



Department for  
Energy Security  
& Net Zero

# Consultation Response

# Planning for New Energy

# Infrastructure

Draft National Policy Statements for energy  
infrastructure

November 2023



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E03028327 11/23

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of the Controller of His Majesty's Stationery Office

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# Introduction

## Background to consultation

This document provides a summary of, and government position on, the responses to the government consultation Draft National Policy Statements - Planning for new energy infrastructure, which ran from 30 March to 23 June 2023 (extended from 25 May 2023).

The Energy White Paper published by BEIS in December 2020 announced that the government would review the suite of energy National Policy Statements (NPSs) to reflect the policies and broader strategic approach set out in the White Paper and ensure that the government continues to have a planning policy framework which can support the infrastructure required for the transition to net zero.

Following the 2020 White Paper publication, the government has published the Net Zero Strategy: Build Back Greener in 2021, the British Energy Security Strategy (BESS) last year, and Powering Up Britain – Energy Security and Net Zero strategies in March this year. This emphasises the critical importance to the country's wellbeing, security and economic growth, that government places on continuing to ensure a supply of energy that is secure, reliable, affordable and consistent with our net zero target; and also reflects the pace of change in this area, especially as a result of the Russian invasion of Ukraine, leading to concerns over global energy security and high energy prices; as well as ever more compelling evidence of the need to act on global greenhouse gas emissions. It is for all these reasons that the need for measures to address net zero and energy security has been strengthened in these National Policy Statements.

National Policy Statements are designated under the Planning Act 2008 to provide guidance for decision-makers on the application of government policy when determining applications for development in relation to Nationally Significant Infrastructure Projects (NSIPs). Their function is to clearly state an established need for the infrastructure in question, explain why this need arises, and set out 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 based on planning considerations alone.

The draft NPSs have been revised, where appropriate, to take account of consultation responses, and this document sets out where and how this has been done.

## National Policy Statements

The NPSs set out government policy in relation to each type of infrastructure that is designated as being nationally significant. The main purpose of an NPS is to set out the need for infrastructure and provide the policy framework for planning decisions. The NPS provide the primary basis for Planning Inspectorate (PINS) assessment of an application and its

recommendation on whether the Secretary of State should grant or withhold development consent, and the Secretary of State's (or the delegated Minister's) decision on the basis of that recommendation.

We know that the future pipeline for NSIP projects will consist of significant numbers of energy projects coming forward over the next few years. This is likely to include both well-established technologies such as solar, offshore wind, high voltage power lines, oil and gas pipelines and large-scale nuclear fission plants, as well as newer and emerging technologies such as gas combustion plants with carbon capture and storage, hydrogen, and small modular nuclear reactors. As such, an updated suite of energy NPSs will ensure that future development consent applications are considered against a robust, useable up-to-date policy framework which takes into account the country's need for energy infrastructure.

A period of consultation and parliamentary scrutiny is required before an NPS can be designated. The draft energy NPSs were initially subject to parliamentary scrutiny between 6 September 2021 to 28 February 2022 as set out in the Written Ministerial Statement issued in the Commons on 20 September and on 11 October 2021 in the House of Lords.

The BEIS Select Committee launched an inquiry into the draft Energy NPS on 3 November 2021, inviting written evidence from stakeholders alongside two oral evidence sessions on 7 December 2021 and 18 January 2022.

The energy NPS, subject to consultation, comprise the overarching National Policy Statement for energy (EN-1) alongside several technology-specific National Policy Statements (EN-2 to EN-5) first published in 2011. The full suite of documents covered by this consultation is:

- Draft EN-1: Overarching NPS
- Draft EN-2: Fossil fuel electricity generating infrastructure
- Draft EN-3: Renewable Energy infrastructure
- Draft EN-4: Gas supply infrastructure & gas and oil pipelines
- Draft EN-5: Electricity Networks Infrastructure
- Appraisals of Sustainability (AoS) for the revised draft NPSs
- Habitats Regulations Assessments (HRAs) for the revised draft NPSs

EN-1 sets out the 'need case' for energy infrastructure projects, and planning guidance on assessment criteria that are common across a number of technologies. It has a section on each significant energy technology. EN-2 to EN-5 refer to the need case in EN-1 and include planning guidance on assessment of technology specific criteria for all key technologies except for nuclear. The present EN-6 sets out the planning and consents regime for nuclear projects deployable before 2025. As set out in the Powering Up Britain document, a new NPS for nuclear, covering both established and emerging technologies, will be brought forward next year.

# Consultation responses - general

## Overview

Responses to the consultation were received from members of the public and from a range of organisations, through Citizen Space and via email.

Please note that due to a technical error, question 7 in the consultation document was not included in the online survey. The consultation deadline was extended to ensure everyone wishing to respond to question 7 could do so. All responses already received for question 7, and those received by the extended deadline, are valid and have been considered as part of this response.

Whilst all responses have been considered, this document does not attempt to set out the government's response to every single point raised. Instead, it concentrates on the key themes which arose from the consultation and explains how they have been taken into account in shaping the NPSs and associated documents.

## Citizen Space responses

101 responses were received via Citizen Space. 97 of these responses have been considered in our analysis. The 4 responses not considered have been removed on the basis that they either:

- provided only an answer to a specific question (such as Q7), in which case they were integrated with an existing submission that did not have a response to that specific question; or
- were replaced by an updated response provided by respondents via Citizen Space.

## Email responses

1,224 emails were received during the consultation period.

1,090 of these emails received were categorised as being campaign responses. Details of these campaign responses can be found in Annex 2: Campaign responses. Our approach to considering campaign responses can be found in Annex 3: Methodology.

The remaining 134 emails were analysed, with 63 of these determined to be responses to the consultation. The other 71 emails were excluded on the basis that they were not a consultation response, as they were found to be:

- Auto-reply emails;
- Duplicate emails with identical content to previously submitted consultation responses;
- Emails with content unrelated to the NPS consultation;
- Emails with no text in the email body;

- Emails requesting acknowledgement of a submitted consultation response;
- General queries;
- Notes on issues with the consultation (e.g. incorrect numbering in NPS document, Citizen Space etc.);
- Requests for an extension of the consultation period;
- Requests for contact details.
- Statements of endorsement for submitted consultation responses by other respondents;

### Responses and respondents

#### Number of unique respondents from campaigns

As outlined above, campaign responses differ from other consultation responses, so we have considered the campaign responses separately to the other responses received. Summary statistics for campaign responses can be found in Annex 2: Campaign responses.

In total, we estimate that campaign responses were received from 598 unique email addresses.

#### Number of unique respondents from Citizen Space and Other Emails

With campaign responses considered separately, we have summarised the total responses to consider and the number of unique respondents as follows:

Source of response	Count
Citizen Space	97
Email	63
<b>Total responses</b>	<b>160</b>

**Table 1: Count of consultation responses (excluding campaign responses)**

Source	Count
Total responses	160
<i>Less count of respondents who submitted 2 responses for consideration</i>	3
<b>Total unique respondents</b>	<b>157</b>

**Table 2: Count of unique respondents (excluding campaign responses)**

Unique respondents can be categorised as follows:

Respondent category	Number of respondents
---------------------	-----------------------

Business/trade association	22
Commercial organisation	39
Government agency or public body	29
NGO	30
Member of the public	37
<b>Grand total</b>	<b>157</b>

**Table 3: Summary of responses received**

### **Our estimate of total unique respondents from all sources**

When we analyse the total number of unique respondents then, we take the unique email addresses identified from Campaign responses and integrate these with respondents that submitted through Citizen Space and Other Emails. We find that there is an overlap between these, with 4 members of the public submitting responses via campaigns and other channels. As such, we estimate the total number of respondents to the consultation as follows:

<b>Sources</b>	<b>Number of respondents</b>
Unique email addresses from Campaigns	598
Unique respondents from Citizen Space and Other Emails	157
<i>Less the number of respondents who submitted responses through Campaigns, Citizen Space, and Other Emails</i>	-4
<b>Grand total of unique respondents</b>	<b>751</b>

**Table 4: Total number of respondents to the consultation**

## **Analysis of Responses**

Questions 1 to 7 specifically asked closed questions to respondents to determine whether they agree with our statements, with response options being “Yes”, “No”, “Not sure”, and an option to not answer. A summary of these responses is based on responses submitted through Citizen Space and individual responses received through email.

Sample sizes are smaller in open ended questions. Therefore, to avoid misrepresenting the data in this sample we have described the data using qualitative terminology.

The following terms have been used to summarise the views of respondents:

- “Most respondents” indicates the clear view of more than 75% of respondents;
- “Many respondents” indicates the view of 50%-75% of respondents;
- “Some respondents” refers to the range between 25% and 50% of respondents; and
- “A few respondents” refers to the range between 0% and 25% of respondents.

All percentages have been calculated in terms of the overall responses to each question, unless otherwise stated. Within each summary of question responses, to calculate the percentage of those who agreed, we have considered those who provided a yes or no response.

# Consultation responses - by section

## Critical national priority for offshore wind

### Closed question summaries<sup>1</sup>

#### **Q1: Do you agree with the glossary definition for CNP?**

Yes: **35**          No: **39**          Total: **74**          Percentage that agreed: **47%**

*83 respondents provided no view to Q1 (Selecting "Not sure" or no answered provided)*

#### **Q2: Do you agree with the new guidance added to draft EN-1, draft EN-3 and draft EN-5 on the CNP for offshore wind, supporting onshore and offshore network infrastructure, and related network reinforcements?**

Yes: **30**          No: **34**          Total: **64**          Percentage that agreed: **47%**

*93 respondents provided no view to Q2 (Selecting "Not sure" or no answered provided)*

#### **Q2a: Specifically, do you agree that this policy will support government ambitions to deploy up to 50GW of offshore wind by 2030, including up to 5GW of floating wind?**

Yes: **33**          No: **21**          Total: **54**          Percentage that agreed: **61%**

*103 respondents provided no view to Q2a (Selecting "Not sure" or no answered provided)*

#### **Q2b: Specifically, do you agree that this policy will support government objectives to streamline the offshore wind consenting process?**

Yes: **27**          No: **22**          Total: **49**          Percentage that agreed: **55%**

*108 respondents provided no view to Q2b (Selecting "Not sure" or no answered provided)*

### Overview of responses

There were a number of respondents who provided comments or raised queries in relation to one or more of the themes listed below, but did not answer 'yes' or 'no' to the closed question. Where these answers are relevant to a theme below, they have been pooled with the total number of question responses. As the majority of responses to questions 2a and 2b raised the same themes, the overview of responses to these questions has been considered together.

<sup>1</sup> Response summaries are based on responses submitted through Citizen Space and responses received via email.

### Question 1

#### *Expand the scope of CNP Infrastructure to other technologies*

Some respondents suggested a broader application of CNP, either across other technologies and networks which they specified, or to all other technologies which are critical to meeting our net zero ambitions. Of the responses which questioned the narrow application of CNP, a few expressed concerns about creating a hierarchy of technologies and the negative impact this could have on other low carbon industries, which would be in competition with offshore wind.

#### *Application of the mitigation hierarchy and requirements under the Habitats Regulations to CNP Infrastructure*

Some respondents raised queries or concerns regarding application of the mitigation hierarchy, or requirements under The Conservation of Habitats and Species Regulations 2017, and The Conservation of Offshore Marine Habitats and Species Regulations 2017 (the Habitats Regulations). Of the responses which raised this, some highlighted the importance in ensuring that the mitigation hierarchy is applied effectively by developers of CNP infrastructure, and properly considered by the Secretary of State in decision making. A few respondents queried who will ensure that the mitigation hierarchy has been effectively applied, and who will decide whether impacts are genuinely residual. A few responses highlighted that the requirements under the Habitats Regulations must continue to apply, and a few other respondents considered that application of CNP policy either disapplied or incentivised developers to bypass the mitigation hierarchy. A few responses expressed concerns about potential increase in environmental impacts which could result from the policy.

#### *Clarity on which networks infrastructure is CNP Infrastructure*

A few respondents considered that the definition of which networks infrastructure was included as CNP Infrastructure was too broad and required further clarity. A few of these responses suggested that all enabling grid infrastructure which serves net zero technologies should be included in the CNP definition.

#### *Community engagement*

A few respondents commented on the potential impacts to communities and community engagement which could result from CNP, expressing concern that communities would be negatively affected by the introduction of CNP, with too much power given to developers, or that the policy would undermine the planning process. Some responses highlighted that comprehensive and meaningful community engagement is required. A few respondents thought that the policy undermined local planning authorities and communities.

#### *Supply chain of energy infrastructure*

A few respondents highlighted that CNP excludes supply chain considerations of offshore wind deployment. Respondents highlighted the risk to deployment from supply chain concerns, and ports were mentioned specifically in this context.

### *Spatial planning*

A few respondents considered that there was a need for coordinated strategic approach to energy infrastructure. The need for spatial planning and prioritisation of projects was highlighted. This is in addition to comments on spatial planning in answer to Question 2, below.

### *Inclusion of “economic” and “commercial” in CNP definition*

A few respondents did not agree that the definition of CNP should include consideration of economic and commercial benefits, as they did not consider these to be comparable to the benefits of national security and net zero.

## **Question 2**

### *Application of the mitigation hierarchy to CNP Infrastructure*

A few respondents commented on the application of the mitigation hierarchy for CNP Infrastructure. A few of the responses highlighted the need for effective and consistent application of the mitigation hierarchy for CNP infrastructure. A few responses expressed concerns regarding potential environmental impacts which could occur from the introduction of the policy.

### *Expand the scope of CNP Infrastructure to other technologies*

A few respondents suggested expanding the definition of CNP Infrastructure to include other technologies, or noted that only prioritising offshore wind potentially disadvantaged other technologies.

