

# Outer Dowsing Offshore Wind

## Environmental Statement

### Chapter 2 Need, Policy and Legislative Context

#### Volume 1

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- No appendices associated with this chapter

## Acronyms & Terminology

### Abbreviations/Acronyms

Abbreviation / Acronym	Description
<b>AEoI</b>	Adverse Effect on the Integrity
<b>BBC</b>	Boston Borough Council
<b>BEIS</b>	Department for Business, Energy & Industrial Strategy (now the Department for Energy Security and Net Zero (DESNZ))
<b>BNG</b>	Biodiversity Net Gain
<b>CCC</b>	Climate Change Committee
<b>CfD</b>	Contracts for Difference
<b>CNP</b>	Critical National Priority
<b>COP</b>	Conference of the Parties
<b>DCO</b>	Development Consent Order
<b>DECC</b>	Department of Energy & Climate Change, now the Department for Energy Security and Net Zero (DESNZ)
<b>DESNZ</b>	Department for Energy Security and Net Zero, formerly Department of Business, Energy and Industrial Strategy (BEIS), which was previously Department of Energy & Climate Change (DECC)
<b>DML</b>	Deemed Marine Licences
<b>EC</b>	European Commission
<b>ECC</b>	Export Cable Corridor (offshore ECC or indicative onshore ECC)
<b>EEA</b>	European Economic Area
<b>EIA</b>	Environmental Impact Assessment
<b>EIEOMP</b>	East Inshore and East Offshore Marine Plans
<b>ELDC</b>	East Lindsay District Council
<b>EPP</b>	Evidence Plan Process
<b>ES</b>	Environmental Statement
<b>ETG</b>	Expert Topic Group
<b>EU</b>	European Union
<b>GHG</b>	Greenhouse Gas
<b>GST</b>	Global Stocktake
<b>GT R4 Ltd</b>	The Applicant. The special project vehicle created in partnership between Corio Generation (a wholly owned Green Investment Group portfolio company), Gulf Energy Development and TotalEnergies
<b>GW</b>	Gigawatt
<b>HND</b>	Holistic Network Design
<b>HPMA</b>	Highly Protected Marine Area
<b>HRA</b>	Habitats Regulations Assessment
<b>HVAC</b>	High Voltage Alternating Current
<b>IPC</b>	Infrastructure Planning Commission
<b>IROPI</b>	Imperative Reasons of Overriding Public Interest
<b>kV</b>	Kilovolt
<b>LSE</b>	Likely Significant Effect
<b>MCAA</b>	The Marine and Coastal Access Act 2009
<b>MCZ</b>	Marine Conservation Zone

Abbreviation / Acronym	Description
<b>MHWS</b>	Mean High Water Springs
<b>MMO</b>	Marine Management Organisation
<b>MPA</b>	Marine Protection Area
<b>MPS</b>	Marine Policy Statement
<b>MW</b>	Megawatt
<b>NERC</b>	Natural Environment Research Council
<b>NGESO</b>	National Grid Electricity System Operator
<b>NIC</b>	National Infrastructure Commission
<b>NPPF</b>	National Planning Policy Framework
<b>NPS</b>	National Policy Statement
<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>ODOW</b>	Outer Dowsing Offshore Wind (The Project)
<b>OEP</b>	Office for Environmental Protection
<b>OnSS</b>	Onshore Substation
<b>OSPAR</b>	Oslo/Paris convention (for the Protection of the Marine Environment of the North-East Atlantic)
<b>OTNR</b>	Offshore Transmission Network Review
<b>OWEIP</b>	Offshore Wind Environmental Improvement Package
<b>PEIR</b>	Preliminary Environmental Information Report
<b>PRoW</b>	Public Rights of Way
<b>PPG</b>	Planning Practice Guidance
<b>RIAA</b>	Report to Inform Appropriate Assessment
<b>SAC</b>	Special Area of Conservation
<b>SHDC</b>	South Holland District Council
<b>SoS</b>	Secretary of State
<b>SPA</b>	Special Protection Area
<b>TCE</b>	The Crown Estate
<b>TEU</b>	Treaty of the European Union
<b>UK</b>	United Kingdom
<b>UN</b>	United Nations
<b>UNECE</b>	United Nations Economic Commission for Europe
<b>UNFCCC</b>	United Framework Convention on Climate Change

## Terminology

Term	Definition
<b>Baseline</b>	The status of the environment at the time of assessment without the development in place.
<b>Biodiversity Net Gain</b>	An approach to development that leaves biodiversity in a measurably improved state than it was previously. Where a development has an impact on biodiversity, developers are encouraged to provide an increase in appropriate natural habitat and ecological features over and above that being affected, to ensure that the current loss of biodiversity through development will be halted and ecological networks can be restored.
<b>Cumulative effects</b>	The combined effect of the Project acting additively with the effects of other developments, on the same single receptor/resource.

<b>Term</b>	<b>Definition</b>
<b>Cumulative impact</b>	Impacts that result from changes caused by other past, present or reasonably foreseeable actions together with the Project.
<b>Deemed Marine Licence (dML)</b>	A marine licence set out in a Schedule to the Development Consent Order and deemed to have been granted under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009.
<b>Development Consent Order (DCO)</b>	An order made under the Planning Act 2008 granting development consent for a Nationally Significant Infrastructure Project (NSIP).
<b>Effect</b>	Term used to express the consequence of an impact. The significance of an effect is determined by correlating the magnitude of the impact with the sensitivity of the receptor, in accordance with defined significance criteria.
<b>Environmental Impact Assessment (EIA)</b>	A statutory process by which certain planned projects must be assessed before a formal decision to proceed can be made. It involves the collection and consideration of environmental information, which fulfils the assessment requirements of the EIA Regulations, including the publication of an Environmental Statement (ES).
<b>EIA Directive</b>	European Union 2011/92/EU (as amended by Directive 2014/52/EU)
<b>EIA Regulations</b>	Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
<b>Environmental Impact Assessment (EIA)</b>	A statutory process by which certain planned projects must be assessed before a formal decision to proceed can be made. It involves the collection and consideration of environmental information, which fulfils the assessment requirements of the EIA Regulations, including the publication of an Environmental Statement (ES).
<b>Environmental Statement (ES)</b>	The suite of documents that detail the processes and results of the EIA.
<b>Evidence Plan</b>	A voluntary process of stakeholder consultation with appropriate Expert Topic Groups (ETGs) that discusses and, where possible, agrees the detailed approach to the Environmental Impact Assessment (EIA) and information to support Habitats Regulations Assessment (HRA) for those relevant topics included in the process, undertaken during the pre-application period.
<b>Habitats Regulations Assessment (HRA)</b>	A process which helps determine likely significant effects and (where appropriate) assesses adverse impacts on the integrity of European conservation sites and Ramsar sites. The process consists of up to four stages of assessment: screening, appropriate assessment, assessment of alternative solutions and assessment of imperative reasons of over-riding public interest (IROPI) and compensatory measures.
<b>Impact</b>	An impact to the receiving environment is defined as any change to its baseline condition, either adverse or beneficial.
<b>Landfall</b>	The location at the land-sea interface where the offshore export cables and fibre optic cables will come ashore.
<b>Mitigation</b>	Mitigation measures are commitments made by the Project to reduce and/or eliminate the potential for significant effects to arise as a result of the Project. Mitigation measures can be embedded (part of the project design) or secondarily added to reduce impacts in the case of potentially significant effects.
<b>National Policy Statement (NPS)</b>	A document setting out national policy against which proposals for Nationally Significant Infrastructure Projects (NSIPs) will be assessed and decided upon.

<b>Term</b>	<b>Definition</b>
<b>Non-statutory consultee</b>	Organisations that the Applicant may be required to (under Section 42 of the 2008 Act) or may otherwise choose to engage during the pre-application phases (if, for example, there are planning policy reasons to do so) who are not designated in law but are likely to have an interest in a proposed development.
<b>Onshore Infrastructure</b>	The combined name for all onshore infrastructure associated with the Project from landfall to grid connection.
<b>Onshore substation (OnSS)</b>	The Project's onshore HVAC substation, containing electrical equipment, control buildings, lightning protection masts, communications masts, access, fencing and other associated equipment, structures or buildings; to enable connection to the National Grid
<b>Outer Dowsing Offshore Wind (ODOW)</b>	The Project.
<b>Order Limits</b>	The area subject to the application for development consent, The limits shown on the works plans within which the Project may be carried out.
<b>The Planning Inspectorate</b>	The agency responsible for operating the planning process for Nationally Significant Infrastructure Projects (NSIPs).
<b>Preliminary Environmental Information Report (PEIR)</b>	The PEIR was written in the style of a draft Environmental Statement (ES) and provided information to support and inform the statutory consultation process during the pre-application phase.
<b>Statutory consultee</b>	Organisations that are required to be consulted by the Applicant, the Local Planning Authorities and/or The Planning Inspectorate during the pre-application and/or examination phases, and who also have a statutory responsibility in some form that may be relevant to the Project and the DCO application. This includes those bodies and interests prescribed under Section 42 of the Planning Act 2008.
<b>The Applicant</b>	GT R4 Ltd. The Applicant making the application for a DCO. The Applicant is GT R4 Limited (a joint venture between Corio Generation, TotalEnergies and Gulf Energy Development (GULF)), trading as Outer Dowsing Offshore Wind. The Project is being developed by Corio Generation (a wholly owned Green Investment Group portfolio company), TotalEnergies and GULF.
<b>The Project</b>	Outer Dowsing Offshore Wind, an offshore wind generating station together with associated onshore and offshore infrastructure.



