

West Burton Solar Project

Environmental Statement Chapter 6: Energy Need, Legislative Context and Energy Policy

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Issue Sheet

**Report Prepared for: West Burton Solar Project Ltd.
DCO Submission**

Environmental Statement Chapter 6: Energy Need, Legislative Context and Energy Policy

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6 Energy Need, Legislative Context and Energy Policy

6.1 Introduction

6.1.1 This Chapter of the Environmental Statement sets out the legislative policy framework for the proposals. Regard is had to primary legislation, national energy policy, national planning policies and guidance, and local planning policies, when undertaking the EIA. A summary of the key legislative and policy provisions is provided below. Each ES aspect chapter clearly identifies the legislative and policy context that is relevant to the particular subject.

6.1.2 The legislative context and the compliance of the proposals with National Energy Policy is considered in the Planning Statement (and associated Appendices) **[EN010132/APP/WB7.5]** submitted in support of the Application.

6.2 Energy Need

6.2.1 The need which the proposals are addressing is set out in the Statement of Need **[EN010132/APP/WB7.11]** submitted in support of the Application.

6.2.2 Decarbonisation is a UK legal requirement and is of global significance. In June 2019, Government passed law to end the UK's contribution to global warming with a 2050 target for net zero (Ref 6.1).

6.2.3 Carbon Budgets set the trajectory for decarbonisation actions required to meet this commitment. They recognise that atmospheric carbon has a cumulative global heating effect and therefore that urgent action is necessary. The Sixth Carbon Budget (enshrined in law in June 2021) runs from 2033 to 2037 and requires a 78% reduction in UK territorial emissions between 1990 and 2035.

6.2.4 By 2050, electricity demand is forecast to increase by between 62 and 100% versus 2021 figures. Decarbonisation requires the electrification of energy which is currently generated by burning fossil fuels to generation from renewable sources and the UK's pathway to achieving Net Zero by 2050 must involve wider transitions outside of the power sector, including transport, industry, agriculture and homes. Extensive electrification requires support from a major expansion of renewable and other low-carbon power generation to ensure that the UK is capable of securely meeting future electricity demand, with a significantly lower carbon intensity. The decarbonisation of the UK's electricity generation sector is therefore vitally important to meet the UK's legal obligations on carbon emissions.

6.2.5 The decommissioning of existing generation assets increases the requirement to develop new low-carbon generation with urgency in order to "keep the lights on". Nuclear power has historically met circa 20% of GB demand, but existing nuclear stations began to close in 2021. Only one will remain beyond 2028. One new nuclear project is scheduled to commission in the late 2020s, any others will not be commissioned before the mid-2030s. Just one UK coal station (Ratcliffe, 2.0GW) remained commercially operational beyond September 2021 with operational life at four other units (two at West Burton A and two at Drax, with a combined generation

capacity of 2.2GW) extended to respond to system stress events only since 1st October 2021 until their closure (currently scheduled for March 2023).

- 6.2.6 Carbon Capture, Utilization and Storage (CCUS) is being developed to support Net Zero by facilitating the decarbonisation of the UK's thermal (carbon emitting) fleet, currently circa 40GW, decarbonising industry, producing low-emissions hydrogen and delivering greenhouse gas removal technologies. Recent progress has been made towards bringing CCUS clusters forward by the end of the decade however Government recognises that *"the technology has not been delivered at scale and significant risks remain"* (National Infrastructure Strategy, November 2020: Ref 6.3).
- 6.2.7 The UK has substantial renewable energy resources, including 40% of Europe's wind resource, and Government is targeting 50GW of offshore wind to be operational by 2030 to harness that resource and protect consumers from volatile international energy markets. But wind on its own is not sufficient. In April 2022, HM Government published the British Energy Security Strategy. In it, the Prime Minister wrote that *"If we're going to get prices down and keep them there for the long term, we need a flow of energy that is affordable, clean and above all, secure. We need a power supply that's made in Britain, for Britain."* The strategy also recognises the critical role of renewables in accelerating the transition away from fossil fuels, and notes that renewable capacity in the UK is currently set to increase by a further 15% by the end of 2023. The strategy notes, that further and faster actions are required to increase UK national energy security and reduce dependency on fossil fuels, and the exposure consumers currently have to volatile prices.
- 6.2.8 Solar generation is a critical element of the plan to decarbonise the UK electricity sector with urgency and is already a leading low-cost generation technology in the UK. The national need for solar generation is urgent and the capacity required is significantly greater than the capacity of projects currently understood to be in development.
- 6.2.9 Solar addresses all important aspects of existing and emerging government policy. It will make a critical and timely contribution to decarbonisation and security of supply in the UK, will help shield consumer bills from volatile energy prices, and provides the potential to deliver biodiversity net gains through its development.

