

OFGEM/KH/IK

**OFGEM REGIONAL ENERGY STRATEGIC PLAN POLICY FRAMEWORK
CONSULTATION**

RESPONSE

on behalf of

Ms Kathrin Haltiner, Dale House, Westerdale, Caithness

Submitted: 16th September 2024

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Background

1. This response in respect of the OFGEM Regional Energy Planning Framework consultation document is formally submitted on behalf of Ms Kathrin Haltiner, Dale House, Westerdale, Caithness – simply referred to as the responder for the purposes of this submission.
2. The responder owns land and property in central Caithness that is directly and indirectly affected by current and future renewable energy projects. As a key overriding issue, she has very significant concerns about the adverse effects of the destruction of the unique Caithness physical and cultural landscape that are the result of current, consented and proposed renewable energy infrastructure where proposals are considered in isolation with no overarching planning or environmental framework.
3. This response has been prepared by Ian Kelly MRTPI a chartered professional planner with some 47 years professional planning experience in all forms of planning related statutory procedures including Electricity Act procedures. He has specialised in renewable energy related advice for the last 20 years.

Initial Key Considerations

4. A response was recently submitted in respect of the OFGEM consultation on a revised regulatory and financial framework. This further consultation raises the same set of key considerations that impact on the limited set of comments that are subsequently made in respect of the individual chapters in the consultation document. For ease of reference a slightly updated form of these comments is set out below. The first bullet point and its subpoints is the most important overarching key consideration:
 - Content context – this OFGEM consultation document, like every other document or plan that it references and like other OFGEM consultations, has been produced in total isolation from the established and clearly understood consenting systems under the Electricity Act and the Local Development Planning and Development Management systems under the Planning (Scotland) Act for the assessment and consideration of proposals. That fundamental omission has six serious consequences which are becoming more

significant as Councils, such as the Highland Council, are beginning to initiate systems to ensure that both Members and host communities are fully aware of the full spectrum of renewable energy related proposals – wind farms, BESS, OHLs, substations – at both Council and local area level:

- I. Most Local Authority Councillors and Planning Officers, most people working for NatureScot and SEPA, the affected local communities and landowning interests are completely unaware of what is being proposed and/or consulted on by OFGEM and of the consequences arising from subsequent policy or procedural or project decision making by OFGEM.
- II. As a result, community interests, statutory planning policy, and environmental assessment requirements (including SEA) are totally ignored.
- III. There is a failure to properly consider and evaluate project need cases and alternatives at both strategic and project specific levels.
- IV. The risks that come with early and very narrowly based OFGEM approvals (as partly considered in the recent Dalmally OHL case – ECU Ref: 00002199) such as claims that a project has already been approved resulting in inadequate consenting assessments for highly speculative projects, are not recognised. This is an important issue for communities who feel that projects are being prejudged.
- V. The inability of local people to be able to hear evidence from and then cross examine any witnesses from OFGEM at such Public Inquiries despite requests being made of the Reporter and despite it being perfectly obvious, from the other evidence, that both the initial needs case and its assessment by OFGEM were flawed and proceeded in the absence of any strategic context. This should not be allowed to happen in the future.

VI. The misallocation of funding risks, and the associated disbenefits to the consumers that arise from the likely technological, regulatory, and demand/supply management systems changes over the long term periods being considered, are insufficiently recognised.

- Document context – the consultation document references a considerable number of other documents and plans produced by OFGEM, the ESO, and the TOs, some that exist and some that are yet to be produced, but how all of these documents are to fit together into a coherent plan for the future supply and distribution of electricity, now and in the future, is not explained.
 - The language used in the document is clearly directed at what might be referred to as insiders within the system making it very challenging for any interested and informed member of the public to understand what is being said and yet it is the public who will pay for all of this infrastructure and who will be directly and indirectly impacted by it.
5. Taking account of the above points comments are set out below on some of the individual chapters and proposals in the consultation.

Foreword

6. There are two key elements that are not referenced in the Foreword and these are local community interests and environmental considerations. Also, continuing on the theses set out above, there is no detailed linkage to the operation of the consenting, permitting, and planning systems.

