Planning for New Energy Infrastructure | Draft National Policy Statements for energy infrastructure

Friends of the Earth England, Wales and Northern Ireland Consultation Response

29 November 2021

Draft EN-1 Overarching Energy NPS

Q1a. Does the draft Overarching Energy NPS (EN-1) provide suitable information to those engaged in the process for development consent (e.g. Secretary of State, the Planning Inspectorate, applicants) for nationally significant energy infrastructure on the government's energy and climate policy (Part 2)?

No.

National policy for energy infrastructure must reflect the urgent need for rapid and large-scale greenhouse gas (GHG) emission reductions, starting immediately and continuing at pace over the coming decades.

The science is clear: humanity is running out of time, and without such reductions it will be beyond our reach to limit warming to the Paris Agreement goal to 1.5 degrees Celsius, or even to 2 degrees Celsius, above pre-industrial levels (IPCC Working Group I, Sixth Assessment Report, 'Climate Change 2021: The Physical Science Basis', August 2021 ('AR6 Report')).

The science is also clear on the impacts of rising global temperatures: even at 1.5 degrees Celsius, harms such as droughts, floods and sea-level rises are likely to be extreme, entailing particular risk for vulnerable communities (IPCC special report on the impacts of global warming of 1.5 degrees Celsius, 2018 ('The 1.5 degrees Celsius Report')). Indeed, we are already seeing these extreme impacts, with human activity, overwhelmingly in the Global North, having already caused an estimated 1.07 degrees Celsius rise since the mid nineteenth century (IPCC, AR6 Report). Recent examples include the flash floods in July this year in London followed by the catastrophic wildfires in California in August.

As to energy systems, these will require rapid and far-reaching transitions if we are to limit global heating to 1.5 degrees Celsius with no or limited overshoot (IPCC, AR6 Report, Summary for Policymakers paragraph C.2). These transitions will need to be 'unprecedented' in terms of scale, and imply 'deep emissions reductions', a wide portfolio of mitigation options and a significant upscaling of investments (ibid.). As the International Energy Agency has noted, to have a 'fighting chance' of limiting the rise to 1.5 degrees Celsius 'requires nothing short of a total transformation of the energy systems that underpin our economies' ('Net Zero by 2050 A Roadmap for the Global Energy Sector', 2021, which also concluded that, within the IEA's net zero pathway, there is 'no need for investment in new fossil fuel supply').

Meeting these climate goals is made much harder by the 'production gap', caused by the world producing far more fossil fuels than is consistent with limiting warming to 1.5 or even 2 degrees Celsius (UN Environment Programme, Production Gap Report 2019, which confirms that governments are still planning to produce more than twice the amount of fossil fuels by 2030 than would be consistent with limiting warming to 1.5 degrees Celsius). This includes oil and gas, which are on track to exceed carbon budgets as countries continue to invest in fossil fuel infrastructure that "locks in" the use of such fossil fuels. The effects of this lock-in widen the production gap over time (Production Gap Report 2019). If the world is to get on track with an equitable, low-carbon recovery that is consistent with the Paris Agreement goals then a 'significant course correction' is needed, including 'profound changes in technology deployment, policy adoption, and financing' (emphasis added) (UNEP Production Gap 2021, p.33).

In addition to the production gap is the 'emissions gap' (the difference between where GHG emissions are predicted to be in 2030, based on current pledges and measures, and where they need to be to avert the worst impacts of climate change). UNEP's Emissions Gap Report 2021 shows that current mitigation measures put the world on track for a global temperature rise of 2.7 degrees Celsius by the end of the century. That is well above the Paris temperature goals and would lead to catastrophic changes in the Earth's climate.

To keep global heating below 1.5 degrees Celsius this century, the world needs to halve annual emissions in the next eight years.

In this context two things are clear: first, business as usual has failed; and second, strong policy is needed to regulate major energy infrastructure.

The Energy NPS is the correct context and mechanism for implementing a strong policy position of rapidly and decisively shifting energy systems away from fossil fuels and towards sustainable, low-carbon alternatives.

The failure of the current suite of Energy NPSs to do this is demonstrated by the recent approval for a new gas-fired power plant in Selby, North Yorkshire, under the Drax Power (Generating Stations) Order 2019. This was despite the government's own forecasts at the time, which showed that the UK did not need a major roll-out of new large-scale gas generation capacity. The government estimated the UK would need 6GW of new gas generation through to 2035. However, the UK had already greenlit more than 15GW worth of large-scale gas plants. The result of approving the new power plant would have been to take this to 18GW – three times the government's estimates.