## Reference Documentation

Document Number	Title
5.1	Consultation Report
6.1.4	Site Selection and Consideration of Alternatives
6.1.5	EIA Methodology
6.1.6	Technical Consultation
6.1.20	Onshore Archaeology and Cultural Heritage
6.1.21	Onshore Ecology
6.3.24.3	Flood Risk Assessment: Onshore ECC
7.1	Report to Inform Appropriate Assessment
9.1	Planning Statement
9.1.1	Policy Compliance Document
9.5	Biodiversity Net Gain Report (Principles and Approach)

# 1 Need, Policy and Legislative Context

## 1.1 Overview

1. This chapter of the Environmental Statement (ES) presents the international, national, regional and local planning policy and legislative context that is relevant to the impact assessment of Outer Dowsing Offshore Wind (the Project). Policy and legislation specific to each technical topic are also outlined in the relevant chapters.
2. This chapter should be read in conjunction with the Planning Statement (document reference 9.1) and Policy Compliance Table (document reference 9.1.1), which provide an assessment of the Project in relation to compliance with relevant policy.

## 1.2 Requirement for EIA

3. The Environmental Impact Assessment (EIA) framework is set out within European Union (EU) Directive 2011/92/EU (as amended by Directive 2014/52/EU) (the EIA Directive). Whilst EU Directives will no longer have a direct effect on the UK, the EIA Directive was transposed into UK law through The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), which remain in force and set out the requirements for EIA. Key requirements of the EIA Regulations are detailed in Volume 1, Chapter 5: Environmental Impact Assessment Methodology (document reference 6.1.5).
4. Offshore windfarms are listed in Schedule 2 of the EIA Regulations as “*installations for the harnessing of wind power for energy production (wind farms)*” and Section 15 of the Planning Act 2008 (2008 Act) identifies offshore electricity generating stations as Nationally Significant Infrastructure Projects (NSIPs).
5. Activities which fall under Schedule 2 of the EIA Regulations do not automatically require an EIA. However, it is considered that the type and scale of the Project meets the threshold for the requirement for an EIA to be undertaken.
6. The EIA process provides a systematic tool for assessing the potentially significant impacts of a development on the physical, biological and human environment. It enables the identification of mitigation and management measures, where required, to ensure that development is sustainable and allows for opportunities for beneficial impacts to be identified.
7. The EIA Regulations set out the statutory process and minimum requirements for an EIA to be acceptable, including the provision of adequate environmental information and the carrying out of consultation, publication and notification.
8. A Scoping Report for the Project was submitted to the Planning Inspectorate (The Planning Inspectorate) on 1st August 2022. A Scoping Opinion was adopted by the Secretary of State (SoS) on 9th September 2022 (The Planning Inspectorate, 2022a) on which this ES has been based under regulation 14(3)(a).

9. This ES also builds on and updates information provided in the Preliminary Environmental Information Report (PEIR) (Outer Dowsing Offshore Wind, 2023) which was published for formal stakeholder consultation on the 7th June 2023 under Section 42. The PEIR was publicised in accordance with section 48 of the Planning Act 2008, Regulation 4 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and Regulation 13 of the EIA Regulations. It was consulted on with local communities as set out in the Statement of Community Consultation, in accordance with Section 47 of the Planning Act 2008. Due to project developments from PEIR to ES, the Project have held a second formal S42 stakeholder consultation in October 2023. Feedback from this consultation has been considered and, where relevant, has informed both the final design of the Project and the impact assessment presented in this ES.

### **1.3 Consultation**

10. Consultation is a key part of the Development Consent Order (DCO) application process. Consultation regarding Need, Policy and Legislative Context has been conducted through the Evidence Plan Process (EPP) Expert Technical Group (ETG) meetings, the EIA scoping process (Outer Dowsing Offshore Wind, 2022) and the PEIR process (Outer Dowsing Offshore Wind, 2023). An overview of the Project's technical consultation process is presented within Volume 1, Chapter 6: Technical Consultation (document reference 6.1.6) and wider consultation is presented in the Consultation Report (document reference 5.1).
11. The feedback received throughout this process has been considered in preparing this chapter.
12. Table 2.1 provides a summary of the consultation responses received to date relevant to this chapter, and details how the Project team has had regard to the comment and how these have been addressed.

Table 1.1 Summary of consultation relating to Need, Policy and Legislative Context

Date and consultation phase/ type	Consultation and key issues raised	Section where comment addressed
<b>Scoping Opinion<sup>1</sup></b>		
Scoping Opinion (Lincolnshire County Council, 9 September 2022)	No comments to make.	N/A
Scoping Opinion (Natural England, 9 September 2022)	Natural England agrees with the legislation details noted and welcomes the statement that <i>'biodiversity net gain in the marine environment will be a material consideration for the Project's DCO application'</i> .	See Biodiversity Net Gain Report (Principles and Approach) (document reference: 9.5)
<b>Phase 2 Consultation (S42 Consultation on the PEIR) Comments</b>		
S42 Consultation Response (Natural England, 20 July, 2023)	<p>We note that Biodiversity Net Gain will be mandatory for terrestrial NSIP projects consented under the Planning Act (2008) as of 2025. We would welcome a commitment by the project to ensure that biodiversity net gain is applied to the intertidal zone as well.</p> <p>We welcome the inclusion of the high-level outline document (8.3 Biodiversity Net Gain Principles and Approach). However, we advise that further detail is required on the specifics of the Biodiversity Net Gain (BNG) measures which will be considered for this project.</p>	See Biodiversity Net Gain Report (Principles and Approach) (document reference: 9.5). It should be noted that the updated revision to the NPPF (December 2023) has not impacted on the advice received or information provided.

<sup>1</sup> The Scoping Opinion was published by the Planning Inspectorate in September 2022 and can be found in Appendix 2 of the Consultation Report (document reference 5.1.2)

Date and consultation phase/ type	Consultation and key issues raised	Section where comment addressed
	<p>Recommendation - Please provide further project specific detail so that the project's commitment to BNG can be fully assessed at examination.</p> <p>Natural England's Environmental Benefits from Nature tool may be used to identify nature and to avoid and minimise any negative impacts. It is designed to work alongside Biodiversity Metric 4.0 and is available as a beta test version.</p> <p>The development should provide BNG in line with the National Planning Policy Framework (NPPF) paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:</p> <ul style="list-style-type: none"> <li>- Restoring a neglected hedgerow.</li> <li>- Creating a new pond as an attractive feature on the site.</li> <li>- Planting trees characteristic to the local area to make a positive contribution to the local landscape.</li> <li>- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.</li> </ul>	

Date and consultation phase/ type	Consultation and key issues raised	Section where comment addressed
	<ul style="list-style-type: none"> <li>- Incorporating swift boxes or bat boxes into the design of new buildings.</li> <li>- Designing lighting to encourage wildlife.</li> <li>- Adding a green roof to new buildings.</li> </ul>	
<p>S42 Consultation Response (Environment Agency, 20 July, 2023)</p>	<p>The Overarching National Policy Statement for Energy (NPS EN-1) (2023) is referred to within Chapter 24. Paragraph 4.10.11 of EN-1 states that Applicants should demonstrate that proposals have a high level of climate resilience built-in from the outset and should also demonstrate how proposals can be adapted over their predicted lifetimes to remain resilient to a credible maximum climate change scenario. Paragraph 4.9.12 goes on to state that Where energy infrastructure has safety critical elements , the applicant should apply a credible maximum climate change scenario. It is appropriate to take a risk-averse approach with elements of infrastructure which are critical to the safety of its operation. Please see Flood risk assessments: climate change allowances - GOV.UK (<a href="http://www.gov.uk">www.gov.uk</a>) for further advice on Flood Risk and the credible maximum scenario for any sub-station assessments.</p>	<p>See Appendix 24.2: Flood Risk Assessment: Onshore ECC (document reference: 6.3.24.2) and Appendix 24.3: Flood Risk Assessment: Onshore Substation (document reference: 6.3.24.3).</p> <p>It should be noted that the recently adopted version of EN-1 (November 2023) has not impacted on the advice received or information provided.</p>
<p>S42 Consultation Response (Lincolnshire County Council, 21 July, 2023)</p>	<p>The provision of sufficient baseline information to identify and assess the impact on known and potential heritage assets is required by Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (Regulation 5 (2d)), National Planning Statement Policy EN1 (Section 5.9 - Historic Environment), and the National Planning Policy Framework.</p>	<p>See Volume 1, Chapter 20: Onshore Archaeology and Cultural Heritage (document reference: 6.1.20)</p>

