

## **The Wildlife Trusts submission of evidence to the BEIS Committee on the Energy National Policy Statement**

The Wildlife Trusts (TWT) welcomes the opportunity to submit evidence to the BEIS Committee on the Energy National Policy Statement (NPS).

TWT, with more than 850,000 members are the largest UK voluntary organisation dedicated to conserving the full range of the UK's habitats and species, whether they be in the countryside, in cities or at sea. TWT manages 2,300 reserves covering more than 100,000 hectares of land including coastal reserves; TWT stand up for wildlife, inspire people about the natural world and foster sustainable living.

TWT support action to tackle climate change and recognise the serious threat to nature if action is not taken. However, we also face an ecological emergency with 41% of species in decline in the UK<sup>1</sup>. There is an inextricable link between the climate and nature crises, which means efforts to solve one crisis will be futile if they do not also address the other. This was formally recognised by both the 197 Parties to the COP26 Glasgow Pact, and all 195 member governments of the IPCC. Consequently, fulfilling UK ambitions for energy infrastructure as a major decarbonisation pathway to limit climate change will fail if they do not achieve environmental protection, recovery and enhancement of marine and onshore environments.

TWT has undertaken detailed analysis of the Energy NPS from a marine, land, water, climate and health and well-being perspective. It is TWT's view that the draft Energy NPS is not fit for purpose. It is not consistent with current climate policy or nature policy. There are also issues with the longevity of the policy, especially considering the work of the Offshore Transmission Network Review (OTNR)<sup>2</sup> and Defra Marine Spatial Prioritisation Programme. In its current form, the Energy NPS is not sustainable, will still result in consenting delays and risks and as stated clearly in the Appraisal of Sustainability, will result in serious negative ecological impacts. TWT cannot support policy which is in conflict with nature legislation and policy, especially when facing an ecological emergency.

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<sup>1</sup> [State of Nature Report 2019](#)

<sup>2</sup> [Offshore Transmission Network Review](#)

Our position on the Energy NPS is as follows:

**1. Energy NPS is in conflict with nature legislation and government policy – it is not sustainable and will result in consenting delays/risks**

With the conclusion of serious negative impacts on ecology, TWT highlight that the Energy NPS is in conflict with UK nature legislation and policy and is not aligned with current language/policy on ensuring nature's recovery. This includes a lack of alignment with:

- Environment Act<sup>3</sup>
- Environment (Wales) Act 2016<sup>4</sup>
- Habitats Regulations<sup>5</sup>
- Marine and Coastal Access Act 2009<sup>6</sup>
- Marine Strategy Regulations<sup>7</sup>
- Well-being of Future Generations Act<sup>8</sup>
- 25 Year Environment Plan<sup>9</sup>
- National Planning Policy Framework<sup>10</sup>
- Marine plans<sup>11</sup>
- 30x30 commitments including the Leaders Pledge for Nature<sup>12</sup>.

Indeed, the Energy White Paper<sup>13</sup> states that action on energy will be consistent with environmental commitments. The draft Energy NPS now also needs to be updated to reference the Government's recently published Net Zero Strategy which sets out an indicative pathway for the decarbonisation of the energy system and give more sense of the different levels of growth in different types of energy infrastructure as set out in the strategy.

**2. TWT cannot support Energy NPS policy which not only limits ecological recovery but makes the situation worse**

The Appraisal of Sustainability has concluded that the implementation of the Energy NPS will have serious negative effects on biodiversity in the short, medium and long term. This is not acceptable, especially when faced with an already degraded environment. In addition, the plan

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<sup>3</sup> [Environment Act](#)

<sup>4</sup> [Environment \(Wales\) Act 2016](#)

<sup>5</sup> [The Conservation of Habitats and Species Regulations 2017](#) & [The Conservation of Offshore Marine Habitats and Species Regulations 2017](#)

<sup>6</sup> [Marine and Coastal Access Act 2009](#)

<sup>7</sup> [Marine Strategy Regulations 2010](#)

<sup>8</sup> [Well-being of Future Generations Act 2015](#)

<sup>9</sup> [25 Year Environment Plan](#)

<sup>10</sup> [National Planning Policy Framework](#)

<sup>11</sup> [Marine Plans](#)

<sup>12</sup> [Leaders Pledge for Nature](#)

<sup>13</sup> [Energy White Paper](#) page 7

level Habitats Regulations Assessment concludes the potential for adverse effect on protected sites and that compensation will be delivered at a project level. Based on the scale of development, especially at sea, project level compensation will not work and therefore the UK National Sites Network will further decline, contravening the requirements of the Habitats Regulations. Finally, a plan level MCZ assessment has not been undertaken. This further places the network of Marine Protected Areas at risk. The UK Government is internationally obligated to achieve a coherent network of Marine Protected Areas under OSPAR<sup>14</sup>.