Despite this contemporaneous evidence of (lack of) need, the Secretary of State (SoS) instead relied on the Energy NPSs, designated back in 2011, to argue there was an existing policy presumption in favour of new major energy projects which meant the SoS did not have to assess need again in quantitative terms. The result was the grant of consent for a new large-scale gas-fired power plant.

If the UK is serious about its climate ambitions, it must have robust policy in place to consign such perverse and damaging decision-making to history.

The government must now take action and adopt Energy NPSs which do not support new fossil fuel projects and associated infrastructure coming on stream, which would lock us in to the planet-destroying forms of energy production which have led us to our current predicament for even more decades to come.

The new suite of Energy NPSs must:

1. Make reference to the UK's context within this global challenge, linking clearly into the necessary decisions and boundaries we will keep to in terms of GHG emissions to stay within the safe limits recommended for balance to be maintained.
2. Reflect the current dynamics following COP26 to showcase resilience and set out a framework for how the energy sector will be ready to withstand the impacts of climate change.
3. Give the greatest weight to the need to transition away from fossil fuels, by ending all support for new fossil fuel developments, including unabated gas, and prioritising sustainable and low carbon alternatives in recognition of the urgent and pressing need for such development. Greater weight must also be given to the existing pipeline of developments that will already contribute to our transition to net zero and this must be evidenced and demonstrated as part of the government's projections to aid transparency.
4. Whatever the nature of the proposal, confirm that estimated CO2 emissions, including a proposal's end-use (or 'scope 3') emissions, can be a reason to refuse development consent when assessed against current emissions projections, in accordance with the precautionary principle and taking account of the UK's domestic and international climate policies, obligations and targets.
5. Encourage avoidance and mitigation of GHG emissions by not allowing developers to rely on carbon offsetting as a 'solution' to polluting schemes.

The comprehensive targets on the reduction of GHG emissions the government has pledged to meet are not limited to the energy sector. They require a holistic approach across all sectors. It is therefore fundamental that the government reviews each NPS in line with the commitments set out in this response. In particularly we urge the government to review the Airports NPS immediately.

For all NPSs, the government must:

1. Introduce a legally binding commitment to review the NPSs every five years, rather than on the basis of the SoSs own discretion (as they see appropriate). Without this duty on the SoS necessary updates are not being undertaken when an NPS becomes out-of-date, leaving the decision-making process vulnerable to

damaging development (as was demonstrated by the Drax Power case above). The review process should also align with the carbon budget reviews and be informed by the agreed Glasgow Breakthroughs to ensure that there is alignment across all sectors not only in the UK, but internationally and that projections are being closely followed.

2. Ensure flexibility to reflect updates and reviews of relevant legislation and guidance. For example, the current NPSs have not been updated to reflect the government's positions on the 2016 Paris Agreement (including the successive Nationally Determined Contributions (NDCs), the 2019 legislative target amendment for net zero by 2050 or the PM's Ten Point Plan for a Green Industrial Revolution or recent Net Zero Strategy.

Q1b. Does the draft Overarching Energy NPS (EN-1) provide suitable information to those engaged in the process for development consent (e.g. Secretary of State, the Planning Inspectorate, applicants) for nationally significant energy infrastructure on the need and urgency for certain types of infrastructure (Part 3)?

No. See above.

As currently drafted, the Energy NPSs prioritises the security of the energy supply over all other impacts of fossil fuel development. This is not acceptable given our climate change goals and particularly following COP26 discussions. It is also a necessity to re-prioritise low-carbon and net zero developments strategically in accordance with national climate duties and commitments and decarbonising the network. As set out above, we urge the government to revise the Energy NPS to ban all new fossil fuel development.

As set out in the recent report by the Climate Change Committee (CCC) (Independent Assessment: The UK's Net Zero Strategy) "meeting the targets will require almost all investments and new purchases to be low-carbon by the early 2030s **at the latest**." The Energy NPSs must reflect this position, otherwise the statements will be immediately out of date with current government commitments and will lock us into further delaying our actions on combatting climate change. We note that the government does not define what is considered 'low-carbon' within the suite of Energy NPSs. For clarity Friends of the Earth consider 'low-carbon' energy to mean renewable-based provision as carbon capture does not take into account fugitive emissions from extraction and incomplete capture of carbon.

