availability of a grid connection for a proposed project?

Graham Gunby: Yes, I think so. It is a critical part of the consideration. Local communities and local government are concerned about cumulative impacts, but also the typical environmental impacts of the grid connection. Think about offshore wind farms; well, on shore, there is a grid connection and a cable there too. That is the arena that local communities and local government are most interested in. It is crucial; you need some clarity on that, because so much can pivot on it in terms of what comes next. Is the grid connection in the right location? Seemingly, they are often not. They are not ideal—nothing is ever perfect, I agree—but some are certainly suboptimal, and the developments that follow thereafter just exacerbate that situation. So yes, it is critical.

- Q67 **Claire Young:** Is there not a bit of a chicken and egg thing here, in that the Government is looking to prioritise new grid connections based on projects being ready to go, including having planning consent, but if you give weight to the availability of existing grid connections, those projects that don't currently have one will not get far enough forward for you to deliver the new connections?

Graham Gunby: It does not have to be existing. We acknowledge that there will need to be new grid connections, either on existing lines or lines that have not been built yet. That is part of the equation. The grid connection side of things is absolutely critical for our consideration. It is the most impactful part of all the offshore stuff. Even onshore, you have what follows next: solar farms, multiple solar farms, or what have you. It



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can be planned; it is just that the planning needs to happen in an open and transparent way, with consultation that is considered and acted upon.

- Q68 **Chair:** I wonder whether we—a very big “we”—are being entirely honest with ourselves about how feasible it is to have a really open planning system when there are non-planning considerations. I think that is the essence of Claire’s question. There are non-planning considerations around what the developer has ready, what land they have assembled and what grid connections are available. Because those are all non-planning considerations, how much influence in the end does the planning process have?

Graham Gunby: A lot, if you are talking about first principles. If there are options on the table, the discussions about, for instance, where a connection could be are a really crucial stage. The arguments will be tabled, and that could mean that the connection is completely somewhere else. You then have your land assembly. There is also feasibility within the grid itself. Those types of discussions can be had, and have indeed been had in the past. They did not necessarily have the outcome that we wanted, but connections certainly can and should be discussed at the early stages, because there might be an area where, in our view, it would be preferable for them to go, or an area that the local community thinks that they should go to. If you have a connection node in an area that is less controversial, the whole thing will work a lot better. Having to battle with legal challenges every single time is what can result from having a grid connection in an area that is suboptimal.

Ali Leeder: Acknowledging that grid connections are a large driver for projects in the national policy statements is beneficial. There is probably not much need to go a lot further than that in national policy statements, because you do have the whole connections reform process, which determines the grid connection locations. As you rightly say, planning does not have a lot of influence over that, but I think it does need to be taken into account when you are looking at a developer’s optioneering, for example, because that will be a factor in determining where projects come forward.

- Q69 **Claire Young:** Peta, we have heard that objectors to infrastructure projects are already demanding sight of commercial and grid connection agreements. Shouldn’t that be necessary, if grid connections are to be a relevant consideration?

Peta Donkin: Yes, the availability of a grid connection should carry significant weight in deciding where to place a project and in the feasibility of that project, because you need to be able to deliver that project—it has to connect. But we don’t consider the commercials behind that grid offer and how that sits to be part of the planning balance, and that is what is being asked—

- Q70 **Claire Young:** If we give significant weight to grid connection, is that not going to tip the balance even further in favour of infrastructure build, and raise concerns about overlooking environmental and other considerations?



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Peta Donkin: You don't have a project if you cannot connect it, so the availability of that grid connection is paramount. It does, and should, carry significant weight in planning. We then have to go into the optioneering of feasibility and environmental impact assessments and how the balance then carries through. But, yes, in terms of site selection and the planning balance, that connection is key.

Claire Young: Thank you.

- Q71 **Torcuil Crichton:** Thank you all for coming in. I guess what we are dealing with here is the need to build this infrastructure for renewables, for low-carbon, and the impact it has on the environment and the places we live. Peta, the guidance on this infrastructure says that anything deemed to be of critical national priority should not be held back by environmental impacts—that they are unlikely to be appropriate if they cause a “material reduction” in the generation and capacity of renewables. Do we need to be more specific or to have better guidance than that?