### *Community engagement*

A few respondents expressed concerns regarding potential harms the policy presumption may have on communities. The importance of early stakeholder engagement was highlighted.

### *Spatial planning*

A few respondents recommended a spatial element be added to the NPSs, referencing an economic need for energy infrastructure in certain regions as well as concentration of new developments in others.

## **Question 2a & 2b**

### *Application of the mitigation hierarchy to CNP Infrastructure*

A few respondents expressed concern regarding potential environmental damage which could occur from CNP infrastructure, specifically with how non-HRA residual impacts would be considered.

### *Regularity of NPS reviews*

A few respondents noted that the NPSs needed to align with new policies which are expected to be published in the near future, and that the NPSs would require periodic review in order to achieve this.

### *Spatial planning*

A few respondents suggested that the NPSs should adopt a spatial planning element. The recommendations of the National Infrastructure Commission were cited in several responses. More than one response noted either the reduced likelihood of environmental impacts resulting from a spatial plan as mitigation could be secured at a plan level, or that the environmental impacts of the NPSs cannot be accurately assessed without a spatial plan. More than one response also suggested that a spatial plan may mean that projects would be more likely to obtain consent or be less prone to legal challenge.

### *Community engagement*

A few respondents raised concerns regarding the potential impacts on communities resulting from CNP Infrastructure. Of the responses that raised this, many respondents thought that the policy would result in a reduction in community acceptance of energy infrastructure projects which could lead to increased local opposition, and subsequent delays and uncertainty for projects. Some of respondents considered that the policy may lead to local communities being ignored by developers and community concerns would not be responded to during the planning process.

### *Expand the scope of CNP Infrastructure to other technologies*

A few of the responses to questions 2a and 2b suggested expanding the scope of CNP Infrastructure to include all technologies required for government's net zero ambitions.

### *Wider planning reform*

A few responses raised suggestions of wider planning reform or particular parts of the planning process they felt were causing delays or could be improved. Of these responses, some agreed that CNP infrastructure would support government offshore wind deployment ambitions and streamline the consenting process, but that more needed to be done. Some respondents commented that the introduction of a fast-track consenting system would help to speed up deployment. Some responses also noted that improving resourcing of regulators and Statutory Nature Conservation Bodies, to ensure adequate engagement from these bodies during Examination, would speed up the planning system. A few responses who mentioned wider planning reform also supported a more rigorous pre-application stage which is open and transparent.

### *Alignment with future policy*

A few respondents were unclear as to how CNP, and the NPSs more generally, will align with future and forthcoming policy. Government's Marine Spatial Prioritisation Programme was mentioned in this context.

### *Clarity on which networks infrastructure is CNP Infrastructure*

A few respondents requested clarity on which networks infrastructure is CNP Infrastructure, and suggested that the NPSs needed better alignment in how CNP networks infrastructure is defined.

### *Strategic offshore grid connections*

A few responses suggested deployment of offshore grid infrastructure for offshore energy generating technologies.

## Government response

### *Application of the mitigation hierarchy and requirements under the Habitats Regulations to CNP Infrastructure*

Comments which raised concerns that application of CNP policy would result in the mitigation hierarchy, and requirements under The Conservation of Habitats and Species Regulations 2017 and The Conservation of Offshore Marine Habitats and Species Regulations 2017 no longer being required in applications are mistaken. The policy was neither drafted with this intention, nor is it possible for a policy to change what is set out as a requirement in legislation. The drafted CNP policy clearly states this (our emphasis added):

“Applicants for CNP infrastructure must continue to show how their application meets the requirements in EN-1 and this NPS, **applying the mitigation hierarchy, as well as any other legal and regulatory requirements**. Where an applicant has done so and there are residual impacts the following policy will apply.”

We have added additional wording to the CNP text to emphasise that developers are still required to show they have applied the mitigation hierarchy within their application. The additional text states that Applicants must apply the mitigation hierarchy and demonstrate that it has been applied. They should also seek the advice of the appropriate SNCB or other relevant statutory body when undertaking this process. Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated.

The CNP text also continues to state that applicants for CNP Infrastructure must continue to show how their application meets any other legal and regulatory requirements. This includes any requirements under The Habitats Regulations, such as the requirement to provide compensatory measures where these are needed.

The additional text also requires developers to demonstrate that the advice of the appropriate SNCB has been sought, in order to determine that all residual impacts are those that cannot be avoided, reduced, mitigated or compensated for.

### *Expand the scope of CNP Infrastructure to other technologies*

The government agrees with those who stated that it would be more consistent with overall energy and climate change aims for the description of “critical national priority” to be applied

consistently across low carbon technologies. We have updated the text through the NPSs to reflect this. CNP Infrastructure now encompasses: for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion (that is, renewable generation, including anaerobic digestion and other plants that convert residual waste into energy, including combustion, provided they meet existing definitions of low carbon; and nuclear generation), as well as natural gas fired generation which is carbon capture ready; ; for electricity grid infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations. This is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the National Electricity Transmission System; for other energy infrastructure, fuels, pipelines and storage infrastructure, which fits within the normal definition of “low carbon”, such as hydrogen distribution, and carbon dioxide distribution; and for energy infrastructure which is directed into the NSIP regime under section 35 of the Planning Act 2008, and fit within the normal definition of “low carbon”, such as interconnectors, Multi-Purpose Interconnectors, or ‘bootstraps’ to support the onshore network which are routed offshore. Lifetime extensions of nationally significant low carbon infrastructure, and repowering of projects.

### *Clarity on which networks infrastructure is CNP Infrastructure*

We have expanded the scope of CNP Infrastructure and provided a clearer definition in EN-1 of the grid infrastructure which is considered to be CNP Infrastructure. This includes all power lines in the scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations. CNP grid infrastructure is no longer limited to that which is associated with an offshore projects, and includes new grid projects not associated specifically with a particular generation technology.

### *Community engagement*

It is a statutory requirement for developers to engage with the local authority (or authorities) and consult the local community on a proposed NSIP development before formally submitting an application. Developers must take into account the local community’s views when developing their proposals. Local authorities also ensure that local issues are understood and considered in the consent process. The introduction of CNP Infrastructure to the NPSs does not change how developers are required to engage with local communities, how community views are taken into account in NSIP applications, nor does it impact the ability of local communities to engage in the planning process.

### *Supply chain of energy infrastructure*

The supply chain of energy infrastructure is outside the scope of the energy NPSs and we are therefore unable to provide assurances within the suite of documents to address the concerns of respondents. Government announced this year its intention to review the NPS for ports, which will include a thorough examination of the modelling and forecasts that support the statement of need for development.

### *Spatial Planning*

The government has committed to producing a Strategic Spatial Energy Plan (SSEP), to bridge the gap between government policy and infrastructure development plans. This will be a high-level plan which will inform, and be informed by, more detailed individual plans (for example, the Centralised Strategic Network Plan for electricity networks). A more strategic approach to spatial planning will make clearer the overall geographic requirements for the energy system and increase efficiency in the system, resulting in cheaper transmission costs for generators and consumers of electricity.

### *Inclusion of “economic” and “commercial” in the definition of CNP Infrastructure*

We have not removed “economic” and “commercial” from the definition of CNP Infrastructure. The inclusion of both terms underlines that the CNP Infrastructure is not just critical for the Government’s energy security and Net Zero objectives, but for the whole economy. Without secure, low carbon energy infrastructure, business and the wider economy would be negatively affected.

### *Regularity of NPS reviews*

We welcome the recommendations made by the National Infrastructure Commission with regards to introducing a modular system of updates to the NPSs and introducing legislation to make at least five-yearly reviews of the NPSs. We also acknowledge similar comments made through consultation which requested updates to the NPSs with increased regularity. Government will be responding to the recommendation to legislate for regular updates to the NPSs in its response to the National Infrastructure Commission’s recommendations on infrastructure planning.

### *Wider planning reform options*

In February 2023, the government published the NSIP Action Plan which set out ambitions for reform to the planning system to ensure the system can support our future infrastructure needs. These reforms are intended to deliver on the commitments which were first announced as part of Project Speed in the National Infrastructure Strategy (2020) and developed through the British Energy Security Strategy (2022).

One of the reform areas included development of a fast track consenting timeframe, available to all NSIP developments. The fast track consenting process would comprise an intensive, transparent pre-application programme, aided by an enhanced pre-application service from the Planning Inspectorate. Another of the reform options included moving towards full and proportionate cost recovery for the Planning Inspectorate and statutory consultees. This will help expert bodies to invest in building up the services they need to provide better, more reliable, and higher quality advice on applications. The NSIP Action Plan also outlines areas of operational reform to support a faster consenting process, including digitisation of the examination process.

Government consulted on the proposals in the NSIP Action Plan during summer, and will be publishing a response to consultation comments in due course.

### *Alignment with future policy*

The draft NPSs could only reflect government policy or legislation that was in place at the point of publication. We have updated the draft revised NPSs to reflect new policy or legislation which has come into force in the interim. Future reviews of the NPSs will incorporate policy and / or legislation which has come into effect after designation of the current draft NPSs.

## Offshore Wind Environmental Improvement Package

### Closed question summaries<sup>2</sup>

**Q3: Do you agree with the new text included in Section 3.8.103 (now section 2.8.80 – 2.8.82) of draft EN-3 relating to the Offshore Wind Environmental Standards?**

Yes: **21**          No: **20**          Total: **41**          Percentage that agreed: **51%**

*116 respondents provided no view to Q3 (Selecting “Not sure” or no answered provided)*

**Q4: Do you agree with additions made in relation to strategic compensation and seeking the views of the SNCBs and Defra Secretary of State in Section 3.8.282 (now section 2.8.266 - 2.8.273) of draft EN-3 relating to the Compensatory Measures?**

Yes: **24**          No: **20**          Total: **44**          Percentage that agreed: **55%**

*113 respondents provided no view to Q4 (Selecting “Not sure” or no answered provided)*

### Overview of responses

#### Question 3

Several respondents provided open answers which raised queries or comments in relation to one or more of the themes listed below but did not answer ‘yes’ or ‘no’ to the closed question. Answers to the open question have been categorised into themes below. There were a total of 79 responses to this question, including closed and/or open responses. A few respondents welcomed the intention to introduce Offshore Wind Environmental Standards (OWES) and frontload environmental considerations within the consenting process whilst a few respondents expressed concerns that the inclusion of the OWES into the NPS is premature given that the standards have not yet been fully developed. The key themes that arose in responses are covered below.

#### *Applicability and guidance of Offshore Wind Environmental Standards*

A few respondents expressed that they would like further information relating to the Offshore Wind Environmental Standards. Some respondents acknowledged the upcoming guidance and consultation, suggesting consideration of the inclusion of OWES measures at the strategic planning round level and project planning level.

A few respondents agreed that standards should not be mandatory, expressing the importance of each standard being considered on a case-by-case basis to ensure the measure is appropriate for the impact and site and allows for innovation.

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<sup>2</sup> Response summaries are based on responses submitted through Citizen Space only, as these provided distinct answers to the consultation questions. Responses via email have not been considered.

A few respondents suggested further clarification to section 2.8.80 that requires applicants to explain how the relevant impact of their project has been assessed and detail how they are meeting the guidance.

A few respondents suggested revising the text to moderate the wording that applicants comply with the guidance to allow for flexibility in application of OWES and given guidance is not yet developed.

A few respondents requested clarity on how different offshore wind technologies will be treated in the OWES, such as applying flexibility on the application of the standards for more established technologies versus more nascent technology and ensure standards evolve with the evidence and knowledge base.

### *Consenting*

A few respondents expressed concerns about how the implementation of OWES would streamline the consenting process given that developers will be required to provide additional information justifying if and how guidance has been followed.

### *Implementation and management*

A few respondents proposed clarifying that the OWES implementation will be phased, with potential new OWES being introduced at later dates that would also need to be considered. A few respondents wanted clarity on how the standards will be reviewed and updated in line with new evidence, technology and innovation.

### *Interaction between OWES and CNP*

A few respondents said they would welcome clarity on the relationship between OWES requirements and the CNP policy presumption.

### *Objectives*

A few respondents requested clarity on the objectives and purpose of the Offshore Wind Environment Standards, noting concerns around how to measure environmental benefits delivered by the design standard and stating the importance of the standards being underpinned by robust evidence.

A few respondents suggested clarifying that the standards should ensure the protection of marine environments is maintained, whilst accelerating deployment, to align with the wording in the British Energy Security Strategy.

### *Scope*

A few respondents said that the standards should be written from the outset in accordance with paragraph 4.3.6 of EN-1, where the term environment refers to both the natural and historic environments.

### Question 4

Several respondents provided open answers which raised queries or comments in relation to one or more of the themes listed below but did not answer 'yes' or 'no' to the closed question. Where answers are relevant to a theme below, these responses have been pooled with the others, resulting in a total of 68 responses. Some respondents were supportive of the additions around strategic compensation and seeking the views of the SNCBs and Secretary of State relating to compensatory measures. The key themes that arose in responses are covered below.

#### *Mitigation*

A few respondents expressed support for the emphasis on the mitigation hierarchy to avoid the need for compensation, which should only be secured through derogation.

#### *Compensation and Strategic Compensation*

A few respondents expressed general concerns around compensation, its related terminology, and around a lack of clarity over developing compensation plans and how appropriate environmental compensation is secured. There were a few suggestions around including more evidence, information, or a test during the HRA process to ensure compensation is appropriate. A few respondents referred to expected guidance on compensation and strategic compensation measures.

Points were raised around the context and timing in which strategic compensation would be most appropriate, with a few respondents suggesting that it should be time limited to current projects. A few respondents also suggested that broader options for strategic compensation should be considered. A few comments expressed concern that strategic compensation, combined with the concept of critical national priority, could lead to environmental concerns being outweighed or have effects on other marine sectors, and with support for the use of strategic marine planning to address this.