The planning system cannot, and should not, promote exemptions from this target and step change towards net zero. It must embrace new technologies and new ways of producing energy in alignment with environmental limits. In order to keep below a 1.5 degrees Celsius increase in the Earth's temperature we need to heavily curtail our current use and reliance on fossil fuels and halt all new fossil fuel development, keeping at least 80% of our coal, oil and gas deposits in the ground. By 2030, the CCC has stated that three times the current amount of variable renewable energy is needed to provide 60% of electricity. This equates to approximately 7GW of additional renewable energy capacity each year (depending on the types of renewables used). The UK has vast renewable energy resources – it is unclear why we are not seeking to speed up its delivery and to significantly reduce our carbon emissions as a county. We consider that

the Energy NPSs fall short in emphasising the urgent need for renewables and suggest that the UK should be building more and at a faster rate, with a build out of up to 14GW of additional renewable energy every year. The NPSs should require greater emphasis on delivering this target. We provide justification under questions 8-14.

The alternative approach in the Energy NPSs also fails to consider any options which are completely absent of new fossil fuel developments (EN-1 page 12). The CCC states that "climate risks affect all aspects of society, while any new source of emissions could put the Net Zero path at risk…therefore [climate change] must be integrated throughout policy and planning decisions, and must be a key consideration in the Government's proposed planning reforms". To completely ignore this option means the government have not considered a "best case" scenario for the climate. Having a combination approach to the types of fossil fuel developments used and mixed together also avoids the pressing issue of locking in time limits on these types of developments coming forward in the future. A blanket approach does not sever the root cause, and will continue to delay action and reductions in GHG emissions. Given the CCC's recommendation of all new investments being low carbon by the early 2030s, this is a critical oversight with significant, arguably irreversible, long-term impacts on the delivery of renewable and low carbon alternatives and to our GHG emission reduction targets.

The draft Energy NPSs also fail to clearly demonstrate the urgency of not only the need for a transition to net zero, but for this to be implemented fairly. The government must set out a just transition for energy so that no one is unfairly burdened or left behind. All NSIPs should be determined on the basis of whether they are within the limits of climate change goals and will benefit the many, not just the few.

The need and urgency sections of the Energy NPS must be revised to:

1. Reflect the need for decarbonising the energy sector to be fair and just.
2. End support for and provision of any new fossil fuel developments coming forward, in the interest of achieving net zero and boosting delivery of renewable energy uptake.

Q1c. Does the draft Overarching Energy NPS (EN-1) provide suitable information to those engaged in the process for development consent (e.g. Secretary of State, the Planning Inspectorate, applicants) for nationally significant energy infrastructure to inform decision making?

No.

To keep the 1.5 degrees Celsius 'alive', and if the UK government is serious about contributing its fair share to address the climate crisis, the Energy NPSs must urgently stop support for both the supply and delivery of fossil fuel extraction projects, to cut emissions at source. The end to fossil fuels and the support for its extraction must be made at a local and national level.

Greater clarity must be provided to those who engage in the process for development consent on how decisions will be reached in a holistic way to fully consider locally led

climate emergencies and policies. At present, how the NPSs are drafted result in unclear guidance on how locally declared climate emergencies will be weighed into the balance.

In the same vein, whilst it is understood why the energy infrastructure cannot be wholly decentralised, there is no recognition of the opportunity presented to empower local authorities to encourage and support local level energy systems or infrastructure of national significance, or otherwise, that has received local support from the communities directly impacted by the energy proposals in collaboration with energy providers. The NPS and NPPF (2021) do not provide sufficient guidance or clarity for how these decisions could be reached. It is not top-down infrastructure alone that contributes to UK targets on reducing carbon emissions or increasing energy security.

The creation of planning policy and the determination of planning decisions are based on balancing a number of considerations (social, environmental and economic) to achieve sustainable development and create places to be enjoyed into the future.

One of the fundamental aspects of Town and Country Planning Act planning decision making is the weight to be given to emerging planning policies (set out in the NPPF). The consultation states that the existing suite of NPSs will continue to be used to determine NSIP applications until the revised/updated NPSs are designated (assumed that the energy NPSs will be designated in early 2022 although no timetable has been formally provided). Clarity is required on what is accepted as "potentially capable of being important and relevant considerations in the decision-making process" in terms of the provision in paragraph 1.6.3 of the Energy NPS, for those engaged in the decision-making process, to ensure that the draft NPSs hold some weight in terms of climate change targets.

Without such clarity, and in addition to the reasons set out in this representation, the government will continue to approve developments which are either outright contrary to climate and environmental commitments because of 'need' or 'economic drivers' and/or to slow down the process for achieving truly climate responsible development of large infrastructure.