Date and consultation phase/ type	Consultation and key issues raised	Section where comment addressed
<p>S42 Consultation Response (Boston Borough Council, 20 July, 2023)</p>	<p>I would draw the applicant’s attention to the National Planning Policy Framework, Paragraph 180 (c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exist.</p> <p>Guidance on this topic is available here - <a href="https://www.gov.uk/guidance/ancient-woodland-ancienttrees-and-veteran-trees-advice-for-making-planning-decisions">https://www.gov.uk/guidance/ancient-woodland-ancienttrees-and-veteran-trees-advice-for-making-planning-decisions</a> Trees and Woodland protected by a Tree Preservation Order are also important and I would expect any development which might impact on both the above and below ground parts of such trees to be assessed (see above guidance).</p>	<p>See Volume 1, Chapter 21: Onshore Ecology (document reference: 6.1.21).</p> <p>It should be noted that the recently adopted version of EN-1 (November 2023) has not impacted on the advice received or information provided.</p>

## 1.4 The Need for the Project

13. The Project will have a capacity of more than 100MW of electricity and is therefore a NSIP under Section 15(3) of the Planning Act 2008. The SoS, as required by Section 104, therefore must determine the application for the Project, in accordance with the adopted Overarching National Policy Statement for Energy.
14. In January 2024, the Department for Energy Security and Net Zero (DESNZ) designated revised NPSs (November 2023) for Energy. These versions replace the 2011 versions and include:
  - NPS EN-1 (DESNZ, November 2023);
  - NPS EN-3 (DESNZ, November 2023); and
  - NPS EN-5 (DESNZ, November 2023).
15. Revisions to the 2011 NPSs were required in response to the Energy White Paper published in December 2020 which confirmed the government's intention to revise the NPSs 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.
16. The revised NPSs reemphasise that there is urgent need for offshore wind energy generation. The update to the 2011 NPSs includes amendments, particularly in relation to the definition and scope of the critical national priority (CNP) criterion. Importantly, Paragraph 3.3.62 of EN-1 highlights that the UK Government has concluded that there is a CNP for the provision of nationally significant low carbon infrastructure. Paragraph 4.2.5 goes on to identify offshore generation as falling within the definition of a CNP.
17. NPS EN-1 and other relevant NPSs explains why the government sees a need for significant amounts of new large scale energy infrastructure to meet its energy objectives and why the government considers that the need for such infrastructure is urgent (paragraph 3.1.1). In particular, in relation to low carbon generation, paragraph 3.3.58 states: *"Given the urgent 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."*
18. This level of urgent need, established by NPS, has been further underlined by the UK Government's policy and legislative commitments set out below. Importantly, EN-1 and EN-3 highlights a critical national priority for the provision of new offshore wind infrastructure, including the accompanying onshore and offshore network infrastructure.



19. The commitment to offshore wind targets was originally set out in the Offshore Wind Sector Deal agreed between the Government and the offshore wind industry in 2019. Originally targeting 30GW of operating capacity by 2030, this figure was increased to 40GW in the Energy White Paper published in 2020, as part of the plan for the green industrial revolution. It is a key recommendation of the Climate Change Committee (CCC) that offshore wind should become the backbone of the whole UK energy system, growing from 40GW of capacity in 2030 to 100GW or more by 2050.
20. Most recently, the UK Government has outlined an even greater level of ambition in the British Energy Security Strategy<sup>2</sup> (HM Government, 2022), which sets out an ambition to reach 50GW of offshore wind by 2030. As part of this strategy, investing in offshore wind generation has been listed as one of the UK Government's '10 Point Plan', contributing to a carbon net zero by 2050. The British Energy Security Strategy is anticipated to support around 90,000 jobs in offshore wind by 2030, with a goal of accelerating offshore wind deployment, ensure energy security and stabilise consumer prices in the longer term.
21. Green infrastructure development has also been identified as one of the UK Government's COVID-19 pandemic and post-Brexit economic recovery strategies<sup>3</sup>. The Project represents an essential contribution to the 50GW by 2030 ambition set by the UK, with the development programme focused on ensuring the Project is generating by 2030 in response to this policy demand. This is in addition to the contribution to the reduction in the carbon intensity of the UK's energy system.
22. As discussed in the strategies and Government incentives above, offshore wind projects such as the Project offer the UK a wide range of additional benefits including economic growth, energy security and decarbonisation. To summarise, four primary factors underpin and are reflected in established NPS policy setting out need for offshore wind energy development, all of which the Project will make a meaningful contribution to meeting:
  - The need to reduce greenhouse gas emissions, in line with the UK Government's strategy to reach net zero emissions across the economy by 2050 and meet its statutory target for a 100% reduction over 1990 emission levels by the same date;
  - The need for national energy security, with reduced reliance on fossil fuels and exposure to volatile global wholesale energy prices;
  - The need to maximise economic opportunities from energy infrastructure investment for the UK; and
  - The need to produce affordable energy.

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<sup>2</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1069969/british-energy-security-strategy-web-accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1069969/british-energy-security-strategy-web-accessible.pdf)

<sup>3</sup> <https://www.instituteforgovernment.org.uk/sites/default/files/publications/Building-a-green-recovery.pdf>

## 1.5 The Role of Renewable Energy

23. A commitment by the UK was made during the 26th Conference of the Parties (COP26) in Glasgow in 2021 and reaffirmed at COP27 in Egypt (2022) to pursue efforts to limit the global temperature increase to within 2°C of the pre-industrial average temperature, with an aspiration for an improved limit of 1.5°C. The United Nations (UN) Climate Change Conference UK 2021 states that, for the first time, COP26 agreed a position on phasing down unabated coal power and focused on driving goals across the globe on:
- Mitigation – reducing emissions;
  - Adaptation – helping those already impacted by climate change;
  - Finance – enabling countries to deliver on their climate goals; and
  - Collaboration – working together to deliver even greater action.
24. Article 14 of the Paris Agreement outlined a ‘global stocktake’ should be conducted every five years, providing a comprehensive review of the collective progress of countries towards their emissions reduction commitments as part of the Paris Agreement. COP28 concluded in December 2023, and provided a forum for governments to conduct the first global stocktake, which included over 200 countries signing a landmark global stocktake agreement known as the ‘GST Agreement’. The review further considers mitigation, adaptation and the means of implementation and support for climate transition. This aims to allow countries to update their nationally determined contributions and enhancing international cooperation for climate action. The GST Agreement encourages countries to submit their next nationally determined contribution pledges 9-12 months before COP30. The GST Agreement also calls on countries to contribute to the global tripling of renewable energy capacity by 2030.
25. Since the designation of the original EN-1, overall GHG emissions from the power sector have more than halved, from ~145MtCO<sub>2e</sub> in 2011 to ~60MtCO<sub>2e</sub> in 2019. This can be mainly attributed to the proportion of renewable generation more than quadrupling from 10 per cent to 43 per cent between 2011 and 2020 whilst the share of electricity generation from coal reduced from 29 per cent to 2 per cent over the same period (paragraph 2.4.1 of the EN-1 2023).
26. Table 2.2 summarises some of the relevant, most recent policy and legislation relating to the mitigation of climate change and the development of renewable energy including from offshore windfarm developments such as the Project.

**Table 1.2 Summary of relevant policy and legislation relating to mitigating climate change and the development of renewable energy from offshore wind**

Policy / Legislation	Summary of Requirements
United Nations Framework Convention on Climate Change	The United Framework Convention on Climate Change (UNFCCC) met in Paris 2015 and set out an international agreement by all parties to limit global temperature increase to below 2°C, while pursuing efforts to limit the increase to 1.5°C.

Policy / Legislation	Summary of Requirements
(Paris Climate Agreement)	
Kyoto Protocol	The UK is a signatory to the Kyoto Protocol, an international agreement linked to the development and implementation of the UNFCCC. The protocol provides commitments for state parties to reduce Greenhouse Gas (GHG) emissions. The commitments of the Kyoto Protocol were transposed into UK law by the Climate Change Act 2008.
The Climate Change Act 2008 (as amended by the Climate Change Act 2008 (2050 Target Amendment) Order 2019)	The Climate Change Act 2008 (HM Government, 2008) commits the UK to a net reduction in greenhouse gas emissions against the 1990 baseline by 2050, including a 34% reduction by 2022 and a 100% reduction by 2050.
The Energy Act 2013	The Energy Act 2013 makes provisions to incentivise investment in low carbon electricity generation, ensure security of supply, and help the UK meet its emissions reduction and renewables targets; it included the framework for Contracts for Difference (CfD) as well as introducing requirements to enable a statutory 2030 decarbonisation target range for the UKs electricity sector.
Energy Act 2023	The Energy Act 2023 gained royal assent on 26 October 2023. The Act covers a wide range of policy areas including Part 13 Offshore Wind Electricity Generation, Oil and Gas. The Act has many policy objectives, including a change to the legal processes which govern the development of offshore wind projects in the UK with the intention of speeding up the deployment of offshore wind, while maintaining environmental protection.
Clean Growth Strategy 2017	The Clean Growth Strategy (2017) promoted ‘clean growth’ as growing national income while cutting greenhouse gas emissions. It aimed to promote further growth of offshore wind by holding auctions of CfDs, working with the industry to develop a Sector Deal for offshore wind, and to provide further funding for innovation in offshore wind.
National Infrastructure Assessment 2018	The first National Infrastructure Assessment by the National Infrastructure Commission (NIC, 2018) recommended that half of the UK’s power is provided by renewables by 2030.
National Infrastructure Assessment 2023	The second National Infrastructure Assessment (NIC, 2023) was announced in October 2023, which outlined that by 2035, modelling for the Commission suggests that around 60GW of offshore wind will be needed.
Net Zero Strategy: Build Back Greener 2021 (Presented to Parliament pursuant	The net Zero Strategy is a long-term plan for a transition that will take place over the next three decades and sets out key targets and delivery pathway of reaching net zero emissions by 2050 and 40GW of offshore wind by 2030.