### **3. No recognition of strategic solutions to address negative ecological impacts**

The Energy NPS must do more to identify, support and promote solutions to reduce environmental impacts from large-scale energy infrastructure projects. TWT is involved in numerous conversations on strategic environmental measures to reduce pressures in the marine environment to create environmental headroom for projects which are deemed necessary for reaching net zero. The Energy NPS, as part of the Appraisal of Sustainability and Plan Level HRA provides the opportunity for strategic environmental measures to be identified and delivered. The NPS must seize these opportunities, otherwise consenting delays and risks will be continued to be seen<sup>15</sup>, jeopardising the achievement of net zero by 2050.

### **4. Policy on mitigation hierarchy needs strengthening**

It is crucial that the Energy NPS is updated to provide a clear steer for applicants on the requirement to follow the mitigation hierarchy (avoid, mitigate, compensate), and the sequential relationship of the mitigation hierarchy and biodiversity net gain (BNG). At present the Energy NPS:

- Does not accurately represent the requirement placed on developers to follow the mitigation hierarchy i.e. uses "should" instead of "must".
- Does not clarify the requirement for the mitigation hierarchy to be followed in appropriate succession before consideration is given to BNG. This is to ensure that BNG provides additional benefit.
- Incorrectly identifies BNG as an example of mitigation in some instances.

### **5. No mention of blue/green carbon**

Habitats and species, on land and at sea, play an essential role in capturing and locking away carbon, thereby reducing the amount of carbon in the atmosphere. The ocean, for example, has absorbed between 20-30% of the world's total anthropogenic CO<sub>2</sub> emissions since the 1980s<sup>16</sup>. Nature also helps people to adapt and be protected from the adverse effects of climate change, such as an increasing severity and frequency of storm surges, drought and flooding. However, in

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<sup>14</sup> [OSPAR Commission](#)

<sup>15</sup> Numerous offshore wind farms planning examinations have been delayed due to complication marine compensation issues including Hornsea Three, Norfolk Vanguard and Norfolk Boreas.

<sup>16</sup> IPCC (2019) Summary for Policy Makers. IPCC Special Report on the ocean and cryosphere in a changing climate. [In H.-O. Pörtner, D.C. Roberts, V. Masson-Delmotte, P. Zhai, M. Tignor, E. Poloczanska, K. Mintenbeck, A. Alegria, M. Nicolai, A. Oken, J. Petzold, B. Rama & N.M. Weyer (eds.)]

its increasingly degraded and declining state, nature's capacity to perform these two vital functions is being eroded.

This is why realising both the twin goals to achieve Net Zero by 2050 and a restored and healthy natural environment is essential. Because the climate and nature crisis are inextricably linked – the actions and solutions we undertake to meet either goal should not jeopardise the other.

Blue carbon is simply the carbon captured from seas and oceans and their associated ecosystem. Similarly, green carbon is captured from habitats and their associated ecosystems on land. Every development has the potential to both i) reduce the carbon sequestration capacity of the habitats and species and ii) release long-term carbon stores back into the environment during the construction, operation and decommissioning of a development.

A requirement for developers to consider the impact from large scale infrastructure projects on blue and green carbon must be included within the Energy NPS. In addition, the NPS must recognise the valuable contribution of healthy blue and green carbon ecosystems in action to tackle climate change.

#### **6. Gaps in overarching government energy policy – energy mix, energy efficiency and reduction and community schemes**

The Energy NPS places a strong emphasis on the need for renewable energy infrastructure, including offshore wind, which is presented in isolation of wider policy to reduce energy demand and increase energy efficiency. TWT have serious concerns that the scale of energy infrastructure expected will result in the industrialisation of UK seas which will have serious negative environmental consequences. We do not deny that renewable energy projects, including offshore wind, will play an important role in meeting net zero but emphasise that a better balance must be made between expansion of energy infrastructure, and energy efficiency improvements, demand reductions and community generation schemes.