We are also concerned about the risks of utilising offsetting options as a way to compensate for harm to the environment or an increase in greenhouse gas emissions (known widely as 'carbon offsetting' and 'nature-based solutions'). It is another example of government firefighting the symptoms, not the cause. This is set out further in our response to question 1d.

Within section 4.9, whilst Friends of the Earth welcomes the consideration of the lifetime of the development this must include what the use will be, how the site will be affected, what materials may need to be removed or brought to the site (and where they will go or come from), the design and build quality (including embodied carbon), the construction and then subsequently the operational, work processes and their carbon footprint, the decommission phase and any restoration. We support continued use of EIA and Environmental Assessments however for the true and full impact of proposed DCOs to be understood and correctly balanced in any future planning decisions, these regulations must be updated and strengthened to increase the weight and significance of climate change impacts, particularly in respect of long-term investments such as national infrastructure projects. Without such amendments we are without a framework

that monitors and determines future development with the right level of scrutiny and climate change awareness for the emergency we are facing. For more detail on the importance of expanding EIA to expressly include assessment of Scope 3 emissions see our response to question 1c below.

Due to the severity of the emergency we are facing, we consider amendments to the NPS are needed to better align with the Climate Change Act, Planning Acts and EIA regulations – specifically on GHG emissions and how projects contribute to the climate crisis; in order for each project to be properly balanced against any overriding need for that type of energy source. This means strengthening the policy guidance and the introduction of a legal provision for planning on climate change. This would function as the net zero test on planning. Provisions that define and require adaptation resilience standards to be met in planning decisions must also be put on a legal footing. Not only would this ensure that each development's true impacts were transparent and understood, but this would assist with the consideration and exploration of alternatives to the development and its design.

The NPS is also lacking in guidance on how developments will be required to demonstrate that they have a high level of climate resilience and can adapt over their predicted lifetimes to remain resilient (paragraph 4.9.8)? The government must provide sufficient guidance, evidence and rationale for developers to adhere to or developments will be determined based on subjective viewpoints rather than science and fact. Without clear guidance these commitments are purely tokenistic and only pay lip-service to the issues rather than seeking to resolve or achieve true resilience.

The Energy NPS must be revised in the following ways to inform decision-making:

1. Clearly end all support for new fossil fuel developments.
2. Explain how locally led decision making on planning will contribute to the transition to net zero.
3. Provide clarity on the weight to be given to locally led climate emergencies and action plans.
4. Introduce a requirement to give weight to emerging planning policy or GHG evidence when an NPS is out-of-date.
5. Include a requirement to consider Scope 3 emissions when determining the application against emission projections.
6. Include a requirement for developers to demonstrate how the proposal will have a 'high level of climate resilience' and be able to adapt 'over their predicted lifetimes to remain resilient'.

Q1d. Does the draft Overarching Energy NPS (EN-1) provide suitable information to those engaged in the process for development consent (e.g. Secretary of State, the Planning Inspectorate, applicants) for nationally significant energy infrastructure to inform examinations?

No.

Friends of the Earth are concerned with open opportunities for carbon and nature offsetting which both worsen our climate and nature emergencies, cannot be made to

work at scale and are a mere distraction from the root cause of these serious issues (see our report A Dangerous Distractions, October 2021).

Offsetting perpetuates business as usual and allows harmful development that should otherwise be refused. It was, for example, put forward by the developer in the Cumbria coal mine inquiry (albeit not an NSIP) as the justification for the construction of a project that would produce millions of tonnes of coal and be the first new deep coal mine in the UK for 30 years. This was later condemned by Gold Standard, the very offsetting scheme they had sought to rely on, in a letter to Friends of the Earth presented at the Inquiry. Further examples (not necessarily energy related cases) include HS2 (see report by the Wildlife Trusts Inside Ecology, 2020 HS2) and with Heathrow Airport's peat bog restoration plans. Friends of the Earth firmly maintain that developers should not be allowed to shirk their responsibility towards achieving Net Zero by falsely using offsets to justify a source of emissions that is incompatible with global climate change objectives.

