

**RWE**



# **Awel y Môr Offshore Wind Farm**

## **Draft National Policy Statement Tracker (Clean)**

**Deadline 8**

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# 1 Introduction

- 1 This is the revised draft National Policy Statement (NPS) Tracker requested by the Examining Authority. It follows the format of the NPS Tracker submitted at Deadline 3 (Document 8.20 of the Applicant's Deadline 8 submission) (and updated at Document 8.20 of the Applicant's Deadline 8 submission) that addressed the compliance of the proposed Awel y Môr offshore Wind Farm (AyM) with the extant National Policy Statements (NPS) and includes reference to the relevant revised policies of the revised draft NPSs. Where the previous text remains relevant it has been retained and supplemented with additional comment on the equivalent revised draft NPS provision. This document should therefore be read in conjunction with the NPS tracker submitted at Document 8.20 of the Applicant's Deadline 8 submission.

## 1.1 Purpose of this document

- 2 The statutory framework for determining applications for Development Consent for Nationally Significant Infrastructure Projects (NSIPs) such as AyM is provided by the Planning Act (PA) 2008. Section 104 of the PA 2008 confirms the matters the Secretary of State (SoS) must have regard to in decision making where a national policy statement (NPS) has effect, such as for AyM.
- 3 In deciding the application for Development Consent for AyM, the relevant NPSs to which the SoS must have regard in accordance with Sections 104(2) and 104(3) of the PA 2008, are:
  - ▲ Overarching National Policy Statement for Energy EN-1 (NPS EN-1) which sets out the Government's policy for the delivery of and the position in relation to the need for new Energy NSIPs, and the assessment principles and consideration of generic impacts in relation to such projects;
  - ▲ National Policy Statement for Renewable Energy Infrastructure EN3 (NPS EN-3) which covers technology specific matters including offshore wind; and

- ▲ National Policy Statement for Electricity Networks Infrastructure EN5 (NPS EN-5) which covers technology specific matters but mostly relates to the provision of overhead lines and as such, is of limited relevance as no new overhead lines are proposed as part of the AyM application.
- 4 Awel y Môr Offshore Wind Farm Limited (the Applicant) has provided information on AyM's accordance with the NPSs (as well as other relevant plans and policies) in its Planning Statement (APP-298) and other application documents as set out in Sections 1.2 and 1.3 below. However, the Applicant recognises the potential usefulness of an NPS tracker to assist the Examining Authority (ExA) in making its recommendation, and the SoS in making its determination on the application.
  - 5 The Applicant notes that paragraph 1.1.1 of NPS EN-1 states that for DCO applications for energy NSIPs "this NPS, when combined with the relevant technology-specific energy NPS, provides the primary basis for decisions by the [Secretary of State]". The Applicant also notes that NPS EN-1, EN-3 and EN-5 will "remain in force in its entirety unless withdrawn or suspended in whole or in part by the Secretary of State" (paragraph 1.6.1 of EN-1, EN-3 and EN-5). These NPSs have not been withdrawn or suspended so remain the relevant policy documents for the SoS to use as the basis for deciding the AyM application.
  - 6 The Applicant however acknowledges that revised draft energy NPSs were published for consultation by the Department for Business, Energy and Industrial Strategy in September 2021. The revised NPSs were in response to the Energy White Paper published in December 2020 which confirmed the government's intention to revise the NPS to ensure they reflect the policies and broader strategic objectives of the White Paper and to ensure that policy supports the infrastructure required for the transition to net zero. The consultation on the revised draft NPSs closed in November 2021 and there have been no further updates since the close of the consultation or indication as to when any revised NPS will be adopted.
  - 7 In considering the relevance of the 2021 revised draft NPS to the determination of the AyM application it is important to have regard to Section 1.6 of draft EN1 (transitional provisions following review) which states at paragraphs 1.6.2 and 1.6.3:

*Applications for development consent will have been prepared, and may already be in examination, in reliance upon the 2011 suite of NPSs [...]. The Secretary of State has decided that for any application accepted for examination before designation of the 2021 amendments, the 2011 suite of NPSs should have effect in accordance with the terms of those NPS. The 2021 amendments will therefore have effect only in relation to those applications for development consent accepted for examination after the designation of those amendments.*

*However, any emerging draft NPSs (or those designated but not having effect) are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act and with regard to the specific circumstances of each development consent order application.*

- 8 The paragraphs above make it clear that:
  - ▲ As AyM was accepted for examination before the designation of any Energy NPS amendments. Therefore the 2011 extant NPS are the relevant policy against which the application should be determined in accordance with s104 of the Planning Act 2008; and
  - ▲ The extent to which the 2021 Energy NPS amendments, or any further amendments are relevant must depend on the Applicant's ability to comply with the relevant policies having regard to the fact that, as noted in paragraph 1.6.2, the AyM application was prepared and has been examined prior to the designation of any amendments to the Energy NPS.
- 9 The Applicant also notes that on 10 February 2023, the National Infrastructure Commission (NIC) announced that it had been asked by the chancellor and the local government minister to review the current approach to NPSs. This includes reviewing whether the current format of the NPS framework remains suitable and effective and what actions the government could take to ensure NPSs are reviewed more regularly and how the process could be improved. On 23 February 2023 the Government issued its "Nationally Significant Infrastructure: Action Plan for reforms to the planning process" (23 February 2023). This is considered further in Document 8.23 of the Applicant's Deadline 8 submission.
- 10 Appendix A of this document provides an update on energy and climate change policy and legislation.

## 1.2 The Planning Statement

- 11 The Applicant submitted a Planning Statement (APP-298) as part of the AyM application to provide an overview of the scheme's compliance with relevant policy and to assist the ExA and SoS in their reviews of the application in the context of relevant planning policy.
- 12 The Planning Statement (APP-298) sets out the need for the scheme in the context of the NPSs, as well as a planning assessment considering the relationship between AyM and the relevant NPS policies.
- 13 For the reasons set out in the Planning Statement conclusions and executive summary, the Planning Statement concluded that the SoS can conclude that the proposed AyM project would bring significant benefits under a range of national, international and local policy considerations, would be in accordance with relevant NPSs and legislation, and:
  - ▲ Would not lead to the UK being in breach of any of its international obligations;
  - ▲ Can be satisfied that the benefits of AyM outweigh any adverse impacts;
  - ▲ That there is no condition prescribed for deciding the application otherwise than in accordance with the relevant extant NPSs; and
  - ▲ That under the terms of S.104 of the PA 2008, the development should therefore be consented.
- 14 The Planning Statement (APP-298) identifies where the key draft NPS tests have been met. The individual topic chapters provide a record of all draft NPS provisions that differ from the extant NPS, and how the project has accorded with them, noting that the final revised NPS provisions may differ from the drafts. This reflects the transitional provisions within the draft EN-1 which note inter alia The Secretary of State has decided that for any application accepted for examination before designation of the 2021 amendments, the 2011 suite of NPSs should have effect in accordance with the terms of those NPS. Although potentially relevant considerations, the 2021 amendments will therefore have effect only in relation to those applications for development consent accepted for examination after the designation of those amendments.

## 1.3 The Environmental Statement

- 15 The Applicant has provided a full Environmental Impact Assessment (EIA), reported in the Environmental Statement (ES) that accompanied the application, which includes information on the relationship between AyM and the topic-specific planning policies outlined in the NPS(s).
- 16 As part of the EIA process, the scope of assessment work was undertaken in line with the NPS(s) to ensure that topic specific policy tests were met, and the proposed project (AyM) was therefore in accordance with the relevant paragraphs of the relevant NPS(s). As set out in the Policy and Legislation chapter of the ES (APP-040), relevant issues in NPS EN-1, EN-3 and EN-5 were identified and assessed in detail within the policy sections of the topic-specific onshore and offshore ES chapters (APP-048 to APP-060, and APP-063 to APP-073 respectively).
- 17 Further detail on the need for the project, the site selection process and the iterative design process in the context of the NPS(s) has also been provided in the Site Selection and Alternatives chapter of the ES (APP-044). Alongside the demonstrated accordance with the NPS(s) with regards the need for renewable energy, the ES and Planning Statement noted in particular that AyM will also meet the well-being goals set out in the Well-being of Future Generations Act (2015), not least in terms of Goal 1, A Prosperous Wales, in creating *“an innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.”* (Section 4 of the Well-Being of Future Generations Act 2015).

## 2 NPS Accordance Tables

- 18 This document has been prepared for Deadline 8 in accordance with requests made by the ExA. The document provides the relevant elements of draft NPS EN-1, EN-3 and EN-5 and demonstrates the AyM application's accordance with them.



19 The commentary below is set out by reference to the three draft NPS and following the same order as the Extant NPS Tracker from Deadline 3 (Document 8.20 of the Applicant's Deadline 8 submission):

- ▲ Shows how the original text from the NPS has changed and
- ▲ Offers additional comment on AyM's accordance with that revised wording; and
- ▲ Uses the following colour referencing:
  - White cells – No change to policy wording except paragraph numbering;
  - Green cells – Amendments to the wording of existing policies which are highlighted as red underlined text; and
  - Purple cells – New policy provisions of the draft NPS.

## 2.1 EN-1 NPS Accordance Table

Table 1: NPS EN-1 accordance.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
EN1 Part 3: The need for new nationally significant energy infrastructure projects			
Introduction	Draft EN-1 3.1.1-3.1.2	<p>This Part of the NPS explains why the government <del>considers that without sees a need for</del> significant amounts of new large-scale energy infrastructure <del>the objectives of its energy and climate change policy cannot be fulfilled to meet its energy objectives</del>. However, as noted in Section 1.7, it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts.</p> <p>This Part also shows why the government considers that the need for such infrastructure will often be urgent. The Secretary of State should give substantial weight to considerations of need. <del>The weight which is attributed to considerations of need in any given case should be proportionate to the anticipated extent of a project's actual contribution to satisfying the need for a particular type of infrastructure. The Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS.</del></p>	<p>The timescale for the NPS to be updated remains unclear, however it is clear within Section 1.6 of the revised EN-1 that AyM, by virtue of the application having been made prior to the designation of any revised NPS, is to be determined in accordance with the extant NPS. The draft NPS is noted as potentially having some weight, but given the draft status and the absence of further consultation, the Applicant's view is that, save in relation to the urgent need for new offshore wind generation which as a reflection of recent Government policy should be given substantial weight, the weight the SoS should give to the draft NPS is, in most cases, extremely limited.</p>
Secretary of State decision making	Draft EN-1 3.2.1	<p>The government's objectives for the energy system are to ensure our supply of energy always remains secure, reliable, affordable, and consistent with net zero emissions in 2050 for a wide range of future scenarios, including through delivery of our carbon budgets and NDC.</p>	<p>Section 5 of the Planning Statement (APP-298) identifies the established need for the proposed offshore wind development. Through reference to the extant NPS provisions in paragraph 3.1.4 of EN-1, the Planning Statement notes that, substantial weight should be given to the contribution which projects would make towards satisfying that need. In this policy context, AyM would make a substantial contribution towards the delivery of renewable energy in line with the need to significantly decarbonise the power sector by 2030 and should therefore be ascribed substantial weight in the balance of considerations and the presumption in favour of such developments.</p> <p>As such, the application is considered to accord with the provisions of the draft NPS insofar as the drafting remains as currently drafted.</p>
	Draft EN-1 3.2.2	<p>We need a range of different types of energy infrastructure to deliver these objectives. This includes the infrastructure described within this NPS but also more nascent technologies, data, and innovative infrastructure projects consistent with these objectives.</p>	

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
	Draft EN-1 3.2.4	It is for industry to propose new energy infrastructure projects within the strategic framework set by government. <u>With the exception of new coal or large-scale oil-fired electricity generation</u> , the government does not consider it appropriate for planning policy to set limits on different technologies <u>but planning policy can be used to support the government's ambitions in energy policy and other policy areas</u> .	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 3.1.1 – 3.1.4 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 3.2.5	The Secretary of State should therefore assess all applications for development consent for the types of infrastructure covered by the energy NPSs on the basis that the government has demonstrated that there is a need for those types of infrastructure, as described for each of them in this Part.	As noted in response to the draft NPS provisions made at paragraph 3.2.1 and 3.2.2 the proposed development is in accordance with the extant and draft NPS with regards the contribution made to UK renewable energy targets and therefore the established need for the AyM project and substantial weight that the Secretary of State may place on this need. The need for the project is further set out in the Statement of Reasons (Document 8.14 of the Applicant's Deadline 8 submission).  As such, the application is considered to accord with the provisions of the draft NPS insofar as the drafting remains as currently drafted.
	Draft EN-1 3.2.6	In this Part, the Secretary of State identifies the level of need for new energy infrastructure. In relation to the weight to be given to that identified need, the Secretary of State has determined that substantial weight should be given to this need when considering applications for development consent under the Planning Act 2008.	
	Draft EN-1 3.2.7	This NPS, along with any technology specific energy NPSs, sets out policy for nationally significant energy infrastructure covered by sections 15-21 of the Planning Act.	
	Draft EN-1 3.2.8	Other novel technologies or processes may emerge during the life of this NPS, which are covered by sections 15-21 of the Planning Act and can help deliver our energy objectives. Where these contribute towards our objectives, such contribution should be given substantial weight.	
The need for new nationally significant electricity infrastructure projects - Meeting energy	Draft EN-1 3.3.2	The larger the <del>difference margin between available capacity and demand (i.e. the larger the safety margin)</del> , the more resilient the system will be in dealing with unexpected events, and consequently the lower the risk of a supply interruption. This helps to protect businesses and consumers, including vulnerable households, from <del>rising and</del> volatile prices and, eventually, from physical interruptions to supply that might impact on essential services. <u>But a balance</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 3.3.3 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
security and carbon reduction objectives		<u>must be struck between a margin which ensures a reliable supply of electricity and building unnecessary additional capacity which increases overall costs of the system.</u>	
	Draft EN-1 3.3.3	To ensure that there is sufficient electricity to meet demand, new electricity infrastructure will have to be built to replace output from retiring plants and to ensure we can meet increased demand. Our analysis suggests that even with major improvements in overall energy efficiency, and increased flexibility in the energy system, demand for electricity is likely to increase significantly over the coming years and could more than double by 2050 as large parts of transport, heating and industry decarbonise by switching from fossil fuels to low carbon electricity. The Impact Assessment for CB6 shows an illustrative range of 465-515TWh in 2035 and 610- 800TWh in 2050 <sup>20</sup> .  <small>20 <a href="https://www.legislation.gov.uk/ukdsi/2021/9780348222616/impacts">https://www.legislation.gov.uk/ukdsi/2021/9780348222616/impacts</a></small>	As noted in response to the draft NPS provisions made at paragraph 3.2.1 and 3.2.2 the proposed development is in accordance with the extant and draft NPS with regards the contribution made to UK renewable energy targets and therefore the established need for the AyM project and substantial weight that the Secretary of State may place on this need. The need for the project is further set out in the Statement of Reasons (Document 8.14 of the Applicant's Deadline 8 submission). In terms of AyM's contribution to reducing greenhouse gas emissions, reference is made to the Lifecycle Assessment at REP5-006. As such, the application is considered to accord with the provisions of the draft NPS insofar as the drafting remains as currently drafted.
	Draft EN-1 3.3.4	The Prime Minister's Ten Point Plan for a Green Industrial Revolution and the Energy White Paper set out the government's ambition for increasing the deployment of low carbon infrastructure consistent with delivering our carbon budgets and the 2050 net zero target. The white paper made clear the commitment that the cost of the transition to net zero is fair and affordable. Value for money assessments are not required on applications for development consent for specific energy infrastructure projects. However, government will work to ensure there are market frameworks which promote effective competition and deliver an affordable, secure and reliable energy system and government support for specific technologies and projects will be dependent on clear value for money for consumers and taxpayers.	
	Draft EN-1 3.3.5	If demand doubles by 2050, we may need a fourfold increase in low carbon generation. This means that the majority of new generating capacity needs to be low carbon. However, electricity generated from unabated natural gas will continue to be needed during the transition to net zero while we develop and deploy the low carbon	

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		alternatives that can replicate its role in the electricity system. This will ensure that the system remains reliable and affordable.	
	Draft EN-1 3.3.8	Given the changing nature of the energy landscape, we need a diverse mix of electricity infrastructure to come forward, so that we can deliver a secure, reliable, affordable, and net zero consistent system in 2050 for a wide range of demand, decarbonisation, and technology scenarios.	
	Draft EN-1 3.3.20	There is an urgent need for new electricity generating capacity to meet our energy objectives.	The proposed AyM project meets need in the UK for the types of energy infrastructure covered by EN-1 and contributes significantly towards the Welsh and UK's current cumulative electricity supply deployment target for 2030, enough for approximately 500,000 households, necessary in order to achieve energy security at the same time as reducing greenhouse gas emissions.
	Draft EN-1 3.3.21 – 3.3.22	<p>Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar<sup>26</sup>.</p> <p>As part of delivering this, government announced a target of 40GW of offshore wind by 2030, including 1GW of floating wind, and the requirement for sustained growth in the capacity of onshore wind<sup>27</sup> and solar in the next decade.</p> <p><small>26 <a href="https://www.gov.uk/government/publications/modelling-2050-electricity-system-analysis">https://www.gov.uk/government/publications/modelling-2050-electricity-system-analysis</a> 27 Applications for onshore wind should be considered by the relevant local planning authority</small></p>	<p>Further to this AyM would contribute to the delivery of the 30 GW of renewable energy envisaged in both the extant and draft NPS EN1 and the ambition to deliver 40 GW of offshore wind by 2030 as set out in the UK Government's 2021 announcement; a figure which as noted within the Planning Statement (APP-298) was revised upward to 50 GW by 2030 in the April 2022 UK Government Energy Security Statement.</p> <p>As such, the application is considered to accord with the provisions of the draft NPS insofar as the drafting remains as currently drafted.</p>
	Draft EN-1 3.3.43	<p>All the generating technologies mentioned above are urgently needed to meet the Government's energy objectives by:</p> <ul style="list-style-type: none"> <li>▲ providing security of supply (by avoiding concentration risk and not relying on one fuel or generation type)</li> <li>▲ providing an affordable, reliable system (through the deployment of technologies with complementary characteristics)</li> <li>▲ ensuring the system is net zero consistent (by remaining in line with our carbon budgets and maintaining the options required to deliver for a wide range of demand, decarbonisation and technology scenarios, including where there are difficulties with delivering any technology)</li> </ul>	

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
	Draft EN-1 3.3.59 – 3.3.62	<p>Government has committed to reduce GHG emissions by ~78% by 2035 under carbon budget 6. According to the Impact Assessment for CB6, this could lead to a 40-60% increase in demand from electricity by 2035, most of which will need to be low carbon.</p> <p>Given this need for new electricity infrastructure and the time it takes for electricity NSIPs to move from design conception to operation, there is an urgent need for new (and particularly low carbon) electricity NSIPs to be brought forward as soon as possible, given the crucial role of electricity as the UK decarbonises its economy.</p> <p>It is not the Government's intention in presenting any of the figures or targets in this NPS to propose limits on any new electricity infrastructure that can be consented in accordance with the energy NPSs. It is not the role of the planning system to deliver specific amounts or limit any form of electricity infrastructure covered by this NPS. A large number of consented projects can help deliver an affordable electricity system, by driving competition and reducing costs within and amongst different technology and infrastructure types. Consenting new projects also enables projects utilising more advanced technology and greater efficiency to come forward.</p>	<p>As noted in Section 4.3 of the NPS tracker submitted at Deadline 3 (Document 8.20 of the Applicant's Deadline 8 submission) the proposed AyM development can make a large, meaningful and timely contribution to decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life, thereby addressing important aspects of the UK's legal obligations and Government policy.</p> <p>It is clear from the UK Energy White Paper and the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport.</p> <p>Decisions through the consenting system must be responsive to this changed position. Decision makers can do this by affording substantial weight to the energy policy objectives articulated within Section 4.3 of the Deadline 3 NPS tracker (Document 8.20 of the Applicant's Deadline 8 submission), in the planning balance.</p> <p>As such, the application is considered to accord with the provisions of the draft NPS insofar as the drafting remains as currently drafted.</p>
EN1 Part 4: Assessment Principles			
General points	Draft EN-1 4.1.2	<p><u>The Energy White Paper emphasises the importance of the Government's net zero commitment and efforts to fight climate change.</u> Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the Secretary of State <del>should</del> <u>will</u> start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused. The presumption is also subject to the provisions of the Planning Act 2008 referred to at paragraph 1.1.2 of this NPS.</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.1.2 of Document 8.20 of the Applicant's Deadline 8 submission.</p>



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
	Draft EN-1 4.1.3	<p>In considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account:</p> <ul style="list-style-type: none"> <li>▲ its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, <u>ecological enhancements</u>, and any long-term or wider benefits</li> <li>▲ its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, <u>mitigate</u> or compensate for any adverse impacts</li> </ul>	<p>Please refer to the Applicant's comments within EN-1 4.1.3 – 4.1.5 of Document 8.20 of the Applicant's Deadline 8 submission. See also the Applicant's comments below on draft EN-1 4.5.1 – 4.5.3.</p> <p>In terms of ecological enhancements, AyM will deliver net benefits for biodiversity onshore as outlined in Document 8.24 of the Applicant's Deadline 8 submission. Whilst not a current policy requirement, the Applicant has also provided commentary on the potential for offshore ecological enhancements in Document 8.23 of the Applicant's Deadline 8 submission.</p>
	Draft EN-1 4.1.4	<p>In this context, the Secretary of State should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels. These may be identified in this NPS, the relevant technology specific NPS, in the application or elsewhere (including in local impact reports, <u>marine plans, and other material considerations as outlined in Section 1.1</u>). <u>Where this NPS or the relevant technology specific NPSs require an applicant to mitigate a particular impact as far as possible, but the Secretary of State considers that there would still be residual adverse effects after the implementation of such mitigation measures, those residual effects should be weighed against the benefits of the proposed development.</u></p>	<p>In addition, the Applicant has agreed a funding package of landscape enhancements with the collective North Wales Local Planning Authorities (the NW LPAs) to offset the significant residual adverse seascape, landscape and visual impacts on the designated landscapes of Anglesey Area of Outstanding Natural Beauty (AONB), Eryri National Park (ENP) and the Great Orme Heritage Coast. Details of this funding package are provided in Document 8.22 of the Applicant's Deadline 8 submission.</p> <p>The Applicant has also provided commentary on the weight that should be attributed to these by the SoS in Document 8.25 of the Applicant's Deadline 8 submission.</p>
	Draft EN-1 4.1.5	<p>The policy set out in this NPS and the technology specific energy NPSs is, <del>for the most part,</del> intended to <u>make provide greater clarity around</u> existing policy and practice of the Secretary of State in <u>consenting considering applications</u> for nationally significant energy infrastructure, <u>clearer and more transparent</u> rather than to change the underlying policies against which applications are assessed (or therefore the “benchmark” for what is, or is not, an acceptable nationally significant energy development). Other matters that the Secretary of State may consider both important and relevant to <del>its</del> <u>their</u> decision-making may include Development Plan documents or other documents in the Local Development Framework. In the event of a conflict between these or any other documents and an NPS,</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.1.5 of Document 8.20 of the Applicant's Deadline 8 submission.</p>

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<p>the NPS prevails for the purpose of Secretary of State decision making given the national significance of the infrastructure. The energy NPSs have taken account of <del>relevant Planning Policy Statements (PPSs) and older style Planning Policy Guidance Notes</del> <u>the National Planning Policy Framework (NPPF), the Planning Practice Guidance</u> (PPG) for England, <u>and Planning Policy Wales</u> <u>and</u> Technical Advice Notes (TANs) for Wales, where appropriate.<sup>50</sup></p> <p><small>50 NPPF: <a href="https://www.gov.uk/government/collections/planning-practice-guidance">https://www.gov.uk/government/collections/planning-practice-guidance</a>; PPG: Use of Planning Conditions: <a href="https://www.gov.uk/guidance/use-of-planning-conditions">https://www.gov.uk/guidance/use-of-planning-conditions</a>; TANs: <a href="https://gov.wales/technical-advicenotes">https://gov.wales/technical-advicenotes</a>.</small></p>	
	Draft EN-1 4.1.6	<p>Where the project conflicts with a proposal in a draft Development Plan, the Secretary of State should take account of the stage which the Development Plan document in England or Local Development Plan in Wales has reached in deciding what weight to give to the plan for the purposes of determining the planning significance of what is replaced, prevented or precluded. The closer the Development Plan document in England or local Development Plan in Wales is to being adopted by the LPA, the greater weight which can be attached to it.</p>	<p>The Applicant can confirm that the proposed project does not conflict with the relevant LDP for Denbighshire as set out paragraph 165 of Chapter 4, Site Selection and Alternatives (APP-044) and within the Planning Statement (APP-298), for example in paragraphs 84-100, 586-600, 619-620 and 645-654.</p> <p>As such, the application is considered to accord with the provisions of the draft NPS insofar as the drafting remains as currently drafted.</p>
	Draft EN-1 4.1.7	<p>The Secretary of State should only impose requirements<sup>51</sup> in relation to a development consent that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. The Secretary of State should take into account the guidance in <del>Circular 11/95, as revised, on "The Use of Conditions in Planning Permissions"</del> <u>the NPPF, the PPG: Use of Planning Conditions, and TANs</u>, or any successor <del>to it</del> <u>documents, where appropriate.</u></p> <p><small>51 As defined in section 120 of the Planning Act 2008.</small></p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.1.7 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	Draft EN-1 4.1.8	<p>The Secretary of State may take into account any development consent obligations<sup>52</sup> that an applicant agrees with local authorities. These must be relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related</p>	<p>This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 4.1.8 of Document 8.20 of the Applicant's Deadline 8 submission.</p>



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		<p>in scale and kind to the proposed development, and reasonable in all other respects.</p> <p>52 Where the words "planning obligations" are used in this NPS they refer to "development consent obligations" under section 106 of the Town &amp; Country Planning Act 1990 as amended by section 174 of the Planning Act 2008.</p>	
	Draft EN-1 4.1.9	<p>Early engagement at the pre-application stage with key stakeholders, including public regulators, Statutory Nature Conservation Bodies (SNCBs), and those likely to have an interest in a proposed energy infrastructure application, is strongly encouraged. The benefits of early engagement with key stakeholders are numerous. Early engagement can aid in ensuring that all relevant information can be properly assessed by the Examining Authority at the examination stage of the project and in the subsequent report.</p>	<p>The Applicant can confirm that consultation on both the site selection process (see the Site Selection and Alternatives Chapter (APP-044)) and the evidence base for the assessment (see evidence plan) has been undertaken throughout the evolution of the proposed development. As such, the application is considered to accord with the provisions of the draft NPS insofar as the drafting remains as currently drafted.</p>
	Draft EN-1 4.1.10	<p>Applicants need to consider the importance of 'good design' criteria. Such consideration of 'good design' criteria should be demonstrated when submitting applications for energy infrastructure projects to the Secretary of State. To ensure good design is embedded within the project development, a project board level design champion could be appointed and a representative design panel used to maximise the value provided by the infrastructure. Design principles<sup>53</sup> should be established from the outset of the project to guide the development from conception to operation.</p> <p>53 Design principles should take into account any national guidance on infrastructure design, this could include for example the Design Principles for National Infrastructure published by the National Infrastructure Commission. [REDACTED]</p>	<p>As noted in response to the first Examining Authority Questions (ExQ1.5.2 (REP1-007) and section 6.4 of the Planning Statement (APP-298) the Applicant is constrained in its ability to apply a site selection process that would avoid all impacts, as a result of the 2017 Extensions round criteria.</p> <p>Notwithstanding this, the Applicant has sought, through consultation and iterative design, to minimise all environmental impacts as far as is practicable, whilst retaining an economically viable project. The Planning Statement provides a detailed breakdown of how the project has aligned with the requirements of section 4.5 of NPS EN-1, notably with regards the site selection process (paragraph 4.5.4 of EN-1), and paragraph 5.9.8 of NPS EN-1 with regards consideration of landscape effects, and how in the case of AyM the project is constrained in the offshore environment by virtue of the requirements of the 2017 Extensions round criteria.</p> <p>Therefore, with regards the draft NPS, insofar as practicable the applicant has considered good design for AyM. The offshore infrastructure has been designed to minimise adverse effects as far as practicable, as demonstrated within the site selection chapter and subsequent submissions during the examination process (Please see</p>

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			<p>section 2.6 of REP1-007 and section 2.6 of REP5-004). Further to this the applicant has applied good design principles to the onshore substation in the siting of the development and proposed landscape and ecological management strategies (REP1-007, REP5-004 and REP4-011). As such, the application is considered to accord with the provisions of the draft NPS insofar as the drafting may remain as currently drafted.</p>
	Draft EN-1 4.1.12	<p>In deciding to bring forward a proposal for infrastructure development, the applicant will have made a judgement on the financial and technical viability of the proposed development, within the market framework and taking account of government interventions. Where the Secretary of State considers, on information provided in an application, that the financial viability and technical feasibility of the proposal has been properly assessed by the applicant it is unlikely to be of relevance in Secretary of State decision making (any exceptions to this principle are dealt with where they arise in this or other energy NPSs and the reasons why financial viability or technical feasibility is likely to be of relevance explained).</p>	<p>This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 4.1.9 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
Environmental Statement	Draft EN-1 4.2.1	<p>All proposals for projects that are subject to the <a href="#">European Environmental Impact Assessment Directive Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations)</a> must be accompanied by an Environmental Statement (ES) describing the aspects of the environment likely to be significantly affected by the project. The <a href="#">Directive Regulations</a> specifically refers to effects on <del>human beings, fauna and flora,</del> <a href="#">population, human health, biodiversity, land</a>, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them. The <a href="#">Directive Regulations</a> requires an assessment of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, <a href="#">transboundary</a>, short, medium, and long-term, permanent and temporary, positive and negative effects at</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.2.1 of Document 8.20 of the Applicant's Deadline 8 submission.</p>

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		all stages of the project, and also of the measures envisaged for avoiding or mitigating significant adverse effects.	
	Draft EN-1 4.2.2	To consider the potential effects, including benefits, of a proposal for a project, <del>the IPC will find it helpful if</del> the applicant should set out information on the likely significant social and economic effects of the development, and show how any likely significant negative effects would be avoided, <u>reduced</u> , or mitigated. This information could include matters such as employment, equality, <u>biodiversity net gain</u> , community cohesion and well-being.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.2.2 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 4.2.3	For the purposes of this NPS and the technology specific NPSs the ES should cover the environmental, social and economic effects arising from pre-construction, construction, operation and decommissioning of the project. <del>In some circumstances (for example, gas pipe-lines) it may be appropriate to assess effects arising from commissioning infrastructure once it is completed but before it comes into operation. In the absence of any additional information on additional assessments, the principles set out in this Section will apply to all assessments.</del>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.2.3 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 4.2.4 – 4.2.5	The Secretary of State should consider how the accumulation of, and interrelationship between, effects might affect the environment, economy, or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place.  In some instances, it may not be possible at the time of the application for development consent for all aspects of the proposal to have been settled in precise detail. Where this is the case, the applicant should explain in its application which elements of the proposal have yet to be finalised, and the reasons why this is the case.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 4.2.6 – 4.2.7 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft NPS EN-1 4.2.6	Where some details are still to be finalised, the ES should set out to the best of the applicant's knowledge, what the <del>maximum extent</del> <u>likely worst-case environmental, social and economic effects</u> of the	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's

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		<p>proposed development may be and assess, on that basis, <del>the effects which the project could have</del> to ensure that the impacts of the project as it may be constructed have been properly assessed.<sup>57</sup></p> <p><small>57 Case law (for example Rochdale MBC Ex. Parte C Tew 1999) provides a legal principle that indicative sketches and layouts cannot provide the basis for determining applications for EIA development. The "Rochdale Envelope" is a series of maximum extents of a project for which the significant effects are established. The detailed design of the project can then vary within this 'envelope' without rendering the ES inadequate.</small></p>	<p>comments within EN-1 4.2.8 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
Habitats and Species Regulations	Draft EN-1 4.2.9	<p>Prior to granting a development consent order, The Secretary of State must, under the Habitats Regulations, (which implement the relevant parts of the Habitats Directive and the Birds Directive in England and Wales) consider whether the project may have a significant effect on a European <u>protected site which is part of the National Site Network</u>, or on any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans or projects. Further information on the requirements of the Habitats and Species Regulations can be found in a Government Circular. Applicants should also refer to Section 5.3 of this NPS on biodiversity and geological conservation. The applicant should seek the advice of Natural England and/or the [Natural Resources Wales] <u>the appropriate SNCB</u> and provide the Secretary of State with such information as <del>if the Secretary of State</del> may reasonably require, to determine whether an Appropriate Assessment (AA) is required. In the event that <u>if</u> an AA is required, the applicant must provide the Secretary of State with such information as may reasonably be required to enable <u>it the Secretary of State</u> to conduct the AA. This should include information on any mitigation measures that are proposed to minimise or avoid likely effects.</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.3.1 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	Draft EN-1 4.2.10	<p>If, during the pre-application stage, the SNCB indicate that the proposed development is likely to adversely impact the integrity of HRA sites, the applicant must include with their application such information as may reasonably be required to assess a potential derogation under the Habitats Regulations. If the SNCB gives such an indication at a later stage in the development consent process, the applicant must provide this information as soon as is reasonably</p>	<p>The Applicant amended the offshore design to minimise interaction with the Constable Bank, which the relevant SNCB considered to constitute an Annex I habitat outside a Special Area of Conservation. This has resulted in avoidance of any potential significant effects on this habitat feature. Further to this the Applicant has reached agreement with Natural Resources Wales with regards all other potential adverse effects</p>

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		<p>possible and before the close of the examination. This information must include assessment of alternative solutions, a case for Imperative Reasons of Overriding Public Interest (IROPI) and appropriate environmental compensation. Applicants must have discussed with SNCB whether any proposed compensation is appropriate, and the compensation must be secured, or an indication given as to how it can be secured. Provision of such information will not be taken as an acceptance of adverse impacts and if an applicant disputes the likelihood of adverse impacts, it can provide this information without prejudice to the Secretary of State's final decision on the impacts of the potential development. If, in these circumstances, an applicant does not supply information required for the assessment of a potential derogation, there will be no expectation that the Secretary of State will allow the applicant the opportunity to provide such information following the examination.</p>	<p>on European designated sites, with a conclusion of no adverse effect for all European designated sites.</p> <p>As such, the application is considered to accord with the provisions of the draft NPS insofar as the drafting remains as currently drafted.</p>
Alternatives	Draft EN-1 4.2.11 - 4.2.12	<p>As in any planning case, the relevance or otherwise to the decision making process of the existence (or alleged existence) of alternatives to the proposed development is in the first instance a matter of law, detailed guidance on which falls outside the scope of this NPS. From a policy perspective this NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option.</p> <p>However, applicants are obliged to include in their ES, <del>as a matter of fact</del>, information about the <u>main reasonable</u> alternatives they have studied. This should include an indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility;</p> <p>in some circumstances there are specific legislative requirements, notably under the Habitats Directive, for the IPC to consider alternatives. These should also be identified in the ES by the applicant; and</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.4.1 - 4.4.2 of Document 8.20 of the Applicant's Deadline 8 submission.</p>



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		in some circumstances, the <del>relevant energy</del> NPSs may impose a policy requirement to consider alternatives ( <del>as this NPS does see below in</del> Sections <del>5.3, 5.7</del> <u>5.4, 5.8</u> and <del>5.9</del> <u>5.10</u> )	
	Draft EN-1 4.2.13	<p>Where there is a policy or legal requirement to consider alternatives the applicant should describe the alternatives considered in compliance with these requirements. Given the level and urgency of need for new energy infrastructure, the [Secretary of State] should, subject to any relevant legal requirements (e.g. under the Habitats Directive) which indicate otherwise, be guided by the following principles when deciding what weight should be given to alternatives:</p> <ul style="list-style-type: none"> <li>▲ 'the consideration of alternatives in order to comply with policy requirements should be carried out in a proportionate manner;'</li> <li>▲ only alternatives that can meet the objectives of the proposed development need be considered</li> <li>▲ 'the [Secretary of State] should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security <del>and</del> climate change <del>benefits, and other environmental benefits</del>) in the same timescale as the proposed development;'</li> <li>▲ 'where (as in the case of renewables) legislation imposes a specific quantitative target for particular technologies or (as in the case of nuclear) there is reason to suppose that the number of sites suitable for deployment of a technology on the scale and within the period of time envisaged by the relevant NPSs is constrained, the [Secretary of State] should not <del>reject refuse</del> an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site, and <del>they</del> <u>it</u> should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals;'</li> </ul>	<p>Please refer to the Applicant's comments within EN-1 4.4.3 of Document 8.20 of the Applicant's Deadline 8 submission.</p> <p>AyM will deliver net benefit for biodiversity as outlined in Document 8.24 of the Applicant's Deadline 8 submission. Further information in relation to the potential offshore net benefits for biodiversity is provided in Document 8.23 of the Applicant's Deadline 8 submission.</p>

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		<ul style="list-style-type: none"> <li>▲ 'alternatives not among the main alternatives <del>(noting that as required under the 2017 EIA Regulations reasonable alternatives are described within this chapter)</del> studied by the applicant (as reflected in the Environmental Statement), should only be considered to the extent that the [Secretary of State] thinks they are both important and relevant to <del>their</del> <u>the</u> decision;'</li> <li>▲ 'as the [Secretary of State] must <del>decide</del> <u>assess</u> an application in accordance with the relevant NPS (subject to the exceptions set out in the Planning Act 2008), if the [Secretary of State] concludes that a decision to grant consent to a hypothetical alternative proposal would not be in accordance with the policies set out in the relevant NPS, the existence of that alternative is unlikely to be important and relevant to the [Secretary of State's] decision;'</li> <li>▲ 'alternative proposals which mean the necessary development could not proceed, for example because the alternative proposals are not commercially viable or alternative proposals for sites would not be physically suitable, can be excluded on the grounds that they are not important and relevant to the [Secretary of State's] decision;'</li> <li>▲ 'alternative proposals which are vague or inchoate can be excluded on the grounds that they are not important and relevant to the [Secretary of State's] decision;'</li> <li>▲ it is intended that potential alternatives to a proposed development should, wherever possible, be identified before an application is made to the [Secretary of State] in respect of it (so as to allow appropriate consultation and the development of a suitable evidence base in relation to any alternatives which are particularly relevant). Therefore, where an alternative is first put forward by a third party after an application has been made, the [Secretary of State] may place the onus on the person proposing the alternative to provide the evidence for its suitability as such and the [Secretary of State] should not necessarily expect the applicant to have assessed it.'</li> </ul>	
Health	Draft EN-1 4.3.1 - 4.3.5	Energy production has the potential to impact on the health and well-being ("health") of the population. Access to energy is clearly beneficial to society and to our health as a whole. However, the production, distribution and use of energy may have negative impacts on some people's health.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.13.1 to 4.13.5 of Document 8.20 of the Applicant's Deadline 8 submission. The Applicant has also submitted an

