



Department for  
Business, Energy  
& Industrial Strategy

# Planning for New Energy Infrastructure

Draft National Policy Statements for energy  
infrastructure

Closing date: 29 November 2021

September 2021



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# General information

## Why we are consulting

The energy National Policy Statements need to reflect the government's energy policy. The current suite of energy National Policy Statements were designated by the Department of Energy and Climate Change in 2011.

The principal purpose of this consultation is to identify whether the revised energy National Policy Statements presented are fit for purpose i.e. whether they provide a suitable framework to support decision making for nationally significant energy infrastructure.

This consultation also seeks views on the Appraisals of Sustainability and Habitats Regulations Assessments that have been carried out in relation to the draft energy National Policy Statements.

## Consultation details

**Issued:** 6 September 2021

**Respond by:** 29 November 2021

**Enquiries to:** [energyNPS@beis.gov.uk](mailto:energyNPS@beis.gov.uk) (please do not send consultation responses to this address, see below details on responding via Citizen Space)

**Consultation reference:** Planning for New Energy Infrastructure | Draft National Policy Statements for energy infrastructure

**Audiences:** The government wants to hear from members of the public, industry, non-governmental organisations and any other organisation or public body.

**Territorial extent:** The energy National Policy Statements presented in this consultation have effect across England, Wales, adjacent territorial waters and the offshore Renewable Energy Zone (except any part in relation to which Scottish Ministers have functions).

Whilst the energy National Policy Statements only have direct effect in Scotland in one regard (in relation to cross country pipelines between Scotland and England or Wales) energy policy is generally a matter reserved to UK Ministers and the documents may therefore be a relevant consideration in planning decisions in Scotland.

In Northern Ireland, planning consents for all nationally significant infrastructure projects, as well as most energy policy, are devolved to the Northern Ireland Executive.

## Reviewing Energy National Policy Statements EN-1 to EN-6

The territorial extent of each energy National Policy Statement is set out in Part 1 of each document.

## How to respond

We are inviting responses to this Consultation via the online e-consultation platform, Citizen Space.

In this consultation, the government wants to hear from members of the public, industry, non-governmental organisations and any other organisation or public body. When responding, please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how you assembled the views of members.

Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome. When considering responses to this consultation, the government will give greater weight to responses that are based on argument and evidence, rather than simple expressions of support or opposition.

Consultations receive a high-level of interest across many sectors. Using the online service greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised. Therefore, we strongly encourage responses via Citizen Space. **Please contact us if you intend to respond using an alternative method.**

**Respond online at:** <https://beisgovuk.citizenspace.com/energy-development/energy-nps>

We advise that you do not send responses by post to the department at this time, as we may not be able to access them.

## Confidentiality and data protection

Information you provide in response to this consultation, including personal information, may be disclosed in accordance with UK legislation (the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential please tell us, but be aware that we cannot guarantee confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded by us as a confidentiality request.

We will process your personal data in accordance with all applicable data protection laws. See our [privacy policy](#).

We will summarise all responses and publish this summary on [GOV.UK](#). The summary will include a list of names or organisations that responded, but not people's personal names, addresses or other contact details.

## Quality assurance

This consultation has been carried out in accordance with the government's [consultation principles](#).

If you have any complaints about the way this consultation has been conducted, please email: [beis.bru@beis.gov.uk](mailto:beis.bru@beis.gov.uk).

# Introduction

National Policy Statements (NPSs) are designated under the Planning Act 2008 (the 2008 Act) to provide guidance for decision-makers on the application of government policy when determining development consent for major infrastructure. Their function is to state clearly how existing policy applies to development consent, removing discussion of the merits of government policy from the examination process so that decisions can be made on the basis of planning considerations alone. NPSs apply to infrastructure that is defined as a “Nationally Significant Infrastructure Project” in the 2008 Act.

The current suite of energy NPSs were designated by the Department of Energy and Climate Change in 2011<sup>1</sup>, namely:

- The overarching NPS (EN-1)
- Fossil fuel electricity generating infrastructure (EN-2)
- Renewable Energy Infrastructure (EN-3)
- Gas supply infrastructure & gas and oil pipelines (EN-4)
- Electricity Networks Infrastructure (EN-5)
- Nuclear Power Generation (EN-6)

The Energy White Paper Powering our Net Zero Future,<sup>2</sup> published in December 2020, presents a vision of how we make the transition to clean energy by 2050. It establishes our goal of a decisive shift away from fossil fuels to clean energy technologies such as renewables, nuclear and hydrogen, in line with our objectives to ensure our supply of energy always remains secure, reliable, affordable and consistent with our net zero target.

Meeting these objectives necessitates a significant amount of energy infrastructure, both large and small-scale. The white paper shows that the need for the energy infrastructure set out in the energy NPS remains, except in the case of coal-fired generation which is actively being phased-out of the system.

In the white paper the government committed to completing a review of the existing energy NPS to ensure they reflect current energy policy, and that we continue to have a planning policy framework which can deliver investment in the infrastructure needed for the transition to net zero.