It is clear that this issue is a result of a lack of holistic government policy on energy. A broad energy plan is required which sits above the Energy NPS and encompasses all scales of energy infrastructure including community schemes, energy efficiency schemes and action to reduce energy demand. Without this, there is increased risk of fragmented policy and decisions which will further contribute to ecological decline.

#### **7. We welcome numerous mentions on need for grid coordination but the text is behind the curve of the work of the Offshore Transmission Network Review (OTNR)**

TWT welcome clearer signals to industry on the need for coordination of grid infrastructure both onshore and offshore. The policy must be strengthened and emphasised to ensure strategic and holistic planning, both onshore and offshore, of grid infrastructure. More must be done within the NPS to align with the work of the Offshore Transmission Network Review to ensure the

longevity of the policy especially following the recent BEIS OTNR consultation on an enduring regime<sup>17</sup>.

#### **8. Offshore wind farm text within EN-3 forms the strongest policy within the Energy NPS but does not go far enough**

TWT welcomes the following in relation to offshore wind farm policy:

- Early development of compensation measures and without prejudice compensation packages,
- Offshore grid coordination,
- Monitoring requirements and open data.

Unfortunately, the policy still does not go far enough in identifying strategic solutions required to address serious negative effects on the environment from offshore wind farm development policy. All policy within the Energy NPS should be of the same standard of the offshore wind farm policy as a minimum.

#### **9. We welcome policy recommendations to move away from fossil fuels but they do not go far enough – there are no timescales for phasing out**

TWT is pleased that the Energy NPS identifies a move away from the burning of fossil fuels for energy, such as coal, oil and gas. However, TWT expects clearer commitments within the Energy NPS including timescales on when carbon emitting energy production will be phased out. We appreciate this cannot be instantaneous, but the government needs to go beyond net zero and fast to avoid the worst tipping points in the climate system.

TWT believe there is no place for fossil fuel infrastructure past 2050. To prevent runaway climate change, it is likely that we will have to go beyond net zero into net negative, therefore the use of Carbon Capture & Storage (CCS) Technology should be viewed as a stop gap before 2050 or as a method to capture historical carbon from the atmosphere to reach net negative.

#### **10. The Energy NPS lacks longevity**

The Energy NPS should be ahead of the curve in setting energy policy. However, the policy is significantly behind the curve and does not take account of numerous concepts which are progressing within Defra and the Offshore Transmission review. Therefore, the Energy NPS lacks longevity.

#### **11. There is significant inconsistency between policy across EN-1 to EN-5.**

There is significant weakness and inconsistency in the recognition and assessment of offshore impacts of energy infrastructure throughout the Energy NPS but particularly in the Appraisal of Sustainability. It is vital that assessments are carried out holistically.

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<sup>17</sup> [OTNR consultation on a proposal for an enduring regime](#)

## **12. TWT recommendations**

TWT recognise the importance of meeting net zero and security of energy supply to the nation. We recommend the following to ensure a sustainable Energy NPS:

- a)** The Energy NPS needs to be underpinned by a strategic spatial energy plan for land and sea. This should be informed by an overarching land and marine policy statement and must align with land and marine spatial planning. Overall, holistic planning is required for land and sea.
  
- b)** New and strengthened policies are required within the Energy NPS to reduce the serious negative impact on biodiversity. This should include strategic environmental solutions, strengthened and consistent policy on the mitigation hierarchy and wider environmental policy throughout the Energy NPS.
  
- c)** The Energy NPS must be revised to align and reduce conflict with current policy on nature's recovery and 30 by 30.
  
- d)** The UK government must lay out definitive timescales for the phasing out of fossil fuels and prohibit all new coal mines.
  
- e)** The Energy NPS must also consider net zero through the lens of reductions in demand and improvements in efficiency. This must be underpinned by an holistic energy policy.

Thank you for considering the information included in this letter. I look forward to future engagement with BEIS to ensure that solutions can be identified and implemented which ensure both net zero and nature's recovery can be achieved.

*November 2021*