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		<p>As described in the relevant sections of this NPS and in the technology specific NPSs, where the proposed project has an effect on human beings, the ES should assess these effects for each element of the project, identifying any potential adverse health impacts, and identifying measures to avoid, reduce or compensate for these impacts as appropriate. The impacts of more than one development may affect people simultaneously, so the applicant <del>and the [Secretary of State]</del> should consider the cumulative impact on health <u>in the ES where appropriate</u>.</p> <p>The direct impacts on health may include increased traffic, air or water pollution, dust, odour, hazardous waste and substances, noise, exposure to radiation, and increases in pests.</p> <p>New energy infrastructure may also affect the composition and size <del>and proximity</del> of the local population, and in doing so have indirect health impacts, for example if it in some way affects access to key public services, transport or the use of open space for recreation and physical activity.</p> <p>Generally, those aspects of energy infrastructure which are most likely to have a significantly detrimental impact on health are subject to separate regulation (for example for air pollution) which will constitute effective mitigation of them, so that it is unlikely that health concerns will either <u>by themselves</u> constitute a reason to refuse consents or require specific mitigation under the Planning Act 2008. However, <u>not all potential sources of health impacts will be mitigated in this way and</u> the Secretary of State will want to take account of health concerns when setting requirements relating to a range of impacts such as noise. <u>Opportunities should also be taken to mitigate indirect impacts, by promoting local improvements to encourage health and wellbeing, this includes potential impacts on vulnerable groups within society i.e. those groups within society which may be differentially impacted by a development compared to wider society as a whole.</u></p>	<p>Equalities Impact Report (REP3-010) which identified no differentiated or disproportionate impacts on groups with protected characteristics.</p>



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Marine Considerations (Draft EN-1 only)	Draft EN-1 4.4.1	English Marine Area  Marine plans apply in the 'marine area', the area from mean high water springs to the seaward limit of the Exclusive Economic Zone (EEZ). The 'marine area' also includes the waters of any estuary, river or channel, so far as the tide flows at mean high water spring tide.	Section 4.5 of the Planning Statement (APP-298) sets out compliance with marine policy, including the Marine Policy Statement (MPS) and the Welsh National Marine Plan (WNMP).  As there is no demonstrable conflict between the MPS, WNMP and AyM, there is similarly no conflict with the NPS and as such it is therefore considered that AyM is in accordance with paragraph 4.1.6 of the extant EN-1.  The Applicant has considered the relevant Welsh Marine Plan throughout the application, for all offshore components of the proposed development within the relevant marine area.  As such, and notwithstanding the prevailing extant NPS with which the application is in accordance, the application is in accordance with this initial draft NPS provision, insofar as the drafting remains as currently drafted.
	Draft EN-1 4.4.2	Marine plans set out marine specific aspects of many of the assessment principles in Part 4 of this NPS. For example, criteria for 'good design' for energy infrastructure (Section 4.6) and climate change adaptation (Section 4.9). Plan policies cover a wide range of topics in Part 5 of this NPS, including landscape and visual (Section 5.10), noise and vibration (Section 5.12) and water quality (Section 5.16). Individual Marine Plans should be consulted to understand marine relevant specific considerations.	
	Draft EN-1 4.4.3	Section 104(2)(aa) of the Planning Act 2008 requires the Secretary of State to have regard to any appropriate marine policy documents when making a decision on an application for a development consent order where an NPS has effect. <sup>58</sup> This will include any Marine Plan which is in effect for the relevant area.	
	Draft EN-1 4.4.4	In making a decision, the Secretary of State is responsible for determining how the Marine Plan informs the decision making process. For example, the Secretary of State will determine if and how proposals meet the high-level marine objectives, plan vision, and all relevant policies. In the event of a conflict between an NPS and any marine planning documents, the NPS prevails for purposes of decision making.	
	Draft EN-1 4.4.5	Applicants for a development consent order will need to take account of any relevant Marine Plans. There is an expectation that applicants will complete a Marine Plan assessment as part of their project development and this information should be used to support an application for development consent. Applicants are encouraged to refer to Marine Plans at an early stage, such as in advance of pre-application stage, to inform project planning, for	

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		example to avoid less favourable locations as a result of other uses or environmental constraints.	
Environmental and Biodiversity Net Gain (Draft EN-1 only)	Draft EN-1 4.5.1	Environmental net gain is an approach to development that aims to leave the natural environment in a measurably better state than beforehand. Applicants should therefore not just look to mitigate direct harms, but also consider whether there are opportunities for enhancements. Biodiversity net gain is an essential component of environmental net gain. Projects should consider and seek to incorporate improvements in natural capital, ecosystem services and the benefits they deliver when planning how to deliver biodiversity net gain.	The Applicant has provided positive ecological enhancement proposals within the Outline Landscape and Ecological Management Plan (oLEMP) (REP4-011) which provides the proposed approach to enhancement of biodiversity. The measures are proposed to provide areas of enhancement within the onshore development areas, with particular landscape and ecological enhancement associated with the onshore substation. Further information in relation to this is provided in Document 8.24 of the Applicant's Deadline 8 submission.
	Draft EN-1 4.5.2	<p>Although achieving biodiversity net gain is not an obligation for projects under the Planning Act 2008, energy NSIP proposals should seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity where possible<sup>59</sup>. Applicants are encouraged to use the most current version of the Defra biodiversity metric<sup>60</sup> to calculate their biodiversity baseline and inform their biodiversity net gain outcomes and to present this data as part of their application. Biodiversity net gain should be applied in conjunction with the mitigation hierarchy and does not change or replace existing environmental obligations.</p> <p><small>59 Although achieving biodiversity net gain is not currently an obligation on applicants, a proposed amendment to the Environment Bill (see [REDACTED]), would mean the Secretary of State may not grant an application for Development Consent Order unless satisfied that a biodiversity gain objective is met in relation to the development to which the application relates. The biodiversity gain objective will be set out in a biodiversity gain statement. Normally these statements will be included within NPS but the amendment allows for the statement to be published separately where a review of an NPS has begun before the proposed amendment comes into force. This would be the case with the energy NPS, should the amendment come into force.</small></p> <p><small>60 The Biodiversity Metric can be found at <a href="http://publications.naturalengland.org.uk/publication/5850908674228224">http://publications.naturalengland.org.uk/publication/5850908674228224</a></small></p>	<p>Further to this it is the understanding of the Applicant that there is not currently an accepted biodiversity metric for use within Wales, and as such it is not deemed appropriate to apply this draft EN-1 NPS provision.</p> <p>Further commentary in relation to the recently published NSIP Action Plan has been provided in Document 8.23 of the Applicant's Deadline 8 submission, which also considers the potential opportunities for net benefits for biodiversity in the marine environment.</p> <p>As such insofar as it remains applicable, the application is in accordance with this initial draft NPS provision, insofar as the drafting remains as currently drafted.</p>
	Draft EN-1 4.5.3	In addition to delivering biodiversity net gain, developments may also deliver wider environmental gains relevant to the local area, and to national policy priorities, such as reductions in GHG emissions, reduced flood risk, improvements to air or water quality, or increased access to natural greenspace. The scope of potential	The proposed development is brought forward to meet climate change, and therefore GHG, targets. To this effect a life cycle assessment has been produced during the examination phase of AyM and is provided as part of the Applicant's submission at Deadline 5 in response to ExA1.0.9 (REP5-006). As concluded within the life cycle

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		<p>gains will be dependent on the type, scale, and location of specific projects. Applications for development consent should be accompanied by a statement demonstrating how opportunities for delivering wider environmental net gains have been considered, and where appropriate, incorporated into the design (including any relevant operational aspects) of the project. Applicants should make use of available guidance and tools for measuring natural capital assets and ecosystem services, such as the Natural Capitals Committee's 'How to Do it: natural capital workbook' and Defra's guidance on Enabling a Natural Capital Approach (ENCA). Where environmental net gain considerations have featured as part of the strategic options appraisal process to select a project, the statement should reference that information to supplement the site-specific details.</p>	<p>assessment when compared with the alternative of generating the electricity by gas CCGT (with a carbon intensity of 380 g CO<sub>2</sub>eq/kWh) or BEIS's "all non-renewables" factor of 432g CO<sub>2</sub>eq/kWh, the proposed development will pay-back the embedded emissions in its construction in around two years.</p> <p>Further to this the Applicant has provided positive ecological enhancement proposals within the Landscape and Ecological Management Plan (REP4-011). The measures are proposed to provide areas of enhancement within the onshore development areas, with particular landscape and ecological enhancement associated with the onshore substation.</p> <p>As such, the application is considered to accord with the provisions of the draft NPS insofar as the drafting remains as currently drafted.</p>
Criteria for "good design" for energy infrastructure	Draft EN-1 4.6.3	<p>In the light of the above and given the importance which the Planning Act 2008 places on good design and sustainability, the Secretary of State needs to be satisfied that energy infrastructure developments are sustainable and, having regard to regulatory and other constraints, are as attractive, durable, and adaptable (including taking account of natural hazards such as flooding) as they can be. In doing so, the Secretary of State should <del>satisfy itself</del> <u>be satisfied</u> that the applicant has taken into account both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located, <u>any potential amenity benefits, and visual impacts on the landscape or seascape</u>) as far as possible. Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, land form and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.5.3 of Document 8.20 of the Applicant's Deadline 8 submission</p>

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		area. <u>Applicants should also, so far as is possible, seek to embed opportunities for nature inclusive design within the design process.</u>	
	Draft EN-1 4.6.4	For the Secretary of State to consider the proposal for a project, applicants should be able to demonstrate in their application documents, how the design process was conducted and how the proposed design evolved. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected. In considering applications, the Secretary of State should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy. <u>Many of the wider impacts of a development, such as landscape and environmental impacts, will be important factors in the design process. The Secretary of State will consider such impacts under the relevant policies in this NPS. Assessment of impacts must be for the stated design life of the scheme rather than a shorter time period.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.5.4 of Document 8.20 of the Applicant's Deadline 8 submission.  In the ES, the Applicant has assessed all operational phase impacts as occurring throughout the operational lifetime of the project, rather than a shorter time period.  As such, the application is considered to accord with the provisions of the draft NPS insofar as the drafting remains as currently drafted.
	Draft EN-1 4.6.5	Applicants and the Secretary of State should consider taking independent professional advice on the design aspects of a proposal. In particular, the Design Council <del>CABE</del> can be asked to provide design review for nationally significant infrastructure projects and applicants are encouraged to use this service. <sup>62</sup>  <small>62 The Chief Planner's 2011 Letter about design and planning can be found here: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8009/110520-Letter_to_Chief_Planning_Officers-Design_and_Planning.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8009/110520-Letter_to_Chief_Planning_Officers-Design_and_Planning.pdf</a> Further information on the Design Council can be found here: [REDACTED].</small>	
Climate change adaptation	Draft EN-1 4.9.1	Part 2 of this NPS covers the government's energy and climate change strategy, including policies for mitigating climate change <u>and its impacts</u> . This part of the NPS sets out how applicants and the Secretary of State should take the effects of climate change into account when developing and consenting infrastructure. While climate change mitigation is essential to minimise the most dangerous impacts of climate change, previous global GHG emissions have already committed us to some degree of continued climate change for at least the next 30 years. If new energy infrastructure is not sufficiently resilient against the possible impacts	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.8.1 of Document 8.20 of the Applicant's Deadline 8 submission.

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		of climate change, it will not be able to satisfy the energy needs as outlined in Part 3 of this NPS.	
	Draft EN-1 4.9.2	Climate change is likely to mean that the UK will experience hotter, drier summers and warmer, wetter winters. There is a likelihood of increased flooding, drought, heatwaves, and intense rainfall events, as well as rising sea levels <u>and coastal change</u> . Adaptation is therefore necessary to deal with the potential impacts of these changes that are already happening. <u>Renewable and low carbon development is an adaptive measure to address climate change</u> .	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.8.2 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 4.9.3	To support planning decisions, the government produces a set of UK Climate Projections <sup>70</sup> and <del>is developing</del> <u>has developed</u> a statutory National Adaptation Programme <sup>71</sup> . In addition, the government's Adaptation Reporting Power <sup>72</sup> will ensure that reporting authorities (a defined list of public bodies and statutory undertakers, including energy utilities) assess the risks to their organisation presented by climate change. The Secretary of State may take into account energy utilities' reports to the Secretary of State when considering adaptation measures proposed by an applicant for new energy infrastructure.  70 The UKCP18 key results can be found here: <a href="https://www.metoffice.gov.uk/research/approach/collaboration/ukcp/key-results">https://www.metoffice.gov.uk/research/approach/collaboration/ukcp/key-results</a> 71 s.58 of the Climate Change Act 2008. 72 s.62 of the Climate Change Act 2008; <a href="https://www.gov.uk/government/publications/climate-change-secondnational-adaptation-programme-2018-to-2023">https://www.gov.uk/government/publications/climate-change-secondnational-adaptation-programme-2018-to-2023</a>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.8.3 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 4.9.4	In certain circumstances, measures implemented to ensure a scheme can adapt to climate change may give rise to additional impacts, for example as a result of protecting against flood risk, there may be consequential impacts on coastal change (see Section 5.56).	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.8.4 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 4.9.5	In preparing measures to support climate change adaptation applicants should consider whether nature-based solutions could provide a basis for such adaptation. In addition to avoiding further GHG emissions when compared with some more traditional adaptation approaches, nature based solutions can also result in	Offshore, as noted in response to ExQ2.12.5 (REP5-004) and in response to ExQ1.2.9 (REP1-007) the Applicant highlighted that it will consider the (cable protection) solutions that are available when the Cable Specification and Installation Plan is being developed post consent. Whilst not yet common practice in the UK, the Applicant is aware that



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		<p>biodiversity benefits as well as increasing absorption of carbon dioxide from the atmosphere (see also Section 5.11 on the role of green infrastructure).</p>	<p>the concept of using protection material associated with offshore wind farm infrastructure to enhance marine biodiversity is undergoing significant exploration across a number of European states, most noticeably in the Netherlands, examples of which include the BENSO project and the Rich North Sea Project. The Applicant has provided commentary on the potential opportunities for ecological enhancements in the marine environment in Document 8.23 of the Applicant's Deadline 8 submission.</p> <p>Aspects of the onshore biodiversity enhancement proposals will provide both biodiversity benefit as well as increasing the absorption of carbon dioxide through tree planting in excess of that proposed for ecological compensation.</p> <p>As set out in the oLEMP (REP4-011), it is proposed that heavy standard trees are planted at a 3:1 ratio to compensate for tree loss along the onshore ECC (noting that trees will not be planted above cable routes). This will be achieved through the creation of 2.96 ha of locally native broadleaved woodland at the OnSS site, including locally sourced black poplar <i>Populus nigra</i>.</p>
	<p>Draft EN-1 4.9.6</p>	<p>New energy infrastructure will typically be a long-term investment and will need to remain operational over many decades, in the face of a changing climate. Consequently, applicants must consider the impacts of climate change when planning the location, design, build, operation and, where appropriate, decommissioning of new energy infrastructure. The ES should set out how the proposal will take account of the projected impacts of climate change, <u>in accordance with the EIA Regulations</u>. <del>While not required by the EIA Directive</del>, This information will be needed by the Secretary of State.</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.8.5 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	<p>Draft EN-1 4.9.7</p>	<p>The Secretary of State should be satisfied that applicants for new energy infrastructure have taken into account the potential impacts of climate change using the latest UK Climate Projections <u>and associated research and expert guidance (such as the EA's Climate Change Allowances for Flood Risk Assessments)</u> available at the</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.8.6 of Document 8.20 of the Applicant's Deadline 8 submission.</p>

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		<p>time the ES was prepared to ensure they have identified appropriate mitigation or adaptation measures. This should cover the estimated lifetime of the new infrastructure. Should a new set of UK Climate Projections <u>or associated research</u> become available after the preparation of the ES, the Secretary of State should consider whether they need to request further information from the applicant.</p>	
	<p>Draft EN-1 4.9.8 – 4.9.13</p>	<p>Applicants should assess the impacts on and from their proposed energy project across a range of climate change scenarios, in line with appropriate expert advice and guidance available at the time. Applicants should be able to demonstrate that proposals have a high level of climate resilience built-in from the outset. They should also be able to demonstrate how proposals can be adapted over their predicted lifetimes to remain resilient to a credible maximum climate change scenario. These results should be considered alongside relevant research which is based on the climate change projections.</p> <p>The Secretary of State should be satisfied that there are not features of the design of new energy infrastructure critical to its operation which may be seriously affected by more radical changes to the climate beyond that projected in the latest set of UK climate projections, taking account of the latest credible scientific evidence on, for example, sea level rise (for example by referring to additional maximum credible scenarios – i.e. from the Intergovernmental Panel on Climate Change or EA) and that necessary action can be taken to ensure the operation of the infrastructure over its estimated lifetime.</p> <p>Where energy infrastructure has safety critical elements (for example parts of new gas-fired power stations or some electricity sub-stations), the applicant should apply the high emissions scenario <del>(high impact, low likelihood)</del> to those elements. Although the likelihood of this scenario is thought to be low, it is appropriate to</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.8.7 – 4.8.12 of Document 8.20 of the Applicant's Deadline 8 submission.</p>

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		<p>take a more risk-averse approach with elements of infrastructure which are critical to the safety of its operation.</p> <p>If any adaptation measures give rise to consequential impacts (for example on flooding, water resources or coastal change) the Secretary of State should consider the impact of the latter in relation to the application as a whole and the impacts guidance set out in Part 5 of this NPS.</p> <p>Any adaptation measures should be based on the latest set of UK Climate Projections, the Government's latest UK Climate Change Risk Assessment, when available and in consultation with the EA's <a href="#">Climate Change Allowances for Flood Risk Assessments</a>.</p> <p>Adaptation measures can be required to be implemented at the time of construction where necessary and appropriate to do so. However, where they are necessary to deal with the impact of climate change, and that measure would have an adverse effect on other aspects of the project and/or surrounding environment (for example coastal processes), the Secretary of State may consider requiring the applicant to ensure that the adaptation measure could be implemented should the need arise, rather than at the outset of the development (for example increasing height of existing, or requiring new, sea walls).</p>	
Grid connection	Draft EN-1 4.10.1 and 4.10.2	<p>The connection of a proposed electricity generation plant to the electricity network is an important consideration for applicants wanting to construct or extend generation plant. In the market system <a href="#">and in the past</a>, it has been for the applicant to ensure that there will be necessary infrastructure and capacity within an existing or planned transmission or distribution network to accommodate the electricity generated. <a href="#">To support the achievement of the transition to net zero, government is accelerating the co-ordination of the development of the grid network to facilitate the UK's net zero energy generation development and transmission. Applicants should consider coordinating their proposals for the onshore-offshore connection, as outlined at Section 3.3.</a></p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.9.1 of Document 8.20 of the Applicant's Deadline 8 submission.</p>



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		<p>The applicant will liaise with National Grid who own and manage the transmission network in England and Wales or the relevant regional DNO <u>or TSO</u> to secure a grid connection. It may be the case that the applicant has not received or accepted a formal offer of a grid connection from the relevant network operator at the time of the application, although it is likely to have applied for one and discussed it with them. This is a commercial risk the applicant may wish to take for a variety of reasons, although the Secretary of State will want to be satisfied that there is no obvious reason why a grid connection would not be possible.</p>	
	<p>Draft EN-1 4.10.3 and 4.10.4</p>	<p>The Planning Act 2008 aims to create a holistic planning regime so that the cumulative effect of different elements of the same project can be considered together. The government therefore envisages that wherever possible, applications for new generating stations and related infrastructure should be contained in a single application to the Secretary of State or in separate applications submitted in tandem which have been prepared in an integrated way. <u>This is particularly encouraged to ensure development of more co-ordinated transmission overall. However, for some new co-ordinated offshore transmission projects it is recognised that these will be brought forward for consenting separate to (though planned with) the applications for the wind farms as outlined in EN-5.</u></p> <p><u>Co-ordinated applications typically bring economic efficiencies and reduced environmental impact. On some occasions it</u> <del>However</del> <u>this may not be possible, nor the best course in terms of delivery of the project in a timely way, as different aspects may have different lead-in times and be undertaken by different legal entities subject to different commercial and regulatory frameworks (for example grid companies operate within OFGEM controls), so the level of information available on the different elements may vary. In some cases, applicants may therefore decide to put in an application that seeks consent only for one element but contains some information on the second. Where this is the case, the applicant should explain the reasons for the separate application.</u></p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.9.2 of Document 8.20 of the Applicant's Deadline 8 submission.</p>

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Pollution control and other environmental regulatory regimes	Draft EN-1 4.11.3 and 4.11.4	<p>Pollution from industrial sources in England and Wales is controlled through the Environmental Permitting (England and Wales) Regulations 2016 (EPR). The EPR requires industrial facilities to have an EP and meet limits on allowable emissions to operate.</p> <p>Larger industrial facilities undertaking specific types of activity are also required to use Best Available Techniques (BAT) to reduce emissions to air, water, and land. Agreement on what sector specific BAT standards are, will now be determined through a new UK-specific BAT process.</p>	<p>As detailed in the Consents and Licences Required Under Other Legislation (APP-037) the relevant permits under the Environmental Permitting (England and Wales) Regulations 2016 will be applied for post consent, with applications made to the relevant regulator.</p> <p>As such, the application is considered to accord with the provisions of the draft NPS insofar as the drafting remains as currently drafted.</p>
	Draft EN-1 4.11.5	In considering an application for development consent, the IPC should focus on whether the development itself is an acceptable use of the land, and on the impacts of that use, rather than the control of processes, emissions or discharges themselves. The IPC should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. It should act to complement but not seek to duplicate them.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 4.10.3 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 4.11.6	Applicants should consult the MMO on energy NSIP projects which would affect, or would be likely to affect, any relevant marine areas as defined in the Planning Act 2008 (as amended by section 23 of the Marine and Coastal Access Act 2009). <u>Applicants are encouraged to consider the relevant marine plans in advance of consulting the MMO for England or the relevant policy teams at the Welsh government.</u> The Secretary of State's consent may include a deemed marine licence and the MMO will advise on what conditions should apply to the deemed marine licence. The Secretary of State and MMO should cooperate closely to ensure that energy NSIPs are licensed in accordance with environmental legislation, <del>including European directives.</del>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.10.4 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 4.11.7	Many projects covered by this NPS will be subject to the EP regime, which also incorporates operational waste management	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's

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		requirements for certain activities. When <del>a developer</del> <u>an applicant</u> applies for an EP, the relevant regulator (usually EA or NRW but sometimes the local authority) requires that the application demonstrates that processes are in place to meet all relevant EP requirements. In considering the impacts of the project, the Secretary of State may wish to consult the regulator on any management plans that would be included in an EP application.	comments within EN-1 4.10.5 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 4.11.8	Applicants <del>are advised to</del> <u>should</u> make early contact with relevant regulators, including EA <u>or NRW</u> and the MMO, to discuss their requirements for EPs and other consents. <del>This will help</del> <u>Early contact with relevant regulators will</u> ensure that applications take account of all relevant environmental considerations and that the relevant regulators are able to provide timely advice and assurance to the Secretary of State. Wherever possible, applicants <del>are encouraged</del> <u>should</u> submit applications for EPs and other necessary consents at the same time as applying to the Secretary of State for development consent.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.11.8 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 4.11.9	<p>The Secretary of State should be satisfied that development consent can be granted taking full account of environmental impacts. Working in close cooperation with EA <u>or NRW</u> and/or the pollution control authority, and other relevant bodies, such as the MMO, <del>Natural England, [Natural Resources Wales], the SNCB</del>, Drainage Boards, and water and sewerage undertakers, the Secretary of State should be satisfied, before consenting any potentially polluting developments, that:</p> <ul style="list-style-type: none"> <li>▲ the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework</li> <li>▲ the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable, particularly in relation to statutory environmental quality limits</li> </ul>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.10.7 of Document 8.20 of the Applicant's Deadline 8 submission.

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	Draft EN-1 4.11.10	The Secretary of State should not refuse consent on the basis of pollution impacts unless <del>it has</del> <u>there is</u> good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.10.8 of Document 8.20 of the Applicant's Deadline 8 submission.
Safety	Draft EN-1 4.12.3 – 4.12.4	Some energy infrastructure will be subject to the Control of Major Accident Hazards (COMAH) Regulations <del>1999</del> <u>2015</u> . These Regulations aim to prevent major accidents involving dangerous substances and limit the consequences to people and the environment of any that do occur. COMAH regulations apply throughout the life cycle of the facility, i.e. from the design and build stage through to decommissioning. They are enforced by the Competent Authority comprising HSE and the EA acting jointly in England <del>and Wales (and by the HSE and Scottish Environment Protection Agency acting jointly in Scotland)</del> <u>and by the HSE and NRW acting jointly in Wales, and the HSE and Scottish Environment Protection Agency (SEPA) acting jointly in Scotland</u> . The same principles apply here as for those set out in the previous section on pollution control and other environmental permitting regimes.  Applicants seeking to develop infrastructure subject to the COMAH regulations should make early contact with the Competent Authority. If a safety report is required it is important to discuss with the Competent Authority the type of information that should be provided at the design and development stage, and what form this should take. This will enable the Competent Authority to review as much information as possible before construction begins, in order to assess whether the inherent features of the design are sufficient to prevent, control and mitigate major accidents. The Secretary of State should be satisfied that an assessment has been done where required and that the Competent Authority has assessed that it meets the safety objectives described above.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.11.3 – 4.11.4 of Document 8.20 of the Applicant's Deadline 8 submission.
Hazardous substances	Draft EN-1 4.13.1	All establishments wishing to hold stocks of certain hazardous substances above a threshold need Hazardous Substances consent. Applicants <del>should</del> <u>must</u> consult the Hazardous Substances Authority	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's

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		and the HSE at pre-application stage if the project is likely to need hazardous substances consent. Where hazardous substances consent is applied for, the Secretary of State will consider whether to make an order directing that hazardous substances consent shall be deemed to be granted alongside making an order granting development consent. The Secretary of State should consult HSE about this.	comments within EN-1 4.12.1 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 4.13.3	HSE sets a consultation distance around every site with hazardous substances consent and notifies the relevant local planning authorities. The applicant should therefore consult the local planning authority at preapplication stage to identify whether its proposed site is within the consultation distance of any site with hazardous substances consent and, if so, should consult the HSE for its advice on locating the particular development on that site.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 4.12.3 of Document 8.20 of the Applicant's Deadline 8 submission.
Common law nuisance and statutory nuisance	Draft EN-1 4.14.2	<del>It is very important that,</del> At the application stage of an energy NSIP, possible sources of nuisance under section 79(1) of the 1990 Act and how they may be mitigated or limited should be considered by the Secretary of State so that appropriate requirements can be included in any subsequent order granting development consent (see Section <del>5.6</del> <u>5.7</u> on Dust, odour, artificial light etc. and Section <del>5.11</del> <u>5.12</u> on Noise and vibration).	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.14.2 of Document 8.20 of the Applicant's Deadline 8 submission.
Security considerations	Draft EN-1 4.15.3	<del>DECC BEIS</del> will be notified at pre-application stage about every likely future application for energy NSIPs, so that any national security implications can be identified. Where national security implications have been identified, the applicant should consult with relevant security experts from CPNI, <del>OCNS and DECC ONR (for civil nuclear) and/or BEIS</del> to ensure <del>that physical, procedural and personnel</del> security measures have been adequately considered in the design process and that adequate consideration has been given to the management of security risks. If CPNI, <del>OCNS and/or DECC ONR (for civil nuclear) and/or BEIS</del> are satisfied that security issues have been adequately addressed in the project when the application is submitted to the Secretary of State, it will provide	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 4.15.3 of Document 8.20 of the Applicant's Deadline 8 submission.

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		confirmation of this to the Secretary of State. The Secretary of State should not need to give any further consideration to the details of the security measures in its examination.	
Security considerations	Draft EN-1 4.15.4	The applicant should only include sufficient information in the application as is necessary to enable the Secretary of State to examine the development consent issues and make a properly informed decision on the application.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 4.15.4 of Document 8.20 of the Applicant's Deadline 8 submission.
EN1 Part 5: Generic Impacts			
Air Quality and emissions	Draft EN-1 5.1.10	The Secretary of State should consider whether mitigation measures are needed both for operational and construction emissions over and above any which may form part of the project application. A construction management plan may help codify mitigation at this stage.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.2.11 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.2.5	Where the project is likely to have adverse effects on air quality the applicant should undertake an assessment of the impacts of the proposed project as part of the ES.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.2.6 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.2.6	The ES should describe: <ul style="list-style-type: none"> <li>▲ Any significant air emissions, their mitigation and any residual effects distinguishing between the project stages and taking account of any significant emissions from any road traffic generated by the project;</li> <li>▲ The predicted absolute emission levels of the proposed project, after mitigation methods have been applied;</li> <li>▲ Existing air quality levels and the relative change in air quality from existing levels; and</li> <li>▲ Any potential eutrophication impacts.</li> </ul>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.2.7 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.2.8	The Secretary of State should generally give air quality considerations substantial weight where a project would lead to a deterioration in air quality in an area, or leads to a new area where air quality breaches any national air quality limits. However air quality considerations will also be important where substantial	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.2.9 of Document 8.20 of the Applicant's Deadline 8 submission.



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		changes in air quality levels are expected, even if this does not lead to any breaches of national air quality limits.	
	Draft EN-1 5.2.9	In all cases, the Secretary of State must take account of any relevant statutory air quality limits. Where a project is likely to lead to a breach of such limits the applicant should work with the relevant authorities to secure appropriate mitigation measures to allow the proposal to proceed. <u>In particular, where a project is located within, or in close proximity to, a Local Air Quality Management Area or Clean Air Zone, applicants should engage with the relevant local authority to ensure the project is compatible with the local air quality plan.</u> In the event that a project will lead to non-compliance with a statutory limit the Secretary of State should refuse consent.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.2.10 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.2.11	In doing so the Secretary of State <del>may refer to the conditions and advice in</del> <u>should have regard to</u> the Air Quality Strategy <sup>82</sup> or any successor to it <u>and should consider relevant advice within Local Air Quality Management guidance.</u> <sup>83</sup>  82 <a href="https://www.gov.uk/government/publications/the-air-quality-strategy-for-england-scotland-wales-and-northernireland-volume-1">https://www.gov.uk/government/publications/the-air-quality-strategy-for-england-scotland-wales-and-northernireland-volume-1</a> 83 <a href="https://laqm.defra.gov.uk/supporting-guidance.html">https://laqm.defra.gov.uk/supporting-guidance.html</a> .	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.2.12 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.2.12	The mitigations identified in Section 5.1 <u>34</u> on traffic and transport impacts will help mitigate the effects of air emissions from transport.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.2.13 of Document 8.20 of the Applicant's Deadline 8 submission.
Greenhouse Gas Emissions (Draft EN-1 only)	Draft EN-1 5.3.4	All proposals for energy infrastructure projects should include a carbon assessment as part of their ES (See Section 4.2). This should include: <ul style="list-style-type: none"> <li>▲ A whole life carbon assessment showing construction, operational and decommissioning carbon impacts</li> <li>▲ An explanation of the steps that have been taken to drive down the climate change impacts at each of those stages</li> <li>▲ Measurement of embodied carbon impact from the construction stage</li> </ul>	Please see the Applicant's response to Draft EN-1 4.5.3. which notes that the Applicant has provided a life cycle assessment which concludes the project would repay the embedded carbon within two years (REP5-006).  As such, the application is considered to accord with the provisions of the draft NPS insofar as the drafting remains as currently drafted.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<ul style="list-style-type: none"> <li>▲ How reduction in energy demand and consumption during operation has been prioritised in comparison with other measures</li> <li>▲ How operational emissions have been reduced as much as possible through the application of best available technology for that type of technology</li> <li>▲ Calculation of operational energy consumption and associated carbon emissions</li> <li>▲ Whether and how any residual carbon emissions will be (voluntarily) offset or removed using a recognised framework</li> <li>▲ Where there are residual emissions, the level of emissions and the impact of those on national and international efforts to limit climate change, both alone and where relevant in combination with other developments at a regional or national level, or sector level, if sectoral targets are developed.</li> </ul>	
	Draft EN-1 5.3.6	The Secretary of State should be content that the applicant has taken all reasonable steps to reduce the GHG emissions of the construction and decommissioning stage of the development. The Secretary of State should also give positive weight to projects that embed nature-based or technological processes to mitigate or offset the emissions of construction and decommissioning within the proposed development. However, in light of the vital role energy infrastructure plays in the process of economy wide decarbonisation, the Secretary of State accepts that there are likely to be some residual emissions from construction and decommissioning of energy infrastructure.	
	Draft EN-1 5.3.8	A carbon assessment should be used to drive down GHG emissions at every stage of the proposed development and ensure that emissions are minimised as far as possible for the type of technology, taking into account the overall objectives of ensuring our supply of energy always remains secure, reliable and affordable, as we transition to net zero.	
	Draft EN-1 5.3.9	Applicants should look for opportunities within the proposed development to embed nature-based or technological solutions to	



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		mitigate or offset the emissions of construction and decommissioning.	
	Draft EN-1 5.3.10	To be taken into account in Secretary of State decision making, steps taken to minimise and offset emissions should be set out in a GHG Reduction Strategy, secured under the development consent order.	
Biodiversity and geological conservation	Draft EN-1 5.4.3	Where the development is subject to EIA the applicant should ensure that the ES clearly sets out any effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity. The applicant should provide environmental information proportionate to the infrastructure where EIA is not required to help the Secretary of State consider thoroughly the potential effects of a proposed project.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.3.3 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.4.4	The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests. <u>As set out in Section 4.6, the design process should embed opportunities for nature inclusive design. The applicant is encouraged to consider how their proposal can contribute towards Biodiversity Net Gain in line with the ambition set out in the 25 Year Environment Plan. Energy infrastructure projects have the potential to deliver significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains. The scope of potential gains will be dependent on the type, scale, and location of each project.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.3.4 of Document 8.20 of the Applicant's Deadline 8 submission.  Onshore, AyM will deliver net benefits for biodiversity, and the potential for these enhancements is set out in Document 8.24 of the Applicant's Deadline 8 submission, with commentary on the weight that should be attributed to enhancements in Document 8.25 of the Applicant's Deadline 8 submission.  Whilst not a policy requirement, the Applicant has also provided commentary on the opportunities for ecological enhancement in the marine environment in Document 8.23 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.4.5	The government's 25 Year Environment Plan marked a step change in ambition for wildlife and the natural environment. The Secretary of State should have regard to the aims and goals of the government's 25 Year Environment Plan and any relevant measures and targets in	As noted within the Applicant's NPS tracker submitted at Deadline 3 (Document 8.20 of the Applicant's Deadline 8 submission) and in response to the extant NPS, geological interests have been conserved through sensitive routing of the onshore Export Cable Corridor (ECC)

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<p>doing so, the Secretary of State should also take account of the context of the challenge of climate change: failure to address this challenge will result in significant adverse impacts to biodiversity. The policy set out in the following sections recognises the need to protect and enhance biodiversity and geological conservation interests. The benefits of nationally significant low carbon energy infrastructure development may include benefits for biodiversity and geological conservation interests and these benefits may outweigh harm to these interests. The Secretary of State may take account of any such net benefit in cases where it can be demonstrated.</p>	<p>and siting of the OnSS. There are no geologically designated sites within the ground conditions and land use study area. Routing and siting considerations are discussed in ES Volume 1, Chapter 4: Site Selection and Alternatives (APP-044).</p> <p>Further to this the Applicant has submitted an Outline Landscape and Ecological Management Plan (oLEMP) (REP4-011) which provides the proposed approach to enhancement of biodiversity.</p> <p>As such the application is in accordance with this initial draft NPS provision, insofar as the drafting may remain as currently drafted, and the Secretary of State may place weight on not only the benefits associated with this low carbon energy proposal but also the biodiversity benefits proposed.</p> <p>Onshore, AyM will deliver net benefits for biodiversity, and the potential for these enhancements is set out in Document 8.24 of the Applicant's Deadline 8 submission, with commentary on the weight that should be attributed to enhancements in Document 8.25 of the Applicant's Deadline 8 submission.</p> <p>Whilst not a policy requirement, the Applicant has also provided commentary on the opportunities for ecological enhancement in the marine environment in Document 8.23 of the Applicant's Deadline 8 submission.</p>
	Draft EN-1 5.4.6	<p>As a general principle, and subject to the specific policies below, development should <u>at the very least</u> aim to avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives (as set out in Section <u>4.4 4.2</u> above); where significant harm cannot be avoided, then appropriate compensation measures should be sought. <u>If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then the Secretary of State will give significant weight to any residual harm.</u></p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.3.7 of Document 8.20 of the Applicant's Deadline 8 submission.</p>

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	Draft EN-1 5.4.7	In taking decisions, the Secretary of State should ensure that appropriate weight is attached to designated sites of international, national, and local importance; protected species; habitats and other species of principal importance for the conservation of biodiversity; and to biodiversity and geological interests within the wider environment	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.3.8 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.4.8	<del>The most</del> Important sites for biodiversity are those identified through international conventions and the <u>European Directives Habitats Regulations</u> . The Habitats Regulations <del>provide statutory protection for these sites but do not provide statutory protection for potential Special Protection Areas (pSPAs) before they have been classified as a Special Protection Area. For the purposes of considering development proposals affecting them, as a matter of policy the Government wishes pSPAs to be considered in the same way as if they had already been classified.</del> Listed Ramsar sites should, also as a matter of policy, receive the same protection set out sites for which an HRA will assess the implications of a plan or project, including Special Areas of Conservation and Special Protection Areas. <u>As a matter of policy, the following should be given the same protection as sites covered by the Habitat's Regulations: (a) potential Special Protection Areas and possible Special Areas of Conservation; (b) listed or proposed Ramsar sites; and (c) sites identified, or required, as compensatory measures for adverse effects on other HRA sites.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.3.9 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.4.9	Sites of Special Scientific Interest (SSSIs)  Many SSSIs are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs not covered by an international designation, should be given a high degree of protection. <del>All</del> <u>Most</u> National Nature Reserves are notified as SSSIs.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.3.10 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.4.10	<del>Where a proposed</del> Development on land within or outside a SSSI, <u>and which</u> is likely to have an adverse effect on <del>an SSSI it</del> (either	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's