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<sup>1</sup> <https://www.gov.uk/government/publications/national-policy-statements-for-energy-infrastructure>

<sup>2</sup> <https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future>



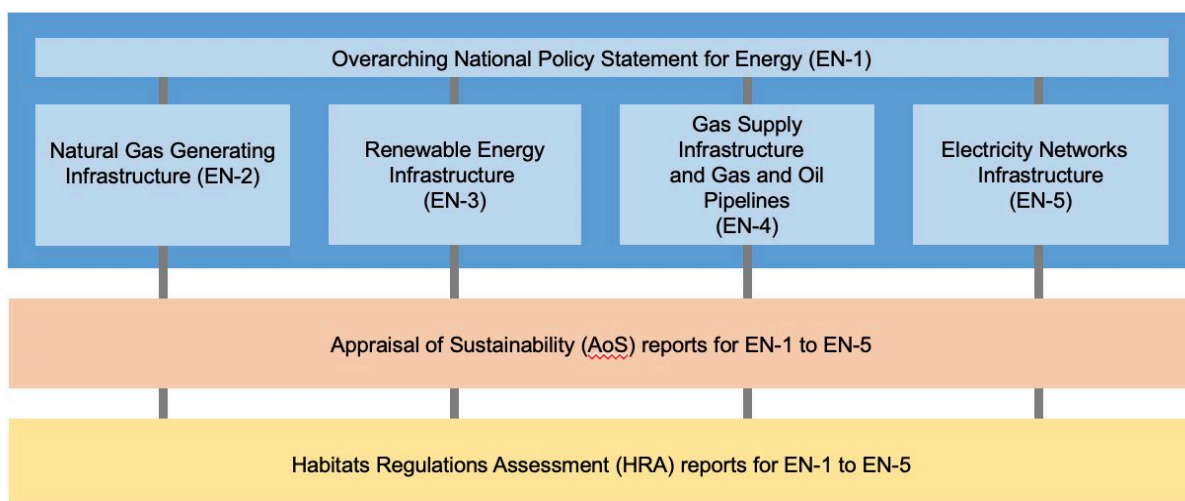
## Reviewing Energy National Policy Statements EN-1 to EN-6

The principal purpose of this consultation is to identify whether the revised energy NPS presented are fit for purpose (i.e. whether they provide a suitable framework to support decision making for nationally significant energy infrastructure).

This consultation also seeks views on the Appraisals of Sustainability (AoS) and Habitats Regulations Assessments (HRA) that have been carried out in relation to the draft energy NPSs. AoS are required by the 2008 Act and are intended to help to ensure that NPSs take account of environmental, social and economic considerations, with the objective of contributing to the achievement of sustainable development. The aim of the HRA is to assess the implications of NPSs for protected habitats.

The diagram below illustrates the structure of the package of draft energy NPSs (EN-1 to EN-5), and their supporting documents, covered by this consultation. EN-6, which currently sets out the planning and consents regime for nuclear projects deployable before 2025, will not be amended as part of this review. As such it is not part of this consultation.

### Structure of energy NPS document package subject to consultation:



The draft energy NPSs and their supporting documents are being published separately from this consultation document. All of the documents are available online:

<https://www.gov.uk/government/consultations/planning-for-new-energy-infrastructure-review-of-energy-national-policy-statements>

# Background

## What are energy National Policy Statements?

The energy NPSs set out national energy policy and form the framework for decision-making on applications for development consent under the 2008 Act for energy Nationally Significant Infrastructure Projects (NSIPs). EN-1 sets out the need case for certain energy infrastructure and general assessment principles, whilst the other five NPSs set out technology specific assessment principles. Applications for development consent for energy NSIPs must be in accordance with the relevant NPSs.

### Relevance to decision makers

The NPSs provide the framework from which decision makers can make legally robust and timely decisions. The way in which NPSs guide the Secretary of State's decision making, and the matters which the Secretary of State is required by the 2008 Act to take into account in considering applications, are set out in Sections 1.1 and 4.1 of EN-1.

### Relevance to applicants

The NPSs provide the legal, policy and technical information which applicants should consider and assess within their applications.

## Review of existing energy NPS

The energy NPS were first 'designated' in 2011.<sup>3</sup> In December 2020<sup>4</sup> the government announced a review of the energy NPS under section 6 of the 2008 Act to ensure they reflect the policies set out in the Energy White Paper and that we continue to have a planning policy framework which can support the infrastructure required for the transition to net zero.

The review has been conducted in line with guidance on the NPS review process published by the Ministry of Housing Communities and Local Government.<sup>5</sup> Each NPS was considered in turn, with the aim of identifying unaligned or out of date references to the regulatory or policy framework. Where a change was identified, the likely impact of making amendments was considered. In parallel, consideration was given to whether significant changes in circumstance

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<sup>3</sup> [www.gov.uk/government/publications/national-policy-statements-for-energy-infrastructure](https://www.gov.uk/government/publications/national-policy-statements-for-energy-infrastructure)

<sup>4</sup> <https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future>

<sup>5</sup> <https://www.gov.uk/guidance/planning-act-2008-guidance-on-the-process-for-carrying-out-a-review-of-existing-national-policy-statements>

necessitated broader changes to the NPS. Consideration was then given to whether the NPS should be withdrawn, amended or remain as is, in line with the requirements of Section 6(5) of the 2008 Act.

The review determined that the existing EN-1 to EN-5 documents should be amended. This consultation seeks views on the revised EN-1 to EN-5 documents. This consultation also seeks views on the AoS' and HRAs that have been carried out in relation to the revised NPSs.

EN-6 currently sets out the planning and consents regime for nuclear projects deployable before 2025. A review of EN-6 has concluded that EN-6 will not be amended as there are no changes material to the limited circumstances in which it will have effect (see the Written Ministerial Statement of 7 December 2017)<sup>6</sup>. As no amendments are being made to EN6, it is not part of this consultation.