Policy / Legislation	Summary of Requirements
to Section 14 of the Climate Change Act 2008)	
Energy White Paper: Powering our Net Zero Future	The Government's Energy White Paper, published December 2020, sets out how the UK will reach targets for net zero emissions by 2050. The paper puts net zero and the effort to fight climate change at its core, highlighting an increasing operating capacity to 40GW by 2030, as part of the plan for the green industrial revolution.
Key Recommendation 2, Climate Change Committee	Published in 2020, the CCC recommended that offshore wind should become the backbone of the whole UK energy system, growing from 40GW of capacity in 2030 to 100GW or more by 2050.
British Energy Security Strategy	UK Government created the British Energy Security Strategy in 2022 which sets out how Great Britain will accelerate homegrown power for increased energy independence. The strategy aims to use smarter planning to maintain high environmental standards whilst increasing the pace of offshore wind deployment by 25%, with an ambition to deliver an increased target of up to 50GW of offshore wind by 2030.
NPS for Energy	The NPS for Energy set out the Government's policy for delivery of major energy infrastructure. They have effect, in combination with the relevant technology specific NPS, on the decisions by the SoS on applications for energy developments that fall within the scope of the NPSs.

## 1.6 International Context

### 1.6.1 Brexit and Post Brexit Bills

27. In 2017, the UK Government triggered article 50 of the Treaty of the European Union (TEU) with the UK formally withdrawing from the EU on 31 January 2020. This was followed by a transition period until the end of 2020 while the UK and the EU negotiated additional arrangements.
28. Fundamentally, the European Union (Withdrawal) Act 2018 was designed to keep in place all EU derived domestic legislation (such as the many statutory instruments that implement EU environmental directives) and to incorporate direct EU legislation such as EU environmental regulations into domestic law.
29. In November 2021 the UK Government passed the Environment Act 2021. The Environment Act 2021 makes provisions for a range of matters, including the provision for targets, plans and policies for improving the natural environment; creation of the Office for Environmental Protection; and a range of measures in relation to nature and biodiversity, water, and air quality.

30. Notably, the UK legislation relating to Climate Change and Renewable Energy Policy is underpinned by a number of international agreements (e.g., EU and UN), as outlined in the sections below. Where relevant, the implications of Brexit on the key items of EU legislation transposed into UK law are discussed in Section 2.2.

## 1.6.2 International Climate Change and Renewable Energy Policy and Legislation

### 1.6.2.1 United Nations Framework Convention on Climate Change (UNFCCC)

31. The UNFCCC came into force in March 1994 and is an intergovernmental environmental treaty. The framework sets out non-binding GHG emission reduction limits and guidance on how specific treaties may be negotiated to bring further action towards UNFCCC objectives. The main objective is the *“stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.”*

32. The UK is a signatory to the Kyoto Protocol which is linked to the UNFCCC and provides commitments for the State parties to reduce GHG emissions. The Kyoto Protocol was ratified by the UK Government in 2002 and its commitments were transposed into UK law by the Climate Change Act 2008.

33. Since 1997, regular international meetings of the UNFCCC have been held resulting in further agreements, in particular the Doha Amendment (2012) and the Paris Agreement (2015). The Doha Amendment (2012) included a commitment by parties to reduce GHG emissions by at least 18% below 1990 levels in the eight-year period from 2013 to 2020. The EU committed to reduce emissions by 20% under 1990 levels by 2020 under this amendment. As part of the European Green Deal, the Commission proposed in September 2020 to raise the 2030 greenhouse gas emission reduction target, including emissions and removals, to at least 55% compared to 1990.

34. The United Nations Climate Change Conference in Paris, 2015 (COP21), gave rise to the following key areas of agreement (UNFCCC, 2016a):

- Limit global temperature increase to below 2°C, while pursuing efforts to limit the increase to 1.5°C above pre-industrial average temperature;
- Parties aim to reach global peaking of GHG emissions as soon as possible to achieve this temperature goal with commitments from all Parties to prepare, communicate and maintain a Nationally Determined Contribution;
- Contribute to the mitigation of GHG emissions and support of sustainable development;
- Enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change;
- Help vulnerable countries cope with the adverse effects of climate change, including extreme weather events and slow-onset events such as sea-level rise;
- Support efforts of developing countries to build clean, climate-resilient futures;
- Transparent reporting of information on mitigation, adaptation and support which undergoes international review; and

- In 2023 and every five years thereafter, a global stocktake will assess collective progress toward meeting the purpose of the Agreement.
35. The UK ratified the 2015 Paris Agreement during the 22nd Climate Change Conference of the Parties (COP22) in November 2016 (UNFCCC, 2016b) and is currently committed to the EU pledge to reduce emissions by at least 40% across all Member States by 2030 relative 1990 levels.
36. During United Nations Climate Change Conference talks in Bonn, Germany in 2017 (COP23), finer details on the implementation of the Paris Agreement from 2020 onwards were discussed (UNFCCC, 2017). Key agreements included:
- Overseeing and accelerating the completion of the work programme under the Paris Agreement by its twenty-fourth session (December, 2018); and
  - To convene a facilitative dialogue among Parties in 2018 to take stock of the collective efforts of the Parties (Talanoa dialogue).
37. COP24 (Poland) resulted in a rulebook providing a set of guidelines for delivering the Paris Agreement, with discussions continuing at COP25 (Madrid) and COP 26 (Glasgow). COP26 led to the signing of the Glasgow Climate Pact, which sets out a series of decisions and resolutions on coordinated international action to tackle climate change. During COP26, the finalised Paris Rulebook was also agreed. During COP27 (Egypt) the aspiration of limiting global temperature increase to 1.5°C was reiterated.

#### 1.6.2.2 European Union Renewables Directive/Renewable Energy Directive

38. The below section is provided for context of the EU approach. Some of the Directive's referred to have not been transposed into UK law and therefore do not have any effect in the UK.
39. The first EU Renewable Energy Directive (2001/77/EC) on the 'Promotion of electricity produced from renewable energy sources in the internal electricity market' was adopted in 2001. This was replaced with the Renewables Directive (2009/28/EC) which has the following two key targets:
- A reduction of 20% in GHG by 2020 (below 1990 levels); and
  - 20% of the total EU energy (electricity, heat and fuel) consumption to come from renewable sources by 2020.
40. The European Commission (EC) proposed an 'Energy Policy for Europe' (EC, 2007) in 2007 as a first step towards becoming a low carbon economy. This policy recognises that the use of renewable energy contributes significantly to limiting climate change and plays a part in securing energy supply and creating employment in Europe.
41. In October 2014, the EC proposed new climate and energy targets up to 2030. These targets build on the experience of, and lessons learnt from, the 2020 climate and energy framework (EC, 2015) (2030 EU Climate and Energy Framework). These targets include:
- A 40% cut in greenhouse gas emissions compared to 1990 levels;

- At least a 27% share of renewable energy consumption within the EU; and
  - A 27% improvement in energy efficiency (compared to projections, to be reviewed by 2020, having in mind an EU level of 30%).
42. In November 2016 (with amendments in February 2017), the EC launched the Clean Energy package which included a recast of the Directive on the promotion of renewable energy sources (the RES Directive 2018/2001/EC) with the aim of making the EU a global leader in renewable energy and to ensure that the target of the 2030 EU Climate and Energy Framework of a 27% share of renewable energy consumption in the EU by 2030 is met. The revised Renewable Energy Directive 2018/2001 subsequently established a number of key targets for member states. Along with sister Directives on Energy Efficiency it revised the EU 2030 Climate and Energy Framework to ensure the following:
- At least a 32% share of renewable energy consumption within the EU;
  - A headline target of at least a 32.5% improvement in energy efficiency; and
  - Member states of the EU to review their contribution to this target as part of their national energy and climate plans under Regulation (EU) 2018/1999 of the European Parliament and of the Council.
43. Both 2020 and 2030 frameworks underpin the environmental and energy policy objectives of the EU. If the most recent proposed energy target is not met at a Union level, the EC may take measures to ensure the target is achieved under Regulation (EU) 2018/1999.
44. Given the need to speed up the EU’s clean energy transition, the Renewable Energy Directive EU/2018/2001 was revised in 2023 (Directive EU/2023/2413) and came into force on 20 November 2023. The Directive sets out an overall renewable energy target of at least 42.5% binding at EU level by 2030, but this aims for 45%.
45. As of 31st January 2020, the UK has withdrawn as a Member State of the EU and some uncertainties on the level of future EU legislation that will be transposed into UK law remain. However, the UK’s commitments to reducing GHG emissions are included in the Climate Change Act 2008 (as amended).