#### *Other Marine Industries*

A few respondents expressed concerns regarding sustainable development challenges and the legality of the potential use of compensation and strategic compensation by other marine sectors. They also emphasised support for collaboration between developers and the use of marine spatial planning and a whole-systems approach regarding other marine industries.

#### *Pre-application Engagement with SNCBs*

A few respondents showed support for greater engagement with SNCBs during pre-application, with a few also raising concerns about having sufficient SNCB resourcing to support this.

#### *Releasing Ornithological Headroom*

A few respondents expressed support for releasing ornithological headroom, with one requesting clarity on the potential mechanism for this.

### Government response

#### Question 3

##### *Applicability and guidance for Offshore Wind Environmental Standards*

The Offshore Wind Environmental Standards will consider various aspects of environmental standards. The section in the NPS sets out high level text on OWES rather than specifics as the OWES have not yet been developed and consulted upon. OWES will be subject to consultation, the outcomes of the consultation will determine which OWES are developed and how they will be implemented. The OWES will be a material consideration for developers rather than a statutory requirement.

The NPS does not suggest that OWES will be mandatory without exception. We have added some additional text to clarify section 2.8.82 to state that any departure from the OWES should be fully detailed within application documents including providing information on any agreements made with statutory consultees.

To provide clarification to applicants regarding how they should explain the way in which the relevant impact of their project has been assessed and detail how they are meeting the guidance new wording has been added.

##### *Consenting*

OWES are designed to minimise the impact of a project by applying OWES to reduce the number and extent of impacts that would need to be detailed within the EIA and HRA. We therefore consider that the introduction of OWES should streamline the overall consenting process.

##### *Implementation*

In response to suggestions that it is made clear that implementation of OWES will be phased, we have added a minor clarification to the text in section 2.8.81, detailing a 'series' of OWES to be developed.

##### *Interaction between OWES and CNP*

We have not explicitly linked OWES with CNP on the basis that CNP relates to how residual impacts of a project are addressed in the planning balance, whereas the applicability of an OWES will be considered during the planning process and is aimed at avoiding there being residual impacts. CNP is only relevant where all possible mitigation, including OWES, has been applied.

##### *Objectives*

To make clearer the context and objectives of the OWES, we have inserted additional text in the Offshore Wind section (2.8) to outline the Offshore Wind Environmental Improvement Package products being developed with a short explanation of the intention of the OWES.

This section has been revised to clarify that the aim is to streamline environmental assessments and decrease consent times whilst maintaining environmental protection.

### *Scope*

The dual purpose of the Offshore Wind Environmental Standards is to support smoother consenting while continuing high quality protection of the marine environment. While we are initially focusing our work on ornithological, benthic ecological and marine mammal receptors, we will be exploring options of other standards on a rolling basis, including any which could support the historic environment. If we were to explore anything in this context, we will of course engage fully with the necessary government bodies.

## **Question 4**

### *Mitigation*

We recognise the importance of the mitigation hierarchy in Habitats Assessments, with compensation only used through derogation as the last step in the process. We have added greater emphasis on this throughout the document where relevant (sections 2.8.203 on Mitigation and 2.8.255 on Compensation).

### *Compensation and Strategic Compensation*

The NPS refers to Defra producing guidance on both compensation (section 2.8.255) and strategic compensation (section 2.8.266). However, as guidance is still being developed, it is not possible to add anything further to the NPS at this time around terminology, securing environmental compensation and the use of compensation plans. As stated in the NPS applicants should work with SNCBs and in England with Defra early in the pre-application process to develop a compensation plan. As part of this work, developers should discuss timescales (and any other specifics) for receiving views (which may vary) and build this into their application timeframes. Any guidance produced by Defra will be consulted upon and published in due course in line with government standards.

We acknowledge the concern regarding the introduction of strategic compensation and CNP as potentially leading to a reduced emphasis on addressing environmental concerns. However, we would emphasise that the introduction of CNP does not remove the requirement to use the mitigation hierarchy and the use of full environmental assessments. Projects will still only be able to proceed through derogation if the previous steps in the hierarchy have been met and suitable compensation can be secured.

### *Other Marine Industries*

Regarding the use of compensation and strategic compensation, we re-affirm that it is possible that other industries may also need to provide compensation for their environmental impact

and that current legislation does not preclude the use of strategic compensation. We also recognise that increased environmental gain will be made if projects work together, rather than separately, and that Defra's Marine Spatial Prioritisation programme is working to address this (please see section 2.8.9 of the NPS text, and our response to question 8 below for detail on this programme).

### *Pre-application Engagement with SNCBs*

We acknowledge and understand the comments and concerns raised around the issue of having sufficient SNCB resource to support pre-application engagement. The government's expert bodies play a critical role in providing evidence and expertise. Early and effective engagement by applicants with statutory consultees will continue to be essential in meeting the demand of an increased volume and complexity of projects entering the system and delivering wider system reforms. Effective and quality engagement from applicants will also be fundamental in supporting statutory consultees to meet increasing demand and the processes outlined are aimed at helping to address this.

Although the following policies are beyond the scope of the Energy National Policy Statements, Defra intends to ensure SNCB resourcing is sufficient to accommodate strengthened engagement of these expert bodies by:

- working across government to define performance standards and monitoring arrangements across a number of government's expert bodies to deliver improved services
- through the Levelling-Up and Regeneration Bill, enabling specific organisations to move towards full cost-recovery of direct project advice and engagement across the Planning Act 2008 consenting process
- revising and updating guidance concerning requirements for engaging with statutory consultees and their role across the system including requirements under the enhanced pre-application process and faster examinations

### *Ornithological Headroom*

We recognise the need for greater clarity on the release of ornithological headroom, however we are still considering how best to release headroom from historic projects. Greater clarity on the mechanism to release headroom will be included in guidance.

## Civil and Military Aviation and Defence Interests

### Closed question summaries<sup>3</sup>

**Q5: Do you agree that Section 5.5 of draft EN-1 relating to Civil and Military Aviation and Defence Interests, provides a more balanced and up-to-date view on offshore wind impacts of radar, and represents the needs of different stakeholders accurately?**

Yes: **19**

No: **12**

Total: **31**

Percentage that agreed: **61%**

*126 respondents provided no view to Q5 (Selecting "Not sure" or no answered provided)*

### Overview of responses

#### *Coexistence between aviation and energy industry stakeholders*

There was an overall positive response to the document, with specific note of 5.5.2 and 5.5.3 (now 5.5.3 and 5.5.4) regarding the collaboration and co-existence between aviation, and energy industry stakeholders, however it was suggested that defence interests be given greater visibility. Respondents suggested that energy, aviation and defence interests be recognised as equally important and as such, there should be a greater emphasis on the overarching and mutually beneficial collaboration and co-existence between defence, aviation and energy interests essential to reach net zero.

#### *Funding*

Several respondents sought clarity regarding the UK's former offshore wind champion, Tim Pick's recommendation that government review whether it remains appropriate for offshore wind developers to fund radar mitigation schemes. Respondents also noted that as the funding of solutions rests solely on renewable developers the cost is passed on to energy consumers in the form of higher bills.

#### *Collaboration between aviation and energy infrastructure developers*

Some respondents requested additional wording be added to section 5.5.4 (now 5.5.5) regarding closer and more equitable collaboration between aviation, defence interests and energy infrastructure developers.

#### *Impact of renewable energy infrastructure on aerodromes*

Some respondents were particularly concerned by the impact renewable energy infrastructure would have on aerodromes' operations. Respondents suggested including wording stating that applicants should consider the impacts their developments will have on aerodromes and

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<sup>3</sup> Response summaries are based on responses submitted through Citizen Space only, as these provided distinct answers to the consultation questions. Responses via email have not been considered.

consider an alternative route or location if the development may have an effect on civil or military aviation and/or other defence assets.

### Government response

#### *Coexistence between aviation and energy industry stakeholders*

Regarding recognising the mutual importance of aviation, defence interests and offshore wind and the need for greater collaboration, we agree with the respondents' suggestions and have amended the relevant section.

#### *Funding*

Regarding The UK's former offshore wind champion, Tim Pick's recommendation that we review funding arrangement for radar mitigation schemes, the government remains committed to the agent of change principle that those driving change should pay for any externalities that arise. As such, the onus remains on developers to pay for radar mitigations in their entirety. However, we expect both developers and aviation stakeholders to share the risks associated with delivery and ultimately the coexistence of radar systems and offshore wind.

#### *Collaboration between aviation and energy infrastructure developers*

We agree that greater emphasis should be placed on closer and equal collaboration between aviation, defence interests and energy infrastructure developers and have amended the relevant sections of text accordingly.

#### *Impact of renewable energy infrastructure on aerodromes*

The government expects any new energy infrastructure development within the safeguarding consultation area of an officially safeguarded aerodrome to be subject to consultation with the aerodrome operator via the aerodrome safeguarding process. This should ensure that the airport operator is sighted on potential hazards to aviation safety and that these are brought to the attention of the decision-maker.

## Need for new electricity network infrastructure

### Closed question summaries<sup>4</sup>

**Q6: Do you agree with new guidance added to Section 2.8 of draft EN-5 on the inclusion of strategic planning as a consideration to support the need case for electricity network infrastructure?**

Yes: **44**          No: **22**          Total: **66**          Percentage that agreed: **67%**

*91 respondents provided no view to Q6 (Selecting “Not sure” or no answered provided)*

**Q7: Draft EN-5 includes a strong starting presumption for overhead lines for electricity networks developments outside nationally designated landscapes, which was consulted on in 2021. Do you agree?**

Yes: **10**          No: **36**          Total: **46**          Percentage that agreed: **22%**

*11 respondents provided no view to Q7 (Selecting “Not sure” or no answered provided)*

*In addition, some respondents responded to Q7 in Q8. This is covered in the details below.*

### Overview of responses

#### **Question 6: Inclusion of strategic planning to support the need case for electricity networks infrastructure**

The overall response to this additional guidance was positive. Many respondents, particularly those from industry, agreed with the addition of guidance in Section EN-5 2.8 citing that strategic planning plays an essential role in the development of network infrastructure. Some respondents also commented that the previous approach is uncoordinated and inefficient, and that this new guidance will bring clarity and much needed coordination to the system. A few respondents added that a centralised strategic approach is essential to ensure that low carbon generation can be connected in an efficient way.

#### *Offshore Transmission Network Review (OTNR)*

Although some respondents welcomed the ONTR, a few respondents questioned the restriction of the review to just offshore transmission and called for this to be expanded to all onshore transmission including upgrades and expansion of existing infrastructure, or one step further to all net zero energy infrastructure. They also express concern that projects not captured under this review or the strategic network approach will not be coordinated to the same standard.

#### *Centralised Strategic Network Planning (CSNP) and Holistic Network Design (HND)*

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<sup>4</sup> Response summaries are based on responses submitted through Citizen Space only, as these provided distinct answers to the consultation questions. Separate responses sent via email have not been considered in this table.

A few respondents raised concern over the inclusion of HND and CSNP in the NPS. Specifically, they commented that the reliance on HND and CSNP in the decision-making process along with the addition of CNP may skew outcomes for network projects in favour of speed and mean that residual impacts may not be properly considered or accounted for. A few respondents commented that they felt these decisions were too rushed and not properly thought through. In addition, a few respondents commented that further clarity was needed on the interconnection between HND and CNSP and exactly how they would be applied though existing guidance and be considered in the Secretary of State's decision making. In addition, a few respondents commented that the HND is flawed and a 'closed process' where transmission operators are the main determinant of feasibility with a lack of public and community consultation.

### *Local authority engagement and local community engagement*

A few respondents commented on the importance of local authority and local engagement to ensure we reach net zero in the most efficient way. They added that councils will be key in ensuring the local community view is considered and that they play a crucial role in supporting and creating local socio-economic opportunities from large scale net zero infrastructure.

### *Environmental impacts*

Many respondents commented on the potential environmental impacts of adopting strategic planning to support the need case for electricity network infrastructure. A few respondents raised concerns about how environmental considerations will be taken into account at this strategic level. A few respondents raised specific concerns that the strategic approach for the Holistic Network Design did not involve undertaking a Habitat Regulations Assessment (HRA) or Strategic Environmental Assessment (SEA). They identify that this will mean detailed consideration of the environmental impacts did not take place creating subsequent risks for projects. A few respondents welcomed the role of strategic network planning in terms of reducing environmental impacts and identified that a developer led approach will ensure good environmental outcomes. A few respondents identified that a coordinated strategic approach has the potential to have positive impacts on the environment and reduce cumulative impacts by reducing the total amount of new infrastructure needed.

## **Question 7: Starting presumption for overhead lines except in nationally designated landscapes**

### *Notes on analysis of Question 7:*

- Question 7 was split into a closed response (i.e. yes/no/not sure) where respondents could provide a clear opinion, and an open response that allowed respondents to provide additional detail.
- The numbers depicted in the text box above represent the closed question responses received by respondent for Question 7 only
- However, in our response below we have also included open answer questions from Question 7 and responses in question 8 that were clearly referring to Question 7. This ensures that the views of those effected by the technical difficulties in Question 7 are taken into account.
- When these additional responses are considered, there was a total of 92 responses to this question, including closed and/or open responses<sup>5</sup>.
- Some respondents to Question 7 provided open answers but did not select 'yes' or 'no' to the closed question. Additionally, responses to Question 8 could not provide a closed response. In these responses, some were clearly in favour or against the policy position and these were categorised accordingly (i.e. yes/no). Similarly, if the open answers were not clearly in favour or against, these were counted as "unsure/no clear position".

