

1. Please provide your name

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[REDACTED]

3. What could government, its arms-length bodies and other statutory bodies do to accelerate the speed at which NSIP applications can be prepared and more generally to enhance the quality of submissions? (no more than 300 words)

The PI website for NSIPs states “The Planning Act 2008 process was introduced to streamline the decision-making process for major infrastructure projects, making it **fairer and faster for communities and applicants alike.**” (our emphasis).

Advice Note 8.1 a p2 states “*Local knowledge of the area plays an important role in the pre-application consultation and throughout the application process. Feedback received may help developers to exclude unsuitable options and minimise impacts on the local community where possible.*”

FAQ20 admits that the examination process is already “very short”. It would be reckless to shorten this stage even further.

Applicants have as much time as they need to conduct their surveys and gather their evidence over the course of a year or more. Under the current practice, communities do not always have this opportunity because they are generally not given notice of a project until after this. In order for a community to support their representations with evidence, as encouraged by the process, a full year of pre-application is required at a minimum for communities to gather their evidence because some impacts will be seasonal and will require seasonal evidence gathering. Speeding up the pre-application process would seem to undermine the ‘fairer’ aspect of the planning process for communities.

In terms of the quality of applications submitted, we hope that the recent NPS consultation for energy projects will take into consideration the feedback received in regards to this.

4. Following submission, are there any aspects of the examination and decision process which might be enhanced, and how might these be improved? (no more than 300 words)

It is generally recognised that when someone is better informed of the process to come, and what is needed from them and when, that the quality of the work submitted will be of higher quality. Whilst the current legislation explains the time frames of the different stages, it is not easily accessible to all. This in particular puts communities at a disadvantage because time is spent researching this timeline, when their time would be better used forming their representations. If the full timeline were to be visually presented on the Planning Inspectorate NSIP website project page from the start, then it would remove the need for this. At present it only seems to show what has happened. Through this enhancement (see Q6 as well) the examination and decision process would be better understood by all involved, and would improve the understanding of deadlines for the different

types of representations needed, the time management and planning of the interested parties, and thus in general the quality of representations. An easy to visualise format of the timeline would also help the different interested parties throughout the process keep track of where they are and what is still to come.

It would also be useful for application documents to be made publicly available on the PINS website at the point of submission, rather than after acceptance. This would give interested parties and consultees extra time to organise their resources and plan their representation ahead of the examination stage, where time is already currently “very short”. (FAQ20).

5. Where a development consent order has been made, what impediments are there to physically implementing a project which could be removed? (no more than 300 words)

No comment.

6. How might digitalisation support the wider improvements to the regime, for example are there any specific aspects that you feel could benefit from digital enhancements? (no more than 300 words)

In general the NSIP website is somewhat antiquated in its design and layout. Particularly in the case of touch screen technology. The website could benefit from a redesign and enhancements in mobile and touch screen features.

The largest benefit would come from the Timeline element of the Project page. See also Q4. At present it only shows what has happened, and shows limited information.

For example, the Sunnica Solar Farm project (as of writing) shows 3 items in the Timeline, the latest being the Application Submission and the date of submission. However, reference to the deadline for the determination of this stage is further up the page in the *What's Next* section, and the actual deadline date here does not stand out in any way shape or form. Further, the two elements show different information. It would be useful to incorporate the *What's Next* information in the relevant timeline boxes, and make the deadline date stand out. To save space on the website page each stage on the timeline would benefit from being an expandable box, so users can see past milestones and the associated information and deadlines too, without it automatically creating a very long webpage. Though the current stage should be expanded on loading the page.

It would be further useful to all interested parties if there was some draft version of the following stages to come on this page. Though we appreciate it would be unwise to include provisional dates, the ability to visualise the process to come and the length of time of that stage would make it easier to understand the road ahead.

The use of different colours depending on whether a stage has been completed, is currently active, or to come, would help with the visual understanding for users.

7. What issues are affecting current NSIPs that would benefit from enhanced cross-government co-ordination including government departments and arms-length bodies? (no more than 300 words)

In consideration of energy NSIPs in particular, and the growing size of intermittent renewable energy developments, there is a growing need for energy storage. However, at present the various bodies that should have input on the planning aspects of Battery Energy Storage Systems (BESS) are not being consulted.