### 1.6.3 Transboundary Considerations – Espoo Convention

46. The United Nations Economic Commission for Europe (UNECE) convention (the ‘Espoo Convention’) sets out the obligations of States to notify and consult each other on all major projects under consideration that have the potential to give rise to significant adverse environmental effects across international boundaries (transboundary effects). The Espoo Convention has been implemented in the UK for the purpose of NSIPs by the EIA Regulations, specifically Regulation 32 (Development with significant transboundary effects). This places a statutory duty on the SoS to notify and consult other European Economic Area (EEA) states where they are of the view that the development is likely to have significant effects on the environment of another EEA State.

47. Planning Inspectorate Advice Note Twelve: Transboundary Impacts and Processes (The Planning Inspectorate, 2020b) sets out the procedures for transboundary notification and consultation associated with NSIP applications for a DCO under the Planning Act 2008 (as amended), where such an application may have transboundary effects. The Advice Note sets out the roles of the Planning Inspectorate, the UK Government departments and developers. Developers are advised to identify the possible significant transboundary effects or alternatively, state why they consider that there would not be any significant effects on another EEA State.

## **1.7 National Planning and Legislative Context**

### **1.7.1 The Planning Act 2008**

48. The Planning Act 2008 (as amended) is the primary legislation that established the legal framework for applying for, examining, and determining applications for NSIPs. NPS set the framework for decisions by the SoS.

49. Section 31 of the Planning Act 2008 requires that any developer wishing to construct a project classed as a NSIP must apply for an order granting development consent. The Planning Inspectorate must appoint an Examining Authority to examine the application and make a recommendation to the relevant SoS, who will then make a decision whether to grant the DCO.

50. Section 15 of the Planning Act 2008 sets out thresholds above which generating stations are classified as NSIPs and therefore require a DCO in England and Wales. For offshore energy developments in English waters (including offshore wind), projects are classed as NSIPs if they have a generating capacity of over 100 megawatts (MW). The Project will exceed this generating capacity and therefore is classed as an NSIP.

51. In addition to seeking development consent for the Project, the Applicant is seeking other relevant permissions, consents and licences which include, but are not limited to:

- Powers to compulsorily acquire land or rights over land, either permanently or temporarily;
- Power to undertake marine works under deemed Marine Licences (dMLs);
- Powers to temporarily divert or stop up Public Rights of Way (ProW); and
- Powers to temporarily stop up, alter or divert streets.

52. As the Project is seeking consent under the Planning Act (2008) through the DCO process, the following is not required separately:

- Planning permission under the Town and Country Planning Act 1990;
- Consent under section 36 or 37 of the Electricity Act 1989;
- Listed Building and Conservation Area consent under the Planning (Listed Buildings and Conservation Areas) Act 1990; and
- Scheduled Monument consent under the Ancient Monuments and Archaeological Areas Act 1979.



## 1.7.2 National Policy Statements

53. NPSs are produced by the UK Government. NPSs set out the Government’s policy for the delivery of energy infrastructure and provide the legal framework for planning decisions for major infrastructure projects. Following submission to the Planning Inspectorate, a DCO application for the Project will be examined and a recommendation made, by the Examining Authority, to the SoS for the DESNZ who decides the application. The Planning Act 2008 requires that DCO applications must, except in given circumstances, be decided in accordance with any relevant NPSs. NPSs include the UK Government’s objectives for the development of NSIPs in a particular sector, and set out:

- How these objectives will contribute to sustainable development;
- How these objectives have been integrated with other UK Government policies;
- How actual and projected capacity and demand have been taken into account;
- Relevant issues in relation to safety or technology;
- Circumstances where it would be particularly important to address the adverse impacts of development; and
- A clear framework for investment and planning decisions.

54. The NPSs were originally implemented in 2011, with the most recent publication in November 2023 (updated in January 2024).

55. The three NPSs currently in place and of relevance to the Project are:

56. EN-1 Overarching NPS for Energy (DESNZ 2023) – Provides the primary basis for decisions on applications for nationally significant energy infrastructure. EN-1 sets out national policy for energy infrastructure and has the effect, in combination with the relevant technology specific NPSs, of providing the primary basis for decision making under the Planning Act 2008;

57. EN-3 Renewable Energy (DESNZ 2023) – Provides the primary basis for decisions on applications for renewable energy infrastructure, defined as energy from biomass and/ or waste (>50 MW), offshore wind (>100 MW) or onshore wind (>50 MW); and

58. EN-5 Electricity Networks Infrastructure (DESNZ 2023) – Provides the primary basis for decisions on applications for electricity networks infrastructure defined as aboveground electricity lines of 132 kV and above, or other infrastructure for electricity networks that is associated with an NSIP.

59. A full policy assessment is contained within the accompanying Planning Statement (document reference 9.1) and Policy Compliance Table (document reference 9.1.1). The most relevant NPS policy with regards to the need for offshore wind is outlined in Table 2.3 below.

Table 1.3 Relevant NPSs to the Project

National Policy Statement	Summary of Requirements
<p>Overarching National Policy Statement for Energy (EN-1) (November 2023)</p>	<p>EN-1 sets out the national policy for the delivery of energy infrastructure, including offshore renewable electricity generation. EN-1 has effect for the decisions by the SoS on applications for energy developments that are nationally significant under the Planning Act 2008. The Project qualifies as a NSIP, as defined by Section 15(3) of the Planning Act 2008 as it is an offshore generating station of greater than 100 MW capacity located in English waters.</p> <p>For such applications this NPS, combined with any technology specific energy NPS where relevant, provides the primary policy for decisions by the SoS. For the Project, NPSs EN-3 and EN-5 are therefore relevant and should be considered alongside this NPS. Part 3 of NPS EN-1 explains why the UK Government sees a need for significant amounts of new large scale energy infrastructure to meet its energy objectives and why the UK Government considers that the need for such infrastructure is urgent (paragraph 3.1.1). The SoS is directed to assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that the UK Government has demonstrated that there is a need for those types of infrastructure which is urgent. In addition, substantial weight should be given to this need when considering applications for development consent under the Planning Act 2008. Furthermore, the SoS is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS (paragraphs 3.2.6-3.2.8).</p>
<p>Overarching National Policy Statement for Energy (EN-1) (November 2023)</p>	<p>With regards the role of offshore wind, the NPS notes that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar (3.3.20) with an ambition to deliver up to 50GW of offshore wind by 2030 (paragraph 3.3.21).</p>
<p>Overarching National Policy Statement for Energy (EN-1) (November 2023)</p>	<p>Paragraph 3.3.62 of EN-1 highlights that the Government has concluded that there is a CNP for the provision of nationally significant low carbon infrastructure. Paragraph 4.2.5 goes on to identify offshore generation as falling within the definition of a CNP.</p>
<p>NPS for Renewable Energy Infrastructure (EN-3) (November 2023)</p>	<p>NPS EN-3 covers the nationally significant renewable electricity generating stations, including offshore wind (&gt;100MW in England)(paragraph 1.6.1). Similarly, it will apply to offshore transmission infrastructure projects in English waters which are directed into the NSIP regime under section 35 of the Planning Act 2008 (paragraph 1.6.3).</p> <p>NPS EN-3, taken together with NPS EN-1, provides the primary policy for decisions by the Secretary of State on applications they receive for nationally significant renewable energy infrastructure.</p>