Peta Donkin: Yes. Ali touched on that earlier and on the word “material” being subject to discussion. I think we all said that that is where the lawyers would love to get involved in how material or not something would be. In the design process for projects, good developers do make moves to reduce capacity if it is appropriate and necessary. As part of all the feasibility and optioneering work they do, that does come into the balance of whether the project is then deliverable in the long run. Whether that is a material reduction in capacity or not is probably a decision for the developer to take, because it could impact whether that project can actually be delivered and operational at the end of the day.

- Q72 **Torcuil Crichton:** And finance is one of the big things there, I guess.

Peta Donkin: Yes—commercial, deliverability and positive outcomes from that project will need to be considered.

- Q73 **Torcuil Crichton:** Graham, in Suffolk County Council, you have had quite a lot of variation on what developers commit to to protect nationally designated landscapes. What changes would you like to see in the planning statement to address that?

Graham Gunby: We have had projects in and around national landscapes, and it is kind of a moving feast now. There have been cases, such as the Lower Thames crossing, where I think the Secretary of State has agreed to put a requirement on the DCO about contributing to furthering the purposes—financially, I am talking about—of the Kent downs, I think.

We currently have two offshore wind farm applications that actually don't land in Suffolk, but are off the coast, and the substations are visible from a different national landscape as well. They are quite resistant to the notion that anything other than the mitigation they have already provided—they have provided mitigation through a reduction in the area there, in the case of one offshore wind farm—should be entertained.



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On the other hand, we have a current grid infrastructure project where they are talking to us about potentially providing funds to further the purposes of the national landscape. How will that manifest itself, in terms of the 100-metre wide swathe that will cut across the landscape and obviously be restored? They would contribute towards the outcomes that are identified in the national landscapes management plan. I think they have 10 objectives. That is considered to offset, to some degree, the damage that is done. If there is a duty to further the purposes, some guidance on what that might entail would be beneficial.

Q74 Torcuil Crichton: Ali, should we just learn to live with turbines on the horizon? The planet is burning up. Should we not just get on with it?

Ali Leeder: I think that there always needs to be a balance and that these projects need to be brought forward in the right way. I agree with Graham completely that some clarity about how the new duty on the Secretary of State to further the purposes of national landscapes, and how that plays into the NSIP system, would be really beneficial.

One of the projects I think Graham was referring to illustrates why I think clarity would be useful. The Bramford to Twinstead overhead line was consented to last year. It is 29 km. Essentially, it replaces an existing overhead line for the majority of it and places it underground. A large section is through an existing AONB. In the long term, the impacts of the project on the AONB are positive: you are taking an overhead line and placing a higher voltage underground.

There was a lot of interesting debate in that examination over the fact that you had a temporary impact on the AONB during construction, as a result of taking an overhead line, putting a new line underground and delivering these long-term benefits. Should there be financial compensation for the residual effect of that temporary construction impact? We do need to think about how that plays out and to make sure we are thinking about that proportionally, and about how this plays out in real projects, because that kind of clarity would avoid those discussions in examination.

Q75 Torcuil Crichton: Interesting. Peta, NIPA suggested that the national policy statement should be future-proofed so that there is reference to biodiversity net gain. What do we mean by this, and what would you add to that?

Peta Donkin: We are still waiting on a biodiversity net gain statement and how that is then applied to NSIP projects. We are not there yet; we hear rumours, but nothing is forthcoming. I think that, to future-proof the NPS for that statement coming out and the requirement for NSIPs to then provide a degree of biodiversity net gain, there should be just tag line in there.

Q76 Torcuil Crichton: What would you put in the statement?

Graham Gunby: Ten per cent.

Peta Donkin: Yes, I think 10% is the accepted percentage across the board and has been tested at examinations to date. That is part of

Government's aspiration, and that would be for a 30-year period. We see NSIPs that are double that length in time. It is about how that then plays out going forward. We could suggest some wording to you if it would be helpful.

Q77 Chair: We have a few minutes left and I have some final questions for you. Jackie Copley said in the first panel that a lot of mitigations that are promised are never delivered. To what extent do you think that the policy documents should be changed to ensure that mitigations are built? Peta is looking at you, Ali, so shall we start with you?