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<sup>5</sup> This was likely due to technical errors that prevented respondents from answering Question 7 directly in the survey, meaning some respondents instead provided their response to this question in Question 8.

- The numbers depicted in the following paragraph reflect this methodology<sup>6</sup> and key themes from responses have been summarised below.

### *Overview of responses*

The responses we received for question seven were very polarized between industry views and community views. The majority of industry respondents were in favour of the presumption citing the cost and time efficiency of overhead lines and the clarity that the policy brings for applicants and decision makers as the key reasons. Conversely the views expressed in the individual and community responses were largely against the starting presumption citing the visual and landscape impact as the most common reasons.

Of the 92 respondents who answered the open question, 17 were industry, 19 were environmental or advisory groups, 12 were local government, 15 were local action groups (including three sets of campaign responses) and 29 were individuals or members of the public.

In addition to the responses to Question 7, a total of 1,090 emails with campaign responses were received from three campaign groups in the east of England in response to the consultation. These included comments relating to the overhead line starting presumption policy or, in the case of the third campaign comments opposing a specific overhead line transmission project. Details are set out in Annex 2 and summarised in the box below. In addition to the three campaign group responses, many of the remaining 12 community or local action group responses were largely from areas with active proposals for new networks infrastructure projects.

### **Summary of campaign responses**

Please see Annex 2 for details and the Government Response to these.

Campaign 1 included comments and views which: opposed Critical National Priority infrastructure; sought a response from Government on a proposed co-ordinated North Sea offshore grid for the East of England; opposed the starting presumption of overhead lines policy; and indicated that Green Book principles are not being followed.

Campaign 2 included comments and views which: opposed Critical National Priority infrastructure and the policy on the urgency of energy infrastructure indicating this is in conflict with policies in the Electricity Act and elsewhere in the NPS, also that such wording is incompatible with the NSIP Action Plan; opposed the starting presumption for overhead lines policy; and raised concerns about the impacts and suitability of overhead lines indicating this policy is outdated, harmful and will cause delays.

Campaign 3 included comments and views which: opposed the East Anglia GREEN transmission project (now referred to as Norwich to Tilbury); indicated that Green Book principles are not being followed; and sought reform of compensation processes and so that home-owners and others can be compensated in a way which reflects wider societal and environmental costs.

### *Case by case approach*

Some industry, environmental and community groups provided comments or expressed concerns about the broad approach to the starting presumption, suggesting that in some circumstances a case by case approach may be better. A few respondents commented on the need for greater flexibility in the starting

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<sup>6</sup> The numbers in the box at the top of this section only refer to the closed question responses provided directly for Question 7.

presumption citing that each case should be considered on its individual circumstances such as visual, other environmental, local impact as well as individual geographical and practical factors that may make one technology more appropriate than the other. A few respondents suggested that the existing text in EN-5 2.9.20-25 sets out that overgrounding and undergrounding should be chosen on a case-by-case basis and that a strong starting presumption on overhead lines was unnecessary and in conflict with this text. Conversely, some respondents commented that the starting presumption policy is clear and were supportive about the policy on where exceptions can be made, including the text at EN-5 2.9.20-23 and 2.11.5.

A few respondents commented that the NPS should take a technology neutral stance and that the most suitable technology for the circumstances of each case should be selected. A few respondents commented that the starting presumption should not be used or that it was in conflict with the HMT “Green Book” principles. Specifically, that the starting presumption is too broad and qualitative and that it does not take into account the impact on natural capital for each case or the best technology for each circumstance.

### *Environmental concerns*

A few respondents, primarily community groups, rejected the starting presumption on the grounds of the environmental impacts of overhead lines. They cited the impacts that overhead lines can have on local and migratory birds and the effect on ancient or valued woodland. Conversely, a few respondents, primarily environmental groups, commented that in some areas overgrounding can be more appropriate and less disruptive for the surrounding environment and that this starting presumption has the potential to significantly positively impact the environment.

### *Expand starting presumption to other areas*

A few responses commented that although in favour in principle, the scope of starting presumption was too narrow. A few environmental groups specifically commented that the presumption of undergrounding only in nationally designated landscapes should be expanded to all biodiverse areas, those adjacent to nationally designated areas. Similarly, a few local government respondents called for the presumption to be expanded to areas of local or historic value. They suggest these areas could equally benefit from the starting presumption and their lack of inclusion risks damaging the local character, biodiversity, and value of these areas.

### *Visual impact*

Some local action groups, members of the public and local authorities expressed concern about the visual impact of this starting presumption. A few respondents disagreed with the starting presumption due to the adverse visual effects of overhead lines describing them as ugly or a blot on the landscape. The majority of these responses were from members of the public, action groups or local authorities. A few respondents commented specifically that overhead lines jeopardise the local character and value of a landscape and that these impacts have not been considered enough in detail in the revised text especially in EN-5 at 2.9.23. A few respondents emphasised that a local voice and proper engagement are really important, particularly in locally and environmentally sensitive areas to find a balance between meeting our net zero commitments and any residual impacts that may affect these areas. A few respondents built on this, commenting that greater proactive engagement between energy companies and the public would be crucial to establish a balanced view and ensure effective mitigation for the impact of overhead lines. A few respondents suggested the most effective mitigation for the visual and landscape impacts of overhead lines would be to move the transmission offshore and urged government to explore these alternative technologies.

### *High cost of undergrounding*

Some industry, a few action groups and a few members of the public commented on the high cost of undergrounding, citing the time and cost efficiency of overhead lines compared to underground lines. A

few respondents commented that in some situations the visual and environmental impacts would outweigh some of the cost and time benefits of overhead lines and instead called for greater flexibility in the starting presumption. A few respondents commented in favour of the presumption as it brings greater clarity to the government position in the NPS and creates an easier basis for both applicants and decision makers on whether overhead or underground lines may be best suited to a particular project.

## Government response

### **Question 6: Strategic network planning**

We note the strength of support for references to strategic network planning, from many stakeholders particularly from industry. We have updated the references to the Holistic Network Design and subsequent network planning exercises such as the Holistic Network Design follow up exercises and Centralised Strategic Network Planning and to the Offshore Transmission Network Review which has now completed at section 2.8 and 2.12 in EN-5<sup>7</sup>. We have included additional wording emphasising the central role of strategic network planning in the development of networks infrastructure. Whilst the OTNR was focused principally on offshore transmission including the onshore connection, the strategic network planning exercises take a holistic approach and consider offshore and onshore transmission more comprehensively.

On the Holistic Network Design and Centralised Strategic Network Planning, we have added additional wording in EN-5 at section 2.13 and 2.15 to help clarify the consideration to be given to the HND in decision making. We have also added wording in EN-5 at section 2.13.4 to indicate that projects which have been through strategic network co-ordination processes such as the HND should subsequently consider local co-ordination opportunities between projects i.e. at the project level. This is in addition to existing wording on co-ordination of projects in their construction planning at section 2.14.2. Those projects which haven't been through strategic network co-ordination exercises are still expected to co-ordinate with other projects; this is set out in the policy at 2.13.9 – 2.13.13.

National Grid Electricity System Operator is a legally separate business from any of the Transmission Owners (including National Grid Electricity Transmission) and is regulated by Ofgem. Whilst the recommended designs prepared by National Grid Electricity System Operator are based on assessments of likely environmental and community impacts, given their high-level nature individual projects will need further development before project specific community consultation and detailed environmental assessments can take place. It is therefore the responsibility of individual project developers to undertake community consultation and detailed environmental assessments.

Local authorities and local communities have a crucial role in inputting to and shaping networks infrastructure proposals which are being considered in their areas and in informing the details which can help determine the socio-economic and community benefits which can result from these. Government is planning to set out the outcomes of the consultation on community benefits for electricity transmission network infrastructure and publish the proposed guidance shortly. National Grid Electricity System Operator is considering its approach to Centralised Strategic Network Planning including the best approach to engagement on this. We understand that details will be set out in due course.

The Holistic Network Design prepared by the National Grid Electricity System Operator (ESO) considered the environmental and community impacts from the outset, alongside deliverability and

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<sup>7</sup> See here including review outcomes summary report: <https://www.gov.uk/government/groups/offshore-transmission-network-review>

economic cost<sup>8</sup>. National Grid Electricity System Operator convened an environmental sub-group to the Central Design Group for the HND. The environmental sub-group provided advice and comments on both methodology and outputs which were considered by the ESO. Developers are required to consider environmental impacts of their projects through Environmental Impact Assessment (EIA). EN-5 includes wording which iterates the requirement to reduce environmental impact and follow the mitigation hierarchy.

In addition, the government has committed to producing a Strategic Spatial Energy Plan (SSEP) which will inform, and be informed by, more detailed individual plans such as, the Centralised Strategic Network Plan. Details are set out in the response to Question 2.

### **Question 7: Starting presumption of overhead lines**

We recognise that the policy of a starting presumption of overhead lines except in nationally designated landscapes draws many views, including some strongly held views from local communities and members of the public who may have specific interests given transmission projects under consideration in their areas. Of particular note is that this consultation saw nearly 1100 emailed campaign responses with comments relating to overhead lines and pylons from communities and campaign groups in the East of England indicating their opposition to overhead lines and the starting presumption policy<sup>9</sup>. We have considered these views alongside those from other stakeholders including industry and the regulatory requirements for the development of transmission.

The starting presumption of overgrounding policy in the draft NPS provides stronger clarification of the policy than in the 2011 NPS. The lack of sufficient clarity in the 2011 NPS over locations where electricity lines should be undergrounded was identified by industry as a principal cause of delay to electricity network projects. There had long been a working or implicit presumption in favour of overhead lines as they are quickest and cheapest to build and are identified to have the smallest environmental impact. In nationally designated landscapes developers of projects identified that electricity lines are transmission is nearly always undergrounded, though previously this has had to be very clearly justified; the updated draft NPS consulted on in 2021 provided the clarification that in these landscapes the undergrounding of electricity lines is the starting presumption. National designated landscapes comprise 25% of land in England and Wales<sup>12</sup> and the undergrounding policy benefits those communities in and visitors to those landscapes.

From the responses, it is recognised that the visual impact of overhead lines is readily the main potential impact which raises most concerns and this is reflected in the responses we received. Policy on visual and landscape impact is covered in EN-5 at section 2.9.7 – 2.9.19 and by the Holford Rules and Horlock Rules which are referenced in that section of the NPS. All [electricity networks projects brought forward under the Planning Act 2008](#) are subject to Environmental Impact Assessment with landscape and visual impact assessment being a core element of that assessment for these types of projects. As identified above, and in line with the requirements of the Planning Act 2008 (specifically Section 47 which sets out the duties on consultation with local communities), effective engagement with local communities is essential to enable the crucial role they have in inputting to and shaping network infrastructure proposals including mitigation proposals. Improving the effectiveness of this engagement

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<sup>8</sup> The Terms of Reference for the Holistic Network Design and Holistic Network Design Follow Up Exercise are available to download: <https://www.gov.uk/government/groups/offshore-transmission-network-review#holistic-network-design-hnd>

<sup>9</sup> <https://www.theiet.org/impact-society/factfiles/energy-factfiles/energy-generation-and-policy/electricity-transmission-costing>

is also an element of the DLUHC-led reforms on the planning and consenting process for Nationally Significant Infrastructure projects<sup>10</sup>.

In terms of other environmental impacts of overhead lines, these impacts are referred to in the NPS in EN-5 at section 2.9 with policy on mitigation set out at section 2.10. The NPS recognises that underground and subsea cables have substantial environmental impacts in EN-5 at section 2.9.25.

Regarding the suggestion of including additional areas under the starting presumption for undergrounding, the policy states that other areas can also be considered for undergrounding within the planning process. As consideration of how to treat SSSIs and other biodiverse areas is covered within EN-1, we have not made this change.

Government is committed to ensuring nationally designated landscapes are protected, including the amenity value and character they bring to our countryside. That is why we included a strong starting presumption of undergrounding in these areas.

Government recognises that outside nationally designated landscapes, there may still be high potential for widespread and significant adverse landscape and visual impacts, so exceptions to the starting presumption policy can be made. In these cases, the feasibility, cost and potential harm of the undergrounding or subsea option needs to be weighed against the potential adverse implications of the overhead line and the cost of overhead alternatives and mitigation and evidenced in an application. The policy therefore does make provision for specific cases, for the technology appropriate for those cases and recognises the considerable environmental impacts from alternatives, including undergrounding and subsea cabling. Government recognises the high cost of and longer build times associated with undergrounding electricity lines and these factors are referred to in EN-5 section at 2.9.24, which refers to the benefits from undergrounding needing to be weighed against the extra economic, social, or environmental impacts that may result.

Regarding adherence to the Treasury Green Book, the Green Book provides standard guidance for evaluating the benefits and outcomes of projects. The National Grid Electricity System Operator's cost benefit analysis used for Large Onshore Transmission Investment submissions is built on the Green Book principles and Spackman methodology. Ultimately, transmission owners (TOs) proposals are subject to independent appraisal by the ESO in line with the Green Book guidance. Ofgem expect TOs to reference the Green Book in their submissions, particularly when providing evidence on the forecast benefit of their projects, however Ofgem do not expect or look for an exhaustive implementation of it. The processes are both broader in terms of focusing on the needs of consumers and more industry-specific than the scope of the Green Book, which is necessarily generic.

We recognise that some communities may have strong views about amending this policy, though these need to be considered alongside those of other stakeholders including industry, industry bodies, the regulator and cost impacts on consumers. There are a large number of factors which inform the starting presumption policy focused on cost, build speed, and environmental impact grounds which includes assessments of landscape and visual amenity impact. The latter recognises visual impacts on local communities. All of these need to be considered alongside the views expressed by communities and individuals set out above. We continue to listen to and work with communities in those areas where transmission proposals are under development including through our work on community benefits for electricity transmission network infrastructure.