National Policy Statement	Summary of Requirements
	<p>EN-3 makes clear reference to the target of 50GW of new offshore wind capacity by 2030 (paragraph 2.8.1). Given the ambitions to deliver up to 50GW of offshore wind by 2030, there is a need to speed up and reduce delays in the consenting process (paragraph 2.8.7).</p>
<p>NPS for Electricity Networks Infrastructure (EN-5) (November 2023)</p>	<p>NPS EN-5 taken together with NPS EN-1, provides the primary policy for decisions taken by the SoS on applications it receives for electricity networks infrastructure (paragraph 1.1.9). This NPS does not seek to repeat the material set out in EN-1 or EN-3. The policy in EN-3 on offshore wind in particular contains details relevant to offshore transmission (paragraph 1.3.2).</p> <p>This NPS will apply to other kinds of electricity infrastructure including offshore transmission of any type (defined at section 2.12.4), underground cables at any voltage, associated infrastructure as referred to above and lower voltage overhead lines, where that infrastructure becomes subject to the 2008 Act in the following circumstances:</p> <ul style="list-style-type: none"> <li>i. if it constitutes associated development for which consent is sought along with an NSIP such as an offshore wind generating station or relevant overhead line; or</li> <li>ii. If the SoS gives a direction under Section 35 of the 2008 Act (for developments which, when completed, will be wholly in one or more of the areas specified in subsection 35(3)) that it should be treated as an NSIP and requires a DCO (paragraph 1.6.4)</li> </ul> <p>Paragraph 1.1.1 reiterates the points made in EN-1 stating that <i>“the security and reliability of the UK’s current and future energy supply is highly dependent on having an electricity network which will enable the new electricity generation, storage, and interconnection infrastructure that our country needs to meet the rapid increase in electricity demand required to transition to net zero, while maintaining energy security.”</i></p> <p>Paragraph 1.1.2 goes on to advise that a significant amount of new network infrastructure is required in the near term to directly support the government’s ambition to deploy up to 50GW of offshore wind capacity (including up to 5GW floating wind) by 2030. It highlights that there is an expectation that there will be a need for substantially more installed offshore capacity beyond this to achieve net-zero by 2050.</p> <p>Paragraph 1.1.3 discusses the importance of the provision of the electricity network infrastructure to support the government’s offshore wind ambition. It states that <i>“this is as important as the offshore wind generation infrastructure. Without the development of the necessary networks to carry offshore wind power to where it</i></p>

National Policy Statement	Summary of Requirements
	<p><i>is needed in the UK, the offshore wind ambition cannot be achieved.”</i></p> <p>In considering factors which influence site selection and design EN-5 advises that the SoS should bear in mind that the initiating and terminating points – or development zone – of new electricity networks infrastructure is not substantially within the control of the applicant, with siting being determined by the location of new generating stations or other infrastructure requiring connection to the network, and/or 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, strategic commitment to new interconnectors with neighbouring North Sea countries and an ambition of up to 50GW of offshore wind generation by 2030, means that very significant amounts of new electricity networks infrastructure is required, including in areas with comparatively little build-out to date (paragraphs 2.2.1-2.2.3).</p>

### 1.7.3 National Planning Policy Framework

- 60. The NPPF was originally implemented in 2012, with the most recent update in December 2023. The NPPF sets out the UK Government’s planning policies for England and how these are expected to be applied (see Table 2.4).
- 61. The NPPF does not contain specific policies for NSIPs (for which particular considerations apply, determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant NPSs) but may be considered as a relevant consideration.
- 62. The NPPF provides principles that cover protection and conservation of the natural and built environment and promotes sustainable growth and development.
- 63. The NPPF is also supported by a collection of guidance, known as the Planning Practice Guidance (PPG). This guidance covers a range of policy areas and advises applicants on how to address them in any relevant planning applications. It should be noted that all relevant PPGs are contained within the Policy Compliance Document (document reference 9.1.1).
- 64. The key principles considered by the Project are listed in Table 2.4 below.

**Table 1.4 Summary of National Planning Policy Framework Considerations**

Principle	Summary of NPPF consideration
Achieving Sustainable Development	<p>The purpose of the planning system is to contribute to the achievement of sustainable development, which should be achieved by three overarching objectives:</p> <p>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</p>

Principle	Summary of NPPF consideration
	<p>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and</p> <p>c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. (paragraphs 7-9)</p>
<p>Meeting the Challenge of Climate Change, Flooding and Coastal Change</p>	<p>The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources; and support renewable and low carbon energy and associated infrastructure. Additionally, development should be directed away from areas of highest flood risk (present or future) (paragraph 157).</p> <p>New development should be planned for in ways that:</p> <p>a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and</p> <p>b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards (paragraph 159).</p> <p>To help increase the use and supply of renewable and low carbon energy and heat, plans should:</p> <p>a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);</p> <p>b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and</p> <p>c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply</p>

Principle	Summary of NPPF consideration
	systems and for co-locating potential heat customers and suppliers. (paragraph 160)
Making Effective Use of Land	Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. (paragraph 123)
Achieving well-designed places	The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. (paragraph 131)
Conserving and Enhancing the Natural Environment	<p>Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> <li>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</li> <li>b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</li> <li>c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;</li> <li>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</li> <li>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</li> <li>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. (paragraph 180).</li> </ul>

## 1.8 National Infrastructure Advice Notes

65. The Project is taking account of the non-statutory National Infrastructure Advice Notes provided by the Planning Inspectorate which are published to provide advice and information on a range of issues arising throughout the whole life of the application process. The following advice notes are being considered by the Project in particular:

- Advice Note Three: EIA consultation and notification (The Planning Inspectorate, 2017a);
- Advice Note Six: Preparation and submission of application documents (The Planning Inspectorate, 2021a);
- Advice Note Seven: Environmental Impact Assessment, Preliminary Environmental Information, Screening and Scoping (The Planning Inspectorate, 2020a);
- Advice Note Nine: Rochdale Envelope (The Planning Inspectorate, 2018a);
- Advice Note Ten: Habitat Regulations Assessment (The Planning Inspectorate, 2022b);
- Advice Note Twelve: Transboundary Impacts and Processes (The Planning Inspectorate, 2020b);
- Advice Note Thirteen: preparation of a draft development consent order and explanatory memorandum (The Planning Inspectorate, 2019b);
- Advice Note Fourteen: Compiling the Consultation Report (The Planning Inspectorate, 2021b);
- Advice Note Fifteen: Drafting Development Consent Orders (The Planning Inspectorate, 2018b);
- Advice Note Seventeen: Cumulative Effects Assessment (The Planning Inspectorate, 2019a); and
- Advice Note Eighteen: The Water Framework Directive (The Planning Inspectorate, 2017b).

## 1.9 UK and English Policy and Legislative Context

### 1.9.1 Marine and Coastal Access Act 2009

66. The Marine and Coastal Access Act (MCAA) 2009 introduced new planning and management systems for overseeing the marine environment, most notably through the requirement to obtain marine licences for works at sea (including the deposition or removal of any substance or object from the sea below Mean High Water Springs (MHWS)).

67. The MCAA 2009 created a strategic marine planning system that seeks to promote the efficient, sustainable use and protection of the marine environment, guided by the Marine Policy Statement (MPS) and a series of Marine Plans.

68. The MCAA 2009 provides the framework for a marine licencing system, which is administered by the Marine Management Organisation (MMO) for activities in English waters, a statutory consultee within the DCO application process. The MCAA 2009 also amended certain provisions of the Planning Act 2008, inserting Section 149A, enabling a DCO applicant to apply for a DML as part of the DCO process.

69. The MCAA 2009 also enabled the designation of Marine Conservation Zones (MCZs) and Highly Protected Marine Areas (HPMAs). MCZs and HPMAs are types of Marine Protected Areas (MPAs) in England, Wales and UK offshore waters, which seek to protect a range of nationally important marine wildlife, habitats, geology and geomorphology. A MCZ assessment has been undertaken as part of the Project's DCO application.

### 1.9.2 Marine Planning Policy

70. The MPS adopted by all UK administrations in March 2011 provides the policy framework for the preparation of marine plans and establishes how decisions affecting the marine area should be made in order to enable sustainable development. The Marine Plans and MPS will be considered in developing the application for consents for the Project, which lies within the East Area (Inshore & Offshore) marine plan areas.

71. The MPS sets out detailed policy considerations in relation to a range of impacts on the marine environment which comprise:

- Marine ecology and biodiversity;
- Air quality;
- Noise;
- Ecological and chemical water quality and resources;
- Seascape;
- Historic environment;
- Climate change adaptation and mitigation; and
- Coastal change and flooding.

72. Whilst policy in relation to such considerations was subsequently set out in more detail in NPSs, the requirement to take the MPS into account in determining a DCO application nonetheless remains.

### 1.9.3 Marine Plans and The East Inshore and East Offshore Marine Plans (EIEOMP)

73. When deciding DCO applications the SoS is also obliged to have regard to any Marine Plan which has effect for the area of the application, by Section 104(2) (aa) of the Planning Act 2008 and Section 59 of the MCAA. The East Inshore and East Offshore Marine Plans (EIEOMP) encompass and therefore have effect for the offshore project area.

74. The EIEOMP state that *"The marine plans do not establish new requirements but apply or clarify the intent of national policy in the East Inshore and Offshore areas, taking into account the specific characteristics of the plan areas"*. The approach is one that *"avoids replication of policies and ensures new plan policies and supporting information focus on issues where they can add value"*. The EIEOMP make clear that policies are in significant part derived from terrestrial development plan documents. Marine Plan policies should be taken into account when considering any development in the plan area.



75. The EIEOMP make specific reference to the development of offshore wind in its vision in 2034:

*“The East marine plan areas are providing a significant contribution, particularly through offshore wind, to the energy generated in the United Kingdom and to targets on climate change”.*

#### 1.9.4 Deemed Marine Licensing (DML)

76. Licensable marine activities of relevance to the Project include construction and maintenance works in the sea or on the seabed and the deposition of any substance or object in the sea or on or under the seabed (such as the disposal of dredged material), as well as the operational maintenance activities associated with the Project, and also including for the compensation measures (ANS’s and biogenic reef creation) if these are considered to be required by the SoS.