6.3 Primary Legislation

- 6.3.1 The Planning Act 2008 (the PA2008) (Ref 6.5) sets out the process for the consenting of major infrastructure projects and is the principal legislation governing an application for development consent for a NSIP. The PA2008 therefore forms the basis for the decision to grant a DCO.
- 6.3.2 Under the Act the Scheme constitutes an NSIP if:
- it consists of "the construction or extension of a generating station" (Section 14(1)(a) of the PA2008);
 - "it is in England" (Section 15(2)(a) of the PA2008);

- “it does not generate electricity from wind” (Section 15(2)(aa) of the PA2008);
- “it is not an offshore generating station” (section 15(2)(b) of the PA2008); and
- “its capacity is more than 50 megawatts” (Section 15(2)(c) of the PA2008).

6.3.3 Under Section 5 of the PA2008, the Secretary of State may designate a statement as a National Policy Statement provided that the consultation requirements set out in Section 7 and the parliamentary requirements set out in Section 9 are met, and that an appraisal of the sustainability of the policy is carried out. A National Policy Statement designated under the PA2008 may set out policy on the amount, type or size of specified types of development, criteria for deciding suitability, the weight to be given to those criteria and appropriate mitigations.

6.3.4 Sections 104 and 105 of the PA2008 describe how application for DCOs should be determined depending on whether a relevant NPS exists.

6.3.5 The Climate Change Act 2008 (the CCA2008) (Ref 6.6) created legally binding carbon budgets and carbon reduction targets. The CCA2008 requires the government to produce policy that will enable the carbon reduction targets to be met (Section 13). The NPS on energy discussed below forms part of this policy required by the CCA2008.

6.4 Energy Policy

6.4.1 National Policy Statements (NPS) set out the policy basis for deciding on applications for NSIPs. If a NPS has effect in relation to the type of development to which the DCO relates, then the Secretary of State must decide the DCO application in accordance with the relevant NPS (unless an exception applies) (Section 104 of the PA2008). If the DCO application relates to a type of development where no NPS has effect, then the Secretary of State must have regard to the local impact report and any other important and relevant matters (Section 105 of the PA2008).

6.4.2 On 7th February 2023 it was announced through the Making Government Deliver for the British People policy paper, that the Department for Business, Energy and Industrial Strategy (BEIS) is to be split, with functional matters relating to national energy policy and the delivery of energy NSIPs moved to proposed Department for Energy Security and Net Zero.

6.4.3 At present, there is no NPS which specifically deals with ground mounted solar developments, and therefore Section 105 of the PA2008 applies. However, there are aspects of three Energy NPSs which are relevant to decision making and are important material considerations, in addition to other relevant and important national and local planning policies. The Secretary of State will therefore have regard to:

- Overarching National Policy Statement for Energy (EN-1), July 2011 (Ref 6.7);
- National Policy Statement for Renewable Energy Infrastructure (EN-3), July 2011 (Ref 6.8); and,

- National Policy Statement for Electricity Networks Infrastructure (EN-5), July 2011 (Ref 6.9).

6.4.4 The Department for Energy Security and Net Zero (ESNZ) is currently undertaking a review of the six NPSs for energy infrastructure. The relevant draft NPSs are:

- Draft Overarching National Policy Statement for Energy (EN-1), September 2021 (Ref 6.10);
- Draft National Policy Statement for Renewable Energy Infrastructure (EN-3), September 2021 (Ref 6.11); and,
- National Policy Statement for Electricity Networks Infrastructure (EN-5), September 2021 (Ref 6.12).

6.4.5 Consultation on the revised draft NPSs closed on 29 November 2021. As drafted, NPS EN-3 on renewable energy has been expanded to provide policy on solar development. Currently there is no timescale in place for when the draft NPS will be adopted. The transitional provisions in draft NPS EN-1 state that the 2011 NPSs will be the applicable national policy statements for any DCO application that is accepted for examination before the designation of the updated NPSs. However, the policies set out in the emerging draft NPSs (or those designated but not having effect) are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the relevant Secretary of State (SoS) to consider within the framework of the PA2008 and with regard to the specific circumstances of each DCO application.