As identified above, government is committed to delivering policy which supports transmission projects which meet our 2030 offshore wind targets and delivering on energy security. To meet these commitments, we must build our network infrastructure in the most efficient and cost-effective way

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<sup>10</sup> The Action Plan for the reforms to the planning process for nationally significant infrastructure is set out here: <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-nsip-reforms-action-plan/nationally-significant-infrastructure-action-plan-for-reforms-to-the-planning-process>.

possible, whilst also minimising environmental and community impacts and so our starting position is to overground transmission outside of nationally designated landscapes. The cost of electricity networks infrastructure is borne by electricity bill payers and must be considered when designing network infrastructure. In considering all of these factors alongside the responses, we are retaining the starting presumption policy for overhead lines, except in nationally designated landscapes.

## Other comments

### Question summary<sup>11</sup>

**Q8: Do you have any comments on any aspect of the draft energy NPSs or their associated documents not covered by the previous questions?**

### Overview of responses

A total of 129 unique responses were provided for Question 8.

#### Offshore Wind

This section relates to responses that referred to offshore wind specifically. Other technologies are addressed under separate headings. There were 25 responses relating to offshore wind in question 8. The majority of the responses suggested text changes. Respondents generally welcomed the updates made to the NPS since the last consultation. A few also welcomed the ongoing engagement with organisations, such as OWIC's Pathway to Growth, to ensure that stakeholder views and experience is incorporated into policy design.

There were several key themes that appeared throughout, which will be addressed below.

#### *Guidance*

There were a few responses that referenced the need for additional guidance on the strategic compensation and OWES policies, including how this guidance will be created, how stakeholders will be consulted on the progress and policies and how it will be implemented through the NPS.

#### *Environmental Considerations*

Environmental considerations were another key theme raised by the majority in relation to offshore wind in question 8. A few respondents had concerns over the impact that offshore wind can have on birds, marine life, and insects. Similarly, a few respondents also raised concerns with the Site Integrity Plan (SIP), stating that it was unsuitable for efficient management of cumulative impacts on a site. Net Gain was a point of interest to a few respondents. Responses includes the query of whether OWES or strategic compensation will be considered as part of Net Gain, or whether it can be used when considering the impact of fishing on Net Gain. Finally, a few respondents highlighted concerns of the inclusion of shutting down wind turbines as a possible environmental mitigation measure. They argued that it would impact investment decisions and called for it to be removed from the section.

#### *Marine Spatial Prioritisation and Other Industries*

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<sup>11</sup> Question 8 did not have a closed question.

A few respondents raised concerns about the interactions between offshore wind and navigation specifically and the weighting applied to impacts on the latter. A few responses focused on fishing specifically, noting that impacts will vary depending on the part of the industry affected, and expressing a view that there was insufficient evidence to suggest offshore wind could have a positive impact on some fisheries. A few also considered that there is a lack of up-to-date fishing data, which limits the understanding of how offshore wind could impact the fishing sector. One also suggested a scheme to provide compensation payments to the fishing industry should be developed, and the need for a precautionary approach when evaluating impact assessments. Finally, a few points included calls for better support for low carbon technologies alongside offshore wind deployment to help reach our 2050 Net Zero targets.

### Solar PV

The solar chapter was referenced within several unique responses from a diverse range of stakeholders, including local planning authorities, renewable energy developers, trade associations, non-governmental organisations, charities, and members of the public.

Several respondents remarked that solar should be recognised as CNP Infrastructure, noting that the government's target of 70GW of solar capacity by 2035 is more ambitious than offshore wind. Conversely others repeated comments made in response to the previous consultation, fundamentally disagreeing with the approach of siting large solar development in rural areas and suggesting government focus should instead be shifted to incentivising more rooftop solar.

Respondents made a number of technical comments, and proposed some changes to the solar section of the NPS text. Key areas covered included siting of solar on agricultural land, technical considerations (measuring the capacity threshold, site selection and layout), networks, public rights of way, impacts of glint and glare on aviation, and biodiversity and cultural heritage impacts. Responses are summarised in further detail below.

#### *Agriculture land classification and land type*

Of the comments received for question 8 which related to this section of the solar PV text, many respondents agreed that land type should not be a predominating factor in determining the suitability of the site location. They also agreed that, where possible, developments should prioritise brownfield or previously developed land and welcomed the clarification that agricultural land may be used where necessary. Some respondents, mainly developers noted that brownfield land is often not available in the size required for large-scale solar farms and even where it is may not always be suitable for solar development, for example it may be of high environmental value or located in an area which does not have the right topography, irradiance levels or access to the grid), and requested that this is acknowledged in EN-3.

Conversely, some respondents disagreed with siting large solar farms in rural areas, stating their preference for rooftop solar deployment. Some expressed that EN-3 does not provide adequate guidance, or protection of the countryside and arable land, and objected to large-scale solar being acceptable within nationally designated landscapes unless there are

exceptional circumstances. There was also a suggestion that agricultural land should be returned to the same quality upon decommissioning.

### *Public Rights of Way (PRoW)*

Developers welcomed the inclusion of guidance on PRoW. Some local authorities proposed specific amendments which would allow greater flexibility, including recognition that in some cases a new permissive route may be preferable to all parties and that the interests of landowners should be factored in to avoid the potential need for compulsory purchase orders.

### *Network connection*

Respondents to this section made a number of technical comments related to network connections, with many agreeing that the availability of network capacity and the distance between the solar farm and an existing network is the key determining factor in the siting of solar projects and will have a significant effect on the technical and commercial feasibility of a solar project.

On the other hand, a few respondents disagreed that grid connection should inform project location and requested that adverse cumulative impacts are balanced against requirements for grid connection.

### *Technical considerations*

Responses support the acknowledgement that solar farms may include associated infrastructure such as energy storage and electrolysers; however, it was noted that updates to guidance on associated development would be beneficial and some suggested that the list of examples of associated development should be expanded.

### *Capacity of a site*

Many stakeholders who commented on this section welcomed clarification that the capacity of a solar project should be measured in Alternating Current (AC) rather than Direct Current (DC). However, one respondent expressed concerns that this would prevent the process of overplanting solar panels. Another respondent recommended that the text be amended to clarify that there are a range of factors which could justify overplanting.

As with the previous consultation, some respondents took the opportunity to ask that consideration be given to increasing the capacity threshold for solar projects determined under NSIP regime from above 50MW to above 100MW, to enable more projects to be determined by local authorities under the Town and Country Planning regime, citing benefits of a reduction in cost and consenting timelines. It was also referenced that this would align with the requirements for other technologies such as offshore wind.

### *Site layout design, and appearance*

A few respondents objected to the inclusion and acceptance of overhead cabling due to the landscape and visual impact. One stated that overhead cabling should be a last resort with undergrounding the default position.

### *Biodiversity and ecological conservation*

Responses were mixed with some respondents welcoming the proposal of a 'desk study' to inform ecological assessments. Whilst it was generally agreed that solar farms have the potential to increase the biodiversity of a site, one respondent noted that it should be made clear in the NPS that measures to do this must be incorporated into the design of a development at the earliest stage, particularly where management measures, such as livestock grazing, are proposed.

A few respondents suggested that the impact on habitats and species should be explicitly referenced under Secretary of State considerations and the statements strengthened further to reduce environmental harm.

### *Glint and glare*

Glint and glare was referenced in a few responses with contrasting views. One respondent noted that the Secretary of State should consider the impacts of glint and glare on aviation infrastructure (including aircraft departure and arrival flight paths) as well as the impacts on other receptors. Conversely another stakeholder questioned the extent of the impact of glint and glare on modern aircraft, highlighting how some airports in the UK are now installing solar on their own land. This stakeholder also suggested that requirements for glint and glare assessments should be proportional to specific site context.

### *Cultural Heritage*

Responses welcomed the inclusion of cultural heritage as an impact; however, views on the provisions were mixed with one respondent voicing a need for the wording to be clearer, and stronger. Most discussion centred around the text on impacts, with some respondents welcoming the statement that 'below ground impacts are generally limited', whereas another respondent requested that this statement be removed.

Some developers commented that they support the clarification that 'the extent of investigative work should be proportionate' as in their view some planning authorities are setting blanket requirements for a minimum number of trenches irrespective of the size and location of the individual site. More clarity was sought on when a field study would be necessary and what it should include. One respondent was concerned that the text appeared to give greater weight to impacts on settings and requested that the section be amended to reference avoiding direct impacts upon designated heritage assets such as scheduled monuments.

### Electricity networks

This section refers to Electricity Networks comments specifically. There were 43 responses relating to electricity networks in question 8. There were several key themes that appeared throughout responses which are summarised below.

#### *General comments:*

Respondents generally welcomed the updates made to the NPS since the last consultation. A few also welcomed a more co-ordinated and strategic approach to network planning set out in these updates. A few respondents emphasised the importance of effective fit for purpose networks, grid connections, infrastructure, and network capacity, as well as a streamlined and efficient planning process.

#### *Overhead and underground lines:*

As outlined in Question 7 above, a few respondents answered Question 7 in Question 8 due to technical difficulties. These responses have been considered as part of the analysis for Question 7 and are not repeated in this section.

#### *Co-ordination and Offshore Transmission Network Review (OTNR):*

A few respondents welcomed the emphasis on a more coordinated and strategic approach to network planning and infrastructure application. However, a few respondents have questioned whether there is sufficient clarity on how a coordinated network approach will be implemented, particularly as there may be risks and barriers which limit such opportunities. We cover this in detail in our response to Question 6.

#### *Strategic network planning:*

A few respondents welcomed changes made in the NPS to accommodate a centralised strategic network planning approach. However, a few respondents suggested that the cumulative impacts of multiple projects that may be generated via HND have not been considered in section 2.13 of EN-5 and that this approach risks bypassing consideration of a plan-level HRA.

#### *Environmental impacts:*

A few respondents note the omission or lack of detail regarding marine topics in EN-5. A few comments highlight that there is no mention in section 2.9 of potential impacts on marine wildlife from Electric and Magnetic Fields or consideration of ancient or irreplaceable habitats. A few respondents note not all NPSs include specific sections on Biodiversity Net Gain (BNG), emphasising that this is a missed opportunity to promote enhanced environmental outcomes.

#### *Community impacts:*

A few respondents stated that network connections and proximity to grid connection should not take precedence over impacts on the environment and communities. A few comments emphasised that negative impacts on communities should be recognised.

### General Comments on NPS

### *Regular reviews of the NPS*

A few respondents considered that the NPSs should be updated with more regularity, with respondents noting that regular reviews are required in order to align the NPSs with changes in relevant policy and legislation. Of these few responses, many supported the recommendation of the National Infrastructure Commission to legislate for a 5-yearly review cycle of the NPSs. Some of these responses also supported introducing a system of modular updates to the NPSs as was also recommended by the National Infrastructure Commission.

### *Criteria for “good design” for energy infrastructure*

A few respondents queried aspects of EN-1 Section 4.6 which outlines the application of “good design” in applications. Of these few responses, many highlighted that the principles of good design should be applied throughout all stages of project development. Some of these responses asked how good design would be considered in decision making and whether there were additional expectations on developers.

### *Biodiversity net gain*

A few responses commented on EN-1 Section 4.5 which outlined the application of environmental and biodiversity net gain in applications. Many of these responses suggested that stronger wording should be applied to this section with regard to biodiversity net gain, and considered that developers must integrate biodiversity net gain from project inception.

### *Mitigation of environmental impacts*

A few responses commented on application of the mitigation hierarchy to applications and how this is addressed in the NPSs. Of these, most commented in relation to how the mitigation hierarchy is applied specifically for CNP Infrastructure. One comment asked for greater clarity on how the mitigation hierarchy was applied to a specific receptor.

### *Community engagement*

A few respondents raised concerns regarding local communities. These comments either raised concerns regarding the potential impacts of energy infrastructure development, concerns regarding community involvement in planning, or highlighted a need for effective community involvement in decision making.

### *New technology specific NPSs*

A few respondents suggested that further technology specific NPSs should be added to the current suite. A hydrogen NPS and CCUS NPS were cited as examples.

## Government response

### Offshore Wind

### *Guidance*

In relation to the comments on OWES and Strategic Compensation comments, we encourage respondents to refer to our full response above. In reference to how guidance will be developed, we note that strategic compensation is currently being developed through the Collaboration on Offshore Wind Strategic Compensation (COWSC) programme. Industry is a key member and will be consulted throughout this process. Similarly, OWES will be subject to consultation, the outcomes of which will determine which OWES are developed and how they will be implemented. The NPS does not suggest that OWES will be mandatory without exception. Instead, it details that developers will have to fully explain why they cannot comply with any OWES adopted. Future iterations of the NPS will include links to any guidance produced.

### *Environmental Considerations*

We recognise the potential environmental impacts that offshore wind farms can have on the various ecological features mentioned in comments. There are several ways in which planning and consenting of offshore wind farms works to address these possible impacts. We encourage respondents to refer to the sections on Mitigation and Compensatory Measures within the NPS.

Government will be reviewing Site Integrity Plans (SIPs) in the coming months to make sure they are fit for purpose and work with the proposed OWES regarding noise.