77. Marine licences for the Project pursuant to the provisions of the MCAA 2009 will be sought as part of the application for the DCO through provisions in Section 149A of the Planning Act 2008, with the MMO acting as a statutory consultee to the DCO process.

#### 1.9.5 The Environmental Impact Assessment Regulations

78. The legislative framework for EIA was provided by European Council Directive 2011/92/EU (the EIA Directive) which was transposed into English law for NSIPs by the EIA Regulations. These came into force on 16 May 2017 and are the relevant EIA Regulations applicable to the Project.

79. It should be noted that the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 made under the European Union (Withdrawal) Act 2018 (as amended), made the necessary changes to domestic legislation which governs EIA as a result of the UK leaving the EU, and ensures that the 2017 EIA Regulations continue to apply in substantially the same way as they did before the UK’s departure from the EU.

#### 1.9.6 Habitats Regulations Assessment

80. European Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive) implemented in England and Wales by the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017.

81. Following the UK’s departure from the EU, the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) continue to provide the legislative backdrop for Habitats Regulations Assessment (HRA) in the UK (incorporating the requirements of the Habitats Directive and European Council Directive 2019/147/EC on the conservation of wild birds).

82. Whilst the terms “the Habitats Regulations”, “European sites” and HRA caselaw continue to be used, European sites in the UK are now collectively termed the “National Site Network” and no longer form part of the Natura 2000 network (Defra, 2021). The National Site Network includes Special Areas of Conservation (SACs), for habitats and species, and Special Protection Areas (SPAs), for birds.
83. Under the Habitats Regulations, the competent authority (the SoS for DESNZ in this case) must consider whether a plan or project has the potential to have an adverse effect on the integrity (AEoI) of the features of a National Site Network site (either alone or in-combination with another plan or project), a process known as a HRA, which includes the undertaking by the competent authority of an Appropriate Assessment.
84. HRA is a four stage process, starting with screening which is being undertaken concurrently with the scoping exercise, followed by appropriate assessment for those sites and features for which a Likely Significant Effect (LSE) is identified at screening, which is reported in the Report to Inform Appropriate Assessment (RIAA) (document reference: 7.1) submitted with the application.
85. The requirement for stages 3 and 4 (collectively referred to as derogation, and incorporating the requirement for compensation) will ultimately be determined by the conclusions of the Appropriate Assessment. However, considering the conclusions drawn by the SoS for recent offshore wind projects and the conclusion of The Crown Estate’s (TCE) HRA for the Round 4 Leasing Round, the conclusion of the RIAA is that an AEoI cannot be excluded; therefore, the Applicant is progressing a full derogation case for kittiwake at the Flamborough and Filey Coast Special Protection Area (SPA) for impacts arising in-combination with other plans, projects and activities. In line with other recent projects, the Project has also developed a number of ‘without prejudice’ derogation cases for other key species and habitats, where, despite the Project being confident that there is no potential for an AEoI to the relevant feature and site, stakeholders have expressed concerns regarding the potential for an AEoI (subject to reviewing the ES and RIAA) to these features. These derogation cases, full or without-prejudice, are accompanied by worked up compensation measures.
86. The Project was subject to the outcomes of the Plan-Level HRA undertaken by TCE. The Plan-Level HRA assessed the potential impact of the preferred bidding areas that were selected through the Round 4 process on the UK’s network of designated sites and protected habitats and species. The Plan-Level HRA concluded in Autumn 2022, concluding that derogations were necessary with respect to the Flamborough and Filey Coast SPA for impacts to kittiwakes in-combination with other plans, projects and activities, and to the Dogger Bank SAC for impacts to sandbanks alone and in-combination. The Project is subject to the Plan-level derogation for the Flamborough and Filey Coast SPA, but not for the Dogger Bank Special Area of Conservation (SAC) .

### 1.9.7 Biodiversity Net Gain

87. The Environment Act 2021 addresses the vision set out in the UK Government's 25 Year Environment Plan (Defra, 2018) with a specific requirement for 'net gain'. The principle of net gain is the requirement for developments to increase habitat or 'Biodiversity Net Gain' (BNG) following operations, although these are yet to come into force in relation to NSIP developments.
88. The NPPF makes general provisions for the delivery of BNG, though this is not yet compulsory for NSIPs.
89. The Project is exploring opportunities to deliver voluntarily on future requirements for NSIPs to provide up to 10% BNG and is activity engaging with organisations and environmental bodies local to the Project's footprint to identify potential collaboration opportunities. Further details are presented in Biodiversity Net Gain Report (Principles and Approach) (Document Reference 9.5)

### 1.9.8 Climate Change Act 2008

90. The Climate Change Act 2008 sets the framework for the UK to transition to a low-carbon economy, exceeding the targets set out in the EU Renewables Directive. It places a duty on the UK Government to ensure their net carbon account and GHG emissions are reduced, initially by 80% relative to 1990 levels by 2050.
91. To achieve this target, the UK Government committed to implement five-yearly carbon budgets that will run until 2032 to restrict the amount of emissions within each five-year period. More recently, the Climate Change Act 2008 (2050 Target Amendment) Order 2019 introduced amendments to enshrine in law a more challenging commitment of a reduction of net emissions by 100% by 2050 relative to 1990 levels. This legal target will remain in place in the UK and is not affected by its withdrawal from the EU.
92. In its Clean Growth Strategy, the Department for BEIS (now DESNZ) outlined the UK Government's plans for investment in low carbon innovations, energy transmission and smart systems in order to supply the UK with secure, affordable clean power (BEIS, 2017a). The Clean Growth Strategy provides a strong commitment from the UK Government to achieving the UK's climate change targets as detailed in the Climate Change Act 2008.
93. The Clean Growth Strategy commits to a Sector Deal for offshore wind aimed at encouraging the development and deployment of a further 10GW of offshore wind development in UK waters in the 2020s (BEIS, 2017a) along with the Government's commitment to installing 40GW of offshore wind around the UK by 2030 and ambition of 50GW by 2030.

### 1.9.9 The Energy Act 2004

94. The Energy Act 2004 includes provisions for the decommissioning of offshore installations (including offshore wind). Part 2 Chapter 3 of the Energy Act 2004 details these provisions which includes the requirement to prepare a decommissioning programme, the approval process of said programme, what happens in the event of failure to submit or rejection of a decommissioning programme, the review and revision process, how to carry out a decommissioning programme and the regulations concerning decommissioning programmes.

### 1.9.10 Environment Act 2021

95. The Environment Act 2021 acts as a framework of environmental protection in the UK, and aims to improve air and water quality, biodiversity and waste reduction. The Environment Act also established the Office for Environmental Protection (OEP). The OEP's principal function is to contribute to environmental protection and the improvement of the natural environment by holding the UK Government and other public authorities to account.

### 1.9.11 The Energy Act 2023

96. The Energy Bill was first announced in the Queen's Speech on 10 May 2022, and received Royal Assent on 26 October 2023 as the Energy Act 2023. The initial Energy Bill was proposed by the Government as a response to the COVID-19 pandemic and the invasion of Ukraine, which together resulted in highly elevated energy prices and a renewed focus on the reliance on imported, fossil fuel generated energy within the UK. The Energy Act has been developed with the intention of speeding up the deployment of offshore wind, while maintaining environmental protection. This is to provide a cleaner, more affordable and more secure energy system and facilitate the achievement of net zero by 2050.

97. The Act supports the ambition for 50GW of offshore wind by 2030 as laid out within the British Energy Security Strategy. It delivers the Offshore Wind Environmental Improvement Package (OWEIP) initiative set out by the Government in 2022, which aims to significantly reduce the offshore wind consenting process, whilst continuing to protect the marine environment.

98. Part 13, Chapter 1 of the Act outlines key elements of the OWEIP through introducing:

- new powers to tailor the HRA process;
- new strategic compensation measures; and
- a new Marine Recovery Fund to help deliver these strategic measures.

99. The Act is intended to accelerate deployment of offshore wind by helping to reduce the consenting timescales whilst ensuring that environmental commitments are met. A key part of this is the development of the Marine Recovery Fund which will provide a mechanism to allow individual developers and projects to contribute to the compensation for impacts to the marine environment at a strategic level across multiple projects.

100. Whilst a number of provisions within the Act are yet to come into force and may require secondary legislation, during the course of the Project the Act (and any relevant associated Regulations) will be taken into account to the extent applicable.