A new NPS for nuclear electricity generation infrastructure deployable after 2025 will be developed to reflect the changing policy and technology landscape for nuclear, as set out in EN-1 para 3.3.39- 3.3.40.

EN-6 will continue to have the role set out in the 2017 Written Ministerial Statement during the development of any new nuclear NPS. It will continue to have effect for any nuclear electricity generation infrastructure deployable before 2025, or for applications to amend development consent for such generation. It also provides information, assessments and statements which may continue to be important and relevant for projects which will deploy after 2025. This may include those projects which enter examination before designation of any amendments to EN-1 (as outlined in section 1.6 of EN-1) as well as those that enter examination after designation of any amendments to EN-1.

Government envisages consulting on a siting approach for new nuclear developments deployable post 2025, as the next stage in the process to develop any new draft nuclear NPS. Further information will be published in due course.

## Transitional arrangements

While the review is undertaken, the current suite of NPS (or for nuclear development the position set out in the Written Ministerial Statement of 7 December 2017)<sup>7</sup> remain relevant government policy and EN-1 to 5 have effect for the purposes of the 2008 Act. They continue to provide a proper basis on which applications can be prepared, the Planning Inspectorate can examine, and the Secretary of State can make decisions on, applications for development consent.

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<sup>6</sup> <https://questions-statements.parliament.uk/written-statements/detail/2017-12-07/HCWS321>

<sup>7</sup> <https://questions-statements.parliament.uk/written-statements/detail/2017-12-07/HCWS321>

The Secretary of State has decided that for any application accepted for examination before designation of the amendments to the NPS, the original suite of NPSs should have effect. The amended NPS will therefore only have effect in relation to those applications for development consent accepted for examination after the designation of those amendments.

## Planning reform

The government is committed to building a Britain with world class infrastructure. In the summer of 2020, we established a new Infrastructure Delivery Taskforce, named ‘Project Speed’. The taskforce, led by the Chancellor, will review every part of the infrastructure project life cycle and identify where improvements could be made, developing a comprehensive package of reforms, including reforms to infrastructure planning. Reforms to the NSIP regime and steps government is taking to accelerate and improve infrastructure delivery are set out in Chapter 5 ‘Building faster, better and greener’ of the National Infrastructure Strategy<sup>8</sup> published in November 2020.

The Programme will:

- set an ambition to cut timescales by up to 50% for some projects entering the NSIP regime from September 2023;
- establish a project “acceleration team” of planning experts to accelerate infrastructure projects through the NSIP regime; and
- monitor the performance of the NSIP regime, coordinate with relevant departments the need for a review of their NPSs and ensure effective engagement with infrastructure departments, statutory consultees, the Planning Inspectorate and industry.

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<sup>8</sup> <https://www.gov.uk/government/publications/national-infrastructure-strategy>

# Draft Overarching Energy NPS (EN-1)

## Background

The Overarching Energy NPS (EN-1) is an umbrella document, under which all of the remaining energy NPSs sit. It has three main roles:

- to set out how the suite of energy NPSs will work and to explain the framework of existing government policy
- to set out assessment principles and generic impacts applicable to all energy infrastructure
- to establish the need for new energy infrastructure

The current need for new energy infrastructure is established in the draft EN-1 both in general terms, by looking at the need for energy supply and a diverse mix of electricity generation, and in terms of the need for specific, low-carbon types of energy infrastructure. EN-1 also contains generic information on certain issues which apply across more than one type of infrastructure, such as assessment principles and impacts.

## Draft EN-1

### Part 1 – Introduction

Part 1 of the draft EN-1 is introductory. It explains the document's role, its relationship with other key documents, the energy infrastructure it covers, its geographical coverage and the intended period of validity and review.

Part 1 explains the scope of the NPSs. Where relevant, EN-1 will have effect in combination with the appropriate technology specific NPS. However, in a departure from the original suite of NPSs, EN-1 may also have effect on its own in relation to certain types of infrastructure for which there is no technology specific NPS, such as Carbon Capture and Storage (CCS) and hydrogen infrastructure and other forms of low carbon generation. EN-1 also makes clear that it will have effect in relation to energy infrastructure that the Secretary of State may direct in to the NSIP regime under section 35 of the 2008 Act. This added flexibility allows for the NPSs to support new and developing forms of energy infrastructure that are vital for our transition to net zero.

The draft text has been updated to reflect the current regulatory framework. The text also contains new transitional provisions applicable during and following a review.

## Part 2 – Government policy and infrastructure development

Part 2 of the draft EN-1 sets out the government's energy and climate policy, establishing the context in which the Secretary of State will take decisions on applications for development consent for nationally significant energy infrastructure.

The Energy White Paper, published in December 2020, outlined how we intend to transform the energy system, tackling emissions while continuing to ensure secure and reliable supply, and affordable bills for households and businesses. The draft NPS have been updated to reflect this.