The NPS states that developers must have regard to net gain, as set out in section 4.6 of EN-1 and the Environment Act 2021. While this is mainly with regards to terrestrial net gain, the principles of marine net gain are currently being rolled out and further policies will likely be available for the next iteration of the NPS'. Net Gain is an additional requirement, which is not yet mandated in marine environments. As such, there is a separate section on Net Gain in the EN-1 section 4.6, setting out what is required. Future iterations of the NPS can make the suggested link when Marine Net Gain is a legislative consideration. Similarly, OWES and compensation will not be considered as part of a Net Gain packages, as OWES are design-based mitigations to reduce impact and compensation is compensating for an impact. Neither will enhance or add to biodiversity. However, this is not to say some aspects of OWES or compensation could not work together in the future with Net Gain proposals, as Marine Net Gain could be used to address the shortfall to no net loss where compensatory measures relating to the new development may fall short of no net loss.

We recognise the concerns respondents raised regarding the shutting down of wind turbines, however, the text currently considers this unlikely. We are also aware of trials in The Netherlands that are investigating the feasibility of this mitigation. Therefore, we have left the text as it currently stands and will update the next iteration of the NPS with any results.

### *Marine Spatial Prioritisation and Other Industries*

Defra is leading the cross-government Marine Spatial Prioritisation Programme (MSPri). It aims to deliver a strategic approach to spatial planning at sea in England. The programme will build

our understanding of future demands for the sea, optimise their use, maximise colocation between all sea users and prioritise use of our marine space, which will help to better manage the increasing spatial squeeze on our seas. The programme is already undertaking modelling informed by geospatial data on existing sea uses and modelling future uses across key sectors up to 2050. The Marine Management Organisation and The Crown Estate are leading this work, which will produce maps of optimal areas for marine activities, allowing for improved co-ordination of infrastructure and deployment of offshore wind and other energy uses.

We are engaging with marine industries to improve our understanding of future demands and identify opportunities for greater colocation and co-existence. We have amended the NPS to note the need to consider the diverse nature of the UK fishing industry when assessing impacts, as well as reflecting that offshore wind developments can have both positive and negative impacts on fisheries.

The NPS already notes the need for applicants to provide robust data and detailed surveys of effects on fish stocks, as well as the expectation that applicants will consult the fishing industry. The MMO also holds the latest fishing data and is a statutory consultee. We do not consider therefore that further changes are required to the NPS itself regarding provision of fisheries data; we will continue to actively support wider work underway to improve data sharing across the sectors and government. The Offshore Wind Evidence and Change programme has created the Offshore Wind Evidence and Knowledge Hub (OWEKH), which will signpost data, evidence and information. This will be supported by a governance structure (the Communities of Practice), which will include topic specific specialist groups to curate the online information and prepare guidance using available information. An overview of the work is due to be published shortly.

Regarding the points on impacts on other sea users, as part of the Development Consent Process applicants are required to consult with stakeholders, including carrying out a public consultation before making an application, and consider the impacts of their development on other sea users and coastal communities. As part of their Environmental Statement developers must then show how they would mitigate any impacts. Any residual impacts which cannot be mitigated are taken into account on a case-by-case basis in the Examining Authority's recommendation and the SoS's decision. Stakeholders are also able provide evidence to the Examination in Public.

On fishing impacts specifically, Best Practice Guidance has been published by The Fishing Liaison with Offshore Wind and Wet Renewables Group (FLOWW) which is a UK wide group, to assist with effective dialogue between fishers and offshore wind development to minimise the impacts as much as possible. FLOWW has also produced best practice guidance on disruption payments to fishers as a result of offshore wind developments, and offshore wind developers to date have been voluntarily paying fishers using these guidelines.

### Solar PV

Following comments received, we have broadened the scope of CNP Infrastructure to include all low carbon energy infrastructure including solar. We have updated the text through the NPSs to reflect this.

The introduction to the solar section has also been updated to reflect government's position on planning policy for ground mount solar as set out in the April 2023 Powering Up Britain: Energy Security Plan<sup>12</sup>. This recognises the strong need case for increased deployment of low-cost large-scale ground mount solar.

The Energy Security Plan is also clear that we will need to see increased deployment of all types and scales of solar, including rooftop projects, to meet our objectives. Alongside large ground mount projects the government is supporting the installation of solar PV panels on the roofs of domestic, commercial, and public sector buildings through a range of measures, including the Smart Export Guarantee, fiscal incentives, and grant schemes for certain energy efficiency measures. A joint government/ industry solar taskforce has been set up to drive the significant increases in solar needed to meet our 70GW ambition and is supported by a separate sub- group focussing on rooftop solar.

### *Agriculture land classification and land type*

We recognise that as with any new development, solar projects may impact on the environment and agricultural land. The planning system allows all views to be taken into account when decision makers balance local impacts with national need.

As set out in the Energy Security Plan the government seeks large scale ground-mount solar deployment across the UK, looking for development mainly on brownfield, industrial and low and medium grade agricultural land. Solar and farming can be complementary, supporting each other financially, environmentally and through shared use of land. We consider that meeting energy security and climate change goals is urgent and of critical importance to the country, and that these goals can be achieved together with maintaining food security for the UK. We encourage deployment of solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental improvement.

We therefore consider that the provisions in the guidance as drafted strikes the right balance between protecting our most versatile and high-quality agricultural land and enabling the sustained increases in the development of large-scale solar capacity needed to meet our net zero targets and energy security goals. We note the points made about some brownfield sites being unsuitable for solar development and have updated the text to clarify this.

### *Public Rights of Way (PRoW)*

We agree that it is important to take into account the views of land owners and those using public rights of way when designing access to and across solar farms and have amended the

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<sup>12</sup> <https://www.gov.uk/government/publications/powering-up-britain/powering-up-britain-energy-security-plan>

text to reflect this as well as to clarify that a flexible approach should be taken to ensure that opportunities for enhancing access through both public rights of way and other types of permissive paths should be considered.

### *Network connection*

We note the importance of availability of grid connection in site selection. This is reflected in the existing text, but we have moved this to the start of the section to further emphasise its importance as a determining factor and align with the structure of equivalent sections in the other technology chapters of EN-3. We note the request that adverse cumulative impacts should be weighed against the requirement for grid connection. It is the role of the planning system to take cumulative issues into account on a case-by-case basis when determining applications. Applicants for solar development should also identify the cumulative impacts of siting a solar farm in proximity to other energy generating stations and infrastructure when preparing an application for a Development Consent Order. It is then a matter for the Examining Authority to consider cumulative/in-combination effects with other solar farm proposals, and other developments in the locality, when conducting an examination of a particular NSIP solar project. The views of Interested Parties during Examination, which will include advisory bodies and Local Planning Authorities, will be taken into account in the Examining Authorities recommendation and the Secretary of State's decision.

### *Technical considerations*

We have added a footnote to paragraph EN-3 Section 2.10 on co- location to clarify that applications may either solely seek consent for solar, co-located with an existing use / function or seek consent for solar and other functions at the same time. In respect of further guidance on associated developments there is no "definition" of associated development beyond that in section 115 of the Planning Act, which defines it as development which (a) is associated with the NSIP development (or any part of it), (b) does not consist of or include the construction or extension of one or more dwellings, and (c) is within England, English Waters or (the non-Scottish part of) the REZ. DLUHC's existing guidance sets out that "It is for the Secretary of State to decide on a case-by-case basis whether or not development should be treated as associated development." We have amended EN3 to reflect this position.

### *Capacity of a site*

We have updated the text to clarify that there are a range of sources of degradation that developers need to consider when deciding on a solar panel technology to be used. We have also expanded the text relating to the definition of 'overplanting' in footnote 104 to provide further guidance on how this practice should be considered in planning.

We have noted the comments recommending that we increase the level of the current 50MW capacity threshold for projects determined under NSIP. Whilst not directly relevant to the current updates to the NPS guidance (and any changes to the threshold would require

legislative amendments), we will continue to engage with stakeholders and keep this issue under review.

The government's position on using underground cabling to connect projects to the grid network is set out in response to question 7.

### *Biodiversity and ecological conservation*

We do not consider it necessary to change the processes for considering biodiversity and other environmental impacts in the design stage of projects. The draft text on site layout and design at paragraphs 2.10.59 and 2.10.62 is already clear that applicants should consider the criteria for good design set out in EN-1 Section 4.7 at an early stage when developing projects and will need to take into account the ability to mitigate environmental impacts (amongst a range of other factors).

The introduction of the new legislative requirements on biodiversity net gain (BNG) will in practice mean that developers have to factor in biodiversity considerations at an early stage of project design in order to be able to develop biodiversity net gain plans and demonstrate compliance.

We do not intend to explicitly reference and/or strengthen the text on impacts on habitats and species in the section on Secretary of State considerations. The current draft is clear that impacts discussed in this section are not exhaustive. It also cross refers to the relevant rules on habitats and species in sections 4.3, 4.4 and 5.4 of EN1 on environmental principles, biodiversity and ecology.

### *Glint and glare*

We note the continuing opposing views about impacts on aircraft safety from the two respondents who commented on this section. The existing text was updated in light of similar points raised in the previous consultation. It sets out that the Secretary of State will assess impacts on aircraft (and other receptors) and give weight to safety issues on aircraft on a case by case basis if evidence is provided in glint and glare assessments. The text also includes more detailed guidance on requirements for glint and glare assessments. Given that no significant new evidence was provided we do not intend to make any further changes to the text.

### *Cultural Heritage*

We do not agree that this section does not give sufficient weight to the impacts of harm on the physical site and heritage assets compared to impacts on the setting. The text is clear on the need to conserve the physical heritage of the site and cross refers to EN1 which acknowledges how construction, operation and decommissioning of energy infrastructure has the potential to result in adverse impacts on the historic environment above, at and below the surface of the ground. For solar infrastructure specifically, we consider that impacts on assets below the ground are likely to be more limited than for some other infrastructure given that mountings etc do not generally require deep concrete foundations and can be dismantled relatively easily. As

set out in the guidance solar developments may also have a positive effect and help protect archaeological assets through removing sites from regular ploughing and/or using shoes or low-level piling.

### Electricity networks

#### *General comments:*

As outlined in the Prime Minister's speech on 20 September 2023, government recognises the essential importance of the planned substantial increase in electricity transmission ; it is critical to achieving our ambitions of 50GW of offshore wind by 2030, improving our energy security and our journey towards net zero. The development of strategic network planning, particularly the work undertaken by the National Grid Electricity System Operator is crucial in ensuring a more co-ordinated and strategic approach to this development.

#### *Co-ordination and Offshore Transmission Network Review*

Government is supporting the co-ordination of offshore wind and transmission projects through enabling regulatory and policy changes to facilitate this co-ordination. Ofgem have implemented anticipatory investment, key to facilitating coordination, government has released a guidance note on the Generator Commissioning Clause and we are working with ESO on changes to codes and standards and relevant changes to their internal processes. The policy in the NPS on co-ordination is key alongside these other changes.

#### *Strategic network planning:*

The work of the HND and its subsequent follow up exercises considered the objectives for designs to be economic and efficient, deliverable and operable, minimise impact on the environment and minimise the impact on the local communities for the offshore transmission aspects. Through this work steps have already been taken to reduce avoidable cumulative impacts. Assessment of projects coming forward from this design should acknowledge these prior steps. Individual projects will also need to consider the requirement to assess cumulative impacts when seeking consent and undertaking environmental assessments.

#### *Environmental impacts:*

Environmental assessment of a proposed infrastructure project is a legal requirement with details outlined in EN-1 (the overarching NPS) and set out in the relevant environmental legislation. The relevant NPS documents are meant to be read in conjunction with one another, meaning that an applicant should read EN-1, EN-5 and for offshore transmission, EN-3 (renewables NPS) when developing their project including the details on marine environmental impacts in EN-1 and EN-3. To add further clarity, where relevant we have included additional cross-references in EN-5 that link the reader back to relevant sections in EN-1 or EN-3. EN-5 contains several references to Biodiversity Net Gain including at section 2.5 and we have included some more marine specific considerations in section 2.9.

#### *Community impacts:*

Community impacts are considered at the outset as part of the strategic network planning process including the Holistic Network Design and subsequent design exercises. They are further considered and assessed at project level including through the Environmental Statement. In addition, government is continuing its work on proposals for community benefits for those communities in areas where transmission infrastructure is proposed. Government is planning to set out the outcomes of the consultation on community benefits for electricity transmission network infrastructure<sup>13</sup> and publish the proposed guidance shortly.

### General comments on NPS

#### *Regular reviews of the NPS*

We welcome the recommendations made by the National Infrastructure Commission and the Electricity Networks Commissioner's report with regards to legislating for regular updates to the NPSs. Government will be responding to the recommendations of the National Infrastructure Commission [and the Network Commissioners report], including recommendations made regarding the NPSs, alongside the Autumn Statement.

#### *Criteria for good design for energy infrastructure*

EN-1 Section 4.7 outlines that good design should be embedded within the project development and design principles should be established from the outside of the project in order to guide the development from conception through to operation. EN-1 paragraphs 4.7.10 – 4.7.15 explain how the Secretary of State will take into account good design in decision making. In terms of what the Secretary of State expects applicants to consider, this is outlined in paragraph 4.7.11 of EN-1 and is in line with text in the NPS for EN-1 published in 2011.

#### *Biodiversity net gain*

Achieving biodiversity net gain is not currently a mandatory requirement for NSIPs. Schedule 15 of the Environment Act 2021 contains provisions which, when commenced, mean the Secretary of State may not grant an application for a Development Consent Order unless satisfied that a biodiversity net gain objective is met in relation to the onshore development in England. The biodiversity net gain objective will be set out in a biodiversity net gain statement. Normally these statements would be included within an NPS, but the Environment Act allows for the statement to be published separately where a review of an NPS has begun before the provisions have commenced, as is the case with these energy NPSs.