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		<p>individually or in combination with other developments), <del>development consent</del> should not normally be <del>granted permitted</del>. <del>Where an adverse effect, after mitigation, on the site's notified special interest features is likely, an</del> <u>The only</u> exception <del>should only be made is</del> where the benefits (including need) of the development <del>at this site in the location proposed</del> clearly outweigh <del>both the impacts that it is likely to have its likely impact</del> on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs. The Secretary of State should use requirements and/or planning obligations to mitigate the harmful<sup>86</sup> aspects of the development and, where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest</p>	<p>comments within EN-1 5.3.11 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	<p>Draft EN-1 5.4.11</p>	<p>Marine Conservation Zones (MCZs) (Marine Protected Areas in Scotland), introduced under the Marine and Coastal Access Act 2009, are areas that have been designated for the purpose of conserving marine flora or fauna, marine habitats or types of marine habitat or features of geological or geomorphological interest. The protected feature or features and the conservation objectives for the MCZ are stated in the designation order for the MCZ, <del>which provides statutory protection for these areas implemented by the MMO (see paragraph 1.2.2). As a public authority,</del>. The Secretary of State is bound by the duties in relation to MCZs imposed by sections 125 and 126 of the Marine and Coastal Access Act 200</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.3.12 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	<p>Draft EN-1 5.4.12</p>	<p>Regional and Local Sites Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Wildlife Sites, <del>have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well-being of the community; and in supporting research and education.</del> <u>are areas of substantive nature conservation value and make an important contribution to ecological networks and nature's recovery. They can also provide</u></p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.3.13 of Document 8.20 of the Applicant's Deadline 8 submission.</p>

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		<p><u>wider benefits including public access (where agreed), climate mitigation and helping to tackle air pollution. National planning policy expects plans to identify and map Local Wildlife sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks.</u> The Secretary of State should give due consideration to such regional or local designations. However, given the need for new nationally significant infrastructure, these designations should not be used in themselves to refuse development consent. <u>Development will still be expected to comply with the biodiversity and geological conservation requirements set out in this NPS.</u></p>	
	Draft EN-1 5.4.13	<p>Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. The Secretary of State should not grant development consent for any development that would result in its loss or deterioration unless the benefits (including need) of the development, in that location clearly outweigh the loss of the woodland habitat. Aged or 'veteran' trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided<sup>87</sup>. Where such trees would be affected by development proposals the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons why. <u>Applicants should provide a suitable compensation strategy in instances where proposals would result in the loss or deterioration of ancient woodland and ancient or veteran trees.</u></p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.3.14 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	Draft EN-1 5.4.14	<p>Biodiversity within Developments</p> <p>Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, the Secretary of State should maximise such opportunities in and around developments, using requirements or planning obligations where appropriate. <u>This can help towards delivering biodiversity net gain. Wider ecosystem services and</u></p>	<p>Please refer to the Applicant's comments within EN-1 5.3.15 of Document 8.20 of the Applicant's Deadline 8 submission.</p> <p>Onshore, AyM will deliver net benefits for biodiversity, and the potential for these enhancements is set out in Document 8.24 of the Applicant's Deadline 8 submission, with commentary on the weight that should be attributed to enhancements in Document 8.25 of the Applicant's Deadline 8 submission.</p>



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		<p><u>benefits of natural capital should also be considered when designing enhancement measures.</u></p>	<p>Whilst not a policy requirement, the Applicant has also provided commentary on the opportunities for ecological enhancement in the marine environment in Document 8.23 of the Applicant's Deadline 8 submission.</p>
	<p>Draft EN-1 5.4.15 – 5.4.16</p>	<p>Many individual wildlife species receive statutory protection under a range of legislative provisions<sup>88</sup>.</p> <p>Other species and habitats have been identified as being of principal importance for the conservation of biodiversity in England and Wales and thereby requiring conservation action.<sup>89</sup> The Secretary of State should ensure that these species and habitats are protected from the adverse effects of development by using requirements, planning obligations, <u>or licence conditions</u>. The Secretary of State should refuse consent where harm to the habitats or species and their habitats would result, unless the benefits (including need) of the development outweigh that harm. In this context the Secretary of State should give substantial weight to any such harm to the detriment of biodiversity features of national or regional importance which it considers may result from a proposed development.</p> <p><small>88 Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. Certain plant and animal species are also protected under the Conservation of Habitats and Species Regulations 2010. Some other animals are protected under their own legislation, for example Protection of Badgers Act 1992.</small></p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.3.16 – 5.3.17 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	<p>Draft EN-1 5.4.17</p>	<p>Proposals should also consider any opportunities to maximise the restoration, creation, and enhancement of wider biodiversity. Consideration should be given to improvements to, and impacts on, habitats and species in, around and beyond developments, for wider ecosystem services and natural capital benefits, beyond those under protection and identified as being of principal importance. This may include considerations and opportunities identified through Local Nature Recovery Strategies, and national goals and targets set through the government's strategy for nature for example.</p>	<p>The Applicant has submitted an Outline Landscape and Ecological Management Plan (oLEMP) (REP4-011) which provides the proposed approach to enhancement of biodiversity and is supported by NRW. AyM will deliver net benefits for biodiversity, and the potential for these enhancements is set out in Document 8.24 of the Applicant's Deadline 8 submission, with commentary on the weight that should be attributed to enhancements in Document 8.25 of the Applicant's Deadline 8 submission.</p> <p>Whilst not a policy requirement, the Applicant has also provided commentary on the opportunities for ecological enhancement in the</p>



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
			<p>marine environment in Document 8.23 of the Applicant's Deadline 8 submission.</p> <p>As such, the application is considered to accord with the provisions of the draft NPS insofar as the drafting remains as currently drafted.</p>
	Draft EN-1 5.4.18	<p>The applicant should include appropriate mitigation measures as an integral part of the proposed development. In particular, the applicant should demonstrate that:</p> <ul style="list-style-type: none"> <li>▲ during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works</li> <li>▲ <u>the timing of construction has been planned to avoid or limit disturbance to birds during the breeding season.</u></li> <li>▲ during construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements</li> <li>▲ habitats will, where practicable, be restored after construction works have finished</li> <li>▲ opportunities will be taken to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals.</li> <li>▲ <u>mitigation measures should take into account existing habitats and should generally seek opportunities to enhance them, rather than replace them. Where practicable, mitigation measures should seek to create new habitats of value within the site landscaping proposals.</u></li> </ul>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.3.18 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	Draft EN-1 5.4.19	<p>Applicants should consider producing and implementing a Biodiversity Management Strategy as part of their development proposals. This could include provision for biodiversity awareness training to employees and contractors so as to avoid unnecessary adverse impacts on biodiversity during the construction and operation stages.</p>	<p>The Applicant has submitted an Outline Landscape and Ecological Management Plan (oLEMP) (REP4-011) which provides the proposed approach to enhancement of biodiversity throughout the lifetime of the proposed development.</p>
	Draft EN-1 5.4.21	<p>To further minimise any adverse impacts on geodiversity, where appropriate applicants are encouraged to produce and implement a Geodiversity Management Strategy to preserve and enhance</p>	<p>Further, as noted in the Applicant's tracker of accordance with the extant NPS (Document 8.20 of the Applicant's Deadline 8 submission), geological interests have been conserved through sensitive routing of the onshore Export Cable Corridor (ECC) and siting of the OnSS. There are no geologically designated sites within the ground conditions and</p>

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		access to geological interest features, as part of relevant development proposals.	land use study area and as such no further measures are considered necessary.
	Draft EN-1 5.4.22	The Secretary of State should consider what appropriate requirements should be attached to any consent and/or in any planning obligations entered into, in order to ensure that any mitigation or biodiversity net gain measures, if offered, are delivered and maintained. Any habitat creation or enhancement delivered for biodiversity net gain should generally be maintained for a minimum period of 30 years.	As such the application is in accordance with these initial draft NPS provisions
	Draft EN-1 5.4.23	The Secretary of State will need to take account of what mitigation measures may have been agreed between the applicant and <del>Natural England (or [Natural Resources Wales])</del> <u>the SNCB</u> or the MMO, <u>and whether the SNBC or the MMO</u> has granted or refused or intends to grant or refuse, any relevant licences, including protected species mitigation licences.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.3.20 of Document 8.20 of the Applicant's Deadline 8 submission.
Civil and military aviation and defence interests	Draft EN-1 5.5.10 – 5.5.13	<p>Where the proposed development may have an effect on civil or military aviation and/or other defence assets an assessment of potential effects should be set out in the ES (see Section 4.2).</p> <p>The applicant should consult the MoD, Civil Aviation Authority (CAA), NATS and any aerodrome – licensed or otherwise – likely to be affected by the proposed development in preparing an assessment of the proposal on aviation or other defence interests.</p> <p>Any assessment of aviation or other defence interests should include potential impacts of the project upon the operation of CNS infrastructure, flight patterns (both civil and military), other defence assets and aerodrome operational procedures. It should also assess the cumulative effects of the project with other relevant projects in relation to aviation and defence.</p> <p>If any relevant changes are made to proposals during the pre-application and determination period, it is the responsibility of the applicant to ensure that the relevant aviation and defence consultees are informed as soon as reasonably possible.</p>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.4.10 - 5.4.13 of Document 8.20 of the Applicant's Deadline 8 submission.

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	Draft EN-1 5.5.14	The Secretary of State should be satisfied that the effects on civil and military aerodromes, aviation technical sites and other defence assets have been addressed by the applicant and that any necessary assessment of the proposal on aviation or defence interests has been carried out. In particular, the Secretary of State should be satisfied that the proposal has been designed to minimise adverse impacts on the operation and safety of aerodromes and that reasonable mitigation is carried out. It may also be appropriate to expect operators of the aerodrome to consider making reasonable changes to operational procedures. When assessing the necessity, acceptability, and reasonableness of operational changes to aerodromes, the Secretary of State should <del>satisfy itself</del> <u>be satisfied</u> that they have the necessary information regarding the operational procedures along with any demonstrable risks or harm of such changes, taking into account the cases put forward by all parties. When making such a judgement in the case of military aerodromes, the Secretary of State should have regard to interests of defence and national security.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.4.14 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.5.15	If there are conflicts between the government's energy and transport policies and military interests in relation to the application, the Secretary of State should expect the relevant parties to have made appropriate efforts to work together to identify realistic and pragmatic solutions to the conflicts. In so doing, the parties should seek to protect the aims and interests of the other parties as far as possible.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments EN-1 5.4.15 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.5.16	There are statutory requirements concerning lighting to tall structures. <sup>94</sup> Where lighting is requested on structures that goes beyond statutory requirements by any of the relevant aviation and defence consultees, the Secretary of State should <del>satisfy itself</del> <u>be satisfied</u> of the necessity of such lighting taking into account the case put forward by the consultees. The effect of such lighting on the landscape and ecology may be a relevant consideration.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.4.16 of Document 8.20 of the Applicant's Deadline 8 submission.

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	Draft 5.5.17	<p>Where, after reasonable mitigation, operational changes, obligations and requirements have been proposed, the Secretary of State considers that:</p> <ul style="list-style-type: none"> <li>▲ A development would prevent a licensed aerodrome from maintaining its licence;</li> <li>▲ The benefits of the proposed development are outweighed by the harm to aerodromes serving business, training or emergency service needs, taking into account the relevant importance and need for such aviation infrastructure; or</li> <li>▲ The development would significantly impede or compromise the safe and effective use of defence assets or significantly limit military training;</li> <li>▲ the development would have an impact on the safe and efficient provision of en route air traffic control services for civil aviation, in particular through an adverse effect on the infrastructure required to support communications, navigation or surveillance systems; consent should not be granted.</li> </ul>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments EN-1 5.4.17 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.5.18	<p>Where a proposed energy infrastructure development would significantly impede or compromise the safe and effective use of civil or military aviation or defence assets and or significantly limit military training, the Secretary of State may consider the use of 'Grampian <u>conditions</u>', or other forms of <u>condition requirement</u> which relate to the use of future technological solutions, to mitigate impacts. Where technological solutions have not yet been developed or proven, the Secretary of State will need to consider the likelihood of a solution becoming available within the time limit for implementation of the development consent. In this context, where new technologies to mitigate the adverse effects of wind farms on radar are concerned, the Secretary of State should have regard to any government guidance which emerges from the joint government/industry Aviation Plan.</p>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.4.18 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.5.19	Mitigation for infringement of OLS may include <sup>96</sup> :	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.4.19 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<ul style="list-style-type: none"> <li>▲ Amendments to layout or scale of infrastructure to reduce the height, provided that it does not result in an unreasonable reduction of capacity or unreasonable constraints on the operation of the proposed energy infrastructure;</li> <li>▲ Changes to operational procedures of the aerodromes in accordance with relevant guidance, provided that safety assurances can be provided by the operator that are acceptable to the CAA where the changes are proposed to a civilian aerodrome (and provided that it does not result in an unreasonable reduction of capacity or unreasonable constraints on the operation of the aerodrome); and</li> <li>▲ Installation of obstacle lighting and/or by notification in Aeronautical Information Service publications</li> </ul> <p><small>96 Where mitigation is required using a condition or planning obligation, the tests set out at paragraphs 4.1.7 – 4.1.8 in EN-1 should be applied.</small></p>	
	Draft EN-1 5.5.20	<p>For CNS infrastructure, the UK military Low Flying system (including TTAs) and designated air traffic routes, mitigation may also include:</p> <ul style="list-style-type: none"> <li>▲ Lighting;</li> <li>▲ Operational airspace changes; and</li> <li>▲ Upgrading of existing CNS infrastructure, the cost of which the applicant may reasonably be required to contribute in part or in full.</li> </ul>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.4.20 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.5.21	<p>Mitigation for effects on radar, communications and navigational systems may include reducing the scale of a project, although in some cases it is likely to be unreasonable for the Secretary of State to require mitigation by way of a reduction in the scale of development, for example, where reducing the tip height of wind turbines in an <u>offshore</u> wind farm would result in a material reduction in electricity generating capacity or operation would be severely constrained. However, there may be exceptional circumstances where a small reduction in such function will result in proportionately greater mitigation. In these cases, the Secretary of State may consider that the benefits of the mitigation outweighs the marginal loss of function.</p>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.4.21 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
Coastal change	Draft EN-1 5.6.6	Where relevant, applicants should undertake coastal geomorphological and sediment transfer modelling to predict and understand impacts and help identify relevant mitigating or compensatory measures.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.5.6 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.6.7	The ES <a href="#">(see Section 4.2)</a> should include an assessment of the effects on the coast. In particular, applicants should assess: <ul style="list-style-type: none"> <li>▲ the impact of the proposed project on coastal processes and geomorphology, including by taking account of potential impacts from climate change. If the development will have an impact on coastal processes the applicant must demonstrate how the impacts will be managed to minimise adverse impacts on other parts of the coast</li> <li>▲ the implications of the proposed project on strategies for managing the coast as set out in Shoreline Management Plans (SMPs), any relevant Marine Plans... and capital programmes for maintaining flood and coastal defences</li> <li>▲ the effects of the proposed project on marine ecology, biodiversity and protected sites</li> <li>▲ how coastal change could affect flood risk management infrastructure, drainage and flood risk</li> <li>▲ the effects of the proposed project on maintaining coastal recreation sites and features</li> <li>▲ the vulnerability of the proposed development to coastal change, taking account of climate change, during the project's operational life and any decommissioning period</li> </ul>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.5.7 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.6.8	For any projects involving dredging or disposal into the sea, the applicant should consult the MMO at an early stage. Where the project has the potential to have a major impact in this respect, this is covered in the technology specific NPSs. For example, EN-4 looks further at the environmental impacts of dredging in connection with Liquefied Natural Gas (LNG) tanker deliveries to LNG import facilities.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.5.8 of Document 8.20 of the Applicant's Deadline 8 submission
	Draft EN-1 5.6.9	The applicant should be particularly careful to identify any effects of physical changes on the integrity and special features of Marine <a href="#">Conservation Zones Protected Areas (MPAs)</a> . <a href="#">These could include</a>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		MCZs, candidate marine Special Areas of Conservation (SACs), coastal SACs and candidate coastal SACs, coastal Special Protection Areas (SPAs) and potential coastal SPAs, Ramsar sites, Sites of Community Importance (SCIs) and potential SCIs and SSSIs.	comments within EN-1 5.5.9 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.6.10	The Secretary of State should be satisfied that the proposed development will be resilient to coastal erosion and deposition, taking account of climate change, during the project's operational life and any decommissioning period. <u>Proposals that aim to facilitate the relocation of existing energy infrastructure from unsustainable locations which are at risk from coastal change, should be supported where it would result in climate resilient infrastructure.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.5.10 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.6.11	The Secretary of State should not normally consent new development in areas of dynamic shorelines where the proposal could inhibit sediment flow or have an adverse impact on coastal processes at other locations. Impacts on coastal processes must be managed to minimise adverse impacts on other parts of the coast. Where such proposals are brought forward, consent should only be granted where the Secretary of State is satisfied that the benefits (including need) of the development outweigh the adverse impacts.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.5.11 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.6.12	The Secretary of State should ensure that applicants have restoration plans for areas of foreshore disturbed by direct works and will undertake pre- and post-construction coastal monitoring arrangements with defined triggers for intervention and restoration.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.5.12 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.6.13	The Secretary of State should examine the broader context of coastal protection around the proposed site, and the influence in both directions, i.e. coast on site, and site on coast.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.5.13 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.6.14	The Secretary of State should consult the MMO on projects which could impact on coastal change, since the MMO may also be involved in considering other projects which may have related coastal impacts.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.5.14 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
	Draft EN-1 5.6.15	In addition to this NPS, the Secretary of State must have regard to the appropriate marine policy documents, as provided for in the Marine and Coastal Access Act 2009. The Secretary of State may also have regard to any relevant SMPs.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.5.15 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.6.16	Substantial weight should be attached to the risks of flooding and coastal erosion. The applicant must demonstrate that full account has been taken of the policy on assessment and mitigation in <a href="#">Section 4.22 paragraphs 4.2.1 to 4.2.8</a> of this NPS, taking account of the potential effects of climate change on these risks as discussed above.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.5.16 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.6.17	Applicants should propose appropriate mitigation measures to address adverse physical changes to the coast, in consultation with the MMO, the EA <a href="#">or NRW</a> , LPAs, other statutory consultees, Coastal Partnerships and other coastal groups, as it considers appropriate. Where this is not the case, the Secretary of State should consider what appropriate mitigation requirements might be attached to any grant of development consent.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.5.17 of Document 8.20 of the Applicant's Deadline 8 submission.
Dust, odour, artificial light, smoke, steam and insect infestation	Draft EN-1 5.7.2	Because of the potential effects of these emissions and infestation, and in view of the availability of the defence of statutory authority against nuisance claims described in Section 4.14, it is important that the potential for these impacts is considered by the Secretary of State.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.6.2 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.7.3	For energy NSIPs of the type covered by this NPS, some impact on amenity for local communities is likely to be unavoidable. The aim should be to keep impacts to a minimum, and at a level that is acceptable.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.6.3 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.7.4	The applicant should assess the potential for insect infestation and emissions of odour, dust, steam, smoke, and artificial light to have a detrimental impact on amenity, as part of the ES.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments EN-1 5.6.4 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
	Draft EN-1 5.7.5	In particular, the assessment provided by the applicant should describe: <ul style="list-style-type: none"> <li>▲ The type, quantity and timing of emissions;</li> <li>▲ Aspects of the development which may give rise to emissions;</li> <li>▲ Premises or locations that may be affected by the emissions;</li> <li>▲ Effects of the emission on identified premises or locations; and</li> <li>▲ Measures to be employed in preventing or mitigating the emissions</li> </ul>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments EN-1 5.6.5 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.7.6	The applicant is advised to consult the relevant local planning authority and, where appropriate, the EA about the scope and methodology of the assessment.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments EN-1 5.6.6 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.7.7	The Secretary of State should satisfy itself that: <ul style="list-style-type: none"> <li>▲ An assessment of the potential for artificial light, dust, odour, smoke, steam and insect infestation to have a detrimental impact on amenity has been carried out; and</li> <li>▲ That all reasonable steps have been taken, and will be taken, to minimise any such detrimental impacts.</li> </ul>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments EN-1 5.6.7 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.7.8	If the Secretary of State does grant development consent for a project, <b># the Secretary of State</b> should consider whether there is a justification for all of the authorised project (including any associated development) being covered by a defence of statutory authority against nuisance claims. If <b># the Secretary of State</b> cannot conclude that this is justified, the Secretary of State should disapply in whole or in part the defence through a provision in the development consent order.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.6.8 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.7.9	Where it believes it appropriate, the Secretary of State may consider attaching requirements to the development consent, in order to secure certain mitigation measures.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments EN-1 5.6.9 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.7.10	In particular, the Secretary of State should consider whether to require the applicant to abide by a scheme of management and mitigation concerning insect infestation and emissions of odour, dust, steam, smoke, and artificial light from the development. The	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments EN-1 5.6.10 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<p>Secretary of State should consider the need for such a scheme to reduce any loss to amenity which might arise during the construction, operation and decommissioning of the development. A construction management plan may help codify mitigation at that stage.</p>	
Hydrology, Hydrogeology and Flood Risk	Draft EN-1 5.8.6	<p>Mitigation measures may include one or more of the following:</p> <ul style="list-style-type: none"> <li>▲ Engineering: prevention of a specific emission at the point of generation; control, containment and abatement of emissions if generated;</li> <li>▲ Lay-out: adequate distance between source and sensitive receptors; reduced transport or handling of material; and</li> <li>▲ Administrative: limiting operating times; restricting activities allowed on the site; implementing management plans.</li> </ul> <p>A site-specific flood risk assessment should be provided for all energy projects in Flood Zones 2 and 3 in England or Zones B and C in Wales. In Flood Zone 1 in England or Zone A in Wales, an assessment should accompany all proposals involving:</p> <ul style="list-style-type: none"> <li>▲ sites of 1 hectare or more</li> <li>▲ land which has been identified by the EA or NRW as having critical drainage problems</li> <li>▲ land identified (for example in a local authority strategic flood risk assessment) as being at increased flood risk in future</li> <li>▲ land that may be subject to other sources of flooding (for example surface water)</li> <li>▲ where the EA or NRW, Lead Local Flood Authority, Internal Drainage Board or other body have indicated that there may be drainage problems. This should identify and assess the risks of all forms of flooding to and from the project and demonstrate how these flood risks will be managed, taking climate change into account.</li> </ul>	<p>This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments EN-1 5.6.11 of Document 8.20 of the Applicant's Deadline 8 submission.</p> <p>As noted in response to the Applicant's NPS tracker, specifically in response to NPS EN-1, The submitted Flood Risk Assessments (termed Flood Consequence Assessments to comply with Welsh requirements (REP1-042 and REP1-044) satisfies the requirements for an FRA as follows:</p> <p><i>A summary of the flood risk assessment is provided in Volume 3, Chapter 7 of the ES Hydrology, Hydrogeology and Flood Risk (APP-068).</i></p> <p><i>Flood Consequence Assessment reporting has been undertaken in consultation with NRW and Denbighshire County Council (DCC) and is presented in the following documents: Volume 5, Annex 7.1 of the ES (APP-137); and</i></p> <p><i>Volume 5, Annex 7.2 of the ES (APP-138), and by technical flood experts from SLR Consulting.</i></p> <p>The Flood Consequence Assessment presents a volume of information which is considered proportionate to the scale, nature and location of AyM; that is that the buried infrastructure (as assessed in the Onshore Export Cable Corridor Flood Consequence Assessment (REP1-042)) does not introduce a new or increased pathway by which the risk of flooding may increase, and the above ground infrastructure (onshore) is considered in appropriate detail and introduces appropriate mitigation</p>

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			<p>(as assessed in the Onshore Substation Flood Consequences Assessment (REP1-044)).</p> <p>Both Flood Consequence Assessments consider in detail the potential effects, both positive and adverse, of the proposed infrastructure, storage areas, and temporary disruption to drainage channels. The proposed project has committed to the HDD (or other trenchless technique) under the raised flood defences at landfall and the River Clwyd, and as such there is no risk associated with raised defences (REP1-042 and REP1-044). Both Flood Consequence Assessments consider the different types and effects of flooding through reference to an appropriate (and agreed with regulators) baseline investigation. For example, each of sections 3.1 to 3.6 of the Onshore Substation Flood Consequences Assessment (REP1-044) consider historic, fluvial, tidal and surface water flooding, and the capacity of the receiving environment to absorb or soak water both in advance of and following construction of AyM.</p>
	Draft EN-1 5.8.7	<p>The minimum requirements for Flood Risk Assessments (FRA) are that they should:</p> <ul style="list-style-type: none"> <li>▲ be proportionate to the risk and appropriate to the scale, nature and location of the project</li> <li>▲ consider the risk of flooding arising from the project in addition to the risk of flooding to the project</li> <li>▲ take the impacts of climate change into account, <u>across a range of climate scenarios</u>, clearly stating the development lifetime over which the assessment has been made;</li> <li>▲ be undertaken by competent people, as early as possible in the process of preparing the proposal</li> <li>▲ consider both the potential adverse and beneficial effects of flood risk management infrastructure, including raised defences, flow channels, flood storage areas and other artificial features, together with the consequences of their failure <u>and exceedance</u>;</li> <li>▲ consider the vulnerability of those using the site, including arrangements for safe access <u>and escape</u>;</li> </ul>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.7.5 of Document 8.20 of the Applicant's Deadline 8 submission.</p>



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<ul style="list-style-type: none"> <li>▲ consider and quantify the different types of flooding (whether from natural and human sources and including joint and cumulative effects) <u>and include information on flood likelihood, speed-of-onset, depth, velocity, hazard and duration</u>;</li> <li>▲ identify and secure opportunities to reduce the causes and impacts of flooding overall, making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management;</li> <li>▲ consider the effects of a range of flooding events including extreme events on people, property, the natural and historic environment and river and coastal processes</li> <li>▲ include the assessment of the remaining (known as 'residual') risk after risk reduction measures have been taken into account and demonstrate that <u>this is acceptable for the particular project these risks can be safely managed, ensuring people will not be exposed to hazardous flooding</u>;</li> <li>▲ consider how the ability of water to soak into the ground may change with development, along with how the proposed layout of the project may affect drainage systems. <u>Information should include</u>: <ul style="list-style-type: none"> <li>i. Describe the existing surface water drainage arrangements for the site</li> <li>ii. Set out (approximately) the existing rates and volumes of surface water run-off generated by the site. Detail the proposals for restricting discharge rates</li> <li>iii. Set out proposals for managing and discharging surface water from the site using sustainable drainage systems and accounting for the predicted impacts of climate change. If sustainable drainage systems have been rejected, present clear evidence of why their inclusion would be inappropriate</li> <li>iv. Demonstrate how the hierarchy of drainage options (refer to PPG Sustainable Drainage Systems section) has been followed. Explain and justify why the types of Sustainable Drainage Systems and method of discharge have been selected and why they are considered appropriate. Where</li> </ul> </li> </ul>	



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<p>cost is a reason for not including Sustainable Drainage Systems, provide information to enable comparison with the lifetime costs of a conventional public sewer connection</p> <ul style="list-style-type: none"> <li>v. Explain how sustainable drainage systems have been integrated with other aspects of the development such as open space or green infrastructure, so as to ensure an efficient use of the site</li> <li>vi. Describe the multifunctional benefits the sustainable drainage system will provide</li> <li>vii. Set out which opportunities to reduce the causes and impacts of flooding have been identified and included as part of the proposed sustainable drainage system</li> <li>viii. Explain how run-off from the completed development will be prevented from causing an impact elsewhere</li> <li>ix. Explain how the sustainable drainage system been designed to facilitate maintenance and, where relevant, adoption. Set out plans for ensuring an acceptable standard of operation and maintenance throughout the lifetime of the development;</li> </ul> <p>▲ <del>consider if there is a need to detail those measures that will be included to ensure the development will</del> be safe and remain operational during a <del>worst-case</del> flooding event <del>over</del> throughout the development's lifetime <del>without increasing flood risk elsewhere</del>;</p> <p>▲ be supported by appropriate data and information, including historical information on previous events.</p>	
	Draft EN-1 5.8.8	Further guidance can be found in the <a href="#">Practice Guide Planning Practice Guidance Flood Risk and Coastal Change section</a> which accompanies <a href="#">Planning Policy Statement 25 (PPS25)</a> , <a href="#">the NPPF</a> , TAN15 for Wales or successor documents.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.7.6 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.8.9 – 5.8.10	Applicants for projects which may be affected by, or may add to, flood risk should arrange pre-application discussions with the EA <a href="#">or NRW</a> , and, where relevant, other bodies such as <a href="#">Lead Local Flood</a>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's

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		<p><u>Authorities</u>, Internal Drainage Boards, sewerage undertakers, navigation authorities, highways authorities and reservoir owners and operators. Such discussions should identify the likelihood and possible extent and nature of the flood risk, help scope the FRA, and identify the information that will be required by the Secretary of State to reach a decision on the application when it is submitted. The Secretary of State should advise applicants to undertake these steps where they appear necessary, but have not yet been addressed.</p> <p>If the EA <u>or NRW</u> has concerns about the proposal on flood risk grounds, the applicant should discuss these concerns with the EA <u>or NRW</u> and take all reasonable steps to agree ways in which the proposal might be amended, or additional information provided, which would satisfy the EA's <u>or NRW's</u> concerns.</p>	<p>comments within EN-1 5.7.7 – 5.7.8 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	<p>Draft EN-1 5.8.11</p>	<p>In determining an application for development consent, the Secretary of State should be satisfied that where relevant:</p> <ul style="list-style-type: none"> <li>▲ the application is supported by an appropriate FRA</li> <li>▲ the Sequential Test has been applied <u>and satisfied</u> as part of site selection</li> <li>▲ a sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk</li> <li>▲ the proposal is in line with any relevant national and local flood risk management strategy</li> <li>▲ sustainable drainage systems (SuDs) (as required in the next paragraph on National Standards) have been used unless there is clear evidence that their use would be inappropriate</li> <li>▲ in flood risk areas the project is designed and constructed to remain safe and operational during its lifetime, without increasing flood risk elsewhere (subject to the exceptions set out in 5.8.18)</li> <li>▲ the project includes safe access and escape routes where required, as part of an agreed emergency plan, and that any residual risk can be safely managed over the lifetime of the development</li> </ul>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.7.9 of Document 8.20 of the Applicant's Deadline 8 submission.</p>

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<p>▲ land that is likely to be needed for present or future flood risk management infrastructure has been appropriately safeguarded from development to the extent that development would not prevent or hinder its construction, operation or maintenance.</p>	
	Draft EN-1 5.8.12	<p>For <del>construction work energy projects</del> which have drainage implications, approval for the project's drainage system, <u>including during the construction period</u>, will form part of the development consent issued by the Secretary of State. The Secretary of State will therefore need to be satisfied that the proposed drainage system complies with any National Standards published by Ministers under paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010. In addition, the development consent order, or any associated planning obligations, will need to make provision for <del>the adoption appropriate operation</del> and maintenance of any SuDS, <del>including any necessary access rights to property throughout the project's lifetime. Where this is secured through the adoption of any SuDS features, any necessary access rights to property will need to be granted. Where relevant,</del> the Secretary of State should be satisfied that the most appropriate body is being given the responsibility for maintaining any SuDS, taking into account the nature and security of the infrastructure on the proposed site. <del>The</del> Responsible <del>body bodies</del> could include, for example <del>the applicant,</del> the landowner, the relevant lead local flood authority <u>or water and sewerage company (through the Ofwat-approved Sewerage Sector Guidance<sup>99</sup>)</u>, or another body, such as an Internal Drainage Board.</p> <p><sup>99</sup> Sewerage Sector Guidance: [REDACTED]</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.7.10 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	Draft EN-1 5.8.13	<p>If the EA <u>or NRW</u> continues to have concerns and objects to the grant of development consent on the grounds of flood risk, the Secretary of State can grant consent, but would need to be satisfied before deciding whether or not to do so that all reasonable steps have been taken by the applicant and the EA <u>or NRW</u> to try to resolve the concerns.</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.7.11 of Document 8.20 of the Applicant's Deadline 8 submission.</p>

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	Draft EN-1 5.8.14	Energy projects should not normally be consented within Flood Zone 3b the Functional Floodplain (where water has to flow or be stored in times of flood), or Zone C2 in Wales, or on land expected to fall within these zones within its predicted lifetime. However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage, and will not impede water flows.	AyM is located outwith Flood Zone C2; AyM can be considered to be in accordance with paragraph 5.7.24 of the extant EN-1, and with this initial draft NPS provision.
	Draft EN-1 5.8.15	Preference should be given to locating projects in Flood Zone 1 in England or Zone A in Wales <u>areas of lowest flood risk</u> . If there is no reasonably available site in Flood Zone 1 or Zone A, then projects can be located in Flood Zone 2 or Zone B. If there is no reasonably available site in Flood Zones 1 or 2 or Zones A & B, then nationally significant energy infrastructure projects can be located in Flood Zone 3 or Zone C subject to the Exception Test. <u>The Secretary of State should not consent development in flood risk areas (Flood Zone 2 in England or Zone B in Wales), accounting for all sources of flooding and the predicted impacts of climate change unless they are satisfied that the sequential test requirements have been met. The Secretary of State should not consent development in Flood Zone 3 or Zone C unless they are satisfied that the Sequential and Exception Test requirements have been met. The technology specific NPSs set out some exceptions to the application of the sequential test. However, when seeking development consent on a site allocated in a development plan through the application of the Sequential Test, informed by a strategic flood risk assessment, applicants need not apply the Sequential Test, provided the proposed development is consistent with the use for which the site was allocated and there is no new flood risk information that would have affected the outcome of the test.</u> Consideration of alternative sites should take account of the policy on alternatives set out in Section <u>4.4.4.2</u> above. <u>All projects should apply the sequential approach to locating development within the site.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.7.13 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
	EN-1 5.8.16	If, following application of the sequential test, it is not possible, <del>consistent with (taking into account wider sustainable development objectives)</del> , for the project to be located in <del>zones of lower probability of flooding than Flood Zone 3 or Zone C</del> , <u>areas of lower flood risk</u> the Exception Test can be applied, <u>as required by table 3 of the Planning Practice Guidance</u> . The test provides a method of <del>managing flood risk while still</del> allowing necessary development to <del>occur go ahead in situations where suitable sites at lower risk of flooding are not available</del> .	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.7.14 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.8.17	The Exception Test is only appropriate for use where the sequential test alone cannot deliver an acceptable site <del>taking into account the need for energy infrastructure to remain operational during floods</del> . It would only be appropriate to move onto the Exception Test when the sequential test has identified reasonably available, lower risk sites appropriate for the proposed development where, accounting for wider sustainable development objectives, application of relevant policies would provide a clear reason for refusing development in any alternative locations identified. Examples could include alternative site(s) that are. <del>It may also be appropriate to use it where as a result of the alternative site(s) at lower risk of flooding being</del> subject to national designations such as landscape, heritage and nature conservation designations, for example Areas of Outstanding Natural Beauty (AONBs), SSSIs and World Heritage Sites (WHS) <del>it would not be appropriate to require the development to be located on the alternative site(s)</del> which would not usually be considered appropriate.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.7.15 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.8.18	<del>All three</del> <u>Both</u> elements of the test will have to be <del>passed</del> <u>satisfied</u> for development to be consented. <del>For the Exception Test to be passed</del> <u>To pass the Exception Test it should be demonstrated that:</u>  ▲ <del>it must be demonstrated that</del> the project provides wider sustainability benefits to the community <sup>100</sup> that outweigh flood risk	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.7.16 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<ul style="list-style-type: none"> <li><del>★ the project should be on developable, previously developed land<sup>117</sup> or, if it is not on previously developed land, that there are no reasonable alternative sites on developable previously developed land subject to any exceptions set out in the technology-specific NPSs; and</del></li> <li><del>★ a FRA must demonstrate that the project will be safe, without increasing flood risk elsewhere subject to the exception below and, where possible, will reduce flood risk overall.</del></li> <li><del>★ the project reduces flood risk overall, where possible.</del></li> </ul>	
	Draft EN-1 5.8.19	Exceptionally, where an increase in flood risk elsewhere cannot be avoided or wholly mitigated, the Secretary of State may grant consent if they are satisfied that the increase in present and future flood risk can be mitigated to an acceptable level and taking account of the benefits of, including the need for, nationally significant energy infrastructure as set out in Part 3 above. In any such case the Secretary of State should make clear how, in reaching their decision, they have weighed up the increased flood risk against the benefits of the project, taking account of the nature and degree of the risk, the future impacts on climate change, and advice provided by the EA <u>or NRW</u> and other relevant bodies.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.7.17 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.8.20	To satisfactorily manage flood risk, arrangements are required to manage surface water and the impact of the natural water cycle on people and property	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.7.18 of Document 8.20 of the Applicant's Deadline 8 submission
	Draft EN-1 5.8.21	<p>In this NPS, the term SuDS refers to the whole range of sustainable approaches to surface water drainage management including, where appropriate:</p> <ul style="list-style-type: none"> <li>★ Source control measures including rainwater recycling and drainage;</li> <li>★ Infiltration devices to allow water to soak into the ground, that can include individual soakaways and communal facilities;</li> <li>★ Filter strips and swales, which are vegetated features that hold and drain water downhill mimicking natural drainage patterns;</li> </ul>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.7.19 of Document 8.20 of the Applicant's Deadline 8 submission



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<ul style="list-style-type: none"> <li>▲ Filter drains and porous pavements to allow rainwater and run-off to infiltrate into permeable material below ground and provide storage if needed;</li> <li>▲ Basins ponds and tanks to hold excess water after rain and allow controlled discharge that avoids flooding; and</li> <li>▲ Flood routes to carry and direct excess water through developments to minimise the impact of severe rainfall flooding</li> </ul>	
	Draft EN-1 5.8.22	Site layout and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.7.20 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.8.23	The surface water drainage arrangements for any project should, <u>accounting for the predicted impacts of climate change throughout the development's lifetime</u> , be such that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed project, unless specific off-site arrangements are made and result in the same net effect.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.7.21 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.8.24	It may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration facilities or attenuation storage to be provided outside the project site, if necessary through the use of a planning obligation.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.7.22 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.8.25	The sequential approach should be applied to the layout and design of the project. <del>More</del> Vulnerable <u>uses aspects of the development</u> should be located on parts of the site at lower <u>probability risk</u> and residual risk of flooding. Applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood storage uses. Opportunities should be taken to lower flood risk by reducing the built footprint of previously developed sites and using SuDS.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.7.23 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
	Draft EN-1 5.8.26	The receipt of and response to warnings of floods is an essential element in the management of the residual risk of flooding. Flood Warning and evacuation plans should be in place for those areas at an identified risk of flooding. The applicant should take advice from the <u>local authority emergency planning team</u> , emergency services <u>and, where appropriate, from the local resilience forum</u> when producing an evacuation plan for a manned energy project as part of the FRA. Any emergency planning documents, flood warning and evacuation procedures that are required should be identified in the FRA.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.7.25 of Document 8.20 of the Applicant's Deadline 8 submission.
Historic environment	Draft EN-1 5.9.5	There are heritage assets <del>with archaeological interest</del> that are not currently designated <del>as scheduled monuments</del> , but which <del>are demonstrably have been demonstrated to be</del> of equivalent significance <u>to designated heritage assets of the highest significance</u> . These <del>include are</del> : <ul style="list-style-type: none"> <li>▲ those that have yet to be formally assessed for designation;</li> <li>▲ <del>those that have been assessed as those that the Secretary of State has recognised as being capable of</del> being designated <u>as a Scheduled Monument or Protected Wreck Site</u> but <del>which the Secretary of State</del> has decided not to designate</li> <li>▲ those that <u>the Secretary of State has recognised as being of equivalent significance to Scheduled Monuments or Protected Wreck Sites but</u> are incapable of being designated by virtue of being outside the scope of the <del>Ancient Monuments and Archaeological Areas Act 1979-related legislation</del>.</li> </ul>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.8.4 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.9.6	There are also heritage assets with archaeological interest that have yet to be formally assessed by the Secretary of State but which have potential to demonstrate equivalent significance to Scheduled Monuments or Protected Wreck Sites.	Effects on designated and non-designated heritage assets have been considered at sections 8.10 to 8.13 of ES Volume 3, Chapter 8: Onshore Archaeology and Cultural Heritage (APP-069).
	Draft EN-1 5.9.7	Non-designated heritage assets that have been recognised by the Secretary of State as being of equivalent significance to Scheduled Monuments or Protected Wreck Sites, or that have yet to be formally assessed but have archaeological interest <sup>104</sup> and have potential to demonstrate equivalent significance to Scheduled Monuments or	As such AyM can be considered to be in accordance with paragraph 5.8.4 of the extant EN-1, and this wording in the draft NPS.