Changes in the draft text include:

- Updating our target from “at least 80%” Greenhouse Gas (GHG) emission reductions by 2050 to net zero by 2050, and 78% by 2035 compared to 1990 levels.
- Identifying our objectives to ensure our supply of energy always remains secure, reliable, affordable and consistent with net zero.
- Reinforcing our commitment to boost growth and productivity across the whole of the UK; levelling up and strengthening the Union through investment in rural areas, towns, and cities, from major national projects to local priorities; and creating new high-quality jobs and industries.
- Confirming our future generation mix will come from a range of sources including renewables, nuclear, low carbon hydrogen; with residual use of unabated natural gas and crude oil fuels for heat, electricity, transport, and industrial applications, as we transition. Our future energy system will also utilise a range of more nascent technologies, data, and innovative infrastructure projects including CCS, flexibility and green house reduction technologies.
- Discussion of power decarbonisation and key levers to encourage further decarbonisation.
- Discussion of UK security of supply and the role of the Capacity Market.

## Part 3 – Need for new energy infrastructure

Part 3 of the draft EN-1 provides further details on the need, and importance, of new large-scale energy infrastructure to meet government objectives.

Known technologies included within the scope of the NPS are offshore wind (including floating wind), solar photo-voltaic, wave, tidal range, tidal stream, energy from waste (including Advanced Conversion Technologies (ACTs)) with or without CCS, biomass with or without CCS, natural gas with or without CCS, low carbon hydrogen, large-scale nuclear, small modular reactors, advanced modular reactors, and fusion power plants and nuclear. The need for all these types of infrastructure is established as urgent.

Changes in the draft text include:

- Removal of the need for new coal and large-scale oil-fired electricity generation.
- An explanation of how novel technologies or processes can be accounted for in the Secretary of State's decision making.
- An update of need and urgency for new electricity infrastructure including generation, networks, storage, and interconnection based on up-to-date analysis and understanding of known infrastructure and technologies.
- An update of need for alternatives to new electricity infrastructure including energy efficiency, hydrogen, demand side response, decentralised and small-scale electricity infrastructure based on up-to-date analysis and understanding of known infrastructure and technologies.
- An update on the status of storage (the removal of electricity storage, excluding pumped hydro, from the NSIP regime in England and Wales) and further information on the role and need of storage in providing flexibility to enable decarbonisation.
- An update of need for gas infrastructure (including natural gas, hydrogen and biomethane) based on up-to-date analysis and understanding of known infrastructure and technologies.
- An update of need for CCS based on revised analysis and understanding of known infrastructure and technologies.
- An update of need for new oil infrastructure based on up-to-date analysis and understanding of known infrastructure and technologies.

### Part 4 – Assessment Principles

Part 4 of EN-1 covers Assessment Principles and sets out general policies for the submission and assessment of applications relating to energy infrastructure. It has been updated where appropriate to reference the most recent assessment principles that should be considered for NSIP projects. In section 4.1, which sets out general policies and considerations, the need case has been strengthened, and the importance of early engagement by applicants at the pre-application stage with key stakeholders, as well as the importance of good design, have both been emphasised.

Changes in the draft text include:

- More detail regarding environmental principles.
- A new section has been added that covers marine considerations.
- A new section has been added that covers biodiversity net gain.
- Updates on good design.

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- The CCS and Carbon Capture Ready (CCR) sections have been updated where appropriate to align with the new policies that are emerging in these areas.
- Updates on grid connections.

### Part 5 - Generic Impacts

Part 5 of the draft EN-1 covers Generic Impacts and sets out the impacts which any type of energy infrastructure could potentially have, which includes landscape and visual impacts. Impacts which are limited to one particular technology are only covered in the relevant technology specific NPS. This part has been updated to reflect the latest policies and available guidance documents that are relevant to the range of matters covered.

Changes in the draft text include updates in the following key areas:

- A new section on GHG emissions.
- Jobs and regional / local opportunities from new infrastructure.
- Biodiversity and geological conservation.
- Air quality.
- Coastal change.
- Landscape and visual.
- Flood risk.

### Questions

1. Does the draft Overarching Energy National Policy Statement (EN-1) provide suitable information to those engaged in the process for development consent (e.g. the Secretary of State, the Planning Inspectorate, applicants) for nationally significant energy infrastructure:
  - a. on the government's energy and climate policy (Part 2)?
  - b. on the need and urgency for certain types of energy infrastructure (Part 3)?
  - c. to inform decision making?
  - d. to inform examinations?
2. Do you agree with the amendments made to EN-1 Part 4 on assessment principles, including new guidance on the marine environment, and biodiversity and net gain?
3. Do you agree with the amendments made to EN-1 Part 5 on the generic impacts of new energy infrastructure?
4. Do you have any other comments on the amendments to EN-1?



# Draft Energy NPS for Natural Gas Generating Infrastructure, Renewables, Gas Supply and Gas and Oil Pipelines, Electricity Networks (EN-2 to EN-5)

The draft NPSs for natural gas generating infrastructure, renewables, gas supply and gas and oil pipelines, and electricity networks set out a revised framework for how the Secretary of State should apply government policy in relation to applications for development consent for the types of infrastructure they cover.

## Draft EN-2

EN-2 covers natural gas generating infrastructure. We have updated the document to reflect our current position regarding fossil fuel generation including the vital role natural gas generation continues to play in the transition to net zero, and the phase out of coal and large-scale oil-fired electricity generation.

Natural gas has an important and on-going role to play in the future as we decarbonise our energy system. This does not mean stopping the use of natural gas but means addressing the carbon dioxide and other greenhouse gases associated with its usage. There are several different options on how to do this, but we cannot decarbonise in a way that risks our energy security or leads to disproportionate impacts on consumers across the UK.

The gas market will need to evolve to ensure the right market and regulatory signals are provided to ensure the necessary level of investment and maintenance throughout the transition to Net Zero by 2050.