#### *Mitigation of environmental impacts*

How the mitigation hierarchy and requirements under the Habitats Requirements apply for CNP Infrastructure is explained in response to question 1, where we also received comments

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<sup>13</sup> Details on the 2023 consultation undertaken on community benefits for electricity transmission network infrastructure are here: <https://www.gov.uk/government/consultations/community-benefits-for-electricity-transmission-network-infrastructure>

on this topic area. The generic impacts and assessment principles, including application of the mitigation hierarchy, are detailed in EN-1. EN-1 and any relevant technology specific NPS should be considered in application and Secretary of State decision making, noting the cross-references between these and that text is often not duplicated in full between them.

### *Community engagement*

Developers are required to engage with the relevant local authority (or authorities) and consult the local community on a proposed NSIP development, before formally submitting an application. This is a statutory requirement. Developers must take into account the local community's views when developing their proposals, and apply the mitigation hierarchy to avoid, reduce, mitigate or compensate for impacts to local communities. The drafted suite of NPSs does not change how communities are able to participate in planning.

### *New technology specific NPSs*

There is ongoing work from the government to address concerns about the planning process. Government will continue to monitor and assess the value of a hydrogen NPS and CCUS NPS as policy develops over time.

# Annex 1: List of respondents

#	Consent	Category	Name
1	Yes	Business/trade association	Chartered Institute for Archaeologists / Council for British Archaeology
2	Yes	Business/trade association	Energy UK
3	Yes	Business/trade association	Federation of Archaeological Managers and Employers (FAME)
4	Yes	Business/trade association	Institution of Civil Engineers
5	Yes	Business/trade association	Mineral Products Association
6	Yes	Business/trade association	Royal Town Planning Institute
7	Yes	Business/trade association	Seabed User and Developer Group (SUDG)
8	Yes	Business/trade association	Solar Energy UK
9	Yes	Commercial organisation	Atkins
10	Yes	Commercial organisation	Cotswold Archaeology
11	Yes	Commercial organisation	Eden Renewables
12	Yes	Commercial organisation	EDF
13	Yes	Commercial organisation	Equinor UK
14	Yes	Commercial organisation	Owen-Lloyd Futures
15	Yes	Commercial organisation	Protect Our Winters UK
16	Yes	Commercial organisation	ScottishPower Renewables
17	Yes	Commercial organisation	SP Energy Networks
18	Yes	Commercial organisation	The Linear Infrastructure Planning Panel
19	Yes	Commercial organisation	Wales & West Utilities Limited
20	Yes	Government agency or public body	Joint Nature Conservation Committee (JNCC)
21	Yes	Government agency or public body	Marine Management Organisation
22	Yes	Government agency or public body	Natural England
23	Yes	Government agency or public body	Natural Resources Wales
24	Yes	Government agency or public body	Norfolk County Council
25	Yes	Government agency or public body	Tees Valley Combined Authority
26	Yes	Government agency or public body	Transport for London
27	Yes	NGO	Broomfield Parish Council, Essex
28	Yes	NGO	CARE Suffolk CIC
29	Yes	NGO	Conservative Policy Forum, Surrey Heath
30	Yes	NGO	CPRW
31	Yes	NGO	CPRW Ynys Môn
32	Yes	NGO	East Beach Residents Association
33	Yes	NGO	Essex Suffolk Norfolk Pylons
34	Yes	NGO	Friends of the Lake District
35	Yes	NGO	Greenpeace UK
36	Yes	NGO	Norfolk Parishes Movement for an Offshore Transmission Network
37	Yes	NGO	Protect Coastal Sussex (PCS)
38	Yes	NGO	RSPB
39	Yes	NGO	Save Gaerwen
40	Yes	NGO	Say No to Sunnica Action Group Ltd (SNTS)
41	Yes	NGO	South Downs National Park Authority
42	Yes	NGO	Suffolk Preservation Society
43	Yes	NGO	Wildlife and Countryside Link
44	Yes	NGO	Woodland Trust

## Reviewing Energy National Policy Statements

45	Yes	Member of the public	Redacted
46	Yes	Member of the public	Redacted
47	Yes	Member of the public	Redacted
48	Yes	Member of the public	Redacted
49	Yes	Member of the public	Redacted
50	Yes	Member of the public	Redacted
51	Yes	Member of the public	Redacted
52	Yes	Member of the public	Redacted
53	Yes	Member of the public	Redacted
54	Yes	Member of the public	Redacted
55	Yes	Member of the public	Redacted
56	Yes	Member of the public	Redacted
57	Yes	Member of the public	Redacted
58	Yes	Member of the public	Redacted
59	Yes, but without identifying information	Business/trade association	Redacted
60	Yes, but without identifying information	Commercial organisation	Redacted
61	Yes, but without identifying information	Commercial organisation	Redacted
62	Yes, but without identifying information	Commercial organisation	Redacted
63	Yes, but without identifying information	Commercial organisation	Redacted
64	Yes, but without identifying information	Commercial organisation	Redacted
65	Yes, but without identifying information	Commercial organisation	Redacted
66	Yes, but without identifying information	Commercial organisation	Redacted
67	Yes, but without identifying information	Commercial organisation	Redacted
68	Yes, but without identifying information	Government agency or public body	Redacted
69	Yes, but without identifying information	Government agency or public body	Redacted
70	Yes, but without identifying information	Government agency or public body	Redacted
71	Yes, but without identifying information	Government agency or public body	Redacted
72	Yes, but without identifying information	Member of the public	Redacted
73	Yes, but without identifying information	Member of the public	Redacted
74	Yes, but without identifying information	Member of the public	Redacted
75	Yes, but without identifying information	Member of the public	Redacted
76	Yes, but without identifying information	Member of the public	Redacted
77	Yes, but without identifying information	Member of the public	Redacted
78	Yes, but without identifying information	Member of the public	Redacted
79	Yes, but without identifying information	Member of the public	Redacted
80	Yes, but without identifying information	Member of the public	Redacted
81	Yes, but without identifying information	Member of the public	Redacted
82	Yes, but without identifying information	Member of the public	Redacted
83	Yes, but without identifying information	Member of the public	Redacted
84	Yes, but without identifying information	NGO	Redacted
85	Yes, but without identifying information	NGO	Redacted
86	Yes, but without identifying information	NGO	Redacted
87	Not applicable - email response	Business/trade association	Redacted
88	Not applicable - email response	Business/trade association	Redacted
89	Not applicable - email response	Business/trade association	Redacted
90	Not applicable - email response	Business/trade association	Redacted
91	Not applicable - email response	Business/trade association	Redacted
92	Not applicable - email response	Business/trade association	Redacted
93	Not applicable - email response	Business/trade association	Redacted
94	Not applicable - email response	Business/trade association	Redacted
95	Not applicable - email response	Business/trade association	Redacted
96	Not applicable - email response	Business/trade association	Redacted
97	Not applicable - email response	Business/trade association	Redacted
98	Not applicable - email response	Business/trade association	Redacted
99	Not applicable - email response	Business/trade association	Redacted
100	Not applicable - email response	Commercial organisation	Redacted
101	Not applicable - email response	Commercial organisation	Redacted
102	Not applicable - email response	Commercial organisation	Redacted

## Reviewing Energy National Policy Statements

103	Not applicable - email response	Commercial organisation	Redacted
104	Not applicable - email response	Commercial organisation	Redacted
105	Not applicable - email response	Commercial organisation	Redacted
106	Not applicable - email response	Commercial organisation	Redacted
107	Not applicable - email response	Commercial organisation	Redacted
108	Not applicable - email response	Commercial organisation	Redacted
109	Not applicable - email response	Commercial organisation	Redacted
110	Not applicable - email response	Commercial organisation	Redacted
111	Not applicable - email response	Commercial organisation	Redacted
112	Not applicable - email response	Commercial organisation	Redacted
113	Not applicable - email response	Commercial organisation	Redacted
114	Not applicable - email response	Commercial organisation	Redacted
115	Not applicable - email response	Government agency or public body	Redacted
116	Not applicable - email response	Government agency or public body	Redacted
117	Not applicable - email response	Government agency or public body	Redacted
118	Not applicable - email response	Government agency or public body	Redacted
119	Not applicable - email response	Government agency or public body	Redacted
120	Not applicable - email response	Government agency or public body	Redacted
121	Not applicable - email response	Government agency or public body	Redacted
122	Not applicable - email response	Government agency or public body	Redacted
123	Not applicable - email response	Government agency or public body	Redacted
124	Not applicable - email response	Government agency or public body	Redacted
125	Not applicable - email response	Government agency or public body	Redacted
126	Not applicable - email response	Government agency or public body	Redacted
127	Not applicable - email response	Government agency or public body	Redacted
128	Not applicable - email response	Government agency or public body	Redacted
129	Not applicable - email response	Government agency or public body	Redacted
130	Not applicable - email response	Government agency or public body	Redacted
131	Not applicable - email response	Government agency or public body	Redacted
132	Not applicable - email response	Government agency or public body	Redacted
133	Not applicable - email response	Member of the public	Redacted
134	Not applicable - email response	Member of the public	Redacted
135	Not applicable - email response	Member of the public	Redacted
136	Not applicable - email response	Member of the public	Redacted
137	Not applicable - email response	Member of the public	Redacted
138	Not applicable - email response	NGO	Redacted
139	Not applicable - email response	NGO	Redacted
140	Not applicable - email response	NGO	Redacted
141	Not applicable - email response	NGO	Redacted
142	Not applicable - email response	NGO	Redacted
143	Not applicable - email response	NGO	Redacted
144	Not applicable - email response	NGO	Redacted
145	Not applicable - email response	NGO	Redacted
146	Not applicable - email response	NGO	Redacted
147	No, I want my response to be treated as confidential	Commercial organisation	Redacted
148	No, I want my response to be treated as confidential	Commercial organisation	Redacted
149	No, I want my response to be treated as confidential	Commercial organisation	Redacted
150	No, I want my response to be treated as confidential	Commercial organisation	Redacted
151	No, I want my response to be treated as confidential	Commercial organisation	Redacted
152	No, I want my response to be treated as confidential	Member of the public	Redacted
153	No, I want my response to be treated as confidential	Member of the public	Redacted
154	No, I want my response to be treated as confidential	Member of the public	Redacted
155	No, I want my response to be treated as confidential	Member of the public	Redacted
156	No, I want my response to be treated as confidential	Member of the public	Redacted
157	No, I want my response to be treated as confidential	Member of the public	Redacted

**Table 5: List of respondents to the consultation**

We also analysed responses from three campaigns (see Annex 2: Campaign responses below) which were received from 598 unique email addresses. However, we were unable to determine how many unique respondents provided these campaign responses and have therefore not included these in our list of respondents above.

# Annex 2: Campaign responses

## Summary statistics

We received 1,090 emails during the consultation period that we classified as campaign responses given the similarity of words and phrases used.

To estimate the unique respondents that contributed to each campaign and contributed a response to the consultation overall, we counted the unique email addresses used by the sender.

The unique email addresses per campaign (958) is lower than the total number of emails received (1,090) because the same email address sent several emails on the same campaign.

The total unique email addresses across all three campaigns (598) is lower than the total number of emails received (1,090) because the same email address was used to send several emails to multiple campaigns, as well as multiple emails within each campaign. Details are shown in Table 6 below.

Campaign reference	Emails received	Unique email addresses per campaign	Total unique email addresses
Campaign 1	545	474	-
Campaign 2	133	121	-
Campaign 3	412	363	-
<b>Grand total</b>	<b>1,090</b>	<b>958</b>	<b>598</b>

**Table 6: Summary statistics of campaign responses**

Standard campaign response text

### Campaign 1

Emails categorised as Campaign 1 included the following standard text:

*I object in the strongest possible terms to proposals for a new energy infrastructure free-for-all policy presumption\* (Critical National Priority)*

*This proposal is in direct conflict with other policies in the National Policy Statements, and risks causing untold and unnecessary harm to the environment and to communities.*

*Will the government explain why it is not instead pursuing a coordinated North Sea offshore grid for the East of England, which is known to save consumers money, and be better for the environment and communities?*

*It is unacceptable to attempt to make such sweeping and damaging changes to policy when there is an alternative which benefits everyone. It is also unacceptable to allow the radial/piecemeal approach to continue via this new policy.*

*I also object to the presumption in favour of overhead lines. This is equally damaging, wholly unnecessary and also contradicts other policies and legislation. It is clear that the government and National Grid are not following Treasury Green Book principles, which set out how projects and policies should be appraised, as they should do, and we seek to understand why.*

*\*"subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy."*

## Government response

We note the concerns raised about Critical National Priority. However, CNP Infrastructure is not in conflict with the overarching policies of the NPSs. Developers of CNP Infrastructure must continue to show how their application meets the requirements detailed in EN-1 and the relevant technology specific NPS, and apply the mitigation hierarchy, as well as any other legal and regulatory requirements. We have added wording to clarify that the assessment principles outlined in Section 4 of EN-1 continue to apply to CNP Infrastructure. We have added additional wording to make clear that developers must apply the mitigation hierarchy in a way that is proportionate, and they should also demonstrate that the advice of the appropriate SNCB has been sought in order to determine that all residual impacts are avoided, reduced or mitigated.

The Holistic Network Design (HND) and its follow up exercises (with the HND representing a first of its kind strategic design for a grid which balances onshore and offshore transmission approaches), did not capture advanced projects with existing connection contracts. Government remains committed to transmission coordination, including through the coordinated transmission policy in EN-5 of the NPS, and is working closely with a number of well advanced projects to achieve this and reduce the impacts for local communities. This includes the £100m grant scheme launched to support voluntary coordination between projects that already have a grid connection, the results of which, will be published in Autumn 2023.

Details on the government's response to the consultation and campaign responses which raised comments and concerns on the starting presumption of overhead electricity lines are set out in the 'Need for new electricity network infrastructure' section of this document covering Question 7.