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		Protected Wreck Sites, should be considered subject to the same policy considerations as those that apply to designated heritage assets.	
	Draft EN-1 5.9.8	The Secretary of State should also consider the impacts on other non-designated heritage assets (as identified either through the development plan making process <del>(local listing)</del> by local authorities, including 'local listing', or through the <del>{Secretary of State}'s decision making process application, examination and decision making process</del> ). This is on the basis of clear evidence that such heritage the assets have a heritage significance that merits consideration in its decision in that process, even though those assets are of lesser significance than designated heritage assets.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.8.6 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.9.10	The applicant should undertake an assessment of any likely significant heritage impacts of the proposed development as part of the EIA and describe these in the ES (see Section 4.2). This should include consideration of heritage assets above, at, and below the surface of the ground.	Effects on designated and non-designated heritage assets have been considered at sections 8.10 to 8.13 of ES Volume 3, Chapter 8: Onshore Archaeology and Cultural Heritage (APP-069). This includes assets above, at and below ground level.  As such, the application is considered to accord with the provisions of the draft NPS insofar as the drafting remains as currently drafted.
	Draft EN-1 5.9.11	As part of the ES <del>(see Section 4.2)</del> the applicant should provide a description of the significance of the heritage assets affected by the proposed development, <del>and the</del> including any contribution made by their setting <del>to that significance</del> . The level of detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the potential impact of the proposal on <del>the their</del> significance <del>of the heritage asset</del> . As a minimum the applicant should have consulted the relevant Historic Environment Record <sup>105</sup> (or, where the development is in English or Welsh waters, Historic England or Cadw) and assessed the heritage assets themselves using expertise where necessary according to the proposed development's impact.  <small>105 Historic Environment Records (HERs) are information services maintained by local authorities and National Park Authorities with a view to providing access to comprehensive and dynamic resources relating to the historic environment of an area for public benefit and use. Details of Historic Environment Records in England are available from the Heritage</small>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.8.8 of Document 8.20 of the Applicant's Deadline 8 submission.

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		Gateway website. For Wales, HERs can be obtained through the Historic Wales Portal at [REDACTED] English Heritage and Cadw hold additional information about heritage assets in English or Welsh waters. Historic England or Cadw should also be consulted, where relevant. 106 Relevant guidance is given in the Historic England publication, The Setting of Heritage Assets	
	Draft EN-1 5.9.12	Where a <u>site on which</u> development <u>site is proposed</u> includes, or the available evidence suggests it has the potential to include, heritage assets with an archaeological interest, the applicant should carry out appropriate desk-based assessment and, where such desk-based research is insufficient to properly assess the interest, a field evaluation. Where proposed development will affect the setting of a heritage asset, <u>accurate</u> representative visualisations may be necessary to explain the impact. <sup>106</sup>  106 Relevant guidance is given in the Historic England publication, The Setting of Heritage Assets [REDACTED]	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.8.9 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.9.13	The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents. <u>Studies will be required on those heritage assets affected by noise, vibration, light and indirect impacts, the extent and detail of these studies will be proportionate to the significance of the heritage asset affected.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.8.10 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.9.14	The applicant is encouraged, where opportunities exist, to prepare proposals which can make a positive contribution to the historic environment, and to consider how their scheme takes account of the significance of heritage assets affected. This can include, where possible:  <ul style="list-style-type: none"> <li>▲ enhancing, through a range of measures such a sensitive design, the significance of heritage assets or setting affected</li> <li>▲ considering measures that address those heritage assets which are at risk or which may become at risk, as a result of the scheme</li> <li>▲ considering how visual or noise impacts can affect heritage assets, and whether there may be opportunities to enhance access to, or interpretation, understanding and appreciation of, the heritage assets affected by the scheme.</li> </ul>	The assessment considers the negative effects on setting to be limited spatially both geographically and in the context of individual assets, such as the Llandudno conservation area. The predicted effects on setting that arise from AyM is to be weighed against the public benefits of AyM, which are summarised in the Planning Statement (APP-298). The planning balance is struck in Section 5.8 of the Planning Statement (APP-298). For the reasons set out in that section, the benefits of the scheme are overwhelmingly greater than the residual adverse effects, including those on setting.  The Applicant has sought to minimise effects wherever practicable, including maintaining distances from listed buildings that will minimise visual and noise impacts. In terms of positive contributions, the

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	Draft EN-1 5.9.15	Careful consideration in preparing the scheme will be required on whether the impacts on the historic environment will be direct or indirect, temporary or permanent.	Applicant is currently negotiating a Landscape Enhancement Fund, in addition to a Tourism Fund, with the relevant North Wales Local Planning Authorities (an update is provided in Document 8.22 of the Applicant's Deadline 8 submission). The scope of projects these potential funds could contribute to are under review, but does not preclude applicability to heritage assets.  As such AyM can be considered to be in accordance with this provision of the draft NPS.
	Draft EN-1 5.9.16	Applicants should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.	
	Draft EN-1 5.9.17	In <del>considering</del> <u>determining</u> applications, the Secretary of State should seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development, including by development affecting the setting of a heritage asset <u>(including assets whose setting may be affected by the proposed development)</u> , taking account of: <ul style="list-style-type: none"> <li>▲ <del>Evidence</del> relevant information provided with the application and, where applicable, relevant information submitted during the examination of the application;</li> <li>▲ any designation records, including those on the National Heritage List for England;</li> <li>▲ historic landscape character records;</li> <li>▲ the <u>relevant</u> Historic Environment Record(s), and similar sources of information;</li> <li>▲ <del>The outcome of consultations with</del> <u>representations made by</u> interested parties <u>during the examination process</u>;</li> <li>▲ <u>expert advice</u>, where appropriate, and when the need to understand the significance of the heritage asset demands it, <del>expert advice</del>.</li> </ul>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.8.11 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.9.18	The Secretary of State must also comply with the requirements on listed buildings, conservation areas and scheduled monuments, set out in Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010.	The assessment presented in sections 8.10 and 8.13 of ES Volume 3, Chapter 8: ES Onshore Archaeology and Cultural Heritage (APP-069) has regard to the significance of heritage assets. The assessment as present considers a range of factors, including the designation records, Historic Environment Record (HER), heritage assets, consultation with



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			<p>Cadw, CPAT and other relevant stakeholders, and applies expert judgement with regards the likelihood of a significant effect occurring.</p> <p>Table 14 of ES Volume 3, Chapter 8: Onshore Archaeology and Cultural Heritage (APP-069) provides a summary of all potential significant effects to onshore historic assets resulting from AyM together with mitigation measures that could be employed to reduce these effects.</p> <p>Only one effect considered to be of Moderate significance (and therefore significant for purposes of the EIA regulations) was identified. This is in respect of the Grade II* Listed Llandudno Pier, where in some key views from along the Promenade, the proposed WTGs appear in an awkward juxtaposition and will detract from the ability to appreciate the architectural interest in the pier.</p> <p>In a small number of other cases minor adverse effects have been identified as occurring to designated heritage assets during the construction phase. In all other cases, no significant adverse effect has been predicted to the heritage significance of historic assets.</p> <p>As such AyM can be considered to be in accordance with paragraph 5.8.11 of the EN-1 and this draft NPS.</p>
	Draft EN-1 5.9.19	<p>In considering the impact of a proposed development on any heritage assets, the Secretary of State should take into account the particular nature of the significance of the heritage assets and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between <del>conservation of that significance and proposals for development</del> <u>their conservation and any aspect of the proposal</u>.</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.8.12 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	Draft EN-1 5.9.20	<p>The Secretary of State should take into account the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution <del>they that their conservation</del> can make to sustainable communities, <del>and including to their quality of life, their</del> economic vitality, <u>and to the public's enjoyment of these assets<sup>107</sup></u>. The Secretary of State should also take into account the desirability of</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.8.13 of Document 8.20 of the Applicant's Deadline 8 submission.</p>



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		<p>the new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials, use <u>and landscaping (for example, screen planting)</u>. <del>The IPC should have regard to any relevant local authority development plans or local impact report on the proposed development in respect of the factors set out in footnote 122.</del></p> <p>107 This can be by virtue of: heritage assets having an influence on the character of the environment and an area's sense of place; heritage assets having a potential to be a catalyst for regeneration in an area, particularly through leisure, tourism and economic development; heritage assets being a stimulus to inspire new development of imaginative and high quality design; and the mixed and flexible patterns of land use in historic areas that are likely to be, and remain, sustainable.</p>	
	Draft EN-1 5.9.21 - 5.9.22	<p>There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II listed building park or garden should be exceptional. Substantial harm to or loss of designated assets of the highest significance, including Scheduled Monuments; registered battlefields; grade I and II* listed buildings; grade I and II* registered parks and gardens; and World Heritage Sites, should be wholly exceptional.</p> <p>When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.</p> <p><u>Any harm or loss affecting any of significance of a</u> designated heritage asset <u>(from its alteration or destruction, or from</u></p>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.8.14 of Document 8.20 of the Applicant's Deadline 8 submission.

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		<p><u>development within its setting</u>) should require clear and convincing justification. Substantial harm to or loss <u>of significance</u> of a grade II listed building park or garden should be exceptional. Substantial harm to or loss of significance of assets of the highest significance, including Scheduled Monuments; <u>Protected Wreck Sites</u>; Registered Battlefields; grade I and II* Listed Buildings; grade I and II* Registered Parks and Gardens; and World Heritage Sites, should be wholly exceptional.</p>	
	Draft EN-1 5.9.23	<p>The Secretary of State should give considerable importance and weight to the desirability of preserving all designated heritage assets. Any harmful impact on the significance of a designated heritage asset should be given significant weight when weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss. <del>Where the application will lead to substantial harm to or total loss of significance of a designated heritage asset the [Secretary of State] should refuse consent unless it can be demonstrated that the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that loss or harm.</del></p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.8.15 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	Draft EN-1 5.9.24	<p>Where the proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm to or loss of significance is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:</p> <ul style="list-style-type: none"> <li>▲ the nature of the heritage asset prevents all reasonable uses of the site</li> <li>▲ no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation</li> <li>▲ conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible</li> </ul>	<p>As set out in the Planning Statement (APP-298), AyM would not lead to substantial harm to or total loss of significance of any designated asset. No cases have been identified where substantial harm to the heritage significance of a designated heritage asset would arise. Where less than substantial harm to the heritage significance of a heritage asset has been identified, this is considered in the Planning Statement.</p> <p>The (less than substantial) harm is to be weighed against the public benefits of AyM, which are summarised in the Planning Statement (APP-298). The planning balance is struck in Section 5.8 of the Planning Statement. For the reasons set out in that section, the benefits of the scheme are overwhelmingly greater than the residual adverse effects,</p>

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		<p>▲ the harm or loss is outweighed by the benefit of bringing the site back into use.</p>	<p>including the less than substantial harm identified to the significance of heritage assets.</p>
	Draft EN-1 5.9.25	<p>Where the proposed development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate securing its optimum viable use.</p>	<p>As such AyM can be considered to be in accordance with paragraph 5.8.14 of the extant EN-1, and these draft provisions of the Draft NPS.</p>
	Draft EN-1 5.9.26	<p>The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</p>	
	Draft EN-1 5.9.27	<p>Not all elements of a World Heritage Site <u>Conservation Area</u> or Conservation Area <u>World Heritage Site</u> will necessarily contribute to its significance. The policies set out in paragraphs 5.8.11 to 5.8.15 above apply to those elements that do contribute to the significance. When considering proposals the [Secretary of State] should take <u>Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm or less than substantial harm under paragraph 5.9.24 or less than substantial harm under paragraph 5.9.25, as appropriate, taking</u> into account the relative significance of the element affected and its contribution to the significance of the World Heritage Site <u>Conservation Area</u> or Conservation Area <u>World Heritage Site</u> as a whole.</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.8.16 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	Draft EN-1 5.9.28	<p>Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the Secretary of State should not take its deteriorated state into account in any decision.</p>	<p>The Applicant's assessment, and description of the baseline receiving environment has not identified any heritage assets that have been deliberately damaged, nor sought to take the deteriorated state into account.</p> <p>As such AyM can be considered to be in accordance with the extant EN-1, and these draft provisions of the Draft NPS.</p>

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
	Draft EN-1 5.9.29	When considering applications for development affecting the setting of a designated heritage asset, the Secretary of State should <u>give considerable importance and weight to the desirability of preserving the setting such assets and</u> treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset. When considering applications that do not do this, the Secretary of State should <u>weigh give significant weight to</u> any negative effects, <u>when weighing them</u> against the wider benefits of the application. The greater the negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to justify approval.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.8.18 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.9.30 – 5.9.35	<p>A documentary record of our past is not as valuable as retaining the heritage asset and therefore the ability to record evidence of the asset <u>is not an adequate mitigation of any harm and</u> should not be a factor in deciding whether consent should be given.</p> <p>Where the loss of the whole or a material part of a heritage asset's significance is justified, the Secretary of State should require the applicant to record and advance understanding of the significance of the heritage asset before it is lost <u>wholly or in part</u>. The extent of the requirement should be proportionate to the nature and level of the asset's significance. <del>Developers</del> <u>Applicants</u> should be required to publish this evidence and deposit copies of the reports with the relevant Historic Environment Record. They should also be required to deposit the archive generated in a local museum or other public depository willing to receive it.</p> <p><del>Where appropriate,</del> The Secretary of State <del>should impose</del> <u>may add</u> requirements <del>on a consent that such work is carried out to the</del> <u>development consent order to ensure that this is undertaken</u> in a timely manner in accordance with a written scheme of investigation that meets the requirements of this Section and has been agreed in writing with the relevant Local Authority (<u>or</u>, where the development is in English waters, the MMO and <u>English Heritage Historic England</u>,</p>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.8.19 -5.8.22 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<p>or where it is in Welsh waters, the MMO and Cadw) and that the completion of the exercise is properly secured.</p> <p>Where the loss of significance of any heritage asset has been justified by the applicant on the merits of the new development and the significance of the asset in question, the Secretary of State should consider:</p> <ul style="list-style-type: none"> <li>▲ imposing a requirement in the development consent order</li> <li>▲ requiring the applicant to enter into an obligation</li> </ul> <p>That will prevent the loss occurring until the relevant part of the development has commenced, or it is reasonably certain that the relevant part of the development is to proceed.</p> <ul style="list-style-type: none"> <li>▲ Where <del>the IPC considers there to be</del> <u>there is</u> a high probability that a development site may include as yet undiscovered heritage assets with archaeological interest, the Secretary of State should consider imposing requirements to ensure that appropriate procedures are in place for the identification and treatment of such assets discovered during construction.</li> </ul>	
Landscape and visual	Draft EN-1 5.10.5	<p>The applicant should carry out a landscape and visual assessment and report it in the ES (see Section 4.2). A number of guides have been produced to assist in addressing landscape issues.<sup>112</sup> The landscape and visual assessment should include reference to any landscape character assessment and associated studies as a means of assessing landscape impacts relevant to the proposed project. The applicant's assessment should also take account of any relevant policies based on these assessments in local development documents in England and local development plans in Wales. <u>For seascapes, applicants should consult the Seascape Character Assessment and the Marine Plan Seascape Character Assessments, and any successors to them.</u><sup>113</sup>.</p> <p><small>112 The Landscape Institute and Institute of Environmental Management and Assessment: Guidelines for Landscape and Visual Impact Assessment (2013, 3rd edition); Landscape and Seascape Character Assessments – <a href="https://www.gov.uk/guidance/landscape-and-seascape-character-assessments">https://www.gov.uk/guidance/landscape-and-seascape-character-assessments</a>; Countryside Council for Wales/Cadw (2007) Guide to Good Practice on Using the Register of Landscapes of Historic Interest in Wales in the Planning and Development Process; or any successor documents.</small></p> <p><small>113 The Seascape Character Assessments Guidance: <a href="https://www.gov.uk/government/publications/seascape-character-assessments-identify-and-describe-seascape-types">https://www.gov.uk/government/publications/seascape-character-assessments-identify-and-describe-seascape-types</a>; Marine plan seascape character assessments:</small></p>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.9.5 of Document 8.20 of the Applicant's Deadline 8 submission.

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		<a href="https://www.gov.uk/government/publications/seascape-assessments-for-north-east-north-west-south-east-southwest-marine-plan-areas-mmo1134">https://www.gov.uk/government/publications/seascape-assessments-for-north-east-north-west-south-east-southwest-marine-plan-areas-mmo1134</a> and <a href="https://www.gov.uk/government/publications/seascape-assessment-for-the-south-marine-plan-areas-mmo-1037">https://www.gov.uk/government/publications/seascape-assessment-for-the-south-marine-plan-areas-mmo-1037</a> and <a href="https://www.gov.uk/government/publications/east-marine-plan-areas-seascape-character-assessment">https://www.gov.uk/government/publications/east-marine-plan-areas-seascape-character-assessment</a>	
	Draft EN-1 5.10.6	The applicant's assessment should include the effects during construction of the project and the effects of the completed development and its operation on landscape components and landscape character.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.9.6 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.10.7	The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include light pollution effects, including on local amenity, and nature conservation.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.9.7 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.10.8	The assessment should also demonstrate how noise and light pollution from construction and operational activities on residential amenity and on sensitive locations, receptors and views, will be minimised.	<p>Construction lighting (as assessed in ES Volume 3, Chapter 2: Landscape and Visual Impact Assessment (AS-029)) will be required during working hours in the winter months. The lights of construction vehicles will also add to the levels of lighting and a lower level of lighting will remain overnight for security purposes.</p> <p>Illuminations may also be needed for occasional activities which require continuous working during night time. This may occur where continuous working is necessary for matters such as concrete pours and HDD works (or other trenchless crossing techniques). Low level security lighting may also be required at night throughout the construction period.</p> <p>The Code of Construction Practice (CoCP) (An outline of which can be found at REP5-016) includes within it an Artificial Light and Emissions Plan (ALEP) (An outline of which can be found at REP2-045). This includes details of the location, height, design and luminance of all lighting to be used during construction. As secured in the DCO, the ALEP will be approved by DCC prior to works commencing.</p> <p>As stated in the outline ALEP, external lighting of the construction site will be of a low intensity and designed/ positioned to: provide the necessary levels for safe working; minimise light spillage or pollution; and avoid disturbance to adjoining residents and occupiers. Further, site</p>



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
			<p>lighting shall be positioned and directed to minimise nuisance to footpath users, residents, to minimise distractions to passing drivers on adjoining public highways and to minimise skyglow, so far as is reasonably practicable.</p> <p>As such AyM can be considered to be in accordance with the extant EN-1, and these draft provisions of the Draft NPS.</p>
	Draft EN-1 5.10.9	<p>Landscape effects <u>of the project</u> depend on the existing character of the local landscape, its current quality, how highly it is valued and its capacity to accommodate change. All of these factors need to be considered in judging the impact of a project on landscape. Virtually all nationally significant energy infrastructure projects will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.9.8 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	Draft EN-1 5.10.10	<p>Applicants should consider how landscapes can be enhanced using landscape management plans, as this will help to enhance environmental assets where they contribute to landscape and townscape quality.</p>	<p>The Applicant has detailed proposed enhancement measures set out in the oLEMP (REP4-011) which provide net benefits for biodiversity in addition to mitigation to reduce and/or minimize significant landscape effects.</p> <p>The sensitivity of the landscape and visual receptors in the LVIA study area has been a key consideration in the siting and design of the onshore infrastructure. A detailed consideration and assessment of the capacity of the landscape to accommodate the onshore infrastructure in relation to the screening afforded by the existing landforms, trees and hedgerows between sensitive receptors and the project infrastructure has been undertaken in ES Volume 3, Chapter 2: Landscape and Visual Impact Assessment (AS-029).</p> <p>Additional landscape mitigation measures for the onshore substation are described in the Landscape and Visual Impact Chapter (<i>ibid</i>) and the oLEMP (REP4-011). The extent of mitigation planting incorporated into the design is illustrated in the oLEMP. This includes woodland planting of:</p>

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
			<ul style="list-style-type: none"> <li>▲ Core native woodland;</li> <li>▲ Screen native woodland mix;</li> <li>▲ Native woodland edge mix; and</li> <li>▲ Native hedgerows.</li> </ul> <p>Further to this, the Applicant is negotiating and has agreed in principle with Natural Resources Wales (NRW), Eryri National Park (ENP) (formerly Snowdonia National Park (SNP)), Isle of Anglesey County Council (IoACC), Conwy County Borough Council (CCBC), Denbighshire County Council (DCC) and other Interested Parties (IPs), regarding a potential landscape enhancement fund. Further details of the landscape enhancement fund is provided in the Landscape Enhancement and Tourism Fund Update (Document 8.22 of the Applicant's Deadline 8 submission).</p>
	Draft EN-1 5.10.11	<p>National Parks, the Broads and AONBs have been confirmed by the government as having the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the Secretary of State should have regard to in their decisions.<sup>114</sup> The conservation of the natural beauty of the landscape and countryside should be given substantial weight by the Secretary of State in deciding on applications for development consent in these areas.</p> <p><sup>114</sup> For an explanation of the duties which will apply to the Secretary of State, see 'Duties on relevant authorities to have regard to the purposes of National Parks, AONBs and the Norfolk and Suffolk Broads' at [REDACTED]</p>	<p>This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.9.9 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
Landscape and visual	Draft EN-1 5.10.12	<p>Nevertheless, the Secretary of State may grant development consent in these areas in exceptional circumstances. The development should be demonstrated to be in the public interest<sup>115</sup> and consideration of such applications should include an assessment of:</p> <ul style="list-style-type: none"> <li>▲ the need for the development, including in terms of national considerations<sup>116</sup>, and the impact of consenting or not consenting it upon the local economy</li> </ul>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.9.10 of Document 8.20 of the Applicant's Deadline 8 submission.</p>

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<ul style="list-style-type: none"> <li>▲ the cost of, and scope for, developing elsewhere outside the designated area or meeting the need for it in some other way, taking account of the policy on alternatives set out in Section <a href="#">4.4</a> <a href="#">4.2</a></li> <li>▲ any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.</li> </ul> <p>116 National considerations should be understood to include the national need for the infrastructure as set out in Part 3 of this NPS and the contribution of the infrastructure to the national economy.</p>	
	Draft EN-1 5.10.13	The Secretary of State should ensure that any projects consented in these designated areas should be carried out to high environmental standards, including through the application of appropriate requirements where necessary.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.9.11 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.10.14	The duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The aim should be to avoid compromising the purposes of designation and such projects should be designed sensitively given the various siting, operational, and other relevant constraints.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.9.12 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.10.15	The fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.9.13 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.10.16	Outside nationally designated areas, there are local landscapes that may be highly valued locally and protected by local designation. Where a local development document in England or a local development plan in Wales has policies based on landscape <a href="#">or waterscape</a> character assessment, these should be paid particular attention. However, local landscape designations should not be used in themselves to refuse consent, as this may unduly restrict acceptable development.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.9.14 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.10.17 – 5.10.18	The scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure. The Secretary of State should judge whether any adverse impact on the	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's

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		<p>landscape would be so damaging that it is not offset by the benefits (including need) of the project.</p> <p><u>In reaching a judgment</u>, the Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation. <u>any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the Secretary of State considers reasonable.</u></p>	<p>comments within EN-1 5.9.15 - 5.9.16 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	<p>Draft EN-1 5.10.19</p>	<p>The Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation.</p>	<p>This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.9.17 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	<p>Draft EN-1 5.10.20</p>	<p>All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. The Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project. Coastal areas are particularly vulnerable to visual intrusion because of the potential high visibility of development on the foreshore, on the skyline and affecting views along stretches of undeveloped coast.</p>	<p>This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.9.18 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	<p>Draft EN-1 5.10.21</p>	<p>It may be helpful for applicants to draw attention, in the supporting evidence to their applications, to any examples of existing permitted infrastructure they are aware of with a similar magnitude of impact on sensitive receptors. This may assist the [Secretary of State] in judging the weight it should give to the assessed visual impacts of the proposed development.</p>	<p>This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.9.19 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	<p>Draft EN-1 5.10.22</p>	<p>The Secretary of State should ensure applicants have taken into account the landscape and visual impacts of visible plumes from</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's</p>

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		chimney stacks and/or the cooling assembly. It may <u>need be necessary</u> to attach requirements to the consent requiring the incorporation of particular design details that are in keeping with the statutory and technical requirements.	comments within EN-1 5.9.20 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.10.23	Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function - for example, the electricity generation output. There may, however, be exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in function. In these circumstances, the Secretary of State may decide that the benefits of the mitigation to reduce the landscape and/or visual effects outweigh the marginal loss of function.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.9.21 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.10.24	Within a defined site, adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within that site, design including colours and materials, and landscaping schemes, depending on the size and type of the proposed project. Materials and designs of buildings should always be given careful consideration.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.9.22 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.10.25	Depending on the topography of the surrounding terrain and areas of population it may be appropriate to undertake landscaping off site. For example, filling in gaps in existing tree and hedge lines would mitigate the impact when viewed from a more distant vista.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.9.23 of Document 8.20 of the Applicant's Deadline 8 submission.
Land use including open space, green infrastructure and Green Belt	Draft EN-1 5.11.2	The government's policy is to ensure there is adequate provision of high quality open space (including green infrastructure) and sports and recreation facilities to meet the needs of local communities. Open spaces, sports and recreational facilities all help to underpin people's quality of life and have a vital role to play in promoting healthy living. <u>Well designed and managed</u> green infrastructure in particular, <u>will also play an increasingly important role in mitigating</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.10.2 of Document 8.20 of the Applicant's Deadline 8 submission.

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		<p><del>or adapting to the impacts of climate change.</del> <u>provides multiple benefits at a range of scales. It can contribute to health, wellbeing, biodiversity recovery, absorb surface water, cleanse pollutants and absorb noise and reduce high temperatures. It will also play an increasingly important role in mitigating or adapting to the impacts of climate change. The provision and enhancement of green infrastructure can improve air quality, particularly in urban areas. Applicants are therefore encouraged to consider how new green infrastructure can be provided, or how existing green infrastructure can be enhanced, as part of their application.</u></p>	
	Draft EN-1 5.11.5	<p>The ES (see Section 4.2) should identify existing and proposed<sup>120</sup> land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan.</p> <p><small>120 For example, where a planning application has been submitted.</small></p>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.10.5 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.11.6	<p>Applicants will need to consult the local community on their proposals to build on open space, sports or recreational buildings and land. Taking account of the consultations, applicants should consider providing new or additional open space including green infrastructure, sport or recreation facilities, to substitute for any losses as a result of their proposal. Applicants should use any up-to-date local authority assessment or, if there is none, provide an independent assessment to show whether the existing open space, sports and recreational buildings and land is surplus to requirements.</p>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.10.6 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.11.7	<p>During any pre-application discussions with the applicant the LPA should identify any concerns it has about the impacts of the application on land use, having regard to the development plan and relevant applications and including, where relevant, whether it agrees with any independent assessment that the land is surplus to requirements.</p>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.10.7 of Document 8.20 of the Applicant's Deadline 8 submission.



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	Draft EN-1 5.11.8	Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations. Applicants should also identify any effects and seek to minimise impacts on soil quality taking into account any mitigation measures proposed. For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination, <u>and where contamination is present, applicants should consider opportunities for remediation where possible. Applicants are encouraged to develop and implement a Soil Management Plan which could help minimise potential land contamination.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.10.8 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.11.9	Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.10.9 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.11.10	The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved except in very special circumstances. Applicants should therefore determine whether their proposal, or any part of it, is within an established Green Belt and if it is, whether their proposal may be inappropriate development within the meaning of Green Belt policy (see paragraph <del>5.10.17</del> <u>5.11.16</u> below).	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.10.10 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.11.11	However, infilling or redevelopment of major developed sites in the Green Belt, if identified as such by the local planning authority, may be suitable for energy infrastructure. It may help to secure jobs and prosperity without further prejudicing the Green Belt or offer the opportunity for environmental improvement. Applicants should refer to relevant criteria <sup>121</sup> on such developments in Green Belts.  <small>121 See Section 13 of the NPPF, or any successor to it.</small>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.10.11 of Document 8.20 of the Applicant's Deadline 8 submission.

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	Draft EN-1 5.11.12	An applicant may be able to demonstrate that a particular type of energy infrastructure, such as an underground pipeline, which, in Green Belt policy terms, may be considered as an "engineering operation" rather than a building is not in the circumstances of the application inappropriate development. It may also be possible for an applicant to show that the physical characteristics of a proposed overhead line development <del>or wind farm</del> are such that it has no adverse effects which conflict with the fundamental purposes of Green Belt designation.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.10.12 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.11.13	The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements or the Secretary of State determines that the benefits of the project (including need), outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities. The loss of playing fields should only be allowed where applicants can demonstrate that they will be replaced with facilities of equivalent or better quantity or quality in a suitable location.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.10.14 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.11.14	The Secretary of State should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. <del>It should give</del> Little weight <u>should be given</u> to the loss of poorer quality agricultural land (in grades 3b, 4 and 5), except in areas (such as uplands) where particular agricultural practices may themselves contribute to the quality and character of the environment or the local economy	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.10.15 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.11.15	In considering the impact on maintaining coastal recreation sites and features, the Secretary of State should expect applicants to have taken advantage of opportunities to maintain and enhance access to the coast. In doing so the Secretary of State should consider the implications for development of the creation of a	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.10.16 of Document 8.20 of the Applicant's Deadline 8 submission.

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		continuous signed and managed route around the coast, as provided for in the Marine and Coastal Access Act 2009.	
	Draft EN-1 5.11.16	<p>When located in the Green Belt, energy infrastructure projects are likely to comprise 'inappropriate development'.<sup>122</sup> Inappropriate development is by definition harmful to the Green Belt and the general planning policy presumption against it applies with equal force in relation to major energy infrastructure projects. The Secretary of State will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any application for such development while taking account, in relation to renewable and linear infrastructure, of the extent to which its physical characteristics are such that it has limited or no impact on the fundamental purposes of Green Belt designation.</p> <p><sup>122</sup> Referred to in paragraph 147 of section 13 of the NPPF</p>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.10.17 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.11.17	<p>In Wales, 'green wedges' may be designated locally<sup>123</sup>. These enjoy the same protection as Green Belt in Wales and the Secretary of State should adopt a similar approach. Green wedges give the same protection as Green Belt in Wales. Green wedges do not convey the same level of permanence of a Green Belt and should be reviewed by the local authority as part of the development plan review process. As with Green Belt, there is a presumption against inappropriate development and the Secretary of State should assess whether there are very special circumstances to justify any proposed inappropriate development.</p> <p><sup>123</sup> See Managing Settlement Form - Green Belts and Green Wedges, in Planning Policy Wales (Edition 11, February 2021), or any successor to it <a href="https://gov.wales/sites/default/files/publications/2021-02/planning-policywales-edition-11_0.pdf">https://gov.wales/sites/default/files/publications/2021-02/planning-policywales-edition-11_0.pdf</a>.</p>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.10.18 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.11.18	Although in the case of much energy infrastructure there may be little that can be done to mitigate the direct effects of an energy	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		project on the existing use of the proposed site (assuming that some at least of that use can still be retained post project construction) applicants should nevertheless seek to minimise these effects and the effects on existing or planned uses near the site by the application of good design principles, including the layout of the project <u>and the protection of soils during construction</u> .	comments within EN-1 5.10.19 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.11.19	Where green infrastructure is affected, the Secretary of State should consider imposing requirements to ensure the <u>functionality and connectivity</u> of the green infrastructure network is maintained in the vicinity of the development and that any necessary works are undertaken, where possible, to mitigate any adverse impact and, where appropriate, to improve that network and other areas of open space including appropriate access to <u>National Trails and other public rights of way and</u> new coastal access routes.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.10.20 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.11.20	The Secretary of State should also consider whether <del>mitigation of</del> any adverse effects on green infrastructure and other forms of open space is adequately <u>provided for mitigated or compensated</u> by means of any planning obligations, for example exchange land and provide for appropriate management and maintenance agreements. Any exchange land should be at least as good in terms of size, usefulness, attractiveness and quality, and <del>where possible, accessible</del> accessibility. Alternatively, where sections 131 and 132 of the Planning Act 2008 apply, replacement land provided under those sections will need to conform to the requirements of those sections.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.10.21 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.11.21	Where a proposed development has an impact upon a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that appropriate mitigation measures have been put in place to safeguard mineral resources.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.10.22 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.11.22	Where a project has a sterilising effect on land use (for example in some cases under transmission lines) there may be scope for this to be mitigated through, for example, using or incorporating the land	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.10.23 of Document 8.20 of the Applicant's Deadline 8 submission.

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		for nature conservation or wildlife corridors or for parking and storage in employment areas.	
	Draft EN-1 5.11.23	Public Rights of way, National Trails and other rights of access to land are important recreational facilities for example for walkers, cyclists and horse riders. The Secretary of State should expect applicants to take appropriate mitigation measures to address adverse effects on coastal access, National Trails, <del>and</del> other rights of way <u>and open access land and, where appropriate, to consider what opportunities there may be to improve or create new access.</u> <u>In considering revisions to an existing right of way, consideration should be given to the use, character, attractiveness and convenience of the right of way.</u> <del>Where this is not the case</del> The Secretary of State should consider <del>what appropriate</del> <u>whether the mitigation requirements might be attached to measures put forward by an applicant are acceptable and whether requirements or other provisions in respect of these measures should be included in</u> any grant of development consent.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.10.24 of Document 8.20 of the Applicant's Deadline 8 submission.
Noise and Vibration	Draft EN-1 5.12.1	Excessive noise can have wide-ranging impacts on the quality of human life, health (for example owing to annoyance or sleep disturbance) and use and enjoyment of areas of value such as quiet places and areas with high landscape quality. The Government's policy on noise is set out in the Noise Policy Statement for England. <sup>124</sup> It promotes good health and good quality of life through effective noise management. Similar considerations apply to vibration, which can also cause damage to buildings. In this section, in line with current legislation, references to "noise" below apply equally to assessment of impacts of vibration.  <sup>124</sup> <a href="https://www.gov.uk/government/publications/noise-policy-statement-for-england">https://www.gov.uk/government/publications/noise-policy-statement-for-england</a> .	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.11.1 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.12.4 – 5.12.5	Where noise impacts are likely to arise from the proposed development, the applicant should include the following in the noise assessment:	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.11.4 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<ul style="list-style-type: none"> <li>▲ a description of the noise generating aspects of the development proposal leading to noise impacts, including the identification of any distinctive tonal, impulsive, <del>or</del> low frequency <u>or temporal characteristics</u> of the noise</li> <li>▲ identification of noise sensitive <del>premises</del> <u>receptors</u> and noise sensitive areas that may be affected</li> <li>▲ the characteristics of the existing noise environment</li> <li>▲ a prediction of how the noise environment will change with the proposed development <ul style="list-style-type: none"> <li>▪ in the shorter term, such as during the construction period</li> <li>▪ in the longer term, during the operating life of the infrastructure</li> <li>▪ at particular times of the day, evening and night <u>(and weekends)</u> as appropriate, <u>and at different times of year</u></li> </ul> </li> <li>▲ an assessment of the effect of predicted changes in the noise environment on any noise-sensitive <del>premises</del> <u>receptors, including an assessment of any likely impact on health and well-being where appropriate,</u> and noise-sensitive areas</li> <li>▲ if likely to cause disturbance, an assessment of the effect of underwater or subterranean noise;</li> <li>▲ measures to be employed in mitigating the effects of noise - applicants should consider using best available techniques to reduce noise impacts.</li> </ul> <p>The nature and extent of the noise assessment should be proportionate to the likely noise impact.</p>	
	Draft EN-1 5.12.6	The noise impact of ancillary activities associated with the development, such as increased road and rail traffic movements, or other forms of transportation, should also be considered.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.11.5 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.12.7	Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards <sup>125</sup> and other guidance. Further information on assessment of particular noise sources may be contained in the technology specific NPSs. In particular, for renewables (EN-3) and electricity networks (EN-5)	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.11.6 of Document 8.20 of the Applicant's Deadline 8 submission.