6.4.6 The revised EN-3 addresses a range of matters including:

- Design Flexibility;
- Temporary nature of solar farms;
- Site Selection;
- Irradiance and site topography and capacity of site;
- Proximity of a site to dwellings;
- Grid Connection;
- Accessibility;
- Agricultural Land Quality;
- Site Layout and appearance;
- Landscape and Arboriculture;
- Ecology and Biodiversity;
- Built heritage and archaeology;
- Flood risk and drainage;
- Highways and Access; and

- Glint and Glare.

6.4.7 On the 7th April 2022, the Government announced its energy strategy which sets out how Britain's energy security will be boosted following rising global energy prices and volatility in international markets (Ref 6.4). The Government wants to accelerate the deployment of wind, new nuclear, solar and hydrogen whilst supporting the production of domestic oil and gas which would see 95% of electricity by 2030 being low carbon.

6.4.8 Specifically in reference to solar, the ambition is to look to increase the UK's current 14GW of solar capacity up to 5 times by 2035. The Government stated that it will continue supporting the effective use of land by encouraging large scale projects to locate on previously developed, or lower value land, where possible, and ensure projects are designed to avoid, mitigate, and where necessary, compensate for the impacts of using greenfield sites.

6.5 Other Planning Policies

6.5.1 The following national planning policy documents are of relevance:

[National Planning Policy Framework \(NPPF\), as amended July 2021;](#)

6.5.2 The NPPF (Ref 6.13) was revised in 2021 and sets out the Government's planning policies for England. It was written to guide the development of local planning policy documents and is a material consideration in the determination of planning applications under the Town and Country Planning Act 1990 (TCPA 1990) (Ref 6.14). As such, its policies were designed with development that is of a scale so as to be of local or regional significance in mind. NPPF Paragraph 5 makes it clear that the document does not contain specific policies for NSIPs and that applications in relation to NSIPs are to be determined in accordance with the decision-making framework set out in the PA 2008 and relevant NPSs, as well as any other matters that are considered both important and relevant.

6.5.3 Given the above, the NPPF is considered to be important and relevant where policies are applicable to the Scheme but is to be given less weight in the SoS's decision making process than the relevant policies in the adopted Energy NPSs and Draft Energy NPSs.

[Planning Practice Guidance: Renewable and low carbon energy, June 2019.](#)

6.5.4 National Planning Practice Guidance (Ref 6.15) supports the policies set out within the National Planning Policy Framework. The guidance covers a range of topics including climate change, renewable and low carbon energy, environmental impact assessment, flood risk, historic environment, light pollution, minerals, natural environment, noise, transport and waste.

[Local Planning Policies](#)

6.5.5 The Host Authorities have adopted the following documents that constitute the relevant Development Plan relating to the proposals:

- Central Lincolnshire Local Plan 2012-2036, adopted 2017 (Ref 6.16);
- Bassetlaw District Council Core Strategy, adopted December 2011 (Ref 6.17);
- Nottinghamshire Minerals Local Plan, adopted March 2021 (Ref 6.18);
- Lincolnshire Minerals and Waste Local Plan: Core Strategy & Development Management Policies (June 2016) and Site Locations (Dec 2017) (Ref 6.19);
- Neighbourhood Plans:
 - Saxilby with Ingleby Neighbourhood Plan, made May 2017 (Ref 6.20);
 - Sturton by Stow and Stow Neighbourhood Plan 2019 – 2036, made July 2022 (Ref 6.21);
 - Sturton Ward Neighbourhood Plan, referendum version, November 2021 (Ref 6.22).

6.5.6 Two of the Host Authorities have emerging Local Plans:

- Central Lincolnshire Local Plan Review Proposed Submission, dated March 2022, submitted for examination July 2022 (Ref 6.23);
- Bassetlaw Local Plan 2020-2038 Publication Version Composite, dated July 2022, under examination (Ref 6.24).

