

## The Planning Inspectorate

# PINS NOTE 26/2011

To: All Inspectors

Date of Issue: 28 July 2011

Currency: Review at 6 months after issue

## DESIGNATION OF NATIONAL POLICY STATEMENTS FOR ENERGY INFRASTRUCTURE

### Background

1. The SoS for DECC announced on the 19 July 2011 in a [written Ministerial Statement](#) that the [National Policy Statements \(NPS\) for Energy Infrastructure](#) have been formally Designated under S5(1) of the Planning Act 2008, following the debate and consequent approval in the House of Commons on 18 July<sup>1</sup> and the 2 consultations and parliamentary scrutiny outlined in PINS Note 1183. The Energy NPSs will constitute the primary policy for decisions on development consent orders for new Energy infrastructure projects taken by the IPC in England and Wales<sup>2</sup> and the offshore Renewable Energy Zone (REZ)<sup>3</sup>, and may also be taken into consideration in any other relevant applications (see paragraphs 2 & 3 below) . The final approved documents are listed below<sup>4</sup>:
  - a. EN-1 - Overarching NPS for Energy;
  - b. EN-2 - NPS for Fossil Fuel Electricity Generating Infrastructure;
  - c. EN-3 - NPS for Renewable Energy Infrastructure<sup>5</sup>;

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<sup>1</sup> Hansard Vol 531 No.189, [Col 678-716](#))

<sup>2</sup> In Wales, the IPC will not examine applications for LNG facilities, gas reception facilities or gas transporter pipelines. The IPC will only examine applications in Wales for underground gas storage facilities where they are proposed in natural porous strata and where the applicant is a licensed gas transporter. It will also remain possible for Welsh Ministers to consent offshore wind-farms in territorial waters adjacent to Wales if the application is to them under the Transport and Works Act 1992 (c.42), rather than to the IPC

<sup>3</sup> Renewable Energy Zone (REZ) – Area designated by an Order made under S84(4) of the Energy Act 2004 (c.20) for areas outside the territorial sea - the 'Exclusive Economic Zone (EEZ)'.

<sup>4</sup> Other documents relating to the Energy NPSs - Appraisal of Sustainability, Habitats Regulations Assessment, as well as the Government response to Parliament and the Consultation can be found on the DECC NPS Microsite at the following link - [http://www.decc.gov.uk/en/content/cms/meeting\\_energy/consents\\_planning/nps\\_en\\_infra/nps\\_en\\_infra.aspx](http://www.decc.gov.uk/en/content/cms/meeting_energy/consents_planning/nps_en_infra/nps_en_infra.aspx)

<sup>5</sup> The types of renewable energy infrastructure covered are energy from biomass and/or waste, offshore wind and onshore wind, where onshore facilities have a generating capacity of >50MW; offshore facilities of >100MW.

- d. EN-4 - NPS for Gas Supply Infrastructure and Gas & Oil Pipelines;
- e. EN-5 - NPS for Electricity Networks Infrastructure;
- f. EN-6 - NPS for Nuclear Power Generation<sup>6</sup>:
  - Volume I
  - Volume II - Annexes

## Action

2. In accordance with the advice in paragraph 1.2.1 of the overarching NPS for Energy<sup>7</sup> and paragraphs 13-19 of the CPO letter dated 09 November 2009<sup>8</sup>, Inspectors should be aware that NPSs are likely to be a material consideration which LPAs and decision-makers will have to take into account when determining below-threshold applications for Energy Infrastructure facilities or any relevant appeals or called-in applications made under the 1990 Act<sup>9</sup>. The materiality of, and the weight to be applied to, a particular NPS will need to be determined by Inspectors on a case by case basis
3. The NPS should also be taken into account by LPAs when preparing relevant local plan policies. Where it is not practical for changes to be made to emerging plans to take account of policy in an NPS, LPAs should consider the steps they will need to take to address any issues arising from emerging policy through an early plan review.
4. Please contact XXXX if you have any queries on this Note.

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Director of Quality, Strategy and Plans

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<sup>6</sup> Includes the list of sites deemed suitable for new generation nuclear power plants - Bradwell; Hartlepool; Heysham; Hinckley Point; Oldbury; Sizewell; Sellafield; and Wylfa.

<sup>7</sup> Equivalent advice is stated in the introduction sections of EN-2 – EN-6.

<sup>8</sup> CPO letter – National Policy Statements (DCLG, Nov 2009)

<sup>9</sup> The Town and Country Planning Act 1990 (ch. 8) (as amended)