This draft NPS addresses the impacts, considerations and other matters which are specific to natural gas generating infrastructure including unabated gas, and gas with CCS. In line with our hydrogen ambitions - 5GW by 2030 - we have included references to hydrogen generation in the introductory narrative. We have not however covered hydrogen in detail, since the policy surrounding hydrogen infrastructure is still in development. Our upcoming hydrogen strategy will provide further detail on our approach. The document no longer provides information on coal and large-scale oil-fired electricity generation.

The section on CCR has been revised in line with updates made to EN-1 (see EN-1 section 4.7). We are running a separate call for evidence on how to evolve this policy, in line with the net zero agenda. Beyond this there has been limited substantive change to EN-2.

## Questions

5. Do you agree that the amendments to EN-2 (in combination with EN-1) provide clear planning policy to support the government's position on the use of fossil fuels in electricity generation and the phase out of coal and large-scale oil?
6. Do you agree with the way the amended EN-2 deals with the emerging potential for the use of low carbon hydrogen in electricity generation?
7. Do you have any other comments on the amendments to EN-2?

## Draft EN-3

EN-3 covers renewable energy infrastructure. We have updated the document to reflect the important role that renewables will play in developing a low carbon economy and meeting government's net zero targets.

This draft NPS addresses the impacts, considerations and other matters which are specific to biomass and energy from waste (EfW), offshore wind energy, pumped hydro storage, solar PV and tidal stream technologies. It no longer provides specific information on onshore wind to reflect the removal of onshore wind from the NSIP regime in England and Wales.

Limited changes have been made to the sections on biomass and EfW to update references to legislation, renewable support schemes and cross references.

More substantial changes have been made to the section on offshore wind, reflecting the new government offshore wind target of 40GW capacity by 2030 and developments in the technology, policy, scientific evidence, and best practice methodologies over the past 10 years. In particular, new sections and criteria have been added on marine planning, co-ordinated offshore transmission, environmental compensation, environmental net gain, and the 25-year Environment Plan. The text has been expanded to reflect long term research programmes, rather than specific research papers and new guidance/protocols, for example the Crown Estate's cable route protocol, Statutory Nature Conservation Bodies' (SNCBs) underwater noise guidance and marine historic environment protocols. Updates to terminology, legislation, and the outcome of recent seabed leasing rounds have also been incorporated. The section now provides greater signalling to industry on considering the need for environmental compensation prior to application and to consider collaborating with others.<sup>9</sup>

A new section has been added to provide guidance on pumped hydro storage (PHS). This new section sets out how PHS works and key features of PHS developments; the role of PHS in decarbonisation; site selection factors; technical considerations; considerations regarding

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<sup>9</sup> Defra are consulting on Best Practice Guidance for considering Compensatory Measures in relation to development affecting Marine Protected Areas during summer 2021. Consultees should refer to that consultation for the current proposed approach.

## Reviewing Energy National Policy Statements EN-1 to EN-6

noise, visual and environmental impacts and mitigations for the Secretary of State when assessing applications.

A new section has been added to provide guidance on solar PV. This new section sets out how the technology works as well as site selection factors; specific technical considerations; environment and biodiversity impacts (including the potential to make net gain); landscape and visual impacts; glint and glare; land use and heritage considerations (including the requirement to conduct proportionate trial trenching for archaeological purposes). The section also clarifies that the combined capacity of the installed inverters on the solar site (measured in AC) should be used for the purpose of determining the capacity thresholds for solar PV projects under section 15 of the 2008 Act (which determines the size of projects which can be considered at local authority level rather than through the NSIP route).

A new section has been added to provide guidance on tidal stream energy. This new section sets out the consenting process; site selection and design factors; specific technical considerations; and biodiversity and ecological impacts. It explains that given the relatively nascent state of the industry there is not yet sufficient evidence to provide separate guidance in respect of commercial fisheries and fishing, historic environments, navigation and shipping, oil, gas, CCS and other offshore infrastructure and activities, physical environment and seascape and visual impact. It proposes that the relevant parts of offshore wind section should be considered when assessing these impacts, given that large tidal stream arrays are likely to share most characteristics of offshore wind with regard to these considerations.

## Questions

8. Do you agree that the amendments to EN-3 (in combination with EN-1) provide clear planning policy to support the government's position on renewable energy infrastructure?
9. Do you agree with the amendments made to EN-3 guidance on offshore wind?
10. Do you agree with the new guidance added to EN-3 on pumped hydro storage?
11. Do you agree with the new guidance added to EN-3 on solar PV?
12. Do you agree with the new guidance added to EN-3 on tidal stream energy?
13. What further changes do you think might be necessary to EN-3 and the NSIP regime more broadly in the longer term to deliver our de-carbonisation and other objectives including to deliver the scale of deployment needed for Carbon Budget 6 and Net Zero?
14. Do you have any other comments on the amendments to EN-3?

## Draft EN-4

EN4 covers gas supply infrastructure and oil and gas pipelines. We have updated the document to reflect our current position regarding unabated natural gas and crude oil fuels which are still required for heating, cooking and transport. This is likely to remain the case over

## Reviewing Energy National Policy Statements EN-1 to EN-6

the coming decades enabling secure, reliable, and affordable supplies of energy as the UK transitions to low carbon solutions. The independent Committee on Climate Change has recognised the ongoing demand for oil and natural gas, including it in all scenarios it proposed for how the UK meets its target for achieving net zero emissions by 2050.

