

Our ref p&t/HP
Your ref
Date 15 January 2010

The Clerk
Energy and Climate Change Committee
7 Millbank
London
SW1P 3JA



By e-mail: ecc@parliament.uk

Dear Sir or Madam

Inquiry into proposals for energy national policy statements

I refer to the Committee's invitation dated 11 November and write on behalf of the allied organisations below. Though some may already have had contact with you on their own part and each expects to respond to the Department of Energy & Climate Change's consultation in due course, we wanted to take the opportunity of your Inquiry to register some common concerns about the draft National Policy Statements (NPSs) for energy (but which may arise in connection with the other NPSs to come).

Like, we suspect, most other interested parties we are struggling with the sheer volume of material (including the Ports NPS) published together (which was far from ideal) and the concerns we express here are restricted to matters of some principles we believe they should reflect. It may be worth emphasising at the beginning that we are not ideologically opposed to the planning regime of which NPSs are a part, nevertheless because of (without exaggeration) the enormous influence which NPSs will have in that regime it is important that they are comprehensive, take account of everything they should do, and direct the Infrastructure Planning Commission (IPC) wisely.

That said, in no particular order, our concerns are:


1. Different infrastructure projects may be, to an extent, interdependent, e.g. where a power generation station will be dependent on developments in the supply grid, but it is important that consent for one does not make consent for another a *fait accompli* and the NPSs need to provide for applications to be considered in any necessary wider context;
2. Related to that, serial proposals for related projects e.g. for a generating station followed by a road or rail link (or, perhaps, a series of applications in respect of a single, large project e.g. for building A followed by building B) raise concerns about cumulative impacts and again, NPSs need to provide for each to be considered in their full context;

3. The active participation of Local Planning Authorities (LPAs) is an important part of the decision-making process in particular in the production of Local Impact Reports. Such Reports are likely to require considerable effort on the part of planners, supported by their environmental health colleagues and while both local authority manpower generally is under increasing pressure and the government has said it will not provide additional funding for LPAs for this purpose, the IPC needs guidance on how to proceed where a LPA is unable to take part appropriately. The consequence of such a failure is not just a technical matter, of course, but would concern our national obligation to facilitate adequate public participation in the process too.
4. While health will be a material consideration in applications, Health Impact Assessments should be expressly required in appropriate cases alongside Environmental Impact Assessments, using the WHO's wide definition of "health". We would also like to suggest that the IPC should contain Commissioners with suitable expertise in environment and health;
5. The NPSs should generally be more directory in their language, i.e. the purpose of policy being more than mere guidance, there should be more "must"s than "should"s in their texts, directing the IPC more in what (if not how) to consider rather than, apparently, leaving so much to its discretion or to what might be suggested to it by participants in a particular application. That is necessary in our view both to ensure thoroughness and so that its decisions reflect a truly strategic view; it would help too if the various NPSs took a more similar form (the draft for Ports differing from those for energy).
6. In particular in the absence of a national spatial plan which integrates plans for jobs, housing and tackling climate change with those for energy, transport and water, NPSs need to reflect spatial planning principles and to take more overt account of other planning guidance if the nation is to be certain that it will get the right infrastructure in the right place and address national needs in locally sensitive ways;
7. There needs to be some mapping of existing pollution controls to identify potential "residual pollution", i.e. not covered by predictive pollution control regimes and which therefore needs to be controlled through planning conditions;
8. Clearer guidance needs to be given on the legitimate limits to "associated developments";
9. The scope of Environmental Impact Assessments should not be limited by NPSs but should be a matter for the applicant in agreement with LPAs and the IPC while their influence should be left to the IPC; it would help if the guidance on general impacts, currently part of the NPSs, were removed and issued as associated guidance;
10. The Appraisal of Sustainability process is considered to carry risk related to compliance with the SEA Directive (2001/42/EC); of particular concern is the approach taken to the consideration of "reasonable alternatives", with the Assessment of

Sustainability Reports focussing on alternative approaches to the format of the NPS documents rather than appraising substantive issues related to energy policy.

We hope these comments will assist the Inquiry.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Howard Price', with a horizontal line underneath.

pp David Purchon
Trustee

and on behalf of

The Royal Town Planning Institute
The Planning Officers' Society
Environmental Protection UK
The Institute of Environmental Management and Assessment
The Environmental Law Foundation

Please address any response c/o Howard Price, Principal Policy Officer CIEH, at the address above or to h.price@cieh.org