Chapter 2 Laying the RESP Foundations

7. Interaction with local planning is only addressed in the very short paragraph 2.22. That the suggested approach of “gathering data” is inadequate is fully demonstrated by the last sentence which says “there will be no requirements on local government to follow the direction of the RESP ...”. It does seem to the responder that there is a potential for the effort involved in preparing RESPs to be undermined if a properly

consulted upon document is not then a material consideration in the determination of consent or refusal for projects.

8. However, for there to be a more positive interaction between RESPs and project decision making the issues set out in paragraph 4 above must be addressed with some urgency.

Key Building Blocks of the RESP

9. It is fully agreed that there is significant value in the modelling of supply and demand (although this process should start with demand and then consider supply) with this feeding into a need case or assessment. However, this needs to link in with the consenting, permitting and planning systems so that decision makers can see the proper context when addressing any particular application that is in front of them.
10. It is considered that the remainder of this chapter sets out a sensible and rational set of proposals for developing the energy plans, although the section on local support lacks specific references to local communities and environmental agencies.

Regional Governance

11. It is this section of the consultation that starts to get to grips with the involvement of “local actors”. The proposals for the representation and composition of Strategic Boards and Working Groups are all considered to be sound as are the suggested functions all designed to bring democratic and technical actors together.
12. However, again the key concern is that this will all be happening with no direct links to or interaction with the consenting, permitting, and planning systems and with the outputs from the Strategic Board and Working Groups not being material considerations in the determination of applications.
13. It is submitted that the proposals in this chapter could be greatly enhanced if ways were explored to ensure that there was more effective involvement with and interaction with the consenting, permitting and planning systems. Such an integrated approach would enable those determining applications to be better placed to answer the key question of whether or not there is a need for a particular project.

Boundaries, Appendix 4 Workshop Topics and Appendix 1

14. It is noted that for the Scottish Boundaries workshop held on the 11th April 2024 there is no list of participants given. Therefore, until it is known who was contributing, there can be little confidence in the outcomes set out in Appendix A1.5.
15. The potential arrangements for Scotland are set out in paragraph 5.28 onwards. The proposed boundaries for a two region solution, whilst possibly easily understood as it reflects the current SSE/SP split, do not address the overlap with the administrative areas of local planning authorities. This is a key issue in circumstances where major projects such as the proposed Spittal to Beauly to Peterhead OHL and associated infrastructure involves several planning authorities and Marine Scotland and then the extension of the project links into other authorities and agencies in the central belt and south of Scotland.
16. Therefore, having regard to matching demand and supply, whilst taking full account of NPF4, local democracy, community and environmental interests, it might be better to follow the alternative recommendation of a single region for Scotland. Such an approach could align local interest with the national interest as represented by SEPA and NatureScot. But a key caveat is that the high degree of local variation, as recognised in paragraph 5.32, must be fully taken into account.

Conclusions

17. Ultimately, as with the earlier response to the regulatory framework consultation, the key response issue is that this consultation document also lacks the proper consenting and planning systems context as set out earlier in paragraph 4 in this response document. It is considered absolutely fundamental that the consultation, strategic planning and project specific and overall regulatory and financial approval work that is undertaken by OFGEM is, as soon as possible, formally integrated into the land use development planning and the consenting systems so that there is absolute transparency for the affected public and the eventual project decision makers in terms of need, alternatives and effects. If this is not done then OFGEM strategic planning

and project decision making will continue to take place in the absence of the proper and legitimate inputs from local Councils, communities and environmental interests.

18. What the responder would like to see is a simple draft holistic plan for the whole of the UK that starts from a serious assessment of our future electricity needs in a sustainability focussed context, and then evaluates the strategic options for the least costly and the least environmentally harmful way of delivering that draft plan, in the long term, followed by proper democratic, community and environmental agencies consultation on that draft plan all within the formal land use planning system. The draft plan and the responses would then form the basis for regional plans which might, in turn, be simple documents given the framework of a national plan.
19. It might be that the current OFGEM Regional Planning consultation document might be a basis from which to start the above suggested process.
20. It should be clearly understood that the responder considers the alternative approach, mentioned above, of key strategies being formulated and key decisions being taken by OFGEM completely unrelated to the consenting, permitting, and development planning processes (with their associated strong democratic, community, and environmental oversight and involvement provisions) as unacceptable.

Future Stages Contact

21. All future contact should initially be to Ian Kelly MRTPI using the email address provided.

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