This draft NPS addresses the impacts, considerations, and other matters which are specific to the import, storage, and transmission of gas and oil products. In line with our hydrogen ambitions and CCS ambitions we have included references to hydrogen infrastructure and CCS pipelines in the introductory narrative. We have not however covered hydrogen in detail, since the policy surrounding hydrogen infrastructure is still in development. Our upcoming hydrogen strategy will provide further detail on our approach. It no longer provides information on coal and large-scale oil-fired electricity generation.

Further amendments have been made to bring the document in line with the current regulatory landscape. This includes the removal of EU rules for the Internal Market in Natural Gas and clarification of the storage threshold for Liquefied Natural Gas (LNG) Import Facilities - at least 43 million standard cubic metres, or the maximum flow rate of the facility expected to be at least 4.5 million standard cubic metres per day - aligning it to definition in the 2008 Act.

### Questions

15. Do you agree that the amendments to EN-4 (in combination with EN-1) provide clear planning policy to support the government's position on gas supply infrastructure and gas and oil pipelines?
16. Do you agree with the way the amended EN-4 deals with the emerging need for low carbon hydrogen?
17. Do you have any other comments on the amendments to EN-4?

### Draft EN-5

EN-5 covers electricity network infrastructure. In particular, this draft NPS addresses the impacts, considerations, and other matters which are specific to overhead electricity lines rated at 132 kilovolt (kV) or above, and, in certain circumstances, associated developments such as substations and AC/DC converter stations.

We have updated the document to reflect the importance of building electricity network infrastructure that not only connects new generation with flexibility solutions and centres of demand, but also guarantees system robustness and security of supply even as the energy system grows increasingly complex. We have also revised the document to reflect the current policy and regulatory landscape. A new section has been added specifically dealing with the question of rights and interests in land, which strongly encourages developers to pursue permanent land rights wherever possible, rather than relying on wayleaves. This change will put our electricity networks on a more stable and secure footing, as well as ensuring better

value for electricity billpayers in the long run. Guidance has also been clarified around developers pursuing the compulsory acquisition of rights in land for the purposes not only of the construction itself, but also for any necessary mitigation and/or biodiversity net gain schemes.

Bringing the document in line with updates to relevant environmental regulations requirements have been added on developers to safeguard the soil quality of the land they use, and to take measures to reduce or eliminate the fugitive emission of sulphur hexafluoride (SF<sub>6</sub>) from network assets into the atmosphere. The document also contains guidance on the types of biodiversity net gain scheme best suited to the linear nature of electricity networks infrastructure, such as reconnecting habitats via green corridors. Because the regulatory framework on electromagnetic field (EMF) emissions from electricity network assets has not substantially changed since EN-5 was first designated, no material changes are proposed in this area.

Minimisation of the landscape and visual impact of electricity networks is a key concern, and several changes have been made to guidance on this topic. The text formally recognises the industry-standard 'Horlock Rules' for the design and siting of substations and similar assets, and clarifies that the reconfiguration, rationalisation, or undergrounding of existing electricity networks infrastructure is a viable form of landscape and visual impact mitigation, and one that should be considered when developers put forward a proposal.

Most substantively, we have changed our policy on undergrounding. Whilst pylon-supported overhead conductors should be the strong starting presumption for new electricity lines generally, this situation is reversed in National Parks and Areas of Outstanding Natural Beauty. In these areas, the strong starting presumption will be that new lines should be undergrounded, unless the harm of doing so outweighs the landscape and visual benefit. We expect this change to bring welcome clarity to communities and stakeholders, and to streamline the consultation process for infrastructure crossing these important landscapes.

Lastly, we have added a new section addressing the need for more coordination in the design and delivery of onshore and offshore electricity transmission infrastructure associated with the development of offshore wind farms and network reinforcements. The BEIS-led Offshore Transmission Network Review (OTNR) is currently underway and is seeking to deliver much greater coordination through its various workstreams which are targeting projects at different stages of development. In the Early Opportunities workstream, changes are being made to the existing regulatory framework and developers of in-flight projects, at an appropriate stage, are being encouraged to consider whether they could take advantage of these changes by becoming a pathfinder project and adopting coordinated connections.

The Pathway to 2030 workstream is targeting projects not caught by the Early Opportunities workstream, including those due to secure seabed leases in 2021 through The Crown Estate's Leasing Round 4 and The Crown Estate Scotland's Scotwind leasing round. This workstream is bringing together Ofgem, National Grid Electricity Systems Operator (ESO) and the Onshore Transmission Owners to develop an improved plan-led approach to connecting offshore wind and delivering the associated onshore infrastructure. This new approach seeks to bring

## Reviewing Energy National Policy Statements EN-1 to EN-6

together onshore and offshore network planning in a more holistic way, facilitate more anticipatory investment, better consider cumulative impacts and overcome the potential limitations of bottom-up project-led coordination.

Lastly the Enduring Workstream is seeking to design a new end-to-end process for how offshore wind is developed and connected, with the aim of being implemented for all projects coming through future sea bed leasing rounds. Further change may be required to the NPSs to take account of the recommendations from the OTNR in relation to the enduring regime when policy is more advanced.

Our changes to EN-5 are intended to reflect these policy changes that are under development, and seek to increase the benefits that the policy being introduced as part of the OTNR is aiming to achieve.