6.5.7 The following policy documents published by Host Authorities or relating to the Host Authority areas are of relevance:

- Greater Lincolnshire Enterprise Partnership Strategic Economic Plan (2016 Refresh) (Ref 6.25);
- Vision 2025 Strategic Plan, City of Lincoln Council (Ref 6.26);
- The NK Plan 2022-25, North Kesteven Council (Ref 6.27);
- Corporate Plan 2019 – 2023 West Lindsey District Council (Ref 6.28);
- A Growth Strategy for Lincoln 2014-2034 (Ref 6.29);
- Lincolnshire Joint Health and Wellbeing Strategy (June 2018) (Ref 6.30);
- Lincolnshire Joint Strategic Needs Assessment 2021 (Ref 6.31);
- Lincolnshire Biodiversity Action Plan; 2011 – 2020, 3rd edition, October 2011 (Ref 6.32);
- Lincolnshire Local Transport Plan 5, adopted February 2022 (Ref 6.33);
- Gainsborough Transport Strategy May 2022-2036 (Ref 6.34); and
- Joint Lincolnshire Flood Risk and Drainage Management Strategy 2019-2050 (Ref 6.35).

6.6 References

- Ref 6.1 The Climate Change Act 2008 (2050 Target Amendment) Order 2019
- Ref 6.2 The Carbon Budget Order 2021
- Ref 6.3 HM Treasury, National Infrastructure Strategy, November 2020
- Ref 6.4 HM Government, British Energy Security Strategy, April 2022
- Ref 6.5 The Planning Act 2008
- Ref 6.6 The Climate Change Act 2008
- Ref 6.7 Department of Energy and Climate Change, Overarching National Policy Statement for Energy (EN-1), July 2011
- Ref 6.8 Department of Energy and Climate Change, National Policy Statement for Renewable Energy Infrastructure (EN-3), July 2011
- Ref 6.9 Department of Energy and Climate Change, National Policy Statement for Electricity Networks Infrastructure (EN-5), July 2011
- Ref 6.10 Department of Energy and Climate Change, Draft Overarching National Policy Statement for Energy (EN-1), September 2021
- Ref 6.11 Department of Energy and Climate Change, Draft National Policy Statement for Renewable Energy Infrastructure (EN-3), September 2021
- Ref 6.12 Department of Energy and Climate Change, National Policy Statement for Electricity Networks Infrastructure (EN-5), September 2021
- Ref 6.13 Ministry of Housing, Communities and Local Government, National Planning Policy Framework, July 2021
- Ref 6.14 The Town and Country Planning Act 1990
- Ref 6.15 National Planning Practice Guidance
- Ref 6.16 Central Lincolnshire Local Plan 2012-2036, adopted 2017
- Ref 6.17 Bassetlaw District Council Core Strategy, adopted December 2011
- Ref 6.18 Nottinghamshire Minerals Local Plan, adopted March 2021
- Ref 6.19 Lincolnshire Minerals and Waste Local Plan: Core Strategy & Development Management Policies (June 2016) and Site Locations (Dec 2017)
- Ref 6.20 Saxilby with Ingleby Neighbourhood Plan, made May 2017
- Ref 6.21 Sturton by Stow and Stow Neighbourhood Plan 2019 – 2036, made July 2022
- Ref 6.22 Sturton Ward Neighbourhood Plan, referendum version, November 2021
- Ref 6.23 Central Lincolnshire Local Plan Review Proposed Submission, dated March 2022, submitted for examination July 2022

- Ref 6.24 Bassetlaw Local Plan 2020-2038 Publication Version Composite, dated July 2022, under examination
- Ref 6.25 Greater Lincolnshire Enterprise Partnership Strategic Economic Plan (2016 Refresh)
- Ref 6.26 Vision 2025 Strategic Plan, City of Lincoln Council
- Ref 6.27 The NK Plan 2022-25, North Kesteven Council
- Ref 6.28 Corporate Plan 2019 – 2023 West Lindsey District Council
- Ref 6.29 A Growth Strategy for Lincoln 2014-2034
- Ref 6.30 Lincolnshire Joint Health and Wellbeing Strategy (June 2018)
- Ref 6.31 Lincolnshire Joint Strategic Needs Assessment 2021
- Ref 6.32 Lincolnshire Biodiversity Action Plan; 2011 – 2020, 3rd edition, October 2011
- Ref 6.33 Lincolnshire Local Transport Plan 5, adopted February 2022
- Ref 6.34 Gainsborough Transport Strategy May 2022-2036
- Ref 6.35 Joint Lincolnshire Flood Risk and Drainage Management Strategy 2019-2050