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<p>there is assessment guidance for specific features of those technologies. For the prediction, assessment and management of construction noise, reference should be made to any relevant British Standards<sup>126</sup> and other guidance which also give examples of mitigation strategies.</p> <p><small>125 For example BS 4142, BS 6472 and BS 8233. 126 For example BS 5228.</small></p>	
	Draft EN-1 5.12.8	<p>Some noise impacts will be controlled through environmental permits and parallel tracking is encouraged where noise impacts determined by an environmental permit interface with planning issues (i.e. physical design and location of development). The applicant should consult EA and <del>Natural England (NE), or the Countryside Council for Wales (CCW)</del>/or the SNCB, as necessary, and in particular with regard to assessment of noise on protected species or other wildlife. The results of any noise surveys and predictions may inform the ecological assessment. The seasonality of potentially affected species in nearby sites may also need to be taken into account.</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.11.7 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	Draft EN-1 5.12.9	<p>The project should demonstrate good design through selection of the quietest <u>or most acceptable</u> cost-effective plant available; containment of noise within buildings wherever possible, <u>taking into account any other adverse impacts that such containment might cause e.g. on landscape and visual impacts</u>; optimisation of plant layout to minimise noise emissions; and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission. <u>A development must be undertaken in accordance with statutory requirements for noise. Due regard must be given to the relevant sections of the Noise Policy Statement for England, the NPPF, and the government's associated planning guidance on noise.</u></p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.11.8 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	Draft EN-1 5.12.10	<p>The Secretary of State should not grant development consent unless it is satisfied that the proposals will meet the following aims:</p> <ul style="list-style-type: none"> <li>▲ Avoid significant adverse impacts on health and quality of life from noise;</li> </ul>	<p>This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.11.9 of Document 8.20 of the Applicant's Deadline 8 submission.</p>

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<ul style="list-style-type: none"> <li>▲ Mitigate and minimise other adverse impacts on health and quality of life from noise; and</li> <li>▲ Where possible, contribute to improvements to health and quality of life through the effective management and control of noise.</li> </ul>	
	Draft EN-1 5.12.11	When preparing the development consent order, the Secretary of State should consider including measurable requirements or specifying the mitigation measures to be put in place to ensure that noise levels do not exceed any limits specified in the development consent. <u>These requirements or mitigation measures may apply to the construction, operation, and decommissioning of the energy infrastructure development.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.11.10 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.12.12	The Secretary of State should consider whether mitigation measures are needed both for operational and construction noise over and above any which may form part of the project application. In doing so the Secretary of State may wish to impose requirements. Any such requirements should take account of the guidance set out in <u>Circular 11/95 (see Section 4.1) the NPPF</u> or any successor to it.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.11.11 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.12.13	Mitigation measures may include one or more of the following: <ul style="list-style-type: none"> <li>▲ Engineering: reduction of noise at point of generation and containment of noise generated;</li> <li>▲ Lay-out: adequate distance between source and noise-sensitive receptors; incorporating good design to minimise noise transmission through screening by natural barriers, or other buildings; and</li> <li>▲ Administrative: restricting activities allowed on the site; specifying acceptable noise limits; and taking into account seasonality of wildlife in nearby designated sites.</li> </ul>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.11.12 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.12.14	In certain situations, and only when all other forms of noise mitigation have been exhausted, it may be appropriate for the Secretary of State to consider requiring noise mitigation through improved sound insulation to dwellings.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.11.13 of Document 8.20 of the Applicant's Deadline 8 submission.

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Socio- economics	Draft EN-1 5.13.2	Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES (see Section 4.2).	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.12.2 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.13.3	<p>This assessment should consider all relevant socio-economic impacts, which may include:</p> <ul style="list-style-type: none"> <li>▲ the creation of jobs and training opportunities. <u>Applicants may wish to provide information on the sustainability of the jobs created, including where they will help to develop the skills needed for the UK's transition to Net Zero;</u></li> <li>▲ <u>the contribution to the development of low-carbon industries at the local and regional level as well as nationally;</u></li> <li>▲ the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities</li> <li>▲ <u>any indirect beneficial impacts for the region hosting the infrastructure, in particular in relation to use of local support services and supply chains;</u></li> <li>▲ effects on tourism;</li> <li>▲ the impact of a changing influx of workers during the different construction, operation and decommissioning phases of the energy infrastructure. This could change the local population dynamics and could alter the demand for services and facilities in the settlements nearest to the construction work (including community facilities and physical infrastructure such as energy, water, transport and waste). There could also be effects on social cohesion depending on how populations and service provision change as a result of the development</li> <li>▲ cumulative effects - if development consent were to be granted to for a number of projects within a region and these were developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region.</li> </ul>	<p>Please refer to the Applicant's comments within EN-1 5.12.3 of Document 8.20 of the Applicant's Deadline 8 submission.</p> <p>In addition, the Applicant has provided details on how it will help to develop the skills needed in the outline Skills and Employment Strategy (REP4-007).</p> <p>A Supply Chain Action Plan will also be required as part of the Contract for Difference (CfD) auction process.</p>

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	Draft EN-1 5.13.4	Applicants should describe the existing socio-economic conditions in the areas surrounding the proposed development and should also refer to how the development's socio-economic impacts correlate with local planning policies.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.12.4 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.13.5	Socio-economic impacts may be linked to other impacts, for example the visual impact of a development is considered in Section <del>5.9</del> 5.10 but may also have an impact on tourism and local businesses. <u>Applicants are encouraged, where possible, to ensure local suppliers are considered in any supply chain.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.12.5 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.13.6	Applicants should also consider developing accommodation strategies where appropriate, especially during construction and decommissioning phases, that would include for the need to provide temporary accommodation for construction workers if required.	Table 34 of ES Volume 3, Chapter 3: Socio-Economics (AS-034) provides a summary of the potential effects during the construction, O&M and decommissioning phases of AyM, as well as additional proposed enhancement or mitigation measures. The conclusions of the assessment are that the worst-case long-term scenario would be a minor beneficial effect in socio-economic terms, given the provision of jobs and investment in local and UK supply chain. Given the scale of the workforce no specific accommodation strategies are required as no adverse impacts are predicted. The socio-economic assessment also notes likely benefits with local businesses: an increased use of local accommodation and businesses during off-peak season for tourism is also included in ES Volume 3, Chapter 4: Tourism and Recreation (APP-065), with further benefits noted in the Socio-Economics ES Chapter as a benefit of the project.
	Draft EN-1 5.13.7 – 5.13.8	The Secretary of State should have regard to the potential socio-economic impacts of new energy infrastructure identified by the applicant and from any other sources that the Secretary of State considers to be both relevant and important to its decision.  The Secretary of State may conclude that limited weight is to be given to assertions of socio-economic impacts that are not supported by evidence (particularly in view of the need for energy infrastructure as set out in this NPS).	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.12.6-5.12.7 of Document 8.20 of the Applicant's Deadline 8 submission.

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	Draft EN-1 5.13.9	The Secretary of State should consider any relevant positive provisions the applicant has made or is proposing to make to mitigate impacts (for example through planning obligations) and any legacy benefits that may arise as well as any options for phasing development in relation to the socio-economic impacts. <u>The Secretary of State may wish to include a requirement that specifies the approval by the local authority of an employment and skills plan detailing arrangements to promote local employment and skills development opportunities, including apprenticeships, education, engagement with local schools and colleges and training programmes to be enacted.</u>	Please refer to the Applicant's comments within EN-1 5.12.8 of Document 8.20 of the Applicant's Deadline 8 submission.  The Applicant has provided details on how it will help to develop the skills needed in the outline Skills and Employment Strategy (REP4-007).
	Draft EN-1 5.13.10	The Secretary of State should consider whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of the development. For example, high quality design can improve the visual and environmental experience for visitors and the local community alike.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.12.9 of Document 8.20 of the Applicant's Deadline 8 submission.
Traffic and transport	Draft EN-1 5.14.3	If a project is likely to have significant transport implications, the applicant's ES (see Section 4.2) should include a transport assessment, using the NATA/WebTAG <sup>127</sup> methodology stipulated in Department for Transport DfT) guidance <sup>128</sup> , or any successor to such methodology. Applicants should consult the Highways England and Highways Authorities as appropriate on the assessment and mitigation.  127 WelTag in Wales: <a href="https://gov.wales/welsh-transport-appraisal-guidance-weltag">https://gov.wales/welsh-transport-appraisal-guidance-weltag</a> 128 Guidance on transport assessments is at <a href="http://www.dft.gov.uk/pgr/regional/transportassessments/guidanceonta">http://www.dft.gov.uk/pgr/regional/transportassessments/guidanceonta</a> and (for Wales) at: <a href="https://gov.wales/welsh-transport-appraisal-guidance-weltag">https://gov.wales/welsh-transport-appraisal-guidance-weltag</a> .	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.13.3 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.14.4	Where appropriate, the applicant should prepare a travel plan including demand management measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal and to mitigate transport impacts. <u>The assessment should</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.13.4 of Document 8.20 of the Applicant's Deadline 8 submission.

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		<u>also consider any possible disruption to services and infrastructure (such as road, rail and airports).</u>	
	Draft EN-1 5.14.5	<p>If additional transport infrastructure is proposed, applicants should discuss with network providers the possibility of co-funding by Government for any third-party benefits. Guidance has been issued<sup>129</sup> <b>in-England</b> which explains the circumstances where this may be possible, although the Government cannot guarantee in advance that funding will be available for any given uncommitted scheme at any specified time.</p> <p><small>129 <a href="https://www.gov.uk/government/publications/transport-investment-strategy">https://www.gov.uk/government/publications/transport-investment-strategy</a>, For Wales, refer to the guidance note regarding Transport Grants or any successor to it: <a href="https://gov.wales/sites/default/files/publications/2020-01/local-transport-grants-guidance-2020-to-2021.pdf">https://gov.wales/sites/default/files/publications/2020-01/local-transport-grants-guidance-2020-to-2021.pdf</a>.</small></p>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.13.5 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.14.6	A new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure and the Secretary of State should therefore ensure that the applicant has sought to mitigate these impacts, including during the construction phase of the development. Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the Secretary of State should consider requirements to mitigate adverse impacts on transport networks arising from the development, as set out below. Applicants may also be willing to enter into planning obligations for funding infrastructure and otherwise mitigating adverse impacts.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.13.6 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.14.7	Provided that the applicant is willing to enter into planning obligations or requirements can be imposed to mitigate transport impacts identified in the NATA/WebTAG transport assessment, with attribution of costs calculated in accordance with the Department for Transport's guidance, then development consent should not be withheld, and appropriately limited weight should be applied to residual effects on the surrounding transport infrastructure.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.13.7 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.14.8	The Secretary of State should only consider preventing or refusing development on highways grounds if there would be an	Table 36 ES Volume 3, Chapter 9: Traffic and Transport (APP-070) provides a summary of the potential effects during the construction, O&M and decommissioning phases of AyM, as well as additional



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		unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe.	<p>proposed mitigation measures. Embedded mitigation measures are described in Section 9.9.</p> <p>The assessment of Traffic and Access has had regard to the relevant requirements for assessment set out in the extant EN-1 and EN-3 and has been carried out in accordance with those requirements.</p> <p>A Transport Assessment is incorporated into the traffic and transport Chapter of the ES, and Volume 5, Annex 9.1 (APP-148), Volume 5, Annex 9.2 (APP-149) and Volume 5, Annex 9.3 (APP-150). An Outline Traffic Plan (OTP) is provided in Appendix 9 of the Outline CoCP (APP-321).</p> <p>The conclusions drawn are that there will be no significant effects on highways.</p> <p>As such the assessment can be considered to accord with the provisions of the draft NPS insofar as the drafting remains as currently drafted.</p>
	Draft EN-1 5.14.9	Where mitigation is needed, possible demand management measures must be considered and if feasible and operationally reasonable, required, before considering requirements for the provision of new inland transport infrastructure to deal with remaining transport impacts.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.13.8 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.14.10	The Secretary of State should have regard to the cost-effectiveness of demand management measures compared to new transport infrastructure, as well as the aim to secure more sustainable patterns of transport development when considering mitigation measures.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.13.9 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.14.11	Water-borne or rail transport is preferred over road transport at all stages of the project, where cost-effective. <u>Applicants should consider the DfT policy guidance "Water Preferred Policy Guidelines for the movement of abnormal indivisible loads" when preparing their Application<sup>130</sup>.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.13.10 of Document 8.20 of the Applicant's Deadline 8 submission.
		130 <a href="https://www.gov.uk/government/publications/movement-of-abnormal-loads-by-water">https://www.gov.uk/government/publications/movement-of-abnormal-loads-by-water.</a>	

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	Draft EN-1 5.14.12	The Secretary of State may attach requirements to a consent where there is likely to be substantial HGV traffic that: <ul style="list-style-type: none"> <li>▲ Control numbers of HGV movements to and from the site in a specified period during its construction and possibly on the routing of such movements;</li> <li>▲ Make sufficient provision for HGV parking, either on the site or at dedicated facilities elsewhere, to avoid 'overspill' parking on public roads, prolonged queuing on approach roads and uncontrolled on-street HGV parking in normal operating conditions; and</li> <li>▲ Ensure satisfactory arrangements for reasonably foreseeable abnormal disruption, in consultation with network providers and the responsible police force.</li> </ul>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.13.11 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.14.13	If an applicant suggests that the costs of meeting any obligations or requirements would make the proposal economically unviable this should not in itself justify the relaxation by the Secretary of State of any obligations or requirements needed to secure the mitigation.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.13.12 of Document 8.20 of the Applicant's Deadline 8 submission.
Waste management	Draft EN-1 5.15.2	Sustainable waste management is implemented through the "waste hierarchy", which sets out the priorities that must be applied when managing waste <sup>131</sup> : <ul style="list-style-type: none"> <li>a) prevention</li> <li>b) preparing for reuse</li> <li>c) recycling</li> <li>d) other recovery, including energy recovery</li> <li>e) disposal</li> </ul> <p><small>131 The Waste Hierarchy is set out in The Waste (England and Wales) Regulations 2011.</small></p>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.14.2 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.15.3	Disposal of waste should only be considered where other waste management options are not available or where it is the best overall environmental outcome.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.14.3 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.15.4	All large infrastructure projects are likely to generate hazardous and non-hazardous waste. The EA's EP regime incorporates operational waste management requirements for certain activities. When an	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.14.4 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		applicant applies to the EA for an EP, the EA will require the application to demonstrate that processes are in place to meet all relevant EP requirements.	
	Draft EN-1 5.15.6	The applicant should set out the arrangements that are proposed for managing any waste produced and prepare a Site Waste Management Plan. The arrangements described and Management Plan should include information on the proposed waste recovery and disposal system for all waste generated by the development, and an assessment of the impact of the waste arising from development on the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation. The applicant <u>is encouraged to refer to the Waste Prevention Programme for England, and</u> should seek to minimise the volume of waste produced and the volume of waste sent for disposal unless it can be demonstrated that this is the best overall environmental outcome. <u>If the applicant's assessment includes dredged material, the assessment should also include other uses of such material before disposal to sea, for example through re-use in the construction process.</u>	Please refer to the Applicant's comments within EN-1 5.14.6 of Document 8.20 of the Applicant's Deadline 8 submission.  The disposal of dredged material at sea is a subject of the Marine Licence application made to NRW and is considered in the ES. The Dredge and Disposal Site Characterisation (APP-309) considers the alternatives to disposal at sea (such as re-use) and provides justification as to why disposal is necessary.
	Draft EN-1 5.15.7	Where possible, applicants are encouraged to source materials from recycled or reused sources and use low carbon materials, sustainable sources and local suppliers. Construction best practices should be used to ensure that material is reused or recycled onsite where possible.	The Applicant has committed to reusing materials wherever practicable, for example through re-use of soils as secured within the outline soil management plan (REP5-018).  RWE also have a robust reputation in using recycled materials for wind farms, which whilst it is not possible to commit at this stage to a given manufacturer for offshore wind turbines, is evidenced by RWE's use of recycled WTG blades at its Kaskasi wind farm in the German North Sea. Using recyclable wind turbine blades is only one example of how RWE is leading technological development in the offshore wind industry, and seeking to employ recycled products where practicable.  As such the proposed development is in accordance with the provisions of this draft NPS.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
	Draft EN-1 5.15.8	Applicants are also encouraged to use construction best practices in relation to storing materials in an adequate and protected place on site to prevent waste, for example, from damage or vandalism. The use of Building Information Management tools (or similar) to record the materials used in construction can help to reduce waste in future decommissioning of facilities, by identifying materials that can be recycled or reused.	Section 3 of the outline Code of Construction Practice (REP5-016) sets out the general site operations for the major stages of the onshore construction works with respect to working hours, general site layout and appearance, and security.  Security provisions include adequate security of the temporary construction compounds to minimise the opportunity for unauthorised entry, protect the public, and prevent theft from and damage to the works. Further to this site gates will be secured when there is no site activity and appropriate security measures will be implemented. Where possible, access to construction areas will also be limited to specified entry points and all personnel entries/exits will be recorded for security and health and safety purposes.  As such AyM can be considered to be in accordance with these draft NPS provisions.
	Draft EN-1 5.15.9	The Secretary of State should consider the extent to which the applicant has proposed an effective system for managing hazardous and non-hazardous waste arising from the construction, operation and decommissioning of the proposed development. The Secretary of State should be satisfied that: <ul style="list-style-type: none"> <li>▲ Any such waste will be properly managed, both on-site and off-site;</li> <li>▲ The waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area; and</li> <li>▲ Adequate steps have been taken to minimise the volume of waste arisings, and of the volume of waste arisings sent to disposal, except where that is the best overall environmental outcome.</li> </ul>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.14.7 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.15.10	Where necessary, the Secretary of State should use requirements or obligations to ensure that appropriate measures for waste management are applied. The Secretary of State may wish to	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.14.8 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		include a condition on revision of waste management plans at reasonable intervals when giving consent.	
	Draft EN-1 5.15.11	Where the project will be subject to the EP regime, waste management arrangements during operations will be covered by the permit and the considerations set out in Section 4.10 <del>1</del> will apply.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.14.9 of Document 8.20 of the Applicant's Deadline 8 submission.
Water quality and resources	Draft EN-1 5.16.1	<p>Infrastructure development can have adverse effects on the water environment, including groundwater, inland surface water, transitional waters<sup>132</sup> and coastal waters. During the construction, operation and decommissioning phases, it can lead to increased demand for water, involve discharges to water and cause adverse ecological effects resulting from physical modifications to the water environment. There may also be an increased risk of spills and leaks of pollutants to the water environment. These effects could lead to adverse impacts on health or on protected species and habitats (see Section 4.3 and Section 4.18 4.2) and could, in particular, result in surface waters, groundwaters or protected areas<sup>133</sup> failing to meet environmental objectives established under the <a href="#">Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 and the Marine Strategy Regulations 2010</a><sup>134</sup>.</p> <p><small>132 As defined in the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, transitional waters are bodies of surface water in the vicinity of river mouths which are partly saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows.</small></p> <p><small>133 Protected areas are areas which have been designated as requiring special protection under specific legislation for the protection of their surface water and groundwater or for the conservation of habitats and species directly depending on water.</small></p> <p><small>134 <a href="https://www.gov.uk/government/publications/marine-strategy-part-one-uk-updated-assessment-and-goodenvironmental-status">https://www.gov.uk/government/publications/marine-strategy-part-one-uk-updated-assessment-and-goodenvironmental-status</a>; <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/522426/LIT_10_445.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/522426/LIT_10_445.pdf</a>; see PINS advice: <a href="https://infrastructure.planninginspectorate.gov.uk/wpcontent/uploads/2017/06/advice_note_18.pdf">https://infrastructure.planninginspectorate.gov.uk/wpcontent/uploads/2017/06/advice_note_18.pdf</a>.</small></p>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.15.1 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.16.2	Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment as part of the ES or equivalent (see Section 4.2).	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.15.2 of Document 8.20 of the Applicant's Deadline 8 submission.



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
	Draft EN-1 5.16.3	Where possible, applicants are encouraged to manage surface water during construction by treating surface water runoff from exposed topsoil prior to discharging and to limit the discharge of suspended solids e.g. from car parks or other areas of hard standing, during operation.	The combined assessment of water resources for offshore and onshore, and in the context of the drainage, concludes that there will be no significant adverse effects. Mitigation is appropriately secured through the dDCO (Document 8.9 of the Applicant's Deadline 8 Submission) and a number of management plans, including the Drainage Strategy documents (REP1-045), the CoCP (REP5-016) and/or future permit applications which will be made against the final design of AyM.  As such AyM can be considered to be in accordance with the extant EN-1, and these draft provisions of the Draft NPS.
	Draft EN-1 5.16.4	Applicants are encouraged to consider protective measures to control the risk of pollution to groundwater beyond those outlined in Water Resource Management Plans - this could include, for example, the use of protective barriers.	
	Draft EN-1 5.16.5	<p>The ES should in particular describe:</p> <ul style="list-style-type: none"> <li>▲ the existing quality of waters affected by the proposed project and the impacts of the proposed project on water quality, noting any relevant existing discharges, proposed new discharges and proposed changes to discharges</li> <li>▲ existing water resources<sup>135</sup> affected by the proposed project and the impacts of the proposed project on water resources, noting any relevant existing abstraction rates, proposed new abstraction rates and proposed changes to abstraction rates (including any impact on or use of mains supplies and reference to Catchment Abstraction Management Strategies) <u>and also demonstrate how proposals minimise the use of water resources and water consumption in the first instance;</u></li> <li>▲ existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed project and any impact of physical modifications to these characteristics</li> <li>▲ any impacts of the proposed project on water bodies or protected areas <u>(including shellfish protected areas)</u> under the <u>Water Environment (Water Framework Directive) (England and Wales) Regulations 2017</u> and source protection zones (SPZs) around potable groundwater abstractions.</li> </ul>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.15.3 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.16.6	Activities that discharge to the water environment are subject to pollution control. The considerations set out in Section <del>4.10</del> <u>4.11</u> on the interface between planning and pollution control therefore apply. These considerations will also apply in an analogous way to	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.15.4 of Document 8.20 of the Applicant's Deadline 8 submission.



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		the abstraction licensing regime regulating activities that take water from the water environment, and to the control regimes relating to works to, and structures in, on, or under a controlled water. 136	
	Draft EN-1 5.16.7	The Secretary of State will generally need to give impacts on the water environment more weight where a project would have an adverse effect on the achievement of the environmental objectives established under the <a href="#">Water Environment (Water Framework Directive) (England and Wales) Regulations 2017</a> .	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.15.5 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.16.8 -15.16.9	<p>The Secretary of State should <del>satisfy itself</del> <u>be satisfied</u> that a proposal has regard to the River Basin Management Plans and meets the requirements of the <a href="#">Water Environment (Water Framework Directive) (England and Wales) Regulations 2017</a> (including <a href="#">Article 4.7 regulation 19</a>) <del>and its daughter directives, including those on priority substances and groundwater</del>. The specific objectives for particular river basins are set out in River Basin Management Plans. <del>The IPC should also consider the interactions of the proposed project with other plans such as Water Resources Management Plans and Shoreline/Estuary Management Plans. In terms of Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 compliance, the overall aim of development should be to prevent deterioration in status of water bodies to support the achievement of the objectives in the River Basin Management Plans and not to jeopardise the future achievement of good status for any affected water bodies. If the development is considered likely to cause deterioration of water body status or to prevent the achievement of good groundwater status or of good ecological status potential compliance with regulation 19 of the Water Environment (Water Framework Directive) (England and Wales) 2017 must be demonstrated.</del></p> <p>The Secretary of State should also consider the interactions of the proposed project with other plans such as Water Resources Management Plans and Shoreline/Estuary Management Plans.</p>	<p>Please refer to the Applicant's comments within EN-1 5.15.6 of Document 8.20 of the Applicant's Deadline 8 submission.</p> <p>The Applicant has undertaken a Water Framework Compliance Assessment (APP-094) which concludes that AyM will not result in the deterioration in status of any waterbodies.</p>

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
	Draft EN-1 5.16.10	The Secretary of State should consider whether appropriate requirements should be attached to any development consent and/or planning obligations entered into to mitigate adverse effects on the water environment.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.15.7 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.16.11	The Secretary of State should consider whether mitigation measures are needed over and above any which may form part of the project application (see Sections 4.2 and 5.1). A construction management plan may help codify mitigation at that stage.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.15.8 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.16.12	The risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice. For example, designated areas for storage and unloading, with appropriate drainage facilities, should be clearly marked.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-1 5.15.9 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-1 5.16.13	The impact on local water resources can be minimised through planning and design for the efficient use of water, including water recycling. <u>If an applicant needs new water infrastructure, significant supplies or impacts other water supplies, the applicant should consult with the local water company and the EA or NRW.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-1 5.15.10 of Document 8.20 of the Applicant's Deadline 8 submission.

## 2.2 EN-3 NPS Accordance Table

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
EN3 Part 2: Assessment and technology-specific information			
Climate Change Adaptation	Draft EN-3 2.3.5	Offshore <del>and onshore</del> wind farms <del>are less likely to</del> <u>will not</u> be affected by flooding, but applicants should particularly set out how the proposal would be resilient to storms.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.3.4 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.3.6	Section <del>4.8</del> <u>4.9</u> of EN-1 advises that the resilience of the project to climate change should be assessed in the Environmental Statement (ES) accompanying an application. For example, the impact of increased risk of drought as a result of higher temperatures should be covered in the water quality and resources section of the ES.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.3.5 of Document 8.20 of the Applicant's Deadline 8 submission.
Criteria for "good design" for energy infrastructure	Draft EN-3 2.4.1	<del>Section 10(3)(b) of</del> The Planning Act 2008 requires the Secretary of State to have regard, in designating an NPS, to the desirability of good design. Section <del>4.5</del> <u>4.6</u> of EN-1 sets out the <del>principles of</del> <u>criteria for</u> good design that should be applied to all energy infrastructure.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.4.1 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.4.2	Proposals for renewable energy infrastructure should demonstrate good design in respect of landscape and visual amenity, and in the design of the project to mitigate impacts such as noise and effects on ecology.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.4.2 of Document 8.20 of the Applicant's Deadline 8 submission.
Offshore Wind - General Points	Draft EN-1 2.20.4	The extent to which generic impacts set out in EN-1 are relevant may depend upon the phase of the proposed development being considered. For example, land-based traffic and transport and noise issues may be relevant during the construction and decommissioning periods only, depending upon the specific proposal.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.4.4 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.20.5	The applicant should identify the impacts of a proposal and these impacts, together with proposals for their avoidance, <del>or</del> <u>minimisation</u> , mitigation, <u>or compensation</u> , <del>wherever possible</del> should be set out in an Environmental Statement (ES) <u>and Report to Inform Appropriate Assessment (if there are likely significant effects upon a protected site within the national site network)</u> that should accompany each project	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.5 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		application. <u>The policy on ESs, HRAs and MCZ assessments</u> is set out in Sections 4.2 <u>and 5.4</u> of EN-1.	
	Draft EN-3 2.21.1	A DCO is granted by the Secretary of State for developments over 100 MW in English waters and for developments over 350 MW in Welsh waters. Welsh Ministers are responsible for granting consent for developments up to 350 MW in Wales and in Welsh waters. Under Section 35 of the Planning Act 2008, the Secretary of State may also give a direction that other energy projects in English waters be treated as developments for which development consent is required.	An updated Marine Licence Principles document (Document 8.11 of the Applicant's Deadline 8 submission) was submitted into the DCO examination which captures agreed areas of alignment between the Applicant and NRW with regards the proposed Marine Licence(s).
	Draft EN-3 2.21.2	The DCO provides permission to develop an offshore wind farm under the Planning Act 2008. Any DCO granted by the Secretary of State will include provision deeming the grant of a Marine Licence for operations carried out wholly in England and English waters. It is not possible to deem a Marine Licence as part of the DCO in Wales or Welsh waters.	
	Draft EN-3 2.21.3	<del>FEPA licences and CPA consents, and their successor, the A</del> Marine Licence <del>are is</del> primarily concerned with the need to protect the environment and human health and to prevent interference with other legitimate uses of the sea.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.11 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.21.4	Marine Licences are <del>likely to be</del> required for all the <del>offshore marine</del> elements of a proposed wind <del>farm development (up to Mean High Water Springs)</del> , including associated development such as the <del>offshore</del> cabling and any offshore substations that are required.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.12 of Document 8.20 of the Applicant's Deadline 8 submission
	Draft EN-3 2.21.5	The MMO is responsible for the enforcement and ongoing management of licence conditions, for operations carried out in <del>England English</del> waters adjacent to England up to the seaward limits of the territorial sea or a REZ (except any part of a REZ in relation to which the Scottish or Welsh ministers have functions). <del>Welsh ministers are responsible for marine licences for operations carried out in both inshore and offshore Welsh waters, under the Wales Act 2017. NRW are responsible for issuing, enforcing and ongoing management of the marine licence in Welsh</del>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.13 of Document 8.20 of the Applicant's Deadline 8 submission

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<u>waters. Further information on marine licence considerations are provided in paragraph 1.2.3 of EN-1.</u>	
	Draft EN-3 2.21.6	The Secretary of State should liaise closely with the MMO on the proposed terms of any deemed <del>CPA consent, FEPA licence or</del> marine licence.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.14 of Document 8.20 of the Applicant's Deadline 8 submission.
Site Selection	Draft EN-3 2.22.2 – 2.22.4	<p>In addition to new offshore projects, the Government has decided that, in line with Recommendation 6 of the Post Consultation Report (PCR), there is potential for capacity extensions to existing wind farm leases within UK waters. However, this will require careful, site-specific evaluation through the planning process, since significant new information on sensitivities and uses of these areas has become available.</p> <p><u>The next Offshore Energy SEA (OESEA4, anticipated to go to public consultation in late 2021) is expected to reflect the Energy White Paper "Powering our Net Zero Future" of December 2020 and contribute to the UK target of up to 40GW of offshore wind generation capacity deployed by 2030 (including 1GW of floating offshore wind). The offshore wind technologies will include fixed and floating foundations and this will require careful, site-specific evaluation through the planning process.</u></p> <p><u>The government is undertaking a rolling Offshore Energy SEA programme, including a research programme<sup>19</sup> and data collection to facilitate future assessments. These future Offshore Energy SEAs and data will be relevant to applicants and to the Secretary of State when they become available.</u></p> <p>Applicants should set out how they have drawn on the government's Offshore Energy SEA in making their site selection.</p> <p><sup>19</sup> <a href="https://www.gov.uk/government/publications/uk-offshore-energy-strategic-environmental-assessment-researchprojects">https://www.gov.uk/government/publications/uk-offshore-energy-strategic-environmental-assessment-researchprojects</a></p>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.16 – 2.6.17 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.22.5	<p>Marine planning enables the increasing demands for use of the marine area to be balanced and managed in an integrated way that protects the marine environment whilst supporting sustainable development.</p> <p>Marine plans provide a transparent framework for consistent, evidence-based decision making and should be used by applicants to guide site selection. Marine plans will help applicants understand generic potential</p>	As noted in response to Section 4.4 of the draft EN-1, the Applicant has considered the relevant Welsh National Marine Plan throughout the ES. Through reference to the relevant Marine Plan, and in consultation with NRW the Applicant has ensured due consideration



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		impacts of their proposal at an early stage e.g., in relation to other activities, or where there are marine protected areas. Further information is provided in Section 4.4 of EN-1.	has been given to site selection and the assessment of potential effects to marine protected areas.  As such the proposed development is in accordance with the provisions of the draft NPS.
	Draft EN-3 2.22.14	The onus is on the applicant to ensure that the foundation design is technically suitable for the seabed conditions and that the application caters for any uncertainty regarding the geological conditions. Whilst the technical suitability of the foundation design is not in itself a matter for the Secretary of State, the Secretary of State will need to be satisfied that the foundations will not have an unacceptable adverse effect on marine biodiversity, the physical environment or marine heritage assets. <del>in accordance with the policy below. The applicant should have provided the necessary details to allow the IPC to assess such impacts.</del>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.32 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.22.15	As identified in EN-1, (paragraphs 3.3.51 - 3.3.58 and Section 4.10), it is expected that a more co-ordinated approach to transmission from multiple offshore windfarms to onshore networks will be adopted, compared with a radial connection approach for single windfarm projects. This will include connections via multi-purpose interconnectors (MPIs), which combine the connection of offshore wind with the function of market to market interconnectors.	At present there is no viable offshore transmission network or MPI existing or planned for AyM to connect to. Coordination of the offshore transmission network with other offshore generation or transmission projects is therefore not possible for AyM at this time. AyM was not included as part of the Offshore Transmission Network Review (OTNR) early opportunities workstream and is progressing on the basis of the radial connection at Bodelwyddan agreed with National Grid. This position has not changed following the publication of the OTNR outcomes in July 2022. However, an interlink between AyM and GyM remains part of the application as it may offer increased network redundancy and system security. Further details of the Applicant's position with regards to the OTNR is set out in the Grid Connection and Cable Details Statement (APP-296). As such the proposed development is in accordance with this draft NPS provision.
	Draft EN-3 2.22.18	Applicants for consent for offshore wind farms will have to work within the regulatory regime for offshore transmission networks established by Ofgem. Under the regime, offshore transmission is a licensed activity regulated by	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		Ofgem. <a href="#">Applicants must also follow the cable route protocol required by The Crown Estate.</a>	Applicant's comments within EN-3 2.6.34 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.22.20	UKCS is a vital resource for the UK as it makes progress towards its net zero commitments. Decarbonising power generation and key industrial processes will increase demand on the UKCS from a range of sectors. The occurrence of competition between offshore development projects in the short term could restrict the capacity of the UKCS to support the variety of technologies required for the delivery of net zero. Prior to the submission of any DCO application involving the development of the seabed, applicants such as offshore wind developers should ensure via engagement with The Crown Estate that they are aware of any current or emerging interests on or underneath the seabed which might give rise to a conflict with a specific application. Where applicable, the creation of statements of common ground between developers is recommended, including any evidence as to how potential conflicts might be mitigated. As an interested party, The Crown Estate may also provide further supporting information and evidence as part of the examination. This guidance is to encourage early engagement between parties with a potential overlap in their development plans so that a solution can be found that optimises the capacity of the UKCS to enable net zero.	<p>The Applicant has fully engaged with The Crown Estate (TCE) through its application for an extension to the operational Gwynt y Môr offshore wind farm as part of the TCE's 2017 Extensions leasing round. Through TCE's siting criteria and its own pre-application consultation and engagement, the Applicant has sought to minimise the effect of its proposal on other offshore infrastructure and where interaction is unavoidable to ensure that measures will be in appropriately place through the DCO to manage such interactions.</p> <p>As such the proposed development is in accordance with this draft NPS provision.</p>
	Draft EN-3 2.22.22	The UK has a commitment to protect the marine environment with a network of well managed MPAs. MCZs together with HRA sites and marine elements of SSSIs form an ecologically coherent network of MPAs. Authorities with decision making powers must assess the impact, either alone or in combination, on designated sites of any plans or projects before consenting them. Therefore, applicants will need to consider whether their proposal will impact an MPA. Full details are provided in Sections 4.2 and 5.4 of EN-1.	<p>The Applicant has provided a detailed consideration of the potential effects on MPAs and has concluded that there will be no adverse effects on any site, either alone or in-combination with other projects or plans. The conclusions drawn have been subject to detailed consultation, and the relevant statutory advisor (NRW) having noted agreement with the conclusions (see NRW submission at Deadline 5 (REP5-039) where they agree there will be no adverse effects, either alone or in-combination, on ornithological sites).</p> <p>As such the proposed development is in accordance with this draft NPS provision.</p>
	Draft EN-3 2.22.23	Given the level of deployment required to meet 2030 and 2050 targets, it is likely that applicants will need to consider closely the levels of mitigation	The Applicant has proposed a number of mitigation measures, mitigation measures in the Schedule of Mitigation and Monitoring

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		and/or compensation (both individually and in combination with other plans or projects) which may be needed to approve their projects. It is likely that this consideration may need to include proactive measures to reduce the impact of deployment e.g., noise abatement technology, collision avoidance methods, or compensation for habitat loss.	(Document 8.12 of the Applicant's Deadline 8 submission) and Marine Licence Principles (Document 8.11 of the Applicant's Deadline 8 submission) submissions. The mitigation measures have been noted by NRW in their Deadline 5 submission (REP5-039) as acceptable, with all ecological mitigation having been noted as appropriate. For example NRW specifically note that they are in agreement with the potential mitigation measures proposed and as outlined in the Marine Mammal Mitigation Protocol (MMMP).  Furthermore, the Applicant and NRW are in agreement, as noted in NRW's Deadline 5 submission (REP5-039), that a vessel management plan will be submitted post-consent and implemented to ensure appropriate routing measures are taken to avoid adverse effects on red throated diver, a designated feature of the Liverpool Bay SPA.  As such the proposed development is in accordance with the draft NPS and the Secretary of State may place significant weight on the proposed development having no adverse effects on designated sites.
	Draft EN-3 2.22.24	Applicants should always employ the avoid, mitigate, compensate hierarchy to avoid as far as possible the need to find compensatory measures for offshore developments affecting MPAs. At the earliest possible stage alternative ways of working and use of technology should be employed to avoid environmental impacts. For example, construction vessels may be rerouted to avoid disturbing seabirds. Where impacts cannot be avoided, measures to mitigate and reduce impacts should be employed for example using alternative piling or trenching techniques. Once all feasible alternatives and mitigation measures have been employed, applicants should explore possible compensatory measures to make good any adverse effects site integrity. Advice on such measures should be sought from the Statutory Nature Conservation Bodies and Defra at the earliest opportunity. Further details on compensation are provided in paragraphs 2.24.14 – 2.24.19 of this NPS and paragraphs 4.2.9 – 4.2.13 of EN-1.	
	Draft EN-3 2.22.25	Green Belts  Although offshore wind farms themselves will not have a direct impact on green belts, it is possible that some elements of these projects may be proposed on green belt land, such as electricity network infrastructure, and comprise inappropriate development which may impact on the openness of the green belt. The policy on development in the green belt is set out in Section 5.101 of EN-1 <del>and paragraph 2.5.34 of this NPS.</del>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.56 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.22.26	Other locational considerations  As most renewable energy resources can only be developed where the resource exists and where economically feasible, <del>and because there are no limits on the need established in Section 3 of EN-1,</del> the Secretary of State <del>should not</del> <del>is not required to</del> use a sequential approach in the	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.57 of Document 8.20 of the Applicant's Deadline 8 submission.