### Questions

18. Do you agree that the amendments to EN-5 (in combination with EN-1) provide clear planning policy to support the government's position on electricity networks infrastructure?
19. Do you agree with the new guidance added to EN-5 dealing with land rights and interests?
20. Do you agree with the new guidance added to EN-5 incentivising more coordination in the design and delivery of electricity transmission infrastructure associated with offshore wind?
21. Do you agree with the amendments made to EN-5 to reflect priorities to minimise the landscape and visual impacts of new electricity network infrastructure including recognition of the 'Horlock Rules' and undergrounding in National Parks and Areas of Outstanding Natural Beauty?
22. Do you have any other comments on the amendments to EN-5?

# Appraisal of Sustainability and Habitats Regulations Assessment for EN-1 to EN-5

## Background

As required by the 2008 Act, the government has conducted an AoS and HRA on each of the revised NPSs. The assessments have been undertaken at a strategic-level for the five revised energy NPSs. This does not remove the requirement for detailed, project-level assessments at development consent stage.

## Appraisal of Sustainability

An AoS must be carried out before an NPS can be designated. The main purpose of an AoS is to ensure that the likely environmental and socioeconomic effects of the NPS, at a national level, are identified, described and evaluated. If potential significant adverse effects are identified, the AoS recommends options for avoiding or mitigating such effects. In this way, the AoS helps to inform the preparation of the NPS and particularly with respect to the promotion of sustainable development.

The AoS incorporates an assessment in accordance with the requirements of the the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations). The Regulations aims for a high level of environmental protection and to promote sustainable development. They apply to certain plans that are likely to have significant effects on the environment. The AoS considers socio-economic effects in the same way as environmental effects are required to be assessed by the SEA Regulations.

Each AoS report includes:

- A discussion of the alternatives to the draft NPSs.
- An appraisal of the sustainability and environmental impacts of the proposals in the draft NPSs.
- Key recommendations.
- Information on monitoring and mitigating significant effects.

## Reviewing Energy National Policy Statements EN-1 to EN-6

As part of the AoS process government sought views from statutory consultation bodies via a consultation on the scope of the AoS framework.<sup>10</sup> This consultation closed on 6 May 2021. Responses have been taken into account when finalising the AoS approach.

The specialist environmental consultancy Atkins has completed the AoS on behalf of the government.

Respondents should refer to the AoS Report, including the non-technical summary, when responding to the consultation questions below.

### Questions

23. Do you have any comments on the Appraisal of Sustainability findings for the following draft NPSs:

- a. The draft Overarching NPS for Energy (EN-1)?
- b. The draft NPS for Natural Gas Generating Infrastructure (EN-2)?
- c. The draft NPS for Renewable Energy Infrastructure (EN-3)?
- d. The draft NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?
- e. The draft NPS for Electricity Networks Infrastructure (EN-5)?

## Habitat Regulation Assessment

The HRA incorporates an assessment in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 and Conservation of Offshore Marine Habitats and Species Regulations 2017. The purpose of the assessment is to consider the impacts on nature conservation sites of designated importance, of constructing and operating new energy infrastructure in line with the policies and proposals set out in the NPS.

There are no specific sites, allocations or any spatial component to the NPSs. Therefore, the assessments focus on the policy content within each document.

Each HRA report includes:

- Identification and assessment of the impacts of the draft NPS on nature conservation sites of designated importance, including mitigation of any negative effects.
- Discussion of the alternatives to the draft NPSs as set out in the AoS.
- Discussion of Imperative Reasons of Overriding Public Interest (IROPI).

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<sup>10</sup> <https://www.gov.uk/government/publications/energy-national-policy-statements-review-scope-of-appraisal-of-sustainability-and-approach-to-habitats-regulations-assessment>



## Reviewing Energy National Policy Statements EN-1 to EN-6

- Key recommendations.

As part of the HRA process government sought views from statutory and relevant technical experts via a consultation on the scope of the HRA methodology.<sup>11</sup> This consultation closed on 6 May 2021. Responses have been taken into account when finalising the HRA approach.

The specialist environmental consultancy Atkins has completed this HRA on behalf of the government.

Respondents should refer to the HRA Report when responding to the consultation questions below.

### Questions

24. Do you have any comments on the HRA findings for the following draft NPSs:

- a. The draft Overarching NPS for Energy (EN-1)?
- b. The draft NPS for Natural Gas Generating Infrastructure (EN-2)?
- c. The draft NPS for Renewable Energy Infrastructure (EN-3)?
- d. The draft NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?
- e. The draft NPS for Electricity Networks Infrastructure (EN-5)?

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<sup>11</sup> <https://www.gov.uk/government/publications/energy-national-policy-statements-review-scope-of-appraisal-of-sustainability-and-approach-to-habitats-regulations-assessment>

## Other comments

The government welcomes views on any other aspect of these draft NPSs or associated documents that the previous questions do not cover. When considering responses to this consultation, the government will give greater weight to responses that are based on argument and evidence, rather than simple expressions of support or opposition.

## Questions

25. To maintain consistency and ensure an efficient transition to the updated NPS, the drafts adopt the same structure as the existing suite of NPS. Do you agree with this approach?
26. The NPS direct the reader to relevant additional policy and regulations that should be reflected in the submission and consideration of applications for development consent. Such guidance could be periodically updated or changed. Is there a way we can improve how the NPS signpost existing and future guidance?
27. Do you have any comments on any aspect of the draft energy NPSs or their associated documents not covered by the previous questions?