Ali Leeder: I think that this is a difficult thing to deliver through policy. You have to abide by the requirements on development consent orders. I was very saddened to hear that those are not being adhered to. That is obviously not good for the industry or communities. We probably need to look at why that is happening and how it is enforced, but it would be difficult for that to be tackled through policy.

Peta Donkin: I agree. I was deferring to Ali as a planner to see whether she would have the same view. It comes down to the requirements in the DCO. I wonder, Graham, whether it is a local authority resourcing issue that, potentially, those requirements are not being monitored or checked?

Graham Gunby: The example that springs to mind are where you have linear projects, cables or overhead lines, and one way to mitigate that would be to reinforce offsite planting. This has often been done under section 111 of the Local Government Act 1972, on miscellaneous provisions, or under a hybrid with a section 106. Even though the moneys might be provided, it needs a landowner to agree to do it, which they often do not. I have colleagues running around saying, "Where are the skylark plots going to go?" or "Where is the planting going to go?" We don't know, nobody wants to do it, and it is a problem.

I can understand industry's reticence. Who wants more control on the commercial side of things? Of course you don't. I just wonder whether it might be helpful to have guidance to help developers say that, within their order limits, they need to identify more offsite mitigation, where necessary. Once it is in the DCO, it is likely to happen. It is maybe not what landowners want to hear, but that is one route.

It is a slight issue. What you end up with is mitigation along the route, or around cable sealing end compounds, but not much else where it could be quite beneficial. Obviously, there are strict restrictions around compulsory acquisition—that you only should do what you really have to do, where there is no alternative. So that approach might be of use.

Q78 Chair: Thank you. We have a very short period left. I am going to ask a massive question about whether solar farms are a threat to our food security.

Graham Gunby: There is an issue about best and most versatile land—grades 1, 2 and 3 of the agricultural land classification. We have two projects coming forward at the moment, and they are both on best and



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most versatile land. It would be helpful if there was a strategic direction as to what the response should be. These things are typically in place for 40 years and take BMV out of circulation for 40 years. I acknowledge that this can actually benefit the land in the long term, and that could be part of the strategy and the argument. I also acknowledge that, for rural farm diversification, it is very beneficial to the landowner. So a steer in guidance as to how to consider that would be very useful.

Q79 Chair: Ali, are there changes that should be made to the national policy statements to address that and to get the balance right between food and energy security?

Ali Leeder: To my understanding, even the most ambitious targets for solar are not determined to have a significant impact on food security. That is what the reports I have read are saying. If that is the case, then why not state it in the national policy statement? I have been part of examinations for several large-scale solar farms. In all of them there has been an argument about the impact on food security, and a lot of discussion, written questions and evidence has been produced. In each case, the conclusion has been the same: that the impact of those particular schemes on BMV agricultural land was acceptable, and food security was not taken as a wider material planning consideration.

Q80 Chair: Peta, do you agree?

Peta Donkin: I fully agree. The NPS states that the land type is not the predominating factor in determining whether a project is suitable.

Q81 Chair: That brings me to my final question. Do you think it is a good idea to have a precedent system for NSIP decisions, similar to case law, so that examining authorities don't need to reinvent the wheel every time such arguments are raised, and can rely instead on previous decisions?

Ali Leeder: I think that is done already. I think both sides will find previous decisions and use them as examples. Projects are really diverse in terms of their nature and where they are in context. So I think it is quite difficult to say—

Q82 Chair: So there is no need to formalise this?

Ali Leeder: In my view, there is no need.

Q83 Chair: Does anybody have a different view?

Peta Donkin: I think clarification on the agricultural land point would be helpful. It is something that crops up very often at examination. I have been involved in examinations in Lincolnshire, for example, which hosts a lot of solar schemes, and that always crops up. If there was a definitive line, that would be very helpful for both objectors and applicants.

Q84 Chair: Graham, have you anything to add?

Graham Gunby: No, I think that is fair enough. Like Ali says, the cases are similar but different. But I do agree with Peta on the agricultural solar



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issue. I think it is doable; you would have to do an analysis of what is out there, what the impact is and what the strategy is.

Chair: Thank you. That brings us to the end of our session. Peta Donkin, Ali Leeder and Graham Gunby, thank you all very much for your evidence, and for contributing to our inquiry.