## Campaign 2

Emails categorised as Campaign 2 included the following standard text:

### *DAMAGING OVER-REACH*

*Section 3.3.60 of the Draft Overarching National Policy Statement for Energy (EN-1) reads: “subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy”*

*Section 4.1.3 reads: “Given the level and urgency of need for infrastructure of the types covered by the energy NSPs set out in part 3 of this NPS, the Secretary of State will start with a presumption in favour of granting consent to applications for energy NSIPs”.*

*These proposals are in direct conflict with other policies in the Electricity Act and in National Policy Statements and risks causing untold and unnecessary harm to the environment and to communities.*

*Electricity Act 1989 duties on National Grid include:*

- Section 38 and Schedule 9 – duty to have regard to the desirability of ... conserving flora, fauna, geological or geophysical features of special interest, and or protecting buildings and objects of architectural, historic or archaeological interest. Preservation of ecological resources (Schedule 9).*
- Shall do what he reasonably can to mitigate any effect on ...any such flora, fauna, features, sites, buildings or objects.*

*National Policy Statement EN-1 says, in paragraph 3.7.10 that: “...in most cases, there will be more than one technological approach by which it is possible to make such a connection or reinforce the network (for example, by overhead line or underground cable) and the costs and benefits of these alternatives should be properly considered as set out in EN-5 before any overhead line proposal is consented.”*

*These proposals are therefore incompatible with, and contradictory, to other policies and legal requirements for the construction of transmission infrastructure.*

*Further, the proposed wording is incompatible with the aims of the NSIPs action plan, because it will not deliver better, faster, fairer, greener and more resilient infrastructure and projects approved which rely upon this wording are likely to meet significant legal challenge.*

*I object in the strongest possible terms to the proposed wording. ALL relevant matters should be weighed in the planning balance and the appropriate outcome driven by that balance.*

*It is unacceptable to attempt to make such sweeping and damaging changes to policy. These sections would prevent appropriate and necessary challenge and serve only to ensure that bad proposals are rapidly approved.*

#### *PRESUMPTION TO OVERHEAD LINES (OHL) AND PYLONS*

*The Draft Overarching National Policy Statement for Energy (EN-5) includes presumptions that OHL and Pylons should be used to transmit electricity and goes to length in section 2.9 to set out that they will be acceptable in all but extremely rare circumstances.*

*To date the majority of electricity in England has - broadly speaking - been generated by burning coal in the Midlands and North, transporting it north-south through pylons to the denser population areas in the south. In such circumstances OHL and Pylons were a natural starting point. The majority of generation was in the centre of our land mass and there was no real alternative to overhead line and pylons. However, in a future world where the significant proportion of our electricity will be generated offshore through wind power this no longer makes sense.*

*It is self-evident that if the power is being generated offshore and not near to existing OHL, a presumption in favour of OHL to transmit it will be the wrong starting point!*

*As demonstrated by ESO in their December 2020 paper the establishment of a coordinated offshore grid would be approximately £6Bn cheaper when the costs of all parties are summed than their 'counterfactual' example of radial connections to shore supported by onshore pylons. ESO sets out that a coordinated offshore grid results in less use of cable both offshore and onshore and thereby result in less damage in both settings, AND results in a cheaper and MORE RESILIENT grid.*

*OHL's are highly damaging to habitats and bird strikes into power lines are a major killer acknowledged in the NPS's.*

*OHL's are less resilient in extreme weather than underground cables or sub-sea grids.*

*OHL's cause significant damage to landscape, archeology and cultural heritage including the settings of AONB (even when the pylons are outside of the AONB), scheduled monuments and listed buildings.*

*Forcing pylons upon communities without genuine alternatives is not fair. A contentious system in which communities are not presented with options, and in which the one option they are presented is driven by a faulty presumption that OHL and Pylons are the right answer, will be slower than a fair system with fully evidenced alternatives as communities will inevitably mount significant legal challenge.*

*The presumption in favour of OHL's and Pylons is:*

*(i) Outdated, and not fit for a world in which by 2050, according to National Grid ESO in 2020, the UK will need to have a total of 83 Gigawatts (GW) of offshore wind power connected to the grid.*

*(ii) Un-necessary. The electricity is already offshore and is typically not required anywhere near the point at which it would be brought onshore to connect with OHL and Pylons (which do not themselves yet exist and which have no planning approval). As demonstrate by ESO there are better ways to bring the power to where it is needed.*

*(iii) Harmful. It drives the design process at National Grid ensuring that they always commence from an overhead design without any other consideration and even when other options would be better. The assumption that each wind-farm will connect back to shore radially and that power will be transported over land by pylons leads to significant increases in cost, time to approve, time to build, increased damage to landscape, seascape, and cultural heritage.*

*(iv) will drive delays as pylons and OHL do not readily achieve consent amongst the population due to the damage they cause.*

*(v) Incoherent in policy terms, given the requirement also in NPS's to look at alternatives and Electricity Act 1989 duties on National Grid.*

*As you can see, a presumption in favour of OHL and Pylons will not lead to the best outcomes for anyone.*

*National Grid ESO said, of this growth, "One of the challenges to delivering the ambition in the timescales required will be ensuring that the offshore and onshore transmission network enables this growth in a way that is efficient for consumers and takes account of the impacts on coastal communities and the environment."*

*I believe that to ensure better, faster, fairer, greener and more resilient transmission infrastructure, which is the goal of the NSIP's Action Plan:*

*- paragraph 2.11.13 of Draft EN-5 should be changed to read:*

*'a full range of options must be considered and presented to stakeholders, taking Treasury Green Book[3] principles into account, so that the optimum solution for consumers, communities and the environment is arrived at'.*

*- other references to presumption in favour of OHL should be removed entirely.*

*- a presumption in favour of coordination for offshore projects must be added.*

*- finally, all NPS's should insist upon compliance with Treasury Green Book guidance.*

*As a separate matter, your hard copy questions includes question 7: "Draft EN5 includes a strong starting presumption for overhead lines for electricity networks*

*developments outside nationally designated landscapes, which was consulted on in 2021. Do you agree?"*

*This is however missing from the online response form. The outcome of the consultation is likely to be biased against those who reject the inclusion of the presumption in favour. As you can see from our response above, we very much reject this proposal. In order to achieve a fair and balanced outcome it must be acknowledged that the current consultation is faulty and it must be re-started.*

### Government response

We note the concerns raised about CNP infrastructure being in conflict with other policies. However, CNP Infrastructure is not in conflict with the overarching policies of the NPSs. Developers of CNP Infrastructure must continue to show how their application meets the requirements detailed in EN-1 and the relevant technology specific NPS, and apply the mitigation hierarchy, as well as any other legal and regulatory requirements. As outlined in the response to Campaign 1, we have added wording to reinforce these points, particularly on the mitigation hierarchy. All applications are considered on a case-by-case basis by the Secretary of State, who will take into account all relevant matters, including the advice of the Examining Authority and advisory bodies in coming to a decision.

Similarly, the need for CNP infrastructure is not in conflict with the requirements of the Electricity Act or other policies and legal requirements for transmission infrastructure. Those legal requirements must be followed when electricity networks projects are brought forward for consent and development. This includes application of the mitigation hierarchy, as indicated above, which requires following the avoid, reduce, mitigate, compensate process that applicants need to go through to protect the environment and biodiversity.

The NSIP Action Plan includes the NPSs as the first action in the plan and the NPSs are consistent with and part of NSIP reform. The planning balance considerations are central to planning decision making and the NPS sets out how those considerations should be assessed.

The government's response to the consultation and campaign responses which raised comments and concerns on the starting presumption of overhead electricity lines is set out in the Question 7 response in this document.

In addition, we acknowledge the comments and concerns raised about impacts to habitats and on bird strikes (although these are not major), the resilience of overhead lines to extreme weather and on the potential impacts on landscape and cultural heritage. Environmental impacts from overhead lines are covered in the Question 7 response. The NPS provides policy on how electricity network lines needs to be designed to be resilient to the effects of climate change at section 2.3 of EN-5 as well as the overarching policy in EN-1. It sets out policy on minimising impacts on landscape, archaeology and cultural heritage in EN-5 (section 2.10) and in EN-1. These aspects are also covered through the Environmental Impact Assessment of projects under relevant legislation. The NPS also sets out policy on the need for offshore transmission projects to be co-ordinated where they are in geographical proximity to each other and considering those projects proposed in the near future.

The government does not make planning applications or choose precise routes for electricity network infrastructure but does set the rules for a robust and independent planning process. As such it is not the role of government to undertake any assessment of alternatives to the locations chosen by the National Grid Electricity System Operator (ESO) or transmission operators and developers. Individual developers must demonstrate how their proposal meets nationally set criteria and has fairly considered alternatives.

As new infrastructure is proposed, developers must consider the impacts of infrastructure in terms of its cost, environmental and community impacts whether the infrastructure is onshore or offshore. The lifetime costs of transmission are borne by electricity bill payers and must be considered when designing network infrastructure, as well as environmental and community impacts. Where onshore transmission infrastructure is required, efforts continue to be made to reduce and mitigate impacts, including any community impacts.

### **Campaign 3**

Emails categorised as Campaign 3 included the following standard text:

*We have three objections to this consultation, which proposes to offer 'community benefits' as a bribe to those who accept energy infrastructure in their area –*

*1. The East Anglia GREEN PYLONS project is not necessary: a coordinated offshore grid for the East of England saves £2bn, is better for the environment and better for communities. Government needs to immediately ensure that an offshore grid is implemented, instead of wasting time with consultations like this. Communities should not be forced to accept bad projects, and the government should do its job to ensure that planning is done properly.*

*2. Government must ensure that Treasury Green Book principles are followed in policy and in projects. Currently the guidelines are not being followed.*

*3. Rather than seeking to pay 'benefits', government must reform the compensation regime (using Treasury Green Book analysis to calculate wider societal and environmental costs and benefits) and ensure that home-owners and others are fully compensated for costs.*

### **Government response**

The government does not make planning applications or choose precise routes for energy transmission electricity networks infrastructure but does set the rules for a robust and independent planning process. As such it is not the role of government to undertake any assessment of alternatives to the locations chosen by the National Grid Electricity System Operator (ESO) or transmission operators and developers for any specific transmission project. Individual developers must demonstrate how their proposal meets nationally set criteria and has fairly considered alternatives.

It is important to note that given the role of the Secretary of State in determining Nationally Significant Infrastructure Project applications for development consent, Government cannot comment on specific concerns regarding the Norwich to Tilbury project (previously known as East Anglia GREEN) to avoid prejudicing any ultimate planning decision. In taking a decision, the Secretary of State will consider a range of factors relevant to any development consent application, including taking assurance that coordination has been considered and evaluated.

National Grid Electricity Transmission (NGET) undertook a public consultation on the proposed Norwich to Tilbury project in summer 2023. NGET published their proposed preferred draft alignment, which showed potential positions for overhead lines and underground cables together with supporting analysis on offshore and onshore options. A further statutory consultation on the project is planned in 2024 providing a further opportunity for communities to share their views before the application for development consent is submitted.

Reference to Treasury Green Book principles is provided in our response to Question 7

Landowners or occupiers hosting electricity network infrastructure on their land can receive compensation through either a wayleave or easement agreement. Reforms are underway to the existing compensation scheme. Government has committed to establishing an Alternative Dispute Resolution Taskforce in 2023 that is responsible for generating proposals where there are disputes about compensation in electricity-related land acquisition cases. The work of this Taskforce will complement work already ongoing to reform land rights and consents processes. Government published a call for evidence to establish how the land rights and consent processes for network infrastructure affect stakeholders and to inform whether reform is required. We are considering all responses and plan to publish a response to the call for evidence in Spring 2024 setting out our next steps.

Separately, the government wants to ensure communities in locations where transmission network infrastructure is proposed can directly benefit from this delivery of cheaper, secure and low-carbon energy in their area and which is for all of Great Britain. We recently consulted on proposals for community benefits, including the introduction of voluntary guidance. A response to the consultation was published 22 November. Community benefits are not compensation and are not intended to provide financial payment as a result of negative impacts.

## Annex 3: Methodology

### Receiving responses

We provided a form on Citizen Space for respondents to respond to this consultation. We also received individual and campaign responses through email. Some emails received provided responses which clearly highlighted which consultation question the response was intended to be considered against.

### Question types

Questions 1 to 7 specifically asked closed questions to respondents to determine whether they agree with our statements, with response options being “Yes”, “No”, “Not sure”, and an option to not answer. Respondents could also provide an open text response to each question alongside their closed question response. Question 8 was a general open question with no closed response available. Respondents also had the option to abstain from answering individual questions.

In our discussion of consultation questions 1 to 7 in this document, we have included summary statistics to indicate the level of support for our statements. These can be found in the *Closed question summary* sections for each topic area found under Consultation responses.

### Medium of responses

Respondents could also share attachments via email or through Citizen Space. Where respondents submitted attachments, we include their responses for specific questions if these are clearly mentioned. If the responses do not indicate which question they are intended for, we have allocated them to question 8. We have made an exception to this where it is clear respondents are answering Qu7 given the technical difficulties experienced with citizen space.

### Classification of campaign responses

As mentioned in Annex 2: Campaign responses, emails with near-identical content were classified as campaign responses, with each email categorised as 1 of the 3 distinct campaigns found. This classification was firstly based on a manual scan of the subject line of the email, with a subsequent assessment of the words, phrases, and structure used in the email text.

An assessment for unique content within campaign response emails was also completed to ensure that additional points for consideration submitted by respondents were found. These were identified by:

- assessing the total word count found in the email text, particularly where the words found were in excess of the standard response text for each campaign; and

- manually scanning the email content and comparing this to the standard response text for each campaign.

Where unique content was found within the email text, this was flagged for further consideration.

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