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		consideration of renewable energy projects (for example, by giving priority to the re-use of previously developed land for renewable technology developments).	
	Draft EN-3 2.22.27	Where a number of offshore wind farms, or other developments or activities, have been proposed within an identified zone, applicants are also encouraged to consider working collaboratively with those other developers and sea users on shared mitigation, compensation and monitoring where appropriate.	By virtue of the Crown Estate 2017 Extensions Round, and the proposed development not having any adverse effects on designated sites, collaborative mitigation, compensation and/or monitoring is not considered to be necessary.  As such the proposed development is in accordance with this provision of the draft NPS.
	Draft EN-3 2.22.28	The applicant will also need to assess impacts on civil and military radar and other aviation and defence interests (Section 5.5 of EN-1).	As noted with regards Section 5.5 of the draft EN-1 the Applicant has considered in detail the potential impacts on civil and military aviation and concluded that with the proposed mitigation and management measures there will be no adverse effects on aviation and defence interests. As noted in the Applicant's Statement of Commonality (Document 8.28 of the Applicant's Deadline 8 submission) the mitigation measures will be achieved through ongoing commercial agreement with NATS, CAA and the MoD.  As such the proposed development is in accordance with this provision of the draft NPS.
Grid connection	Draft EN-3 2.23.2 – 2.23.4	The applicant <del>has defined a</del> <u>is expected to define the</u> precise route for the cable from the wind farm to <del>a precise location for the onshore substation and the transmission network connection point offshore or, where the developer is proposing the transmission to shore, the precise onshore connection to the transmission network, the EIA should assess the effects of the cable</del> <u>point together with the onshore and offshore locations of any associated infrastructure such as substations. The applicant should assess the effects of the cable and any associated infrastructure on the marine and coastal environment.</u> Where the applicant does not know the precise location of <del>any cabling or any necessary onshore and/or offshore substations, the transmission cable connection to the offshore connection point or the location for connection with onshore networks, including any necessary onshore</del>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.37 – 2.6.40 of Document 8.20 of the Applicant's Deadline 8 submission.

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		<p><u>and/or offshore substations and the onshore landing point</u>, a corridor should be identified within which <del>the cable and any offshore substation is likely the specific infrastructure is proposed</del> to be located. The <u>EIA ES</u> for the proposed project should assess the effects of including this infrastructure within that corridor. <u>Applicants must also follow the cable route protocol required by The Crown Estate.</u></p> <p>Where the point of onshore connection is unknown at the time of the application, the applicant should assess a corridor from the wind farm to the shore that is considered to be a reasonably likely area for the cable and any offshore substation should be assessed as part of the EIA.</p> <p>All assessment of environmental effects of cabling infrastructure and any proposed offshore or onshore substations should assess effects both alone and cumulatively with other existing and proposed infrastructure. Applicants should include details on how avoidance has been achieved, good design principles followed, proposals for mitigation and how environmental net gain will be achieved (as set out in the 25 Year Environment Plan). Further information is provided in Sections 4.2, and 4.4 – 4.6 of EN-1.</p> <p>A proposed offshore electricity <u>transmission</u> cable connecting the wind farm <u>or wind farms</u> with the onshore electricity infrastructure and any offshore electricity substations that may be required, may constitute associated development, depending on their scale and nature in relation to the offshore wind farm(s)<sup>23</sup>. Where the Secretary of State is satisfied that such offshore infrastructure does constitute associated development and can form part of the application, it should be considered by the Secretary of State in accordance with this NPS. <u>However, transmission to shore will become increasingly coordinated with other wind farms and offshore infrastructure, and in these cases may be consented separately to the wind farm(s).</u></p> <p>23 Guidance on associated development:  <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/192681/Plannin_g_Act_2008_Guidance_on_associated_development_applications_for_major_infrastructure_projects.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/192681/Plannin_g_Act_2008_Guidance_on_associated_development_applications_for_major_infrastructure_projects.pdf</a>.</p>	

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	Draft EN-3 2.23.5	The onshore element of the grid connection (electric lines and substations) should be determined in accordance with the Electricity Networks Infrastructure NPS, EN-5. Depending upon the scale and type of this onshore development, elements of it could constitute either associated development or an energy NSIP in its own right.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.41 of Document 8.20 of the Applicant's Deadline 8 submission
Technical considerations	Draft EN-3 2.23.6	<p>Owing to the complex nature of offshore wind farm development, many of the details of a proposed scheme may be unknown to the applicant at the time of the application to the Secretary of State, possibly including:</p> <ul style="list-style-type: none"> <li>▲ The precise location and configuration of turbines and associated development;</li> <li>▲ The foundation type <u>and size</u>;</li> <li>▲ The installation technique or hammer energy;</li> <li>▲ The exact turbine tip height <u>and rotor swept area</u>;</li> <li>▲ The cable type and <u>precise</u> cable route;</li> <li>▲ The exact locations of offshore and/or onshore substations.</li> </ul>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.42 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.23.7	In accordance with Section 4.2 of EN-1, the Secretary of State should accept that wind farm operators are unlikely to know precisely which turbines will be procured for the site until some time after any consent has been granted. Where some details have not been included in the application <del>to the [Secretary of State]</del> , the applicant should explain which elements of the scheme have yet to be finalised, and the reasons. Therefore, some flexibility may be required in the consent. Where this is sought and the precise details are not known, then the applicant should assess the effects the project could have (as set out in EN-1 paragraph <u>4.2.8 4.2.6</u> ) to ensure that the project as it may be constructed has been properly assessed (the Rochdale Envelope). In this way the maximum adverse case scenario will be assessed and the Secretary of State should allow for this uncertainty in its consideration of the application and consent. <u>See also paragraph 2.29.2 in relation to ornithological headroom.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.43 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.23.8	Any consent that is granted by the Secretary of State should be flexible to allow for necessary micrositing/ <u>microrouting</u> of elements of the proposed wind farm during its construction where requested at the application	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the



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		stage. This allows for unforeseen events such as the discovery of previously unknown marine archaeology that it would be preferable to leave in situ.	Applicant's comments within EN-3 2.6.44 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.23.9	Where micrositing/ <u>microrouting</u> tolerance is requested by the applicant in any consent, given that the <u>EIA ES</u> should assess a maximum adverse case scenario, the assessment should reflect the implications of any micrositing/ <u>microrouting</u> as far as reasonably possible. <u>The Secretary of State must be satisfied that there is sufficient space to microsite/microroute for any proposal to be acceptable as mitigation (e.g. any feature to avoid must not cover the full width of the assessed cable corridor).</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.45 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.23.12	The Secretary of State should be aware of the potential for applications for extensions to existing wind farms and that there may be constraints on such leases over which the applicant will have little or no control.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.48 of Document 8.20 of the Applicant's Deadline 8 submission
	Draft EN-3 2.23.15	Owing to the <del>relatively new and</del> complex nature of offshore wind development, <u>and the difficulty in establishing the evidence base for marine environmental recovery</u> the Secretary of State should, <u>where appropriate, consider requiring require</u> the applicant to undertake <u>environmental</u> monitoring <u>(e.g., ornithological surveys, geomorphological surveys)</u> <del>prior to and during construction and during its operation in order to measure and document the effects of the development.</del> <u>Monitoring will measure and document the effects of the development and the efficacy of any associated mitigation or compensation.</u> This enables an assessment of the accuracy of the original predictions and <del>may inform the scope of future EIAs improves the evidence base for future mitigation and compensation measures enabling better decision-making in future EIAs and HRAs.</del> The Secretary of State may consider that monitoring of any impact is appropriate. Monitoring should be presented in formal reports which must be made publicly available.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.51 - 2.6.52 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.23.17	Where the Secretary of State decides to grant <u>development</u> consent for a proposed offshore wind farm, the Secretary of State should include a condition requiring the applicant to submit a decommissioning	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the



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		programme to the Secretary of State before any offshore construction works begin <u>should be included</u> . The decommissioning programme must satisfy the requirements of s.105(8) of the Energy Act 2004 <u>and follow relevant guidance</u> .	Applicant's comments within EN-3 2.6.54 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.23.18	Environmental net gain Environmental net gain is an approach to development that aims to leave the natural environment in a measurably better state than beforehand. Biodiversity net gain is an essential component of environmental net gain. Projects should consider and seek to incorporate improvements in natural capital, ecosystem services and the benefits they deliver when planning how to deliver biodiversity net gain. Biodiversity net gain is addressed in Section 4.5 of EN-1. The applicant should demonstrate that they have considered how their proposal can contribute towards biodiversity net gain in line with the ambition set out in the 25 Year Environment Plan.	Mitigation (both offshore and onshore) and compensation (onshore) measures are proposed to avoid or offset potentially significant negative effects on protected species and other species of conservation importance. The project will also achieve an overall biodiversity net gain through the proposed onshore ecological enhancement measures.  As noted in response to Section 4.5 of the draft EN-1 the Applicant has secured the proposed mitigation and enhancement measures through the oLEMP (REP4-011) which will be implemented following consent.  As such the proposed development can be considered in accordance with this draft NPS provision.
Biodiversity	Draft EN-3 2.24.5	Assessment of <u>impacts on</u> offshore ecology, <u>and</u> biodiversity <u>and the physical environment</u> should be undertaken by the applicant for all stages of the lifespan of the proposed offshore wind farm and in accordance with the appropriate policy for offshore wind farm EIAs, <u>HRAs and MCZ assessments (Sections 4.2 and 5.4 of EN-1)</u> . Applicants will also need to <u>consider environmental net gain as set out in the 25 Year Environment Plan (Section 4.5 of EN-1)</u> .	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.64 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.24.6	Consultation on the assessment methodologies, <u>baseline data collection, and potential mitigation and compensation options</u> should be undertaken at early stages with the statutory consultees as appropriate.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.65 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.24.7	Any relevant data that has been collected as part of post-construction ecological monitoring from existing, operational offshore wind farms should be referred to where appropriate. <u>Reference must be made to relevant scientific research and literature. A range of research programmes are ongoing to investigate impacts of offshore wind farm</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.66 of Document 8.20 of the Applicant's Deadline 8 submission.

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		<u>development, including, but not limited to: BEIS SEA Research Programme, ORJIP, ScotMER, the ORE Catapult and OWEC.</u>	
	Draft EN-3 2.24.8	The assessment should include the potential of the scheme to have both positive and negative effects on marine ecology and biodiversity.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.67 of Document 8.20 of the Applicant's Deadline 8 submission
	Draft EN-3 2.24.9	Applicants are expected to have regard to guidance issued in respect of Marine Licence requirements.	In the development of the Marine Licence Principles (Document 8.11 of the Applicant's Deadline 8 submission) which has reached broad agreement with NRW, the Applicant has had due consideration to the relevant guidance.
	Draft EN-3 2.24.10	Mitigation <del>may</del> <u>will</u> be possible in the form of careful design of the development itself and the construction techniques employed. <u>General mitigation requirements and considerations are set out in Section 5.4 of EN-1.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.70 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.24.11	Ecological monitoring <del>is likely</del> <u>will</u> be appropriate <u>during the pre-construction</u> , construction and operational phases to identify the actual impacts <u>caused by the project and compare them to what was predicted in the EIA/HRA itself so that, where appropriate, adverse effects can then be mitigated and to enable further useful information to be published relevant to future projects. Should impacts be greater than those predicted, an adaptive management process may need to be implemented and additional mitigation required, to ensure that so far as possible the effects are brought back within the range of those predicted. Monitoring should be of sufficient standard to inform future decision making. Increasing the understanding of the efficacy of alternatives and mitigation will deliver greater certainty on developer requirements.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.71 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.24.12	Compensation With increasing deployment of offshore wind farms, cumulative environmental impacts upon HRA sites and MCZs may not be able to be addressed by mitigation alone, therefore compensation measures may be required where adverse effects on site integrity and/or on conservation	The Applicant has provided a detailed consideration of the potential effects on MPAs and has concluded that there will be no adverse effects on any site, either alone or in-combination with other projects or plans. The conclusions drawn have been subject to detailed consultation, and the relevant regulators have note

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		objectives cannot be ruled out. In such cases, derogation for Imperative Reasons of Overriding Public Interest (IROPI) and associated compensatory measures under the Habitats Regulations, or derogation where the benefit to the public clearly outweighs the risk of damage to the environment and associated measures of equivalent environmental benefit (MEEB) under Marine and Coastal Access Act, may be necessary to allow deployment to continue.	agreement with the conclusions, NRW in particular noting at Deadline 5 (REP5-039) that they agree there will be no adverse effects, either alone or in-combination, on for example ornithological sites.
	Draft EN-3 2.24.13	As set out in EN-1 (paragraphs 4.2.9 - 4.2.13) as a general principle, development should at the very least aim to avoid significant impacts to protected sites, including through mitigation and consideration of reasonable alternatives. Where such a significant impact cannot be avoided then appropriate compensation measures should be sought. In instances where the HRA determines that an energy infrastructure development proposal will result in significant adverse effects to a protected site, then the applicant should propose compensatory measures that compensate for those adverse effects identified.	A number of mitigation measures have been proposed, and secured within the proposed DCO (Document 8.9 of the Applicant's Deadline 8 submission) and Schedule of Mitigation and Monitoring (REP4-021), the detail of which has been agreed with NRW, and the implementation of which will ensure that there are no adverse effects on designated sites.  As such the proposed development is in accordance with this draft NPS provision, and the Secretary of State can place significant weight on the proposed development having no adverse significant effects on any designated sites.
	Draft EN-3 2.24.14	If, during the pre-application stage, statutory nature advisors indicate that the proposed development is likely to adversely impact a protected site, the applicant should include with their application such information as may reasonably be required to assess potential derogations under the Habitats Regulations or the Marine and Coastal Access Act. Where such an indication is given later in the development consent process, the applicant should provide such information as soon as reasonably practical. This information includes, assessment of alternative solutions, a case for IROPI (or that the benefit to the public clearly outweighs the risk of damage to a MCZ) and appropriate securable environmental compensation. Provision of such information will not be taken as an acceptance of adverse impacts and if applicants dispute the likelihood of adverse effects they can provide this information 'without prejudice' to the Secretary of State's final decision on the impacts of the potential development. If, in these circumstances, an applicant does not supply information required for the assessment of a potential derogation, there	

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		will be no expectation that the Secretary of State will allow the applicant the opportunity to provide such information following the examination.	
	Draft EN-3 2.24.15	It is vital that applicants consider the need for compensation as early as possible in the design process as 'retrofitting' compensatory measures will introduce delays and uncertainty to the consenting process. Applicants should work with statutory nature conservation advisors and Defra to develop a compensation plan for all protected sites adversely affected by the development and include this plan with their application to the Secretary of State.	
	Draft EN-3 2.24.16	Where several developers are likely to have cumulative impacts on the same species or feature it may be appropriate to collaborate with each other on compensation measures. Applicants may also want to coordinate with other marine industry sectors also needing to find compensatory measures. Defra will be publishing guidance imminently to help applicants consider how compensation should be developed.	
	Draft EN-3 2.24.17	For many of the following receptors, the scale of offshore wind developments and potential in-combination effects means compensation could be required and applicants should refer to the latest Defra compensation guidance when making their assessments.	
	Draft EN-3 2.24.18	The Secretary of State should consider the effects of a proposal on marine ecology, <del>and</del> biodiversity <u>and the physical environment</u> taking into account all relevant information made available. <u>The Secretary of State should be satisfied that the applicant has used up to date research within their assessment (for example, using results from scientific peer reviewed papers and the programmes listed in paragraph 2.24.7) and assessed through HRA/MCZ processes, the impact on any protected species or habitats.</u>	Please refer to the Applicant's comments within EN-3 2.6.68 of Document 8.20 of the Applicant's Deadline 8 submission.  The Applicant has used the most up-to-date and accepted research within the ES, as well as agreeing how these have been used to characterise the baseline environment and inform the impact assessments in consultation with NRW and JNCC in their capacities as SNCBs (see the Evidence Plan in APP-301, APP-302 and APP-303).
	Draft EN-3 2.24.19	The designation of an area as <u>Natura 2000 a protected site (including HRA sites, MCZs and SSSIs)</u> does not necessarily restrict the construction or operation of offshore wind farms in, <del>or</del> near <u>or through</u> that area (see also Sections <u>4.3 4.2 and 5.4</u> of EN1). <u>However, where adverse effects on site</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.69 of Document 8.20 of the Applicant's Deadline 8 submission.

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		<u>integrity/conservation objectives are predicted, in coming to a decision, the Secretary of State should consider the extent to which the effects are temporary or reversible and the timescales for recovery.</u>	
Physical environment	Draft EN-3 2.25.3	Geotechnical investigations should form part of the assessment as this will enable the design of appropriate construction techniques to minimise any adverse effects.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.193 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.25.2	The assessment should include predictions of the physical effect that will result from the construction and operation of the required infrastructure and include effects such as the scouring that may result from the proposed development <u>and how that might impact sensitive species and habitats.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.194 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.25.5	As set out above, the direct effects on the physical environment can have indirect effects on a number of other receptors. Where indirect effects are predicted, the [Secretary of State] should refer to relevant sections of this NPS and EN-1.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.195 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.25.6	The Secretary of State should be satisfied that the methods of construction, including use of materials, are such as to reasonably minimise the potential for impact on the physical environment. This could involve, for instance, the exclusion of certain foundations on the basis of their impacts or minimising quantities of rock that are used to protect cables whilst taking into account other relevant considerations such as safety.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.196 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.25.4	<del>Mitigation measures which</del> The Secretary of State should expect applicants to have considered <u>the best ecological outcomes in terms of potential mitigation. These might</u> include the burying of cables to a necessary depth, using scour protection techniques around offshore structures to prevent scour effects <u>around them or designing turbines to withstand scour, so scour protection is not required or is minimised.</u> Applicants should consult the statutory consultees on appropriate mitigation <u>and monitoring.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.197 of Document 8.20 of the Applicant's Deadline 8 submission.



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
Fish	Draft EN-3 2.26.2 – 2.26.3	<p>The applicant should identify fish species that are the most likely receptors of impacts with respect to:</p> <ul style="list-style-type: none"> <li>▲ spawning grounds</li> <li>▲ nursery grounds</li> <li>▲ feeding grounds</li> <li>▲ over-wintering areas for crustaceans</li> <li>▲ migration routes</li> <li>▲ <u>protected areas (e.g. HRA sites and MCZs)</u>.</li> </ul> <p>The assessment should also identify potential implications of underwater noise from construction and unexploded ordnance (both sound pressure and particle motion) and EMF on sensitive fish species.</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.74 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	Draft EN-3 2.26.4	<p>Review of up-to-date research should be undertaken and all potential mitigation options presented. EMF in the water column during operation, is in the form of electric and magnetic fields, which are reduced by use of armoured cables for interarray and export cables. Burial of the cable increases the physical distance between the maximum EMF intensity and sensitive species. However, what constitutes sufficient depth to reduce impact will depend on the geology of the seabed. It is unknown whether exposure to multiple cables and larger capacity cables may have a cumulative impact on sensitive species. Therefore monitoring EMF emissions may provide the evidence to inform future EIAs. In the case of floating wind, the cables may hang freely in the water and thus potentially require alternative monitoring and mitigation.</p>	<p>EMF effects are considered within the AyM assessment (see section 6.11.4 et seq of ES Volume 2, Chapter 6: Fish and Shellfish Ecology (APP-052)). The assessment of potential EMF for AyM has been informed by available scientific literature and site-specific monitoring undertaken following the installation of the export cable corridor for the GyM project. The assessment conclusions are supported by the EMF monitoring undertaken for the GyM project, which concluded that there is no significant effect predicted as a result of AyM. This conclusion was drawn immaterial of specific burial depth, however the proposed AyM development has committed to either burial of cable or installation of appropriate cable protection, as described in section 6.11.4 of APP-052.</p> <p>As such AyM can be considered to be in accordance with paragraph 2.6.75 of the extant EN-3 NPS and this draft NPS provision.</p>
	Draft EN-3 2.26.5	<p>Construction of specific elements can also be timed to reduce impacts on spawning or migration. Underwater noise mitigation can also be used to prevent injury and death of fish species.</p>	<p>The Applicant has updated the Schedule of Mitigation and Monitoring submitted at Deadline 4 (REP4-021) which captures appropriate mitigation measures which will be secured via a condition in the Marine Licence. As there are no significant adverse effects on fish and shellfish receptors a timing restriction is not deemed necessary, however other measures such as a soft start to percussive piling are put forward to minimise effects.</p>



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
			As such the proposed development can be considered in accordance with the draft provision of EN-3.
	Draft EN-3 2.26.6	The use of rock armouring as mitigation does have advantages in reducing electromagnetic fields (EMF) for individual cables on fish species. However, the Secretary of State should also consider any negative impacts from rock armouring on benthic habitats and a balance between protection of various receptors must be made, with all mitigation and alternatives to rock armouring reviewed.	As noted in response to Draft EN-3 2.26.6 the Applicant has provided a detailed consideration of the potential effects of EMF through reference to the best available evidence and site-specific monitoring data. The Applicant has also considered the potential implications of cable protection material on benthic habitats.  As such the proposed development can be considered in accordance with the draft provision of EN-3.
Intertidal	Draft EN-3 2.27.3	An assessment of the effects of installing cable across the intertidal zone should <u>follow The Crown Estate's cable route protocol and</u> include information, where relevant, about: <ul style="list-style-type: none"> <li>➤ any alternative landfall sites that have been considered by the applicant during the design phase and an explanation for the final choice</li> <li>➤ any alternative cable installation methods that have been considered by the applicant during the design phase and an explanation for the final choice</li> <li>➤ potential loss of habitat</li> <li>➤ disturbance during cable installation, <u>maintenance/repairs</u> and removal (decommissioning)</li> <li>➤ increased suspended sediment loads in the intertidal zone during installation <u>and maintenance/repairs</u></li> <li>➤ predicted rates at which the intertidal zone might recover from temporary effects, <u>based on existing monitoring data</u>;</li> <li>➤ Protected sites (e.g. HRA sites, MCZs and SSSIs).</li> </ul>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.81 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.27.4	Effects on intertidal habitat cannot be avoided entirely. <u>Review of up-to-date research should be undertaken and all potential mitigation options presented.</u> Landfall and cable installation and decommissioning methods should be designed appropriately to minimise effects on intertidal habitats, taking into account other constraints. <u>Where applicable, use of horizontal directional drilling (HDD) should be considered as a method to avoid impacts on sensitive habitats and species.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.88 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
	Draft EN-3 2.27.5	Where cumulative effects on intertidal habitats are predicted as a result of the cumulative impact of multiple cable routes, <del>it may be appropriate for</del> applicants of various schemes <u>are encouraged</u> to work together to ensure that the number of cables crossing the intertidal zone are minimised and installation and decommissioning phases are coordinated to ensure that disturbance is also reasonably minimised. <u>As identified in EN-1, (paragraphs 3.3.50 - 3.3.58 and Section 4.10), it is expected that a more co-ordinated approach to transmission from multiple offshore windfarms to onshore networks will be adopted in the future, compared with a radial connection approach for single windfarm projects. This will include connection with multi-purpose interconnectors (MPIs).</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.89 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.27.6	The conservation status of intertidal habitat is of relevance to the Secretary of State.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.84 of Document 8.20 of the Applicant's Deadline 8 submission
	Draft EN-3 2.27.7	The Secretary of State should be satisfied that cable installation and decommissioning has been designed sensitively taking into account intertidal habitat.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.85 of Document 8.20 of the Applicant's Deadline 8 submission
Marine Mammals	Draft EN-3 2.28.1	<del>Offshore piling</del> Construction activities, including installing wind turbine foundations by pile driving, geophysical surveys, and clearing the site and cable route of unexploded ordinance (UXOs) may reach noise levels which are high enough to cause disturbance, injury, or even death to marine mammals. All marine mammals are protected under Part 3 of the Habitats Regulations. In addition, whales, dolphins and porpoises (collectively known as cetaceans) are legally protected species. Therefore, if <del>piling associated with an offshore wind farm is</del> construction and associated noise levels are likely to lead to <del>the commission of</del> an offence under Part 3 of the Habitats Regulations (which would include deliberately disturbing, injuring or killing <del>or capturing a European Protected Species</del> ), an application will have to be made for a wildlife licence <sup>31</sup> to allow the activity to take place.  <small>31 <a href="https://www.gov.uk/guidance/understand-marine-wildlife-licences-and-report-an-incident">https://www.gov.uk/guidance/understand-marine-wildlife-licences-and-report-an-incident</a>.</small>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.91 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
	Draft EN-3 2.28.2	The development of offshore wind farms can also impact fish species, which can have indirect impacts on marine mammals if those fish are prey species. There is also the risk of collision with construction and maintenance vessels and potential entanglement risks from floating wind structures.	Table 6 of ES Volume 2, Chapter 14: Inter-relationships (APP-060) confirms that the interaction between collision impacts, and impacts on prey species would not lead to effects of greater significance than when considered in isolation.
	Draft EN-3 2.28.3	<p>Where necessary, assessment of the effects on marine mammals should include details of:</p> <ul style="list-style-type: none"> <li>▲ likely feeding areas and impacts on prey species and prey habitat</li> <li>▲ known birthing areas / haul out sites <u>for breeding and pupping</u></li> <li>▲ <u>Nursery grounds;</u></li> <li>▲ <del>know</del> migration <u>or commuting</u> routes</li> <li>▲ protected areas (e.g. HRA sites and SSSIs)</li> <li>▲ baseline noise levels <u>in relation to mortality, permanent threshold shift (PTS) and temporary threshold shift (TTS);</u></li> <li>▲ predicted <u>construction and soft start</u> noise levels in relation to mortality, permanent threshold shift (PTS), temporary threshold shift (TTS) <u>and disturbance</u></li> <li>▲ operational noise</li> <li>▲ duration <u>and spatial extent</u> of the <u>potentially disturbing activity impacting activities</u> including cumulative/incombination effects with other plans or projects</li> <li>▲ collision risk</li> <li>▲ entanglement risk</li> <li>▲ barrier risk.</li> </ul>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.92 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.28.4	The scope, effort and methods required for marine mammal surveys should be discussed with the relevant statutory nature conservation body.	As noted in ES Volume 2, Chapter 7: Marine Mammals (AS-026), Natural Resources Wales (NRW) agreed that the aerial survey data are not sufficient to inform the impact assessment and agreed with the approach to use both the SCANS III and the Joint Cetacean Protocol (JCP) III density estimates in the quantitative impact assessment.
	Draft EN-3 2.28.5	The applicant should discuss any proposed <u>piling</u> noisy activities with the relevant body and must reference the JNCC underwater noise guidance	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		in relation to noisy activities (alone and in-combination with other plans or projects) within HRA sites. Where assessment shows that noise from <del>offshore piling</del> construction and UXO clearance may reach noise levels likely to lead to noise thresholds being exceeded (as detailed in the JNCC guidance) or an offence as described in paragraph <del>2.6.91</del> 2.28.1 above, the applicant should look at possible alternatives or appropriate mitigation (detailed below) <del>before applying for a licence</del> .	Applicant's comments within EN-3 2.6.93 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.28.6	Monitoring of the surrounding area before and during the piling procedure can be undertaken by various methods including marine mammal observers and passive acoustic monitoring. Active displacement of marine mammals outside potential injury zones can be undertaken using equipment such as acoustic deterrent devices.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.97 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.28.7	Soft start procedures during pile driving may be implemented. This enables marine mammals in the area disturbed by the sound levels to move away from the piling before <del>significant adverse impacts physical or auditory injury</del> is caused.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.99 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.28.8	Where noise impacts cannot be reduced to acceptable levels, other mitigation should be considered, including spatial/temporal restrictions on noisy activities, alternative foundation types, alternative installation methods and noise abatement technology. Review of up-to-date research should be undertaken and all potential mitigation options presented.	The Applicant has proposed a number of mitigation measures in the Schedule of Mitigation and Monitoring (Document 8.12 of the Applicant's Deadline 8 submission) and Marine Licence Principles (Document 8.11 of the Applicant's Deadline 8 submission) submissions. The mitigation measures have been noted by NRW in their Deadline 5 submission (REP5-039) as acceptable, with all ecological mitigation having been noted as appropriate. For example NRW specifically note that they have no issues with the potential mitigation measures proposed and as outlined in the Marine Mammal Mitigation Protocol (MMMP) (APP-107).
	Draft EN-3 2.28.9	The Secretary of State should be satisfied that the preferred methods of construction, in particular the construction method needed for the proposed foundations and the preferred foundation type, where known at the time of application, are designed <del>so as</del> to reasonably minimise significant <del>disturbance effects impacts</del> on marine mammals. Unless suitable noise mitigation measures can be imposed by requirements to	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.94 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		any development consent the Secretary of State may refuse the application.	
	Draft EN-3 2.28.10	The conservation status of <del>marine European Protected Species cetaceans</del> and seals are of relevance <del>to the [Secretary of State]. and</del> the Secretary of State should <del>take into account the views of the relevant statutory advisers be satisfied that cumulative and in-combination impacts on marine mammals have been considered.</del>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.95 of Document 8.20 of the Applicant's Deadline 8 submission.
Birds	Draft EN-3 2.29.2	Currently, cumulative impact assessments for ornithology are based on the consented Rochdale Envelope parameters of projects, rather than the 'as-built' parameters, which may pose a lower risk to birds. The Secretary of State will therefore require any consents to include provisions to define the final 'as built' parameters (which may not then be exceeded) so that these parameters can be used in future cumulative impact assessments. In parallel we will look to explore opportunities to reassess ornithological impact assessment of historic consents to reflect their 'as built' parameters. Any ornithological 'headroom' between the effects defined in the 'as built' parameters and Rochdale Envelope parameters can then be released. We will also consider the potential applicability of these principles to other consent parameters.	The Applicant notes the proposal with regard to the 'as built' parameters and considers that the need for such a provision will be a matter for SoS in the final DCO and consent decision.
	Draft EN-3 2.29.3	The scope, effort and methods required for ornithological surveys should be discussed with the relevant statutory advisor, <u>taking into consideration baseline and monitoring data from operational windfarms.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.102 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.29.4	<del>It may be appropriate for assessment to include</del> Collision risk modelling, <u>as well as displacement and population viability assessments must be undertaken</u> for certain species of birds. Where necessary, the assessments carried out by applicants should assess collision risk using survey data collected from the site at the pre-application EIA stage. <del>The [Secretary of State] will want to be satisfied that the collision risk assessment has been conducted to a satisfactory standard having had regard to the advice from the relevant statutory adviser</del> <u>Assessments should cover all aspects included in paragraph 2.29.1 above.</u>	Please refer to the Applicant's comments within EN-3 2.6.104 of Document 8.20 of the Applicant's Deadline 8 submission.  Both Collision Risk Modelling (CRM) and Population Viability Analysis (PVA) have been undertaken in APP-097 and APP-100, for the species agreed with NRW and JNCC in their capacities as SNCBs (see the Evidence Plan in APP-301, APP-302 and APP-303).



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
	Draft EN-3 2.29.5	<u>Review of up-to-date research should be undertaken and all potential mitigation options presented.</u> Aviation and navigation lighting should be minimised <u>and/or on demand (as encouraged in EN-1 Section 5.5)</u> to avoid attracting birds, taking into account impacts on safety.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.107 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.29.6	Subject to other constraints, wind turbines should be laid out within a site, in a way that minimises collision risk. <u>Turbine parameters should also be developed to reduce collision risk</u> where the <u>collision risk</u> assessment shows there is a significant risk of collision <u>(e.g., altering rotor height)</u> .	Please refer to the Applicant's comments within EN-3 2.6.108 of Document 8.20 of the Applicant's Deadline 8 submission.  The Offshore Ornithology chapter of the ES did not identify any significant effects associated with collision risk, and therefore it has not been necessary to develop turbine parameters to reduce collision risk.
	Draft EN-3 2.29.7	Construction vessels associated with offshore wind farms should, where practicable and compatible with operational requirements and navigational safety, avoid rafting seabirds during sensitive periods <u>and follow agreed navigation routes to and from the site.</u>	Please refer to the Applicant's comments within EN-3 2.6.109 of Document 8.20 of the Applicant's Deadline 8 submission.  The Applicant has proposed a Vessel Traffic Management Plan (VTMP) to address both ornithological and marine mammal interests as a Condition of the Marine Licence (Document 8.11 of the Applicant's Deadline 8 submission).
	Draft EN-3 2.29.8	The exact timing of peak migration events is inherently uncertain. Therefore, shutting down turbines within migration routes during estimated peak migration periods is unlikely to offer suitable mitigation.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.110 of Document 8.20 of the Applicant's Deadline 8 submission
	Draft EN-3 2.29.9	The Secretary of State must be satisfied that the collision risk and displacement assessments have been conducted to a satisfactory standard having had regard to the advice from the relevant statutory advisor.	As noted in NRW's Deadline 5 submission (REP5-039) the Applicant and NRW are in agreement that the collision risk and displacement assessments have been conducted to a satisfactory standard, and that the proposed development would not adversely affect the integrity of any Natura 2000 / Ramsar sites, alone or in-combination, for marine ornithology.
	Draft EN-3 2.29.10	The conservation status of seabirds are of relevance and the Secretary of State should take into account the views of the relevant statutory advisors and be satisfied that cumulative and in-combination impacts on seabird species have been considered.	



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
Subtidal	Draft EN-3 2.30.2	<p><del>Where necessary</del> <u>The applicant should follow The Crown Estate's cable route protocol.</u> Assessment of the effects on the subtidal environment should include:</p> <ul style="list-style-type: none"> <li>➤ loss of habitat due to foundation type including associated seabed preparation, predicted scour, scour protection and altered sedimentary processes</li> <li>➤ environmental appraisal of inter-array and export cable routes and installation/maintenance methods, including predicted loss of habitat due to predicted scour and scour protection</li> <li>➤ habitat disturbance from construction <u>and maintenance/repair</u> vessels' extendible legs and anchors</li> <li>➤ increased suspended sediment loads during construction <u>and from maintenance/repairs</u></li> <li>➤ predicted rates at which the subtidal zone might recover from temporary effects</li> <li>➤ potential impacts from EMF on benthic fauna</li> <li>➤ impacts on protected sites (e.g. HRA sites and MCZs).</li> </ul>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.113 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.30.3	<p>Construction, <u>maintenance</u> and decommissioning methods should be designed appropriately to minimise effects on subtidal habitats, taking into account other constraints. <u>Review of up-to-date research should be undertaken and all potential mitigation options presented.</u> Mitigation measures which the Secretary of State <del>may</del> <u>should</u> expect the applicants to have considered may include:</p> <ul style="list-style-type: none"> <li>➤ surveying and micrositing <u>or re-routing</u> of the export <u>and inter-array cables</u> to avoid adverse effects on sensitive habitats, <del>and</del> biogenic reefs <u>or protected species</u></li> <li>➤ burying cables at a sufficient depth, taking into account other constraints, to allow the seabed to recover to its natural state</li> <li>➤ the use of anti-fouling paint might be minimised on subtidal surfaces, to encourage species colonisation on the structures.</li> </ul>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.119 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.30.4	<p>Where cumulative impacts on subtidal habitats are predicted as a result of multiple cable routes, <del>it may be appropriate for</del> applicants for various schemes <u>are encouraged</u> to work together to ensure that the number of cables crossing the subtidal zone is minimised and installation/</p>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		decommissioning phases are coordinated to ensure that disturbance is reasonably minimised. <u>As identified in EN-1, (paragraphs 3.3.50 - 3.3.58 and Section 4.10) and EN-5 (Section 2.5), it is expected that more co-ordinated approaches to transmission from multiple offshore windfarms to onshore networks will be adopted, compared with a radial connection approach for single windfarm projects. This will include connection with multi-purpose interconnectors (MPIs).</u>	Applicant's comments within EN-3 2.6.120 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.30.5	The conservation status of subtidal habitat <u>and species</u> are of relevance to the Secretary of State	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.115 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.30.6	The Secretary of State should be satisfied that activities have been designed <u>taking into account considering</u> sensitive subtidal environmental aspects <u>and discussions with the relevant conservation bodies have taken place.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.116 of Document 8.20 of the Applicant's Deadline 8 submission.
Commercial fisheries and fishing	Draft EN-3 2.31.2	Whilst the footprint of an offshore wind farm and any associated infrastructure may be a hindrance to certain types of commercial fishing activity such as trawling and long-lining, other fishing activities may be able to take place within operational wind farms without unduly disrupting or compromising navigational safety. Consequently, the establishment of a wind farm can increase the potential for some fishing activities, such as potting, where this would not compromise any <u>advisory</u> safety zone in place. <u>The [Secretary of State] should consider adverse or beneficial impacts on different types of commercial fishing on a case by case basis.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.123 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.31.3	In some circumstances, transboundary issues may be a consideration as fishermen for other countries may fish in waters within which OWFs are sited.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.124 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.31.6	Early consultation should be undertaken with <u>the MMO, Defra</u> , statutory advisors and with representatives of the fishing industry which could include discussion of impact assessment methodologies. Where any part	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the

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		of a proposal involves a grid connection to shore, appropriate inshore fisheries groups should also be consulted.	Applicant's comments within EN-3 2.6.127 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.31.7	The assessment by the applicant should include detailed surveys of the effects on fish stocks of commercial interest and any potential reduction in such stocks, as well as likely constraints on fishing activity within the project's boundaries. Robust baseline data should have been collected and studies conducted as part of the assessment.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.129 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.31.8	Where there is a possibility that advisory safety areas will be sought around offshore infrastructure, potential effects should be included in the assessment on commercial fishing.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.130 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.31.9	Where the precise extents of potential safety zones are unknown, a realistic worst case scenario should be assessed. Applicants should consult the Maritime and Coastguard Agency (MCA). Exclusion of certain types of fishing may make an area more productive for other types of fishing. The assessment by the applicant should include detailed surveys of the effects on fish stocks of commercial interest and the potential reduction or increase in such stocks that will result from the presence of the wind farm development and of any safety zones.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.131 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.31.10	Any mitigation proposals should result from the applicant having detailed consultation with relevant representatives of the fishing industry, <a href="#">the MMO and the relevant Defra policy team</a> .	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.134 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.31.11	Mitigation should be designed to enhance where reasonably possible any potential medium and long-term positive benefits to the fishing industry, commercial fish stocks <a href="#">and the marine environment</a> .	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.135 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.31.12	The Secretary of State should be satisfied that the site selection process has been undertaken in a way that reasonably minimises adverse effects on fish stocks, including during peak spawning periods and the activity of fishing itself. This will include siting in relation to the location of prime fishing	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.132 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<p>grounds. The Secretary of State should consider the extent to which the proposed development occupies any recognised important fishing grounds and whether the project would prevent or significantly impede protection of sustainable commercial fisheries or fishing activities. Where the Secretary of State considers the wind farm would significantly impede protection of sustainable fisheries or fishing activity at recognised important fishing grounds, this should be attributed a correspondingly significant weight. <u>The Secretary of State should consider adverse or beneficial impacts on different types of commercial fishing on a case-by-case basis.</u></p>	
	<p>Draft EN-3 2.31.13</p>	<p>The Secretary of State should be satisfied that the applicant has sought to design the proposal having consulted <u>the MMO, Defra and</u> representatives of the fishing industry with the intention of minimising the loss of fishing opportunity taking into account effects on other marine interests. Guidance has been jointly agreed by the renewables and fishing industries on how they should liaise with the intention of allowing the two industries to successfully coexist.</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.133 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	<p>Draft EN-3 2.31.14</p>	<p>The Secretary of State will need to consider the extent to which disruption to the fishing industry, whether short term during construction or long term over the operational period, including that caused by the future implementation of any safety zones, has been mitigated where reasonably possible.</p>	<p>The Applicant has considered the need for safety zones in accordance with Regulation 6(1)(b)(ii) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (the APFP Regulations) requires the applicant of an offshore generating station to submit a statement to accompany an application for Development Consent Order (DCO) as to whether applications will be made for safety zones. The Safety Zone Statement has been prepared in accordance with the APFP Regulations.</p> <p>In accordance with Section 95 of the Energy Act 2004, the safety zone application will be made to the SoS for BEIS (the 'Secretary of State').</p> <p>The safety zone application would be made once the final number and precise location of the offshore infrastructure has been</p>

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			<p>determined. An application for safety zones is likely to be made during 2026.</p> <p>The implementation of future Safety Zones has been assessed in the ES Volume 2, Chapter 8: Commercial Fisheries (APP-054) and will be managed through the implementation of the proposed Fisheries Co-existence and Liaison Plan (REP1-033).</p>
Historic environment	Draft EN-3 2.32.3	<p><del>Heritage assets</del> <u>The marine historic environment</u> can be affected by offshore wind farm development in two principal ways:</p> <ul style="list-style-type: none"> <li>▲ from direct effects arising from of the physical siting of the development itself such as the installation of wind turbine foundations and electricity cables or the siting of plant required during the construction <del>period phase</del> <u>of development</u></li> <li>▲ from indirect changes to the physical marine environment (such as scour, coastal erosion or sediment deposition) caused by the proposed infrastructure itself or its construction (see the policy on physical environment in Section <del>2.6.189</del> <u>2.25</u> of this NPS).</li> </ul>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.139 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.32.4	<p>Consultation with the relevant statutory consultees (<del>including English Heritage (CADW, CPAT and RCHAMW in Wales)</del>) <u>on the potential impacts on the marine historic environment</u> should be undertaken by applicants at an early stage of development, <u>taking into account any applicable guidance (e.g., offshore renewables protocol for archaeological discoveries<sup>33</sup>)</u>.</p> <p>33 [REDACTED]</p>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.140 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.32.5	<p>Assessment <del>should be undertaken as set out in Section 5.8 of EN 1</del> of potential impacts upon the historic environment should be considered as part of the Environmental Impact Assessment process undertaken to inform any application for consent. Desk based studies to characterise the features of the historic environment that may be affected by a proposed development and assess any likely significant effects should be undertaken by competent archaeological experts. These studies should take into account any geotechnical or geophysical surveys that have been undertaken to aid the wind farm design.</p>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.141 of Document 8.20 of the Applicant's Deadline 8 submission.