## Parliamentary Scrutiny

As well as a public consultation exercise, draft NPSs EN-1 to EN-5 will also be subject to Parliamentary scrutiny. The 2008 Act requires the government to lay each draft NPS before Parliament, and to respond to the recommendations of a Committee of either House or a resolution of either House made within a specified period.

## Next Steps

This consultation will close on 29 November 2021.

The government will consider responses it receives to the consultation, and outputs from Parliamentary scrutiny. The government will then issue a response to the consultation, including a summary of responses received, and revise the draft energy NPSs as necessary.

Once formally approved (“designated”) these NPSs would then be the primary consideration for the Secretary of State and Planning Inspectorate when it makes decisions on applications for development consent for nationally significant energy.

## Consultation questions

This consultation focuses on the consultation questions listed below. However, respondents are free to make other comments, and the government will consider these where appropriate. When considering responses to this consultation, the government will give greater weight to responses that are based on argument and evidence, rather than simple expressions of support or opposition.

### Draft Overarching Energy NPS (EN-1)

1. Does the draft Overarching Energy NPS (EN-1) provide suitable information to those engaged in the process for development consent (e.g. Secretary of State, the Planning Inspectorate, applicants) for nationally significant energy infrastructure
  - a. on the government's energy and climate policy (Part 2)?
  - b. on the need and urgency for certain types of infrastructure (Part 3)?
  - c. to inform decision making?
  - d. to inform examinations?
2. Do you agree with the amendments made to EN-1 Part 4 on assessment principles, including new guidance on the marine environment, and biodiversity and net gain?
3. Do you agree with the amendments made to EN-1 Part 5 on the generic impacts of new energy infrastructure?
4. Do you have any other comments on the amendments to EN-1?

### Draft EN-2

5. Do you agree that the amendments to EN-2 (in combination with EN-1) provide clear planning policy to support the government's position on the use of fossil fuels in electricity generation and the phase out of coal and large-scale oil?
6. Do you agree with the way the amended EN-2 deals with the emerging potential for the use of low carbon hydrogen in electricity generation?
7. Do you have any other comments on the amendments to EN-2?

## Draft EN-3

8. Do you agree that the amendments to EN-3 (in combination with EN-1) provide clear planning policy to support the government's position on renewable energy infrastructure?
9. Do you agree with the amendments made to EN-3 guidance on offshore wind?
10. Do you agree with the new guidance added to EN-3 on pumped hydro storage?
11. Do you agree with the new guidance added to EN-3 on solar PV?
12. Do you agree with the new guidance added to EN-3 on tidal stream energy?
13. What further changes do you think might be necessary to EN-3 and the NSIP regime more broadly in the longer term to deliver our de-carbonisation and other objectives including to deliver the scale of deployment needed for Carbon Budget 6 and Net Zero?
14. Do you have any other comments on the amendments to EN-3?

## Draft EN-4

15. Do you agree that the amendments to EN-4 (in combination with EN-1) provide clear planning policy to support the government's position on gas supply infrastructure and gas and oil pipelines?
16. Do you agree with the way the amended EN-4 deals with the emerging need for low carbon hydrogen?
17. Do you have any other comments on the amendments to EN-4?

## Draft EN-5

18. Do you agree that the amendments to EN-5 (in combination with EN-1) provide clear planning policy to support the government's position on electricity networks infrastructure?
19. Do you agree with the new guidance added to EN-5 dealing with land rights and interests?
20. Do you agree with the new guidance added to EN-5 incentivising more coordination in the design and delivery of electricity transmission infrastructure associated with offshore wind?
21. Do you agree with the amendments made to EN-5 to reflect priorities to minimise the landscape and visual impacts of new electricity network infrastructure including recognition of the 'Horlock Rules' and undergrounding in National Parks and Areas of Outstanding Natural Beauty?
22. Do you have any other comments on the amendments to EN-5?

## Assessment of Sustainability EN-1 to 5

23. Do you have any comments on the AOS findings for the following draft NPSs:
- a. The draft Overarching NPS for Energy (EN-1)?
  - b. The draft NPS for Natural Gas Generating Infrastructure (EN-2)?
  - c. The draft NPS for Renewable Energy Infrastructure (EN-3)?
  - d. The draft NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?
  - e. The draft NPS for Electricity Networks Infrastructure (EN-5)?

## Habitat Regulations Assessment EN-1 to 5

24. Do you have any comments on the HRA findings for the following draft NPSs:
- a. The draft Overarching NPS for Energy (EN-1)?
  - b. The draft NPS for Natural Gas Generating Infrastructure (EN-2)?
  - c. The draft NPS for Renewable Energy Infrastructure (EN-3)?
  - d. The draft NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?
  - e. The draft NPS for Electricity Networks Infrastructure (EN-5)?

## Other Comments

25. To maintain consistency and ensure an efficient transition to the updated NPS, the drafts adopt the same structure as the existing suite of NPS. Do you agree with this approach?
26. The NPS direct the reader to relevant additional policy and regulations that should be reflected in the submission and consideration of applications for development consent. Such guidance could be periodically updated or changed. How can we improve the way that the NPS signpost existing and future guidance?
27. Do you have any comments on any aspect of the draft energy NPSs or their associated documents not covered by the previous questions?

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This consultation is available from: [www.gov.uk/beis](http://www.gov.uk/beis)

If you need a version of this document in a more accessible format, please email [enquiries@beis.gov.uk](mailto:enquiries@beis.gov.uk). Please tell us what format you need. It will help us if you say what assistive technology you use.