When in transit BESS are labelled under ADR transport regulations as hazardous, and carry a UN classification number administered by the Environment Agency.

Whilst in storage, they are under hazardous storage regulations administered by the Environment Agency.

When they are at the end of their useful life, they are classified as hazardous waste and must be disposed of by an authorised and regulated entity.

In the event of a fire, the incident would come under COMAH15 Regulations (Control of Major Accident Hazards). The managing committee would include the Fire & Rescue services, the police, medical professionals, H&SE, Environment Agency, and County and District Council staff including Environmental Health.

The various County Fire Services are aware of major problems with these systems, and without suitable resources have no choice but to just let them burn.

H&SE have rules and guidance about the hazards of lithium-ion batteries in cars and also fire controls. BESS are of the same construction and chemistry, but significantly larger and with no guidance.

Yet somehow, when BESS are installed and operational on site, they are deemed as not hazardous in planning terms. This means that none of those who would be involved in the event of an incident have any input concerning planning and design, and potentially preventing an incident, because there is 'nothing hazardous on site'. However, all will be called upon to clear up the mess. Something is amiss here.

8. Does the NSIP regime successfully interact with other consenting and regulatory processes and the wider context within which infrastructure projects operate? (no more than 300 words)

The interaction between the NSIP and Town and Country Planning Act (TCPA) process seems to be creating a significant divide in the quality of applications. For example, the 50MW threshold for solar PV applications is being used by developers to cynically avoid the higher quality examination of the NSIP process. Applications for 49.9MW are being applied for under the TCPA, only just short of the capacity threshold, but the quality of the submission documents, evidence, and public consultation falls significantly short of that required of an NSIP application. We do not believe this is an issue with the NSIP process per se, but a shortfall of the current TCPA process.

We also understand that developers can make applications under the TCPA for associated works which are closely related to the NSIP application. In some cases, which are entirely dependent on the NSIP. For example the proposed Bramford to Twinstead transmission connection route is a NSIP

application which would remove the local electricity connection to Twinstead Tee. A substation is required to remedy this. For the last 10 years since the line was first proposed it has always been part of the NSIP plans. In November 2021 the substation was suddenly submitted for EIA scoping through the TCPA process, but its need is a direct result of the final design of the NSIP application (not yet submitted) and whether it is approved or not. There appears to be little guidance in these situations.

9. Are there areas where limits in the capacity or capability of NSIP applicants, interested parties and other participants are resulting in either delays or adversely affecting outcomes? (no more than 300 words)

There appears to be an overwhelming lack of support for communities at the pre-application stage, which seems to be entirely dependent on the developer and what they deem to be appropriate. Therefore the two entities who are likely to be most at odds with each other, developer and hosting community, are left to hash it out. The developer seemingly like a brick wall, and the community seemingly ignored.

Around 10 years ago the Planning Inspector chaired some pre-application meetings between National Grid and local amenity groups for the proposed Bramford to Twinstead electricity transmission line. These types of meetings appear to no longer be offered, though we do not know or understand why. A service is however still available to developers and statutory consultees.

A pre-application service which helps local communities affected by development, who typically have limited resources, would be of benefit in relieving some of the restraints around their involvement and improve their ability to contribute positively to the process.

10. Is there anything else you think we should be investigating or considering as part of our end-to-end operational review of the NSIP process? (no more than 300 words)

There is concern that some developers are salami slicing their developments to avoid the NSIP process, and instead apply under the TCPA. Sometimes for parts of their development, and sometimes for the entire development. For example, there are several instances in the National Grid TEC Register where a single 57MW tertiary grid connection is divided into a two stage project. The first stage is a 49.9MW solar PV farm connection, and the second stage is a 7.1MW solar PV farm connection. The applicant then applies to the local planning authority for separate projects. This combined is clearly a NSIP development. Note that we are not referring to different developers with different connections at the same substation, but the same developer using the same connection.

Whilst we do not seek to change or even remove the thresholds for energy developments, the lack of guidance and support in these matters is creating a divide between the two regulations, and salami slicing of developments would seem to undermine the purpose of the NSIP regulations.

11. Please confirm how you interact with the NSIP regime? (promotor, local planning authority, statutory consultee, lawyer, consultant, member of affected community, other (please specify)).

Other – Amenity Group.