

Wildlife and Countryside Link  
Land Use Planning Group  
29 November 2021

### **Response to the draft energy National Policy Statements consultation – deadline 29 Nov**

*Text will be submitted under Q1 to EN-1 via online survey as well as sent via email to energyNPS@beis.gov.uk.*

Thank you for the opportunity to comment on the draft energy National Policy Statements.

Wildlife and Countryside Link is a coalition of 62 environmental organisations across England, using their strong joint voice for the protection of nature and landscapes. This consultation response is supported by the following Link members: Badger Trust, Buglife, CPRE The countryside charity, Friends of the Earth, League Against Cruel Sports, Open Spaces Society, RSPB, The Wildlife Trusts, Woodland Trust.

This is both a climate and nature emergency. The energy National Policy Statements (NPSs) need to give greater weight to the need to transition away from fossil fuels, including unabated gas. Nationally Significant Infrastructure Projects (NSIPs) that are decided under the framework of NPSs need to protect, enhance and restore biodiversity and landscapes, as well as contribute to zero carbon objectives.

Link has identified several overarching concerns with the draft energy NPS and associated Assessment of Sustainability and Habitat Regulations Assessment, including:

- *Lack of strategic, spatial vision and lack of coherence in draft energy NPSs.* The lack of an overarching spatial plan makes it impossible to properly assess the environmental impacts of NSIPs. This is particularly the case in the marine environment, where there is no effective strategic spatial planning. Robust Strategic Environmental Assessment is needed at a scale greater than the project level, which must assess cumulative and transboundary effects. On land, it is unclear how draft energy NPSs relate to Local Nature Recovery Strategies, now mandatory through the Environment Act 2021.
- *Lack of consideration of carbon emissions.* Decision-makers cannot take carbon emissions into account, which will hinder the achievement of zero carbon objectives, other than renewables. Although the Assessment of Sustainability (AoS) considers net zero and other environmental objectives, they are trumped by the security of supply objective.
- *There is a weak consideration of alternatives in the Assessment of Sustainability.* Similarly, the AoS concludes that there are no better alternatives to the draft NPS, as concerns about the security of supply override all other issues. Greater weight should be given to reasonable alternatives with lower environmental impacts, and these should not be hidden in a technical report. A scenario-based approach (including due consideration to the existing pipeline of projects) would be more informative than the crude approach to alternatives used in the AoS, and should consider the timescales and mechanics of a just transition.
- *Lack of integration of draft energy NPSs with Biodiversity Net Gain (BNG).* We welcome the extension of mandatory BNG to NSIPs in the Environment Act 2021. However, the NPSs need to

reflect the new statutory provisions for BNG. Given the scale and duration of NSIPs, the ambition for BNG should be at least 20%. There is a need for more specification of the BNG approach for NSIPs in the NPSs and development of how it applies offshore. BNG for NSIPs should require:

- A minimum level of net gain of at least 20%;
  - The biodiversity metric must be demonstrated to be fit-for-purpose to assess large-scale projects and developments;
  - The maintenance of biodiversity gains in perpetuity;
  - BNG to be additional to the mitigation hierarchy and not conflated with compensation requirements;
  - BNG to exclude irreplaceable habitats, including ancient woodland, open mosaic habitat on previously developed land, and other habitats identified as irreplaceable;
  - Long-term post-implementation monitoring, to ensure genuine gains are being delivered, and
  - No exemptions to mandatory BNG for NSIPs or other major infrastructure projects.
- *Concerns regarding the approach to environmental net gain.* The approach to environmental net gain has not been properly set out or tested. Any approach to environmental net gain must be compatible with the mitigation hierarchy. Any approach to environmental net gain should also emphasise co-benefits as much as possible, but this must not be at the expense of protecting and enhancing biodiversity and landscape.
  - *Weak links between habitat creation, green infrastructure, natural capital benefits and good design principles.* The draft energy NPSs should recognise and emphasise the important links between habitat creation, the provision of green infrastructure, natural capital benefits of biodiversity, climate mitigation and adaptation, and human health and wellbeing, and good design principles.
  - *Weak protection for ancient woodland and ancient and veteran trees.* Over the last decade, policy protection for ancient woodland and ancient and veteran trees has been successively strengthened in the NPPF. However these habitats are afforded a much lower standard of protection in relation to major infrastructure projects. The energy NPSs should set out a strengthened standard of protection for these habitats, beyond the minor changes proposed so far.

Thank you for the opportunity to respond to the consultation on the draft energy NPSs. Individual Link members will be responding to the consultation in more detail on all these points and we urge BEIS to refer to these. Please don't hesitate to reach out to discuss our feedback further. You can contact Emma Clarke, Policy and Information Coordinator at Link, at [emma.clarke@wcl.org.uk](mailto:emma.clarke@wcl.org.uk).