Offsets should only be used as a last resort for genuinely residual emissions where avoidance and reduction methods have first been applied, in accordance with the mitigation hierarchy. In any case, for carbon-offsetting markets to work reliably, every project would need to be additional, be permanent, not lead to emissions shifting elsewhere, be agreed by local people, and not deter innovation. Projects that meet these conditions are likely to be incredibly rare. It is why the UK's CCC has previously advised against the use of international carbon offsetting, including stating in their Sixth Carbon Budget that "*all UK emissions must be tackled, without reliance on offsets from elsewhere".*

Indeed, allowing any dependence by developers on nature-based solutions is fundamentally misaligned with the Net Zero objective. The vulnerability of these offsets to habitat destruction and changing climate mean there is an inherent risk that these schemes are temporary and therefore incapable of ensuring the permanence required to allow any reliability. This became particularly apparent in recent months, where forest fires in North America destroyed land relied on for offsets by companies including BP and Microsoft. This meant the carbon emissions these projects were supposed to offset simply remained in the atmosphere, and were joined by yet further emissions caused by the wildfires. In the face of the impending climate crisis, with such wildfires only set to increase and the changing climate growing more unpredictable, any reliance on such high-risk 'solutions' must be completely avoided.

In parallel to this, there is a real danger that the enthusiasm for cheap offsets will hold back innovation by providing an ineffective alternative to avoidance and mitigation, reducing pressure on industries to invest in and deploy new technologies. To this end, the International Energy Agency has expressed scepticism on offsetting, stating that "*there is likely to be a limited supply of emissions credits consistent with net zero emissions globally and the use of such credits could divert investment from options that enable direct emissions reductions".*

Friends of the Earth are therefore deeply concerned with the proposal in paragraph 5.3.6 of EN-1 to give projects that embed nature-based offsets 'positive weight'.

We suggest that amendments to the Energy NPS take this unreliability into account when guiding decision makers, and instead ensure greater weight is given to methods that avoid or reduce GHG emissions in the first instance.

Q2. Do you agree with the amendments made to EN-1 Part 4 on assessment principles, including new guidance on the marine environment, and biodiversity and net gain?

No.

In respect of biodiversity net gain, the Energy NPS EN-1 states that "there is also potential for minor positive effects in the medium to long term" to negate its preceding sentence of the potential "for significant negative effects on biodiversity as a result of the energy NPS implementation in the short, medium and long term".

This is, in short, not ambitious enough. "Minor positive effects" as a way of compensating "significant negative effects" on biodiversity as a result of the energy NPS should not be an acceptable threshold, goal or a target to reach. If harm from a development is so significant the development should not be approved, or alternative solutions should be sought as a first response. Settling for minor compensation should be avoided at all costs and we consider this to be a significantly inappropriate response.

Technological solutions must be explored which seek to protect, enhance and appropriately mitigate harm to biodiversity without the use of unreliable and risky offsetting. Developers must be required to demonstrate by first exploring and justifying all reasonable alternatives before submitting proposals and examiners must be satisfied that all reasonable alternatives are not more beneficial to the environment before permitting harmful developments. We would welcome further guidance on the meaning of 'nature inclusive design' (referenced paragraph 4.6.3) to demonstrate the implementation of biodiversity net gain (BNG) and Environmental Net Gain (ENG) for NSIP schemes, including what developers need to submit, demonstrate and consider when developing a proposal. We comment further on embedded carbon in question 1c.

We note Section 99 of the Environment Act 2021 brings in Schedule 15, which in turn amends sections 37, 103-105, 120 and 232 of the Planning Act 2008 and inserts a new schedule 2A into this requiring certain NSIPs to meet the objective of increasing biodiversity by at least 10% of the pre-development value of the site, calculated by reference to the biodiversity metric. We consider that all NSIPs have the potential to have harmful impacts on biodiversity and must consider mitigation and enhancement measures across all sectors and types of NSIP. Any biodiversity net gain considerations must not overshadow or replace the use and implementation of the biodiversity mitigation hierarchy as a first policy requirement. Once this has been explored, onsite biodiversity net gain should be explored as a priority as with Town and Country Planning Act planning applications.

In addition, the government must consider further how LNRSs fit within the considerations of BNG and ENG for NSIPs. It is very unclear how they will influence the location of developments and what weight will be given to their protection from harm. Furthermore, will LNRSs be used as a basis for offsetting, particularly carbon storage or

biodiversity enhancements. If this is the intention, consideration must be given to local communities and their views on the acceptability of any offsetting measures. Guidance should make clear that decisions must not result in communities being excluded from using local nature areas (including woodlands) that are chosen to protect carbon stores or biodiversity.

Additionally, the guidance would be clearer with an explanation as to what is required to be submitted (and any assessments) so that there can be more control over the detail and structure of a development and whether restoration of the site is included in the matrix. We believe restoration should not be included as this creates a loss over a long-term period of time that could be irreversible in terms of particular species abundance. Full alignment with the Environment Bill and the publications of a biodiversity gain statement is welcomed for enforcement purposes.