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	Draft EN-3 2.32.6	Assessment <del>should</del> <u>may</u> also include the identification of any beneficial effects on the <del>historic</del> -marine <u>historic</u> environment, for example through improved access or the contribution to new knowledge that arises from investigation.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.142 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.32.7	Where elements of a <del>n-application-proposed project</del> (whether offshore or onshore) <u>may</u> interact with <del>features of historic maritime significance</del> <u>historic environment features</u> that are located onshore, the effects should be assessed in accordance with the policy at Section <del>5.8</del> <u>5.9</u> in EN-1.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.143 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.32.8	The avoidance of important heritage assets, <del>including archaeological sites and historic wrecks to ensure their protection in situ,</del> is the most effective form of protection <del>and</del> . <u>This</u> can be achieved through the implementation of exclusion zones around <del>such known and potential</del> heritage assets which preclude development activities within their boundaries. The boundaries can be drawn around either discrete sites or more extensive areas identified in the Environmental Statement <u>produced to support an application for consent</u> .	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.145 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.32.9	As set out in paragraphs <del>2.6.44 and 2.6.45</del> <u>2.23.8 and 2.23.9</u> above, where requested by applicants, the Secretary of State should consider granting consents that allow for micrositing/ <u>microrouting</u> to be undertaken within a specified tolerance. This allows changes to be made to the precise location of infrastructure during the construction phase so that account can be taken of unforeseen circumstances such as the discovery of marine archaeological remains.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.146 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.32.10	The Secretary of State should be satisfied that any <u>proposed</u> offshore wind farms <del>and associated infrastructure project has appropriately considered and mitigated for any impacts to the historic environment, including both have been designed sensitively taking into account</del> known heritage assets, <del>and discoveries that may be made during the course of development and their status, for example features designated as Protected Wrecks.</del>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.144 of Document 8.20 of the Applicant's Deadline 8 submission.



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Navigation and shipping	Draft EN-3 2.33.6	Applicants should establish stakeholder engagement with interested parties in the navigation sector early in the development phase of the proposed offshore wind farm and this should continue throughout the life of the development including during the construction, operation and decommissioning phases. Such engagement should be taken to ensure that solutions are sought that allow offshore wind farms and navigation uses of the sea to successfully co-exist.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.153 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.33.7	Assessment should be underpinned by consultation with the MMO, Maritime and Coastguard Agency (MCA), the relevant General Lighthouse Authority, the relevant industry bodies (both national and local) and any representatives of recreational users of the sea, such as the Royal Yachting Association (RYA), who may be affected.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.154 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.33.8	Information on internationally recognised sea lanes is publicly available and this should be considered by applicants prior to undertaking assessments. The assessment should include reference to any relevant, publicly available data available on the Maritime Database.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.155 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.33.9	Applicants should undertake a Navigational Risk Assessment (NRA) in accordance with relevant Government guidance prepared in consultation with the MCA and the other navigation stakeholders listed above.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.156 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.33.10	The navigation risk assessment will for example necessitate: <ul style="list-style-type: none"> <li>▲ A survey of vessels in the vicinity of the proposed wind farm;</li> <li>▲ A full NRA of the likely impact of the wind farm on navigation in the immediate area of the wind farm in accordance with the relevant marine guidance; and</li> <li>▲ Cumulative and in-combination risks associated with the development and other developments (including other wind farms) in the same area of sea</li> </ul>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.157 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.33.11	Where there is a possibility that safety zones will be sought around offshore infrastructure, potential effects should be included in the assessment on navigation and shipping.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within

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			EN-3 2.6.158 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.33.12	Where the precise extents of potential safety zones are unknown, a realistic worst case scenario should be assessed. Applicants should consult the MCA and refer to the Government guidance on safety zones.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.159 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.33.13	The potential effect on recreational craft, such as yachts, should be considered in any assessment.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.160 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.33.18	Mitigation measures will include site configuration, lighting and marking of projects to take account of any requirements of the General Lighthouse Authority and also the provision of an acceptable Active Safety Management System.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.174 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.33.19	In some circumstances, the Secretary of State may wish to consider the potential to use requirements involving arbitration as a means of resolving how adverse impacts on other commercial activities will be addressed.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.175 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.33.20	<p>The Secretary of State should not grant development consent in relation to the construction or extension of an offshore wind farm if it considers that interference with the use of recognised sea lanes essential to international navigation is likely to be caused by the development. The use of recognised sea lanes essential to international navigation means:</p> <ul style="list-style-type: none"> <li>(a) Anything that constitutes the use of such a sea lane for the purposes of article 60(7) of the United Nations Convention on the Law of the Sea 1982; or</li> <li>(b) Any use of waters in the territorial sea adjacent to Great Britain that would fall within paragraph (a) if the waters were in a Renewable Energy Zone (REZ).</li> </ul>	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.161 of Document 8.20 of the Applicant's Deadline 8 submission.

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	Draft EN-3 2.33.21	<p>The Secretary of State should be satisfied that the site selection has been made with a view to avoiding or minimising disruption or economic loss to the shipping and navigation industries with particular regard to approaches to ports and to strategic routes essential to regional, national and international trade, lifeline ferries<sup>34</sup> and recreational users of the sea. Where <u>after carrying a site selection</u>, a proposed development is likely to <u>adversely</u> affect major commercial navigation routes, for instance by causing appreciably longer transit times, the Secretary of State should give these adverse effects substantial weight in its decision making. There may, <del>however</del>, be some situations where reorganisation of traffic activity might be both possible and desirable when considered against the benefits of the wind farm proposal. <del>Such circumstances should be discussed with the MCA and the commercial shipping sector and it should be recognised that alterations might require national endorsement and international agreement and that the negotiations involved may take considerable time and do not have a guaranteed outcome. The MCA, BEIS, and the commercial shipping sector should proactively engage with offshore wind farm developers and help identify mitigation measures, including alterations to navigation routes, to facilitate proposed offshore wind development.</del></p> <p><small>34 "Lifeline ferries" provide an essential service between islands or an island and the mainland on which the occupiers of the island rely for transportation of passengers and goods.</small></p>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.162 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.33.22	Where a proposed offshore wind farm is likely to affect less strategically important shipping routes, a pragmatic approach should be employed by the Secretary of State. For example, vessels usually tend to transit point to point routes between ports (regional, national and international). Many of these routes are important to the shipping and ports industry as is their contribution to the UK economy. In such circumstances the Secretary of State should expect the applicant to minimise negative impacts to as low as reasonably practicable (ALARP). Again, there may be some situations where reorganisation of traffic activity might be both possible and desirable when considered against the benefits of the wind farm application and such circumstances should be discussed with the MCA and the commercial shipping sector.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.163 of Document 8.20 of the Applicant's Deadline 8 submission.

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	Draft EN-3 2.33.23	A detailed Search and Rescue Response Assessment should be undertaken prior to commencement of construction should consent for the offshore wind farm be granted. This assessment could be secured by a requirement to any consent. However, where there are significant concerns over the frequency or the consequences of such incidents, a full assessment may be required before the application can be determined.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.164 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.33.24	<u>Applicants will be required to demonstrate that risks to navigational safety will be reduced to ALARP.</u> The Secretary of State should not consent applications which pose unacceptable risks to navigational safety after all possible mitigation measures have been considered.	Please refer to the Applicant's comments within EN-3 2.6.165 of Document 8.20 of the Applicant's Deadline 8 submission. The Applicant has undertaken a Navigation Risk Assessment (NRA) (APP-111) which has concluded that all risks to navigational safety are ALARP. This conclusion is agreed with the Maritime and Coastguard Agency (MCA) (REP7-048).
	Draft EN-3 2.33.25	The Secretary of State should be satisfied that the scheme has been designed to minimise the effects on recreational craft and that appropriate mitigation measures, such as buffer areas, are built into applications to allow for recreational use outside of commercial shipping routes. In view of the level of need for energy infrastructure, where an adverse effect on the users of recreational craft has been identified, and where no reasonable mitigation is feasible, the Secretary of State should weigh the harm caused with the benefits of the scheme.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.166 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.33.26	Providing proposed schemes have been carefully designed by the applicants, and that the necessary consultation with the MCA and the other navigation stakeholders listed above has been undertaken at an early stage, mitigation measures may be possible to negate or reduce effects on navigation to a level sufficient to enable the Secretary of State to grant consent. The MCA will use the NRA as described in paragraphs <del>2.6.156</del> <u>2.33.9 and 2.33.10</u> above when advising the Secretary of State on any mitigation measures proposed.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.167 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.33.27	The Secretary of State should, in determining whether to grant consent for the construction or extension of an offshore wind farm, and what requirements to include in such a consent, have regard to the extent and nature of any obstruction of or danger to navigation which (without	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.168 of Document 8.20 of the Applicant's Deadline 8 submission.

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		amounting to interference with the use of such sea lanes) is likely to be caused by the development.	
	Draft EN-3 2.33.28	In considering what interference, obstruction or danger to navigation and shipping is likely and its extent and nature, the Secretary of State should have regard to the likely overall effect of the development in question and to any cumulative effects of other relevant proposed, consented and operational offshore wind farms.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.169 of Document 8.20 of the Applicant's Deadline 8 submission.
Infrastructure and Other Users	Draft EN-3 2.34.4	Where a potential offshore wind farm is proposed close to existing operational offshore infrastructure or has the potential to affect activities for which a licence has been issued by government, the applicant should undertake an assessment of the potential effects of the proposed development on such existing or permitted infrastructure or activities. The assessment should be undertaken for all stages of the lifespan of the proposed wind farm in accordance with the appropriate policy <u>and guidance</u> for offshore wind farm EIAs. <u>Marine plans (paragraph 2.22.5 of this NPS and Section 4.4 of EN-1) will help applicants consider which activities may be most affected by their proposal and thus where to target their assessment.</u>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.179 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.34.5 – 2.34.6	Applicants should engage with interested parties in the potentially affected offshore sectors early in the development <u>planning</u> phase of the proposed offshore wind farm, with an aim to resolve as many issues as possible prior to the submission of an application <del>to the [Secretary of State]</del> .  Such stakeholder engagement should continue throughout the life of the development including construction, operation and decommissioning phases where necessary. As many of these offshore industries are regulated by government, the relevant Secretary of State should also be a consultee where necessary. Such engagement should be taken to ensure that solutions are sought that allow offshore wind farms and other uses of the sea to successfully co-exist.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.180 – 2.6.181 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.34.7 – 2.34.8	Detailed discussions between the applicant for the offshore wind farm and the relevant consultees should have progressed as far as reasonably	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the



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		<p>possible prior to the submission of an application <del>to the [Secretary of State]</del>. As such, appropriate mitigation should be included in any application <del>to the [Secretary of State]</del>, and ideally agreed between relevant parties.</p> <p>In some circumstances, the Secretary of State may wish to consider the potential to use requirements involving arbitration as a means of resolving how adverse impacts on other commercial activities will be addressed.</p>	Applicant's comments within EN-3 2.6.187 - 2.6.188 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.34.10	Where a proposed offshore wind farm potentially affects other offshore infrastructure or activity, a pragmatic approach should be employed by the Secretary of State. Much of this infrastructure is important to other offshore industries as is its contribution to the UK economy. In such circumstances the [Secretary of State] should expect the applicant to minimise negative impacts and reduce risks to as low as reasonably practicable.	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.183 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-2 2.34.11	As such, the Secretary of State should be satisfied that the site selection and site design of the proposed offshore wind farm has been made with a view to avoiding or minimising disruption or economic loss or any adverse effect on safety to other offshore industries. <u>Applicants will be required to demonstrate that risks to safety will be reduced to as low as reasonably practicable.</u> The Secretary of State should not consent applications which pose unacceptable risks to safety after mitigation measures have been considered.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.184 of Document 8.20 of the Applicant's Deadline 8 submission.
Seascape and visual effects	Draft EN-3 2.35.2	Seascape is an additional issue for consideration given that it is an important environmental, cultural and economic asset. This is especially so where seascape provides the setting for a nationally designated landscape (National Park, the Broads or AONB) and supports the delivery of the designated area's statutory purpose; and for stretches of coastline identified as Heritage Coasts which are associated with a largely undeveloped coastal character. Seascape is a discrete area within which there is shared inter-visibility between land and sea. <sup>36</sup> <del>(Definition taken from Appendix 3 of DTI (2005) Guidance on the Assessment of the Impact of Offshore Wind Farms: Seascape and Visual Impact Report).</del> In some	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.199 of Document 8.20 of the Applicant's Deadline 8 submission.



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		<p>circumstances it may be necessary to carry out a seascape and visual impact assessment <del>(S)VIA</del> (SLVIA<sup>37</sup>) in accordance with the relevant offshore wind farm EIA policy. This will always be the case where a coastal National Park, the Broads or AONB, or a Heritage Coast is potentially affected.</p> <p><small>36 Definition taken from Appendix 3 of DTI (2005) Guidance on the Assessment of the Impact of Offshore Wind Farms: Seascape and Visual Impact Report.</small></p>	
	Draft EN-3 2.35.4	<p>Where a proposed offshore wind farm will be visible from the shore <u>and would be within the setting of a nationally designated landscape with potential effects on the area's statutory purpose</u>, an SLVIA should be undertaken which is proportionate to the scale of the potential impacts. Impact on seascape should be addressed in addition to the landscape and visual effects discussed in <u>Section 5.10 of EN-1</u>.</p>	<p>Please refer to the Applicant's comments within EN-3 2.6.202 of Document 8.20 of the Applicant's Deadline 8 submission.</p> <p>The Applicant submitted REP5-007 in consideration of the policy tests relevant to designated landscapes, which sets out how the Applicant has sought to avoid compromising the statutory purpose of designated landscapes. With regard to the limited significant effects identified on the Anglesey AONB and Eryri National Park, the Applicant has proposed enhancements measures (see Document 8.22 of the Applicant's Deadline 8 submission) to offset these potential effects. The Applicant considers that substantial weight should be placed on these measures by the SoS as outlined in Document 8.25 of the Applicant's Deadline 8 submission.</p>
	Draft EN-3 2.35.5	<p>Where necessary, assessment of the seascape should include an assessment of <del>three</del> <u>four</u> principal considerations on the likely effect of offshore wind farms on the coast:</p> <ul style="list-style-type: none"> <li>➤ the limit of visual perception from the coast <u>under poor, good and best lightening conditions</u></li> <li>➤ the effects of navigation and hazard prevention lighting on dark night skies</li> <li>➤ individual <u>landscape and visual</u> characteristics of the <u>coast and the special qualities of designated landscapes</u>, which <del>affects its</del> <u>limits the coasts</u> capacity to absorb a development</li> <li>➤ how people perceive and interact with the <u>coast and</u> seascape</li> </ul>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.203 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
	Draft EN-3 2.35.6	<p>As part of the SLVIA, photomontages<sup>40</sup> <del>are likely to</del> <u>will</u> be required. Viewpoints to be used for the SLVIA should be selected in consultation with the statutory consultees at the EIA Scoping stage.</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the</p>

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			Applicant's comments within EN-3 2.6.204 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.35.7	Magnitude <u>and significance</u> of change to both the identified seascape receptors (such as seascape <u>and landscape</u> units, <u>visual receptors</u> and designated landscapes) <del>and visual receptors (such as viewpoints)</del> should be assessed in accordance with the standard methodology for S <sub>L</sub> VIA	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.205 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.35.8	Where appropriate, cumulative S <sub>L</sub> VIA should be undertaken in accordance with the policy on cumulative assessment outlined in <u>Section 4.2</u> of EN-1.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.206 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.35.9	Neither the design nor scale of individual wind turbines can be changed without significantly affecting the electricity generating output of the wind turbines. Therefore, the Secretary of State should expect it to be unlikely that mitigation in the form of reduction in scale will be feasible. However, the layout of the turbines should be designed appropriately to minimise harm, taking into account other constraints such as ecological effects, safety reasons or engineering and design parameters	This draft NPS statement has not changed from the extant NPS statement. As such, please refer to the Applicant's comments within EN-3 2.6.210 of Document 8.20 of the Applicant's Deadline 8 submission
	Draft EN-3 2.35.10	The Secretary of State should assess the proposal in accordance with the policy set out in the landscape and visual impacts Section <del>5.9</del> <u>5.10</u> of EN-1.	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.207 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-3 2.35.11	Where a proposed offshore wind farm is within sight of the coast, there may be adverse effects. The Secretary of State should not refuse to grant consent for a development solely on the ground of an adverse effect on the seascape or visual amenity unless: <ul style="list-style-type: none"> <li>▲ it considers that an alternative layout within the identified site could be reasonably proposed which would minimise any harm, taking into account other constraints that the applicant has faced such as ecological effects, while maintaining safety or economic viability of the application</li> </ul>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.208 of Document 8.20 of the Applicant's Deadline 8 submission.

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		<p>⤴ taking account of the sensitivity of the receptor(s) <u>and impacts on the statutory purposes of designated landscapes</u> as set out in <u>Section 5.10 of EN-1 paragraph 5.9.18</u>, the harmful effects are considered to outweigh the benefits of the proposed scheme.</p>	
	Draft EN-3 2.35.12	<p>Where adverse effects are anticipated either during the construction or operational phases, in coming to a judgement, the Secretary of State should <del>take into account</del> <u>consider</u> the extent to which the effects are temporary or reversible.</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-3 2.6.209 of Document 8.20 of the Applicant's Deadline 8 submission.</p>

## 2.3 EN-5 NPS Accordance Table

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
EN-5 Part 1: Introduction			
Infrastructure covered by this NPS	Draft EN-5 1.6.1	<p>Infrastructure for electricity networks generally can be divided into two main elements:</p> <ul style="list-style-type: none"> <li>▲ transmission systems (the long distance transfer of electricity through 400kV and 275kV lines), and distribution systems (lower voltage lines from 132kV to 230V from transmission substations to the end-user) which can either be carried on towers/poles or undergrounded; and</li> <li>▲ associated infrastructure, e.g. substations (the essential link between generation, transmission, and the distribution systems that also allows circuits to be switched or voltage transformed to a useable level for the consumer) and converter stations to convert DC power to AC power and vice versa. <u>These are particularly relevant to the conversion of long distance offshore DC transmission to AC, when it arrives onshore for distribution.</u></li> </ul>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-5 1.8.1 of Document 8.20 of the Applicant's Deadline 8 submission.
	Draft EN-5 1.6.2	<p>This NPS covers above ground electricity lines i) whose nominal voltage is expected to be 132kV or above, ii) whose length is greater than 2km, iii) that are not a replacement line within the meaning of Section 16(3)(ab) of the 2008 Act, and iv) that are not otherwise exempted for reasons set out in Sections 16(3)(b) and (c) of the 2008 Act. <del>Any</del> Other kinds of electricity infrastructure (including lower voltage overhead lines, underground or sub-sea cables at any voltage, and associated infrastructure as referred to above) will only be subject to the <del>Planning Act</del> <u>2008 Act</u> – and so be covered by this NPS – if it is in England, and if it constitutes associated development for which consent is sought along with an NSIP such as a generating station or relevant overhead line <u>or if the Secretary of State gives a direction under Section 35 of the 2008 Act that it should be treated as an NSIP and require a development consent order.</u></p>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-5 1.8.2 of Document 8.20 of the Applicant's Deadline 8 submission.
EN-5 Part 2: Assessment and Technology-Specific Information			
Site Selection	Draft EN-5 2.2.1	The Secretary of State should bear in mind that the macro-level location – or development zone – of new electricity networks infrastructure is not substantially within the control of the Applicant, but is rather a function of i) the location of new generating stations or other infrastructure	This is noted by the Applicant who, despite the acknowledgement of the need for significant new electricity networks infrastructure connection, has sought through the siting

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		requiring connection to the network, and/or ii) system capacity and resilience requirements determined by the Electricity System Operator. These twin constraints, coupled with the government's legislative commitment to Net Zero by 2050 and strategic commitment to new interconnectors with the European mainland and 40GW of offshore wind generation, will inevitably mean significant new electricity networks infrastructure construction, including in areas hosting comparatively little build-out to date (for instance, the North Sea coast of England).	and design of the AyM onshore works to minimise the impact of those works.
	Draft EN-5 2.2.2	However, Applicants retain substantial control over routing and site selection within the identified macro-level location or development zone. Moreover, the locational constraints identified above do not, of course, exempt Applicants from their duty to consider and balance the site-selection considerations set out below, much less the policies on good design and impact mitigation detailed in Sections 2.7-2.14.	The Applicant has followed a robust site selection process that has considered and balanced the identified site selection considerations and the draft policies in relation to good design and mitigation as set out in ES Volume 1, Chapter 4: Site Selection Alternatives (APP-044).
	Draft EN-5 2.2.3	Applicants should bear in mind that the connection between the initiating and terminating points of a proposed new electricity line need not go via the most direct route. Indeed, engineering, environmental, and community constraints may make this infeasible or unsuitable.	The Applicant has explained ES Volume 1, Chapter 4: Site Selection Alternatives (APP-044) its approach to the routing of the onshore cabling works and the factors that have been applied taking account of engineering, environmental and community constraints.
	Draft EN-5 2.2.4	There will usually be a degree of flexibility in the location of the development's associated substations, and applicants should consider carefully their placement in the local landscape. In particular, the applicant should consider such characteristics as the local topography and/or the possibilities for screening of the infrastructure. (See Section 2.11 below and Section 5.10 in EN-1.).	The siting of the AyM onshore substation has been a key consideration for the Applicant. As set out in the ES Volume 3, Chapter 2: Landscape and Visual Impact Assessment (AS-029) and as discussed at ISH2, the local topography has influenced the proposed orientation of the substation and elements, such as the temporary construction compound, located as far as practicable from residential receptors whilst also using the available woodland screening. In addition, proposals are set out in the oLEMP (REP4-011) that will further screen the substation buildings.
	Draft EN-5 2.2.5	As well as having duties under Section 9 of the Electricity Act 1989, (in relation to developing and maintaining an economical and efficient network), developers will be influenced by Schedule 9 to the Electricity Act 1989, which places a duty on all transmission and distribution licence holders, in formulating proposals for new electricity networks infrastructure, to "have regard to the desirability of preserving natural	The Applicant is not an electricity transmission or distribution licence holder, but has still sought through the siting and design of the onshore infrastructure to give due regard to the duty set out in Schedule 9 of the EA 1989. Further details are set out in ES Volume 1, Chapter 4: Site Selection Alternatives (APP-044).

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<p>beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and ...do what [they] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects."<sup>3</sup> Depending on the location of the proposed development, statutory duties under Section 85 of the Countryside and Rights of Way Act 2000, Section 11A of the National Parks and Access to the Countryside Act 1949, and Section 17A of the Norfolk and Suffolk Broads Act 1988 may be relevant.</p>	
	Draft EN-5 2.2.6	<p>Transmission and distribution licence holders are also required under Schedule 9 of the Electricity Act 1989 to produce and publish a statement setting out how they propose to perform this duty generally.</p>	<p>The Applicant is not a transmission or distribution licence holder and therefore these provisions do not apply.</p>
	Draft EN-5 2.3.1	<p>In order to be lawfully able to install, inspect, maintain, repair, adjust, alter, replace or remove an electricity line (above or below ground), its related equipment (such as poles, pylons/transmission towers, transformers and cables), and/or its associated mitigation schemes, developers must i) own the land on, over, or under which the relevant activity is to take place; or ii) hold sufficient rights over or interests in that land (typically in the form of an easement); or iii) have permission for the activity from the present owner or occupier of that land (typically in the form of a wayleave)<sup>4</sup>.</p> <p><small>4 Note that for onshore bootstraps and offshore transmission infrastructure there is a separate regime of seabed leasing and marine licensing requirements.</small></p>	<p>In order to secure the necessary rights to install and maintain the electricity cables the Applicant has engaged with the relevant land owners and interests to secure such rights voluntarily. However, in the event that it is not possible to reach a reasonable agreement the Applicant is seeking the ability within the dDCO (Document 8.9 of the Applicant's Deadline 8 submission) to secure such rights compulsorily.</p>
	Draft EN-5 2.3.2	<p>Where the network company does not own (or wish to own) the relevant land itself in question, it may reach a voluntary agreement that gives it either an easement over the land or at least a wayleave permission to use it during the tenure of the current owner or occupier, giving it sufficient rights and/or permissions to undertake the relevant work. Where it does not succeed in reaching the agreement that it wants, the network company may, as part of its application to the Secretary of State, seek to acquire rights compulsorily over the relevant land in question by means of a provision in the Development Consent Order (DCO). The applicant may also apply for the compulsory purchase of land: this is not normally sought where lines and cables are</p>	<p>The Applicant notes the additions to this policy which recognise the need for permanent rights to be secured over land for onshore electrical infrastructure given the importance of that infrastructure to the nation's net zero goals. This reflects the approach taken by the Applicant in the dDCO (Document 8.9 of the Applicant's Deadline 8 submission).</p>



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		installed, but may occur where other electricity network infrastructure, such as a new substation, is required. The above issues may be relevant considerations when the electricity company is considering various potential routes. In such cases (i.e. where the compulsory acquisition of rights is sought) permanent arrangements are strongly preferred over wayleaves (which are terminable on notice by the landowner) in virtue of their greater reliability and economic efficiency, and reflecting the importance of the relevant infrastructure to the nation's net zero goals.	
	Draft EN-5 2.3.3	The Applicant may also seek the compulsory acquisition of land. This will not normally be necessary where lines and cables are installed, but may be sought where other forms of electricity networks infrastructure (such as new substations), or associated mitigation efforts (such as landscape enhancement or biodiversity net gain programmes) are required.	The Applicant is seeking powers of compulsory acquisition in the AyM application and in accordance with this draft has only sought to acquire land needed for the substation and for landscape enhancement and biodiversity benefit in this location. The reasons and justification for seeking these powers are included in the Statement of Reasons (REP5-012).
Special Assessment Principles for Onshore-Offshore (Draft EN-5 only)	Draft EN-5 2.5.1	The scale of offshore transmission infrastructure required to support the government's offshore wind development targets means that a substantial amount of the new onshore network infrastructure required, including network reinforcements, will be to enable transmission of the domestic and international offshore power flows coming onshore. As identified in EN-1, (paragraphs 3.3.5 – 3.3.4), there is a need for the network planning for offshore transmission, including interconnectors and multipurpose interconnectors (MPIs), to be much more closely co-ordinated with the planning of connections to and reinforcements of the onshore transmission network.	At present there is no viable offshore transmission network existing or planned for AyM to connect to. Coordination of the offshore transmission network with other offshore generation or transmission projects is therefore not possible for AyM at this time. AyM was not included as part of the Offshore Transmission Network Review (OTNR) early opportunities workstream and is progressing on the basis of the radial connection at Bodelwyddan agreed with National Grid. This position has not changed following the publication of the OTNR outcomes in July 2022. However, an interlink between AyM and GyM remains part of the application as it may offer increased network redundancy and system security. Further details of the Applicant's position with regards to the OTNR is set out in the Grid Connection and Cable Details Statement (APP-296).
	Draft EN-5 2.5.2	As identified in EN-1 (paragraphs 3.3.50 and 3.3.54), it is expected that a more coordinated approach to transmission to multiple offshore windfarms will be adopted by applicants, compared with a radial connection approach for single windfarm projects. In due course, it is anticipated that applications comprising packages of co-ordinated offshore transmission infrastructure, potentially regional in scale, will be brought forward <sup>7</sup> . It is expected that this increased co-ordination will reduce the number of landing sites and landfall impacts associated with bringing offshore transmission onshore compared with the number which would otherwise be needed, and that applicants would be able to demonstrate this. Similarly, the related onshore infrastructure (number of	

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<p>substations and transmission lines) is expected to be consolidated compared with that which would otherwise be required for radial connections from single offshore windfarms to the shore and that applicants would also be able to demonstrate this.</p> <p>7 The transition to more co-ordinated transmission is led by two temporal workstreams under the Offshore Transmission Network Review (OTNR). Co-ordinated transmission projects are being brought forward as pathfinders as part of the 'early opportunities' workstream. For other offshore wind projects, their connection to a transmission network will form part of the holistic network design under the 'pathway to 2030' workstream.</p>	
	Draft EN-5 2.5.3	The sensitivities of many coastal locations, as well as the potential environmental, community and other impacts in neighbouring onshore areas, means that optimum onshore connection points for offshore transmission must be considered as part of the overall offshore transmission network design and in conjunction with the onshore network. Optimum onshore connection locations for offshore transmission are those which minimise environmental and other impacts, including to local communities, and follow good design, avoidance and mitigation principles.	<p>ES Volume 1, Chapter 4: Site Selection Alternatives (APP-044) sets out in significant detail the approach to, and consideration of, alternatives to AyM, in accordance with the NPS principles. Appropriate alternatives have been considered, having regard to operational requirements, the planning policy context, consideration of the site constraints and development constraints (such as the Extensions Round Criteria (2017)) and the outcomes of the environmental assessment process to avoid likely significant environmental effects where possible and, where this is not possible, to mitigate and manage any remaining effects.</p> <p>The site selection process, as detailed within the chapter identifies the optimum landfall and associated onshore connection location for the proposed project, balancing key sensitivities including ecology, tourism and other planning considerations.</p>
	Draft EN-5 2.5.4	Applicants are expected to be able to demonstrate: how the optimum onshore connection locations have been identified; how environmental, community and other impacts have been considered and where possible how adverse impacts have been avoided or mitigated through good design; and how enhancements to the environment post construction will be achieved including any biodiversity net gain proposals.	
	Draft EN-5 2.5.5	Radial offshore transmission options to single windfarms should only be proposed where these can be demonstrated to be the only feasible solution and a co-ordinated solution is not possible. In these instances, the Secretary of State should have regard to the need case set out in Section 3.3 of EN-1.	See the Applicant's comment on EN-5 2.5.2 above.
Climate change adaptation	Draft EN-5 2.6.1	Part 2 of EN-1 provides information regarding the Government's energy and climate change strategy including policies for mitigating climate change. Section 4.8 <a href="#">4.9</a> of EN-1 sets out the generic considerations that Applicants and the Secretary of State should take into account to help <a href="#">in order to</a> ensure that electricity networks infrastructure is resilient to <a href="#">the effects of</a> climate change. As climate change is likely to increase risks to	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-5 2.4.1 of Document 8.20 of the Applicant's Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<p>the resilience of some of this infrastructure, from flooding for example, or in situations where it is located near the coast or an estuary or is underground, Applicants should in particular set out to what extent the proposed development is expected to be vulnerable, and, as appropriate, how it has been designed to be resilient to:</p> <ul style="list-style-type: none"> <li>▲ flooding, particularly for substations that are vital <del>for the electricity transmission and distribution network to the network; and especially in light of changes to groundwater levels resulting from climate change</del></li> <li>▲ the effects of wind and storms on overhead lines</li> <li>▲ higher average temperatures leading to increased transmission losses</li> <li>▲ earth movement or subsidence caused by flooding or drought (for underground cables)</li> <li>▲ <u>coastal erosion – for the landfall of offshore transmission cables and their associated substations in the inshore and coastal locations respectively.</u></li> </ul>	
	Draft EN-5 2.6.2	Section <del>4.8</del> <u>4.9</u> of EN-1 advises that the resilience of the project to <u>the effects of</u> climate change should be assessed in the Environmental Statement (ES) accompanying an application. For example, future increased risk of flooding would be covered in any flood risk assessment (see Section <del>5.7</del> <u>5.8</u> in EN-1).	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-5 2.4.2 of Document 8.20 of the Applicant's Deadline 8 submission.
Consideration of 'good design' for energy infrastructure	Draft EN-5 2.7.2	However, the Secretary of State should bear in mind that electricity networks infrastructure must in the first instance be safe and secure, and that the functional design constraints of safety and security may limit an applicant's ability to influence the aesthetic appearance of that infrastructure. While the above principles should govern the design of an electricity networks infrastructure application to the fullest possible extent – including in its avoidance and/or mitigation of potential adverse impacts (particularly those detailed in Sections 2.9-2.14 below) – the functional performance of the infrastructure in respect of security of supply and public and occupational safety must not thereby be threatened.	The Applicant has considered good design considerations of relevance to the onshore design and set them out in the onshore Design Principles Document (REP5-020) which describes layouts, landscaping and appearance of the proposed onshore infrastructure including the onshore cable route and onshore substation. Additional detail of the potential reinstatement of the onshore cable route and screening proposals for the onshore substation is set out the Outline Landscape and Ecological Management Plan (oLEMP) (REP4-011; Application reference 8.4).
Environmental and Biodiversity	Draft EN-5 2.8.1	When planning and evaluating the proposed development's contribution to environmental and biodiversity net gain, it will be important – for both the Applicant and the Secretary of State – to	The draft NPS refers to 'environmental' net gain which the UK Government's 25 Year Environment Plan (referenced by NPS EN-3), considers to be a strengthened position to 'biodiversity' net

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
Net Gain (Draft EN-5 only)		supplement the generic guidance set out in EN-1 (Section 4.5) with recognition that the linear nature of electricity networks infrastructure allows excellent opportunities to: i) reconnect important habitats via green corridors, biodiversity stepping zones, and reestablishment of appropriate hedgerows; and/or ii) connect people to the environment, for instance via footpaths and cycleways constructed in tandem with biodiversity enhancements.	gain. The 25 Year Environment Plan seeks to “embed a ‘net environmental gain’ principle for development to deliver environmental improvements locally and nationally.”  When considered at a local level, the key environmental net gain is through delivery of biodiversity resilience and enhancement. The Applicant considers that biodiversity net gain will be achieved through the provision of enhancement measures that will provide new benefits for biodiversity in addition to sufficient mitigation (to reduce and/ or eliminate the potential for significant effects) and compensation (to offset residual effects resulting in the loss of, or permanent damage to, ecological features despite mitigation). The proposed enhancement measures are set out in Section 7.1 and Figure 2 of the Outline Landscape and Ecology Management Plan (oLEMP) (REP4-011; Application reference 8.4).
Landscape and Visual	Draft EN-5 2.11.2 – 2.11.4	<p><del>While</del> government does not believe that the development of overhead lines is incompatible in principle with developers’ statutory duty under Schedule 9 of the Electricity Act <u>1989</u> to have regard to <u>visual and landscape</u> amenity and to mitigate <del>impacts (see paragraph 2.2.6 above)</del>. <del>In practice new above ground electricity lines, whether supported by lattice steel towers/pylons or wooden poles, can give rise to adverse landscape and visual impacts, dependent upon their to the fullest extent reasonably possible any impacts thereon, in practice new overhead lines – whether supported by lattice steel towers or monopole structures – can give rise to adverse landscape and visual impacts.</del> <u>These impacts depend on the type, scale, siting, and degree of screening of the lines, and the nature as well as the characteristics</u> of the landscape and local environment through which they are routed. <del>For the most part these impacts can be mitigated, however at particularly sensitive locations the potential adverse landscape and visual impacts of an overhead line proposal may make it unacceptable in planning terms, taking account of the specific local environment and context.</del></p> <p>New substations, sealing end compounds, and other above-ground installations that <del>form</del> <u>serve as</u> connection, switching, and voltage transformation points on the electricity networks <del>can</del> <u>may</u> also give rise</p>	This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant’s comments within EN-5 2.8.2 of Document 8.20 of the Applicant’s Deadline 8 submission.

SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
		<p>to <u>adverse</u> landscape and visual impacts. <u>Nonetheless, government does not believe that the development of these installations is incompatible in principle with developers' statutory duty under Schedule 9 of the Electricity Act 1989.</u></p> <p>Cumulative <u>adverse</u> landscape and visual impacts <del>can</del> <u>may</u> arise where new overhead lines are required along with other related developments such as substations, wind farms, and/or other new sources of generation.</p>	
Electric and Magnetic Fields (EMF's)	Draft EN-5 2.13.2	<p>All overhead power lines produce EMFs. These tend to be highest directly under a line, and decrease to the sides at increasing distance. Although putting cables underground eliminates the electric field, they still produce magnetic fields, which are highest directly above the cable <del>(see para 2.10.12)</del>. EMFs can have both direct and indirect effects on human health. The direct effects occur in terms of impacts on the central nervous system resulting in its normal functioning being affected. Indirect effects occur through electric charges building up on the surface of the body producing a microshock on contact with a grounded object, or vice versa, which, depending on the field strength and other exposure factors, can range from barely perceptible to being an annoyance or even painful.</p>	<p>This draft NPS statement has not materially changed from the extant NPS statement it is based upon. As such, please refer to the Applicant's comments within EN-5 2.10.2 of Document 8.20 of the Applicant's Deadline 8 submission.</p>
Sulphur Hexafluoride (Draft EN-5 only)	Draft EN-5 2.14.1	<p>Sulphur Hexafluoride (SF6) is an insulating and arc-suppressant gas used in high voltage switchgear for electricity networks. It is also an extraordinarily potent greenhouse gas, and fugitive emissions from electricity networks infrastructure are an object of increasing environmental concern, especially in light of the UK's commitment to net zero by 2050.</p>	<p>A paper from Widger (2018) suggests leakage emissions from Europe's 100,000 wind turbines were about 900 kg of SF6 over a six-year period. This is equivalent to 3,525 tonnes of CO2 a year. This includes the release of gases during the reclamation and recycling process. At end-of-life the turbine switchgears are collected and the sulphur hexafluoride gas is reclaimed and reused in new equipment.</p>
	Draft EN-5 2.14.2	<p>The climate-warming potential of SF6 is such that applicants should, as a rule, avoid the use of SF6 in new developments. Where no proven SF6-free alternative is commercially available, and where the cost of procuring a bespoke alternative is grossly disproportionate, the continued use of SF6 is acceptable, provided that emissions monitoring and control measures compliant with the F-gas Regulation and/or its successors are in place.</p>	<p>By comparison, wind energy avoids the emission of 255 million tonnes of CO2 in Europe a year by generating 336 TWh of electricity displacing fossil fuels. The SF6 leakage therefore represents around 0.001% of the emissions avoided, due to wind energy generation every year.</p>



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
	Draft EN-5 2.14.3	Applicants should at the design phase of the process consider carefully whether the proposed development could be reconceived to avoid the use of SF6-reliant assets.	Several alternatives are currently being investigated, including clean air and new chemical gas mixtures such as CF3I, Fluoronitriles, fluoroketones and HFOs (Hydrofluro-Olefins). They have all demonstrated promising results as alternatives and are starting to be deployed in the market. The European wind industry supports the further development of these technologies and is committed to promoting their use, and the Applicant will consider alternatives during the construction of the proposed development where practicable.
	Draft EN-5 2.14.4	Where the development cannot be so conceived, the applicant must provide evidence of their reasoning on this point. Such evidence will include, for instance, an explanation of the alternatives considered, and a case why these alternatives are technically infeasible or require bespoke components that are grossly disproportionate in terms of cost. In particular, an accounting of the cost differential between the SF6-reliant asset and the appropriate SF6-free alternative should be provided.	The offshore substation and Wind Turbine Generators (WTGs) may use GIS (gas insulated switchgear), as described in Table 17 of ES Volume 2, Chapter 1: Offshore Project Description (APP-047) as AIS (air insulated switchgear) is not applicable in this marine environment. This is due to both the need to protect the switchgear from the harsh marine environmental conditions, and to address the large space that would be needed to build an AIS substation safely offshore; factors that are not conducive to an Offshore Substation Platform (OSP). For the OSP, GIS options without SF6 are not commercially available at all of the voltages under consideration for the proposed development. The Applicant continues to engage with the supply chain to accelerate the development and deployment of SF6-free technologies for this application.
	Draft EN-5 2.14.5	Where Applicants, having followed the above procedure, do propose to put new SF6- reliant assets onto the electricity system, they should design a plan for the monitoring and control of fugitive SF6 emissions consistent with the F-gas Regulation and its successors. Applicants must provide evidence of this plan, and its compliance with the aforementioned regulatory prescriptions, to the Examining Authority.	The Applicant is aware that one wind turbine manufacturer now offers WTG switchgear that does not contain SF6, but this is only available at one voltage level, in one of its products. The Applicant has successfully procured these products on the upcoming Sofia wind farm. However, as these switchgear designs are not yet common across the industry or available from a wide range of manufacturers, the Applicant cannot commit to the use of SF6-free WTG switchgear at this stage.
	Draft EN-5 2.14.6	The Secretary of State should grant consent for an electricity networks development only if the applicant has demonstrated either that i) the development will not use SF6; or ii(a)) that there is no proven commercially available alternative to the use of SF6, and ii(b)) that a bespoke SF6-free alternative would be grossly disproportionate in terms of cost, and ii(c)) that emissions monitoring and control measures compliant with the F-gas Regulation and/or its successors are in place.	The onshore substation may use either: <ul style="list-style-type: none"> <li>▲ AIS;</li> <li>▲ GIS without SF6; or</li> <li>▲ GIS with SF6.</li> </ul>



SECTION/ TOPIC	PARAGRAPH REF	NPS REQUIREMENT	ACCORDANCE WITH THE NPS
			<p>An AIS substation offers the best opportunity to reduce the volume of SF6 in the proposed development, but this compromises other factors as explained in Section 1.23 of the Applicant's written summary of oral submissions at ISH3 (REP3a-005).</p> <p>A GIS substation without SF6 is not commercially available at all of the voltages under consideration for the proposed development. Hence it may or may not be feasible to construct a GIS substation without SF6, depending on the voltage level selected.</p> <p>A GIS substation with SF6 remains a feasible solution for the development.</p> <p>In summary, at this time there are no suitable alternatives that would remove the use of SF6 across the proposed development. Alternative solutions are being developed by the supply chain but will not be available in the timescale of this development. Although the Applicant continues to put pressure on the supply chain, it is timescale, rather than cost, that prevents the Applicant from committing to avoiding the use of SF6.</p> <p>As discussed in its response to ExQ1.14.15 (REP1-007), the Applicant is experienced in the management of SF6 across a range of existing wind farms and maintains full compliance with the F-gas regulations.</p>

### 3 References

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# 4 Appendix A - Energy and Climate Change Policy & Legislation: Update

## 4.1 Introduction

20 The Planning Statement (Section 4.2) is dated April 2022 and addressed international and national obligations on climate change and energy legislation and also addressed national planning policy and specific marine policy. This Appendix provides an update on this topic.

## 4.2 International Commitments

### 4.2.1 The Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (2021 & 2022), related Press Release and Statements

21 Section 4.2 of the Planning Statement referenced the Paris Agreement but not the most recent reports from the Inter-Governmental Panel On Climate Change (IPCC). The first part of the IPCC 6th Assessment Report (2021) was published on 9th August 2021 (the AR6 Report). The AR6 Report is the first major review of the science of climate change since 2013. The first part of the AR6 Report, in short, provides new estimates of the chances of crossing the global warming level at 1.50C in the next decade and reaches the conclusion that, without immediate, rapid and large-scale reductions in greenhouse gases (GHG), limiting warming close to 1.50C or even 20C will be beyond reach. For this and many other reasons the UN Secretary General described the AR6 Report as a “Code Red for humanity”.

22 The second part of the AR6 report was published on 28th February 2022. It is, as described in the press release accompanying the second part of the AR6 report a “dire warning about the consequences of inaction”. The press release refers to a narrowing window for action and states:

*“The scientific evidence is unequivocal: climate change is a threat to human wellbeing and the health of the planet. Any further delay in concerted global action will miss a brief and rapidly closing window to secure a liveable future.”*

- 23 The third part of the IPCC’s AR6 Report ‘Mitigation of Climate Change’ was published on 04 April 2022. In summary, the urgent message from this latest report is that it confirms the harmful and permanent consequences of the failure to limit the rise of global temperatures and that reducing emissions is a crucial near-term necessity. The report underlines the need to radically and rapidly scale up global climate action to reduce GHG emissions.
- 24 The Press Release for the third report summarises a number of the key points from the publication including:
- ▲ “Limiting global warming will require major transitions in the energy sector. This will involve a substantial reduction in fossil fuel use, widespread electrification, improved energy efficiency and use of alternative fuels.” The report sets out that the “next two years are critical”. (page 1).
  - ▲ In the scenarios assessed, limiting warming to around 1.5°C “requires global greenhouse gas emissions to peak before 2025 at the latest, and be reduced by 43% by 2030.... even if we do this, it is almost inevitable that we will temporarily exceed this temperature threshold but could return to below it by the end of the century”. (page 2).
- 25 The Report makes it clear that immediate short-term acceleration of low carbon energy is needed if limiting warming below danger levels is to stay feasible. The Report emphasises the particular cost reductions that have affected wind and solar development and that these technologies will play a key role in the energy transition.
- 26 This third report from the IPCC has focused on how human actions can mitigate climate change. In short, the principal message is that humanity is currently not on track to limit warming, but that it is still possible to make the progress necessary by 2030 by using existing technologies for example, by moving rapidly to non-fossil fuel sources of energy.

## 4.2.2 UN Emissions Gap Report (October 2022)

- 27 On 27 October 2022 the UN published its annual 'Emissions Gap Report', 'The closing window – climate crisis calls for rapid transformation of societies'. It provides an evaluation of credible scientific and technical knowledge on emissions trends, progress, gaps and opportunities, based on a synthesis of the latest scientific literature, models, and data analysis and interpretation, and models, including that published in the context of the IPCC. In summary, it takes account of where global greenhouse gas emissions are, the anticipated trajectory and where they need to be if we are to avoid the worst climate impacts.
- 28 The related 'Key Messages' paper states that "the world is still falling short of the Paris climate goals, with no credible pathway to 1.5°C in place. Only an urgent system-wide transformation can avoid an accelerating climate disaster."
- 29 The report looks at how to deliver this transformation, through action in the electricity supply, industry, transport and building sectors and the food and financial systems. The stated key messages include:
- ▲ "Despite a call for a strengthened Nationally Determined Contributions (NDCs) for 2030, progress since COP 26 in Glasgow has been woefully inadequate.
  - ▲ This lack of progress leaves the world on a path towards a temperature rise far above the Paris agreed goal of well below 2°C, preferably 1.5°C.
  - ▲ To get on track to meet the Paris Agreement goal, the world needs to reduce greenhouse gases by unprecedented levels over the next eight years.
  - ▲ Such massive cuts require a large scale rapid and systemic transformation across the globe.
  - ▲ The transformation towards zero greenhouse gas emissions and electricity supply, industry, transportation and buildings is underway but needs to move much faster".
- 30 Figure 1 below shows the trajectory of current policies and the clear outcome is that we way off track in terms of reaching the temperature reduction goals set in the Paris Agreement. That in effect is what is referred to as the 'Emissions Gap'.



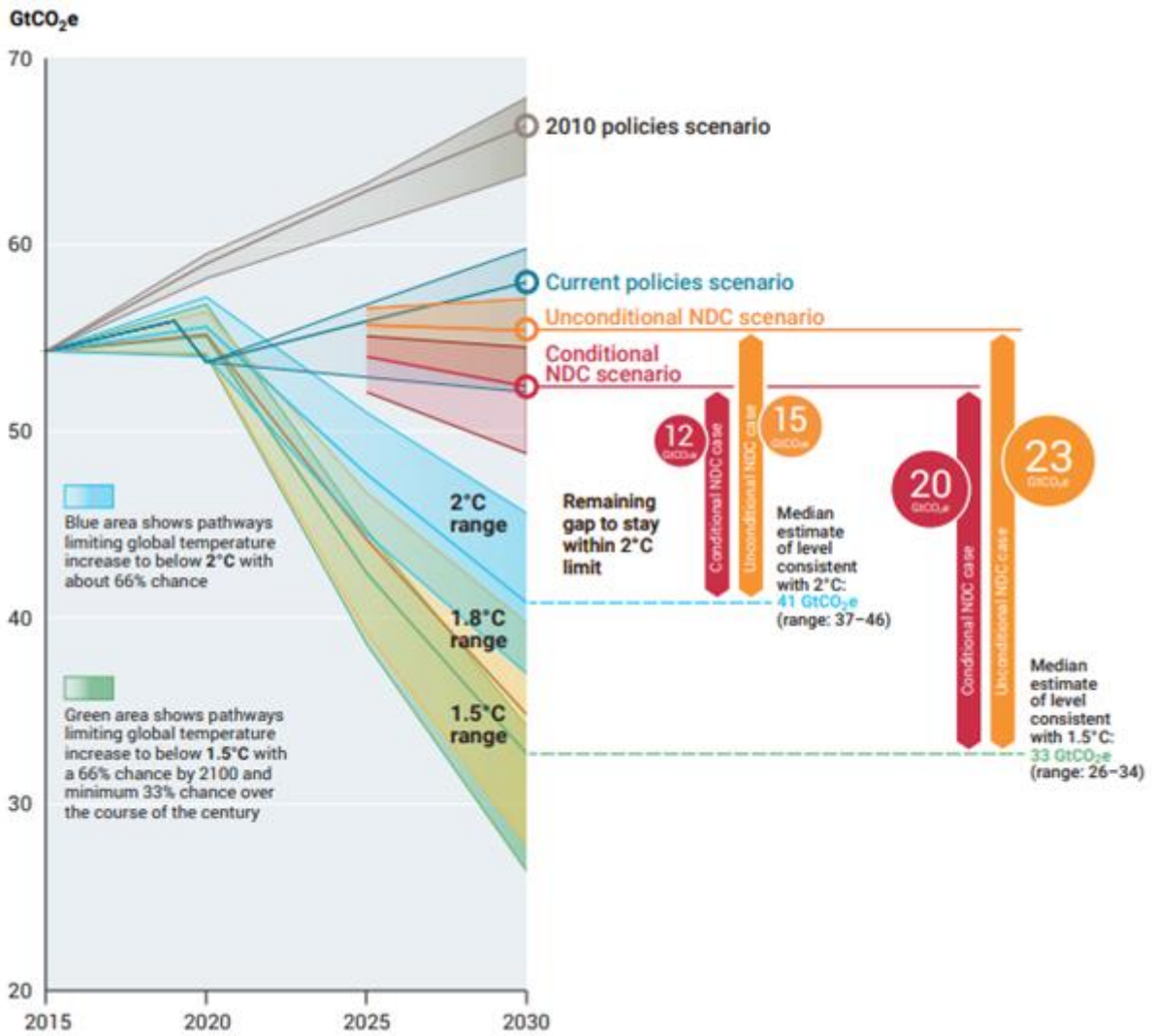


Figure 1: Global GHG emissions under different scenarios and the emissions gap in 2030 (UNEP, 2022).

31

The Paris Agreement does not itself represent Government policy in the UK or Wales. However, the purpose of domestic and renewable energy and GHG reduction targets is to meet the UK's commitment in the Paris Agreement.

## 4.3 UK Policy & Legislation

### 4.3.1 The Climate Change Act 2008 & Carbon Budgets (CCC, 2022)

- 32 The Climate Change Act 2008 (the 2008 Act) provides a system of carbon budgeting. Under the 2008 Act, the UK committed to a net reduction in greenhouse gas (GHG) emissions by 2050 of 80% against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target to at least 100% against the 1990 baseline by 2050, with Scotland committing to net zero by 2045.
- 33 The 2008 Act also established the Committee on Climate Change (CCC) which advises the UK Government on emissions targets, and reports to Parliament on progress made in reducing GHG emissions.
- 34 The CCC has produced six, four yearly carbon budgets, covering 2008 – 2037. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in Table 2.1 below.
- 35 These legally binding 'carbon budgets' act as stepping-stones toward the 2050 target. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament. All six carbon budgets have been put into law and run up to 2037. The UK is currently in the third carbon budget period 2018-2022.

Table 2: UK Carbon Budgets and Progress (CCC, 2022a).

BUDGET	CARBON BUDGET LEVEL	REDUCTION BELOW 1990 LEVELS	MET?
1st carbon budget (2008 – 2012)	3,018 MtCO <sub>2</sub> e	25%	Yes
2nd carbon	2,782 MtCO <sub>2</sub> e	31%	Yes

BUDGET	CARBON BUDGET LEVEL	REDUCTION BELOW 1990 LEVELS	MET?
budget (2013 – 2017)			
3rd carbon budget (2018 – 2022)	2,544 MtCO <sub>2</sub> e	37% by 2020	On Track
4th carbon budget (2023 – 2027)	1,950 MtCO <sub>2</sub> e	51% by 2025	Off Track
5th carbon budget (2028 – 2032)	1,725 MtCO <sub>2</sub> e	57% by 2030	Off Track
6th carbon budget (2033 – 2037)	965 MtCO <sub>2</sub> e	78% by 2035	Off Track
Net Zero Target	100%	By 2050	

36 The Sixth Carbon Budget (CB6) requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels. This is seen as a world leading commitment, placing the UK “*decisively on the path to net zero by 2050 at the latest with a trajectory that is consistent with the Paris Agreement*”.

- 37 Page 23 of CB6 refers to the devolved nations and sets out that “UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland” and recognises that although the main policy levers are held by the UK Government, other jurisdictions can take action through complementary measures at the devolved level including supporting policies such as “planning and consenting”.
- 38 Key points from CB6 include:
- ▲ UK climate targets cannot be met without strong policy action.
  - ▲ The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and “doubling or even trebling by 2050”.
  - ▲ CB6 needs to be met and that will need more and faster deployment of renewable energy developments than has happened in the past.
- 39 Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world's most ambitious climate change target into law (by the Carbon Budget Order 2021. The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.) to reduce emissions by 78% by 2035 compared to 1990 levels.

#### 4.3.2 The UK Energy White Paper (BEIS, December 2020)

- 40 The UK Government Energy White Paper ‘Powering our Net Zero Future’ (December 2020) sets out that: “electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050”.
- 41 It adds a key objective is to “accelerate the deployment of clean electricity generation through the 2020s” (page 38). Electricity demand is forecast to double out to 2050, which will “require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target” (page 42).
- 42 This anticipated growth of renewable electricity is illustrated in the graph below (Figure 2).

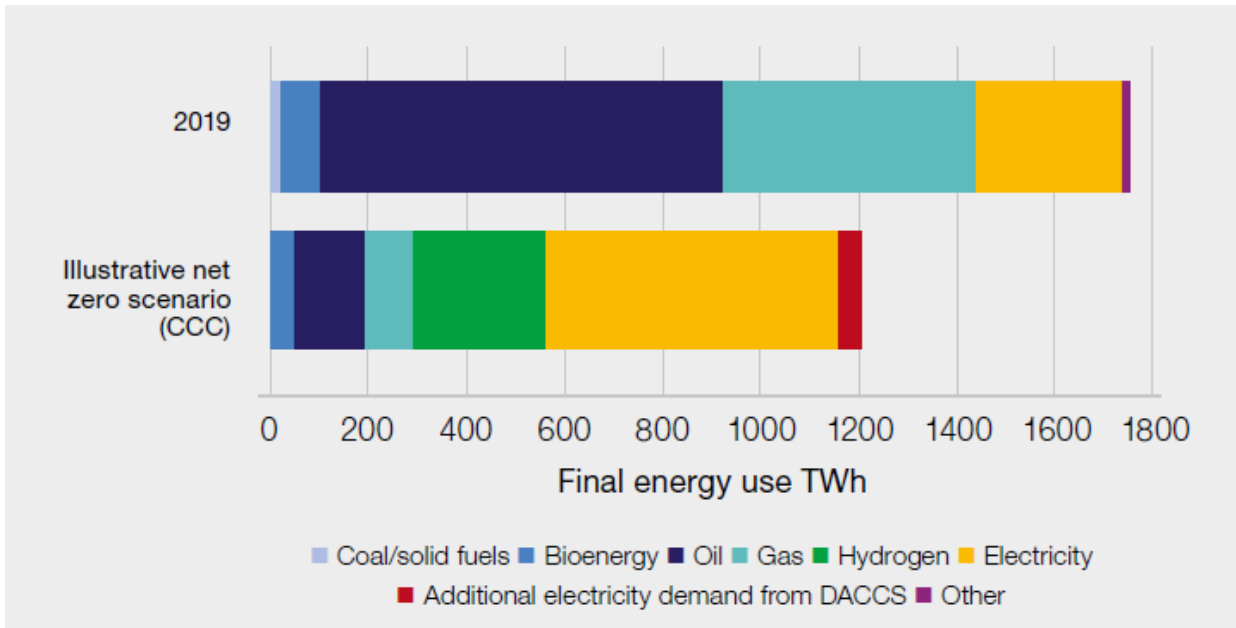


Figure 2: Illustrative UK Final Energy Use in 2050 (BEIS, 2020).

43

In terms of electricity policy in the White Paper, the UK Government clearly recognise that the scale of change that is required to respond to climate change is at a pivotal point. The anticipation is that there is going to need to be a global green industrial revolution and it is only through this that an appropriate response would be made to tackling climate change issues. Chapter 1 of the White Paper sets out this context and makes clear the likely change in the nature and volume of electricity generation. It recognises the very significant role that renewable electricity generation will play in relation to delivering total energy usage. This means it will have to play a much greater role in decarbonising both transport and heat.

### 4.3.3 The UK Net Zero Strategy (BEIS, October 2021)

44 The UK Government published the Net Zero strategy in October 2021. This sets out policies and proposals for keeping in the UK on track in relation to carbon budgets and the UK's nationally determined contribution (NDC) (Every country that signed up to the Paris Agreement (2015) set out a target known as a nationally determined contribution for reducing greenhouse gas emissions by around 2030. For the UK the target was a 68% reduction on 1990 levels by 2030.) and establishes the long-term pathway to net zero by 2050.

- 45 The Net Zero Strategy sets out the Government's plans for reducing emissions from each sector of the UK economy, related to carbon budget and to the eventual target of net zero by 2050. The Strategy has been submitted to the United Nations Framework Convention on Climate (UNFCCC) as the UK's second long-term low greenhouse gas emission development strategy under the Paris Agreement.
- 46 Page 19 addresses the power sector and sets out that the power system will be fully decarbonised by 2035.
- 47 Key policies are set out including that by 2013 there will be some 40GW of offshore wind.
- 48 In terms of power, the Strategy references the Energy White Paper (2020) which set out the goal of a fully decarbonised and low-cost power system by 2050. It adds that CB6 represents *"a very significant increase in the pace of power sector decarbonisation, coupled with increased demand due to accelerated action another sector dependent on low-carbon electricity"*. (page 98). It adds:
- "although the Energy White Paper envisaged achieving an overwhelmingly decarbonised power system during the 2030s, we have since increased our ambition further. By 2035 all our electricity will need to come from low carbon sources, subject security of supply bringing forward the Government's commitment to a fully decarbonised power system by 15 years, whilst meeting at 40-60% increase in demand"*.
- 49 The Strategy also sets out that the Government will be supporting sustained deployment of low-carbon generation (page 103), in this regards it states that there will need to continue to drive rapid deployment of renewables.

#### 4.3.4 The British Energy Security Strategy (BEIS, April 2022)

- 50 The British Energy Security Strategy ("BESS") was published by the UK Government on 7 April 2022. The BESS focuses on energy supply and states that in the future nuclear will have an expanded role and that renewables have an important role: the foreword states inter alia:

*"this government will reverse decades of myopia and make the big call to lead again in a technology the UK was the first to pioneer, by investing massively in nuclear power."*



Accelerating the transition away from oil and gas then depends critically on how quickly we can roll out new renewables.

The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today, and the green levies that support them, energy bills would be higher than they are now. But now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies."

51 In terms of offshore wind, the BESS states (page 16):

*"Our island's resources, with its shallow seabeds and high winds offers us unique advantages that have made us global leaders in offshore wind and pioneers of floating wind. With smarter planning we can maintain high environmental standards while increasing the pace of deployment by 25%. Our ambition is to deliver up to 50GW by 2030, including up to 5GW of innovative floating wind.*

*Our history of North Sea oil and gas expertise enables us rapidly to deploy our rich expertise in sub-sea technology and maximise our natural assets. Already, just off the coast of Aberdeenshire, we have built the world's first floating offshore wind farms. There will be huge benefits in the Irish and Celtic Sea. And by 2030 we will have more than enough wind capacity to power every home in Britain.*

*We will be the Saudi Arabia of wind power, with the ambition that by 2030 over half our renewable generation capacity will be wind, with the added benefit of high skilled jobs abounding these shores. But the development and deployment of offshore wind farms still takes up to 13 years.*

*On planning, these projects tend to have public support, and ultimately benefit the environment because they help reduce the damage to habitats that is caused by climate change.*

*On cost, the unit cost of offshore wind power has fallen by around two-thirds. The Contracts for Difference scheme has shared the risks of investing in new technologies to boost UK renewables and bring in billions of pounds of private investment.*

*On jobs, our technological leadership is delivering high skilled, high wage British jobs. Our increased ambition means we expect the sector will grow to support around 90,000 jobs by 2030."*

52 The BESS is relevant to the case for need for the Proposed Development because it explains the important energy security and affordability benefits associated with developing electricity supplies which are not dependent on volatile international markets and are located within the UK's national boundaries. The urgency for an electricity system which is self-reliant and not reliant on fossil fuels is enormous in order to protect consumers from high and volatile energy prices, and to reduce opportunities for destructive geopolitical intrusion into national electricity supplies and economics. AyM would help the UK attain these objectives.

### 4.3.5 Slowdown of Renewable Deployment

53 The Department of Business, Energy and Industrial Strategy (BEIS) published the Digest of UK Energy Statistics in July 2022 which provides statistical information in relation to energy for 2021.

54 The statistics show a stark slowdown in renewable deployment in the years 2020 and 2021 – as illustrated in the Figure of 2.3 below. The information shows that the capacity began to slow after 2018 falling to just 0.9 GW in 2020. In 2021 the capacity rose, most of which was in offshore wind.

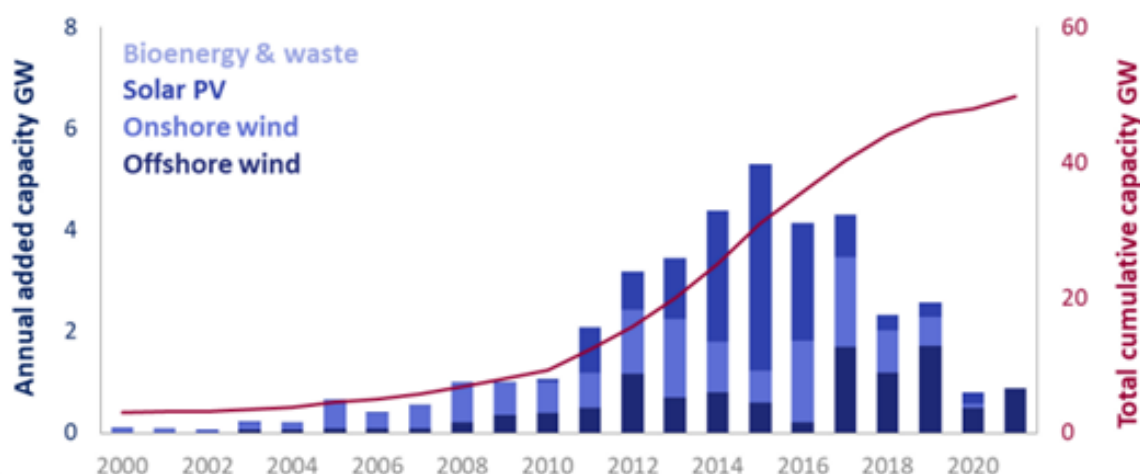


Figure 3: UK Annual added Renewable Energy Capacity, 2000 to 2022.

### 4.3.6 CCC Progress Report to Parliament (2022b)

55 The CCC published a Progress Report to Parliament in June 2022, 'Progress in Reducing Emissions'. Key messages in the report include:

- 56 The UK Government now has a solid net zero strategy in place, but important policy gaps remain. It sets out that although the Government has raised ambition, policies are not yet fully in place to drive a large programme of delivery required in the 2020s.
- 57 Tangible progress is lacking policy ambition. The report states that with the emissions path set for the UK and the Net Zero strategy published, greater emphasis and focus must be placed on delivery. It adds that, *“this is needed for the UK’s climate ambitions to be credible”* (page 14).

## 4.4 Welsh Policy

### 4.4.1 Building Better Places (Welsh Government, July 2020)

- 58 The Welsh Government published Building Better Places *‘The Planning System Delivering Resilient and Brighter Futures – Placemaking and the Covid-19 Recovery’* in July 2020 in order to pinpoint the most relevant policy priorities contained in PPW that will aid in the recovery from the Covid-19 crisis. This document notes the climate change emergency declared by the Welsh Government.

### 4.4.2 Energy Generation in Wales 2020 (Welsh Government, May 2022)

- 59 The Welsh Government published Energy Generation in Wales in May 2022. It sets out the energy generation capacity in Wales in 2020 and analyses how it has changed over time. The overall purpose of the report is to support the Welsh Government with the development of energy policy helping to *“evidence the economic, social and environmental benefits from the development of Welsh energy projects”*.
- 60 The Ministerial Foreword sets out that the vision for Wales is *“for Wales to generate renewable energy to at least fully meet our energy needs and utilise surplus generation to tackle the nature and climate emergencies”*.

61 The headline target set out in the document is the 70% of Wales' electricity demand to be met from Welsh renewable electricity sources by 2030. The report sets out that approximately 56% of annual consumption in Wales came from renewables in 2020 which is an increase of 5% compared to 2019 levels. However, the report recognises that this rise is largely as a result of the Covid-19 pandemic, and it states:

*“we need to recognise that the Covid-19 pandemic had a significant impact on energy generation and consumption in 2020 making it difficult to draw firm conclusions from looking at single years in isolation. The longer-term trend points to a decline in the rate of deployment of renewable energy capacity since its peak in 2015 in part driven by the decline in UK Government financial support. We must urgently reverse this trend”.*

62 The report adds (page 7) that the Covid-19 pandemic in 2020 impacted electricity demand *“in particular reducing non-domestic electricity demand as a result of reduced activity. Therefore, the relative surge seen in 2020 towards Wales's 70% target may be temporary”.*

63 Renewable energy in Wales is referred to from page 6 and it states that only 65 MW of new renewable capacity was commissioned in 2020 but of this 26 MW was heat capacity and only 39 MW related to electrical capacity. This new capacity figure therefore represents the lowest annual deployment rate of renewable capacity in Wales since 2010 which the report notes is 94% lower than the 2015 peak when 1,019 MW was commissioned. This is a striking reduction in renewable capacity deployment. This significant decline in deployment (Welsh Government, May 2022) is illustrated in Figure 4 below.

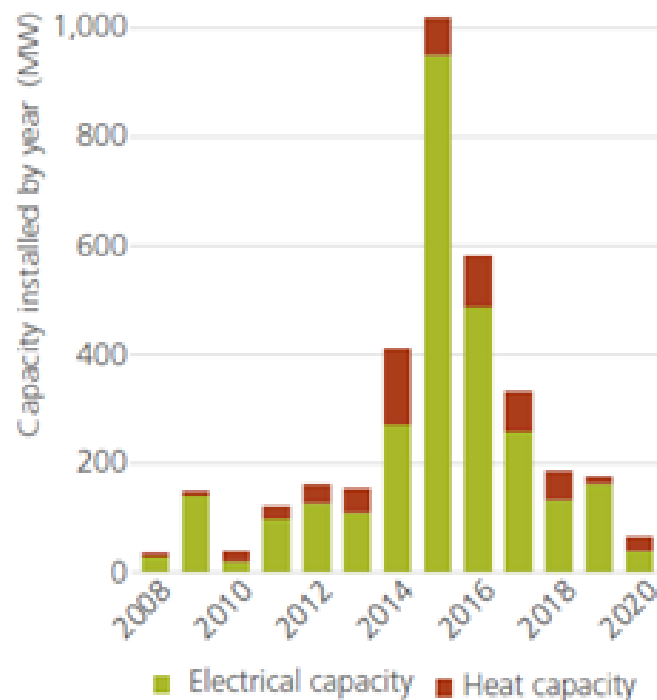


Figure 4: Wales' Annual Renewable Energy Deployment Rate.

- 64 Another very important point to recognise is that the report acknowledges that the CCC Sixth Carbon Budget estimates that *“while total energy consumption should reduce in Wales as progress is made towards net zero, electricity demand will increase as a result of increasing electricity consumption in the heat and transport sectors”*.
- 65 All of the CCC's Net Zero scenarios for Wales suggest electricity consumption will remain steady until around 2030, before increasing by between 200% and 300% by 2050. This massive increase in electricity demand is also made clear in the UK Energy White Paper referred to above given the move across the economy and society to electrification.
- 66 A further key point set out in the report in addition to the matter of rising electricity demand is the issue of deployment rates for renewable generation. The report states (page 7) *“there remains significant challenges to deploying renewable generation at the pace required to meet the 70% target by 2030. Securing price support, gaining planning permission and securing a grid connection are some of the key challenges for new renewable generation projects. Projects are therefore struggling to develop sustainable subsidy free business models that accommodate the necessary network reinforcements”*.

67 The report adds that onshore and offshore wind are responsible for over two thirds of Wales's progress towards the 70% renewable electricity target for 2030, underlining the importance of the offshore wind sector.

68 The report also acknowledges the key issue today of energy security as a result of rising gas prices and Russia's war in Ukraine. It states (page 8):

*"The recent surge in the global price of gas, combined with Russia's war in the Ukraine, has resulted in huge increases in energy prices across the world, with the impact felt hardest by those who are least able to bear it. The Welsh Government is providing support to those in urgent need in the short term, while building a future energy system which insulates Wales from the worst of the impacts. Extending fossil fuel use will only result in problems in the longer term. Instead, Wales will improve energy efficiency and develop a renewables-based energy system fit for the future".*

69 The report addresses each energy sector and offshore wind is specifically referenced on page 25. It sets out that *"there are three operational offshore wind projects in Wales, all in Liverpool Bay off the North Wales coast, with a total capacity of 726 MW. Offshore wind plays a major role in renewable generation in Wales, accounting for an estimated 29% of renewable electricity generation in 2020."*

#### 4.4.3 Renewable Energy in Wales (2022)

70 The Welsh Parliament's Climate Change, Environment and Infrastructure Committee published Renewable Energy in Wales in May 2022. It sets out that in October 2021 the Welsh Government announced it would be undertaking a 'Deep Dive' into renewable energy to identify barriers to significantly scaling up renewable energy in Wales and steps to overcome them. The outcome of the Deep Dive was published in December 2021 (Welsh Government, December 2021). In announcing the outcome, the Deputy Minister stated:

*"Our vision is clear; we want Wales to generate renewable energy to at least fully meet our energy needs and utilise surplus generation to tackle the nature and climate emergencies. We will accelerate actions to reduce energy demand and maximise local ownership retaining economic and social benefits in Wales."*

*Following the Deep Dive, the Welsh Government committed to create a National Energy Plan by 2024 "mapping out future energy demand and supply*



*for all parts of Wales to identify gaps and to enable us to plan for a system that is flexible and smart – matching local renewable energy generation with energy demand”.*

- 71 The Climate Change, Environment and Infrastructure Committee's view is set out in the May 2022 publication, and it is as follows:

*“Although progress has been made, there has been a slowdown in renewable energy development since 2015. As we enter a critical time in the fight against climate change, and as energy prices soar and concerns about energy security grow, the Welsh Government must urgently renew its focus on renewables.*

*The potential for renewable energy generation in Wales is substantial, with abundant opportunities for both onshore and offshore development. This means Wales is well-positioned to go beyond meeting domestic need to become a world leader in renewable energy production, supplying clean energy to other parts of the UK and beyond. We believe the Welsh Government needs to be clearer that its ambition is for Wales to be a net exporter of renewable energy.*

*The Welsh Government must set more stretching renewable energy targets. These targets must be matched with demonstrable action to accelerate development at the scale and pace required for Wales to meet its climate change commitments and to become a net exporter of renewable energy.”*

- 72 The report confirms (para 5) the Welsh Government's renewable energy targets as:

- ▲ Wales to generate 70% of its electricity consumption from renewable energy by 2030;
- ▲ 1 GW of renewable electricity and heat capacity in Wales to be locally owned by 2030; and
- ▲ By 2020, new energy projects to have at least an element of local ownership.

- 73 Paragraph 33 confirms that Future Wales: The National Plan 2040 *“provides the policy framework for consenting new renewable and low carbon energy developments and associated infrastructure on land..”*

- 74 In terms of shared ownership, the report makes it clear (page 31) that the Welsh Government position is not sufficiently clear. That has subsequently been addressed with the publication of new guidance (Welsh Government, July 2022).

## 4.5 Conclusions

- 75 The trajectory, in terms of the scale and pace of action to reduce emissions, is steeper than before and it is essential that rapid progress is made through the 2020s. The rate of emission reductions must increase otherwise the legally binding UK targets set on the Carbon Budgets will not be met.
- 76 It is clear from the UK Energy White Paper and the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport.
- 77 Decisions through the consenting system must be responsive to this changed position. Decision makers can do this by affording substantial weight to the energy policy objectives articulated above, in the planning balance.
- 78 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a 'green thread' which ties a number of related policy matters together: namely the urgent challenge of net zero and the need to substantially increase renewable capacity.
- 79 It must follow that the need case is to be afforded substantial weight in the planning balance. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance. It is the cumulative effect of a large number of individual projects which will move Wales and the UK towards where they need to be.
- 80 AyM can make a large, meaningful and timely contribution to decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life, thereby addressing important aspects of the UK's legal obligations and Government policy.

- 81 Reducing Wales' and the wider UK's dependency on hydrocarbons has important security of supply, electricity cost and fuel poverty avoidance benefits. Those actions already urgently required in the fight against climate change are now required more urgently for global political stability and insulation against dependencies on rogue nation states.
- 82 The case for Awel y Môr is therefore urgent and important and the Project would deliver significant renewable energy generation and emissions reduction benefits.



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