Q3. Do you agree with the amendments made to EN-1 Part 5 on the generic impacts of new energy infrastructure?

No.

We are not supportive of the recommendation for nature-based solutions as a way of compensating harm to biodiversity unless a truly suitable solution can be achieved. This would require 'like for like' carbon offsetting and nature creation (including the principle of only approving closely related to the source mitigation which also has the most direct potential to benefit and enhance local landscape and biodiversity), the offsetting being limited to genuine residual impacts/emissions and where solutions are approved by communities so they can continue to enjoy their local area and green open spaces. As with the BNG framework for Town and Country Planning Act 1990 decisions, market-based offsetting which is remote to the site should not be support, given weight or encouraged.

Paragraph 5.4.19 states that a DCO applicant should consider producing and implementing a Biodiversity Management Strategy. This must be a requirement, not a consideration. Requirements about environmental provisions must be set out clearly as mandatory submission documents. These documents are necessary for demonstrating and achieving protection and enhancement measures but also in monitoring and enforcing developments into the long-term and over their lifetime. Additionally, information and details on decommissioning the site should be included in this submission documentation to fully enforce how a site will be restored after the operational processes come to an end.

In relation to carbon offsetting, while investing in genuine action for nature is important, the carbon that is drawn down by these nature-based solutions could easily be released within decades, because of climate breakdown and its effects on nature (for example forest fires in North America, sea level impacts on mangroves and peat fires across the Arctic). Yet the carbon emissions these projects are meant to offset will remain in the atmosphere for many centuries.

Carbon stored by nature as organic matter – in trees, soil, etc – is always in flux as part of the nature carbon cycle. Only carbon sequestered geologically, in rocks or aquifers for

example (e.g. fossil fuels when still in the ground), can be said to be "permanently" locked up, at least compared with the lifetime of carbon pollution in the atmosphere. Researchers at Lancaster University have tried to calculate the real-world impact of offsetting. They estimated how the presence of offsets, potential future availability of offsets and other means of drawing carbon out of the atmosphere create a "mitigation deterrence", which can deter or delay action to reduce emissions (Quantifying the Potential Scale of Mitigation Deterrence from Greenhouse Gas Removal techniques, AMDEG working paper 2, McLaren 2020). In the worst-case scenario, the promise of offsetting schemes and other carbon-removal approaches could lead to an additional 1.4 degrees Celsius of global heating, which would be catastrophic.

Ultimately, we will need to achieve net negative emissions to draw down the already excessive amounts of carbon in the atmosphere.

Q4. Do you have any other comments on the amendments to EN-1?

No comments.

Draft EN-2 Natural Gas Generating Infrastructure

Q5. Do you agree that the amendments to EN-2 (in combination with EN-1) provide clear planning policy to support the government's position on the use of fossil fuels in electricity generation and the phase out of coal and large-scale oil?

No. Friends of the Earth does not support the use of coal and large-scale oil to generate electricity.

The production of oil, fossil methane gas (typically called 'natural gas') and coal in the UK needs to rapidly decline to limit global temperature heating to 1.5 degrees Celsius. Instead, the UK should commit immediately to stop new fossil fuel extraction projects, phase out production from existing projects, and join other countries in the Beyond Oil and Gas Alliance (BOGA). This aligns with the International Energy Agency (IEA) Net Zero report which stated that no new oil, fossil methane gas and coal fields are required if global net-zero emissions are to be achieved by 2050 and must be reflected across the suite of Energy NPSs.

The government is keen to showcase the UK as a climate leader. Therefore, as a country that has benefitted enormously from fossil fuels in the past, we must make an important immediate step to halt the ability to approve any new fossil fuel projects and to set a clear transition pathway that sets a timescale for the complete phase out of all existing fossil fuel use and production and limits the impacts on workers (ensuring their skills can be transferred to new, clean energy jobs and other sectors).

Research, such as the article referenced by UCL (Unextractable Fossil Fuels in a 1.5 degree world, September 2021), have demonstrated that projects that already have permission and have been developed will continue to produce enough energy to meet declining demand. This underscores the importance of resisting new energy

infrastructure projects, such as gas power stations, that will lock in the use of fossil fuels and widen the production gap (see above).

Q6. Do you agree with the way the amended EN-2 deals with the emerging potential for the use of low carbon hydrogen in electricity generation?

Hydrogen has long been hailed as a low-carbon energy solution as we move away from fossil fuel reliance for heating, transportation, and industries. Whilst our general view is for hydrogen use to be limited in some sectors, and for some hydrogen produced electricity to be available as a back-up reserve for winter periods when demand is high and renewable production decreases, we agree that there is a role for low carbon hydrogen for industry, particular where there are no other practical low-carbon alternatives, to meet needs (as identified by the CCC). However, this hydrogen production must be green (renewable) hydrogen and not blue (made from fossil fuels). We do not agree with the government's 'twin track' approach as set out in the Energy NPS or the Hydrogen Strategy 2021.

Q7. Do you have any other comments on the amendments to EN-2?

No comments.

Draft EN-3 Renewable Energy Infrastructure

Q8. Do you agree that the amendments to EN-3 (in combination with EN-1) provide clear planning policy to support the government's position on renewable energy infrastructure?

No. We have mixed concerns about the government's position on renewable energy infrastructure and address these below.

In short, and in addition to our response under Q1, we must urgently deliver renewable energy infrastructure and the best mechanism to do this quickly would be via a clear policy framework prioritising the uptake and delivery of renewable energy within the Energy NPSs.

Q9. Do you agree with the amendments made to EN-3 guidance on offshore wind?

Friends of the Earth supports sensitively planned wind power developments and considers an increase in the speed of their deployment to be pivotal in meeting our net zero future. Wind developments both on- and offshore have an important part to play in delivering this target and in achieving key objectives of sustainable management of our natural resources and long-term energy security. It is also widely understood that wind infrastructure provides additional energy security over more challenging months, such as winter, when demand rises and production from certain types of renewables (such as solar) decreases. Therefore, Friends of the Earth wish for the NPS to be reviewed to provide a stronger commitment for co-ordination of offshore/onshore wind and for this

to be implemented as soon as possible. Early engagement on offshore planning must be encouraged (paragraph 2.22.20) to ensure that an integrated approach of optimising the best use of land is achieved.

Q10. Do you agree with the new guidance added to EN-3 on pumped hydro storage?

No comments.

Q11. Do you agree with the new guidance added to EN-3 on solar PV?

No.

Solar plays an important role in reaching our net zero future and as we transition our energy systems. Whilst ideally solar provision should be prioritised on buildings (see the Government's commitment to focus solar growth on roof spaces (domestic and commercial) and previously used land (Solar PV Roadmap, 2013 and Solar Strategy, 2014), to protect and mitigate unnecessary pressure and impacts on rural greenfield land, we understand that this is not always viable. However, we consider the paragraph 2.48.13 can be strengthened to state that where solar must be ground mounted that this 'will be prioritised on previously developed land, brownfield land, contaminated land, industrial land, or agricultural land of classification 3b, 4 and 5 (to avoid the "best and most versatile" cropland).

This amendment removes reference to "where possible" and the final sentence of the paragraph (which conflicts somewhat with the final sentence of paragraph 2.48.15), to tighten the standards expected for this type of renewable energy project and avoid the damaging deployment of solar energy projects. All solar developments should also be designed to enhance nature as well and produce energy.

Q12. Do you agree with the new guidance added to EN-3 on tidal stream energy?

No comments.

Q13. What further changes do you think might be necessary to EN-3 and the nationally significant infrastructure projects (NSIP) regime more broadly in the longer term to deliver our de-carbonisation and other objectives including to deliver the scale of deployment needed for Carbon Budget 6 and Net Zero?

See comments under EN-1.

Q14. Do you have any other comments on the amendments to EN-3?

No comments.

Draft EN-4 Gas Supply Infrastructure and Gas and Oil Pipelines

Q15. Do you agree that the amendments to EN-4 (in combination with EN-1) provide clear planning policy to support the government's position on gas supply infrastructure and gas and oil pipelines?

No.

As set out under Q1a, fossil fuel reliant infrastructure continues to dominate the global energy system and a sharp decline in the use of fossil fuels must be realised to keep global temperature increase below 1.5 degrees Celsius. New fossil fuel projects in the UK are incompatible with limiting global heating to 1.5 degrees Celsius.

The Energy NPS must therefore reflect an end to all support for new fossil fuel developments, including unabated gas, and a clear priority for sustainable and low carbon alternatives, particularly in the form of renewable energy, in recognition of the urgent and pressing need for such developments.

Q16. Do you agree with the way the amended EN-4 deals with the emerging need for low carbon hydrogen?

See comments under EN-1.

Q17. Do you have any other comments on the amendments to EN-4?

No comments.

Draft EN-5 Electricity Networks Infrastructure

Q18. Do you agree that the amendments to EN-5 (in combination with EN-1) provide clear planning policy to support the government's position on electricity networks infrastructure?

No comments.

Q19. Do you agree with the new guidance added to EN-5 dealing with land rights and interests?

No comments.

Q20. Do you agree with the new guidance added to EN-5 incentivising more coordination in the design and delivery of electricity transmission infrastructure associated with offshore wind?

No comments.

Q21. Do you agree with the amendments made to EN-5 to reflect priorities to minimise the landscape and visual impacts of new electricity network infrastructure including recognition of the 'Horlock Rules' and undergrounding in National Parks and Areas of Outstanding Natural Beauty?

No comments.

Q22. Do you have any other comments on the amendments to EN-5?

No comments.

Assessment of Sustainability EN-1 to 5

Q23a. Do you have any comments on the AoS findings for the draft Overarching NPS for Energy (EN-1)?

The Energy NPS focuses on a 'need to reduce' GHG emissions in order to 'help' combat climate change. The focus and language of the NPS is not convincing in setting a framework to prevent any further contribution to climate breakdown or to exceeding the necessary 1.5 degrees Celsius limit for global warming.

Q23b. Do you have any comments on the AoS findings for the draft NPS for Natural Gas Generating Infrastructure (EN-2)?

No comments.

Q23c. Do you have any comments on the AoS findings for the draft NPS for Renewable Energy Infrastructure (EN-3)?

No comments.

Q23d. Do you have any comments on the AoS findings for the draft NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

No comments.

Q23e. Do you have any comments on the AoS findings for the draft NPS for Electricity Networks Infrastructure (EN-5)?

No comments.

Habitat Regulations Assessment EN-1 to 5

Q24a. Do you have any comments on the HRA findings for the draft Overarching NPS for Energy (EN-1)?

No comments.

Q24b. Do you have any comments on the HRA findings for the draft Overarching NPS NPS for Natural Gas Generating Infrastructure (EN-2)?

No comments.

Q24c. Do you have any comments on the HRA findings for the draft Overarching NPS for Renewable Energy Infrastructure (EN-3)?

No comments.

Q24d. Do you have any comments on the HRA findings for the draft Overarching NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

No comments.

Q24e. Do you have any comments on the HRA findings for the draft Overarching NPS for Electricity Networks Infrastructure (EN-5)?

No comments.

Other Comments

Q25. To maintain consistency and ensure an efficient transition to the updated NPS, the drafts adopt the same structure as the existing suite of NPS. Do you agree with this approach?

No.

Whilst a review of the Energy related NPSs is welcomed and long overdue, it is paramount that the new flexibilities introduced to ensure that the NPSs can remain current into the future does not prevent, or delay further, the UKs ability to meet or exceed its climate change commitments. The government must act now to halt all new fossil fuel development and instead, prioritise a sustainable, low carbon energy sector led by renewable technologies. This position must be clearly set out in the Energy NPS.

There remains an imbalance in the draft Energy NPS between the use and prioritisation of fossil fuel compared to renewable energy developments. We cannot continue to support new fossil fuel development in light of the current climate emergency which we are continuing to fuel.

Clarifying the government's position on the urgent need and priority for renewable energy and to end all support for new fossil fuel developments will assist with the consideration of proposals and focus the decision-making process on the GHG emission impacts and the delivery and achievement of our net zero commitments. In addition, this will aide timely decision-making for the sector by removing the possibility of ambiguity surrounding energy needs and priorities and subsequently reducing opportunities for Judicial Review; resulting in speeding up delivery of infrastructure post-decision.

Q26. The NPS direct the reader to relevant additional policy and regulations that should be reflected in the submission and consideration of applications for development consent. Such guidance could be periodically updated or changed. Is there a way we can improve how the NPS signpost existing and future guidance?

Yes.

It is necessary, and indeed good practice, for the government to ensure signposting to relevant policy, guidance and updates is provided and that this information is easy to find, access and understand.

There are a number of options that the government could take to keep documents up-to-date. One option would be to have a dedicated page of relevant links which is updated regularly. Another would be to use a tracked change style NPS which is regularly updated (similar approaches have been used for the recent NPPF consultations for example), or alternatively a more refined method would be to use a similar webpage style as the legislation.gov.uk website which show changes over time but also allows the reader to download a comprehensive copy. However, the use of update documents, similar to those used to update legislation like permitted development rights, should be avoided at all costs as this is not easily digestible by those not involved in construction, planning or law sectors.

It is important that government consider the users journey through the process, why they have gone to the guidance in the first place and how the information is being used.

Q27. Do you have any comments on any aspect of the draft energy NPSs or their associated documents not covered by the previous questions?

No comments.

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