## **1.10 Regional and Local Context**

101. Local authorities are required to prepare and maintain up to date Local Development Plans which set out spatial objectives for sustainable land use within their jurisdiction, and general policies for making planning decisions and implementation.
102. The preferred grid connection point for the Project has been determined through the Offshore Transmission Network Review (OTNR) Holistic Network Design (HND). Initiated by the Minister for Energy, Clean Growth and Climate Change, the OTNR process was managed by DESNZ (previously BEIS) with support from Ofgem, the National Grid Electricity System Operator (NGESO) and TCE. Further information on the OTNR process is provided in Volume 1, Chapter 4: Site Selection and Consideration of Alternatives (document reference 6.1.4).
103. Following engagement with National Grid, and a detailed site selection process, the Project has concluded that the onshore substation (OnSS) will be located at Surfleet Marsh, north of Spalding (formally referred to as Weston Marsh North in the PEIR). The onshore development area falls within Lincolnshire County Council. The Landfall falls within the administrative area of East Lindsey District Council (ELDC), with the onshore ECC falling within ELDC, Boston Borough Council (BBC) and South Holland District Council (SHDC), the Project substation at Surfleet Marsh, National Grid substation at Weston Marsh and 400kV cables connecting the substations fall within the administrative area of SHDC.
104. Formed in 2021, South & East Lincolnshire Councils Partnership is made up of BBC, ELDC and SHDC. The Development Plans in force for the areas affected by the onshore proposed development are:
- The Local Plan for East Lindsey, adopted on 18 July 2018; and
  - The South East Lincolnshire Local Plan, prepared by the South East Lincolnshire Joint Strategic Planning Committee and adopted on 8 March 2019.
105. The Local Plan for East Lindsey comprises the Core Strategy 2018 and the Settlement Proposals Document 2018.
106. The South East Lincolnshire Local Plan 2011-2036 is a joint strategic partnership covering Boston Borough and South Holland District.

### 1.10.1 East Lindsey Core Strategy 2018

107. Table 2.6 presents the relevant policies from East Lindsey Core Strategy 2018.

**Table 1.5: Relevant Policies from the East Lindsey Core Strategy 2018**

Policy	Summary
Vision and Objective 1	A network of thriving, safer and healthy sustainable communities, where people can enjoy a high quality of life and an increased sense of well-being and where new development simultaneously addresses the needs of the economy, communities and the environment.
Vision and Objective 3	A growing and diversified economy that not only builds on and extends the important agriculture and tourism base but supports the creation of all types of employment.
Vision and Objective 6	A commitment to tackling the causes and effects of global climate change through local action
Paragraph 1.11	To achieve our vision of a commitment to tackling the causes and effects of global climate change through local action, we will Support new development to ensure it does not cause flood risk to existing properties and encourage new development to reduce flood risk to existing properties.
Paragraph 1.11	Support the use of renewable energy but balanced against the protection of the District's distinct landscapes.
Strategic Policy 10 (SP10) – Design	Development around water sources will only be supported if it contains adequate protection preventing pollution from entering into the water source.
Strategic Policy 11 (SP11) – Historic Environment	The Council will support proposals that secure the continued protection and enhancement of heritage assets in East Lindsey, contribute to the wider vitality and regeneration of the areas in which they are located and reinforce a strong sense of place.
Strategic Policy 13 (SP13) – Inland Employment	The Council will support growth and diversification of the local economy by: Strengthening the rural economy by supporting in the large, medium and small villages: Development where it can provide local employment.
Strategic Policy 16 (SP16) – Inland Flood Risk	The Council will support development that demonstrates an integrated approach to sustainable drainage that has positive gains to the natural environment...and.... Where required by national planning policy development proposals in areas at risk of flooding must be accompanied by a site-specific flood risk assessment.
Strategic Policy 17 (SP17) – Coastal East Lindsey	All relevant development will need to provide adequate flood mitigation.
Strategic Policy 21 (SP21) – Coastal Employment	The Council will support the rural coastal economy by supporting development in the large, medium and small villages where it: Provides local employment and help support local services.
Strategic Policy 23 (SP23) – Landscape	The District's landscapes will be protected, enhanced, used and managed to provide an attractive and healthy working and living environment. Development will be guided by the District's

Policy	Summary
	Landscape Character Assessment and landscapes defined as highly sensitive will be afforded the greatest protection.
Strategic Policy 24 (SP24) - Biodiversity and Geodiversity	Development proposals should seek to protect and enhance the biodiversity and geodiversity value of land and buildings and minimise fragmentation and maximise opportunities for connection between natural habitats.
Strategic Policy 25 (SP25) – Green Infrastructure	In the case of sites not identified on the Inset Maps, development will only be permitted on open spaces provided unacceptable harm will not be caused to their appearance, character, or role.
Strategic Policy 26 (SP26) – Open Space, Sport and Recreation	The Council will safeguard, expand, enhance and promote access to sports and recreational facilities and open spaces
Chapter 14 – Renewable and Low Carbon Energy (Paragraphs 14.11-14.12)	<p>In considering proposals for wind energy development the Council will take into account; whether the number, siting, scale, design and size of the turbines, or associated grid connection would have an unacceptable impact on landscape character, either individually or when assessed cumulatively with existing or proposed development; whether the development would cause a nuisance to local communities from noise (applying the criteria of ETSU-R-97), shadow flicker, electromagnetic interference or other adverse impacts. The Institute of Acoustics published a Good Practice Guide on the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise in May 2013. This should also be used in assessing applications for wind turbines.</p> <p>The benefits of renewable energy developments are a material consideration and will be weighed in the balance alongside all other material considerations.</p>
Strategic Policy 27 (SP27) – Renewable and Low Carbon Energy	<p>Large-scale renewable and low carbon energy development, development for the transmission and interconnection of electricity, and infrastructure required to support such development, will be supported where their individual or cumulative impact is, when weighed against the benefits, considered to be acceptable in relation to:</p> <ul style="list-style-type: none"> <li>a) residential amenity;</li> <li>b) surrounding landscape, townscape and historic landscape character, and visual qualities;</li> <li>c) the significance (including the setting) of a historic garden, park, battlefield, building, conservation area, archaeological site or other heritage asset;</li> <li>d) sites or features of biodiversity or geodiversity importance, or protected species;</li> <li>e) the local economy;</li> <li>f) highway safety; and</li> <li>g) water environment and water quality.</li> </ul>

Policy	Summary
Strategic Policy 28 (SP28) – Infrastructure and S106 Obligations	Infrastructure schemes will be supported provided they are essential in the national interest; contribute to sustainable development and respect the distinctive character of the district.

### 1.10.2 East Lindsey Settlement Proposals Document 2018

108. The purpose of this document is to provide a site-specific element to the Policies of the Core Strategy, identifying sites for housing, employment and travellers and policy in respect of retail.

### 1.10.3 South East Lincolnshire Local Plan (2011-2036)

109. The South East Lincolnshire Joint Strategic Planning Committee is a partnership of Boston Borough, South Holland District and Lincolnshire County Councils who are working together to plan the future of South Holland District and Boston Borough. The Local Plan adopted 2019 covers the period 2011-2036.

110. Table 2.7 presents the relevant policies from the South East Lincolnshire Local Plan (2019).

111. Compliance with Local Policy will be covered by Planning Statement (see Document Reference 9.1).

Table 1.6: Relevant Policies from the South East Lincolnshire Local Plan 2011-2036

Policy	Summary
Policy 2: Development Management	Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to: <ol style="list-style-type: none"> <li>1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;</li> <li>2. quality of design and orientation;</li> <li>3. maximising the use of sustainable materials and resources;</li> <li>4. access and vehicle generation levels;</li> <li>5. the capacity of existing community services and infrastructure;</li> <li>6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;</li> <li>7. sustainable drainage and flood risk;</li> <li>8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets; and</li> <li>9. impact on the potential loss of sand and gravel mineral resources.</li> </ol>
Policy 3: Design of New Development	All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities



Policy	Summary
	<p>for improving the character and quality of an area, will not be acceptable. The Policy outlines how the development proposals will demonstrate 14 issues will be secured.</p>
<p>Policy 4: Approach to Flood Risk</p>	<p>Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency’s flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted, where:</p> <ol style="list-style-type: none"> <li>1. It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed).</li> <li>2. It can be demonstrated that essential infrastructure in FZ3a &amp; FZ3b, highly vulnerable development in FZ2 and more vulnerable development in FZ3 provide wider sustainability benefits to the community that outweigh flood risk.</li> <li>3. The application is supported with a site-specific flood risk assessment, covering risk from all sources of flooding including the impacts of climate change and which: <ol style="list-style-type: none"> <li>a. demonstrate that the vulnerability of the proposed use is compatible with the flood zone;</li> <li>b. identify the relevant predicted flood risk (breach/overtopping) level, and mitigation measures that demonstrate how the development will be made safe and that occupants will be protected from flooding from any source;</li> <li>c. propose appropriate flood resistance and resilience measures (following the guidance outlined in the Strategic Flood Risk Assessment), maximising the use of passive resistance measures (measures that do not require human intervention to be deployed), to ensure the development maintains an appropriate level of safety for its lifetime;</li> <li>d. include appropriate flood warning and evacuation procedures where necessary (referring to the County’s evacuation routes plan), which have been undertaken in consultation with the authority’s emergency planning staff;</li> <li>e. incorporates the use of Sustainable Drainage Systems (SuDS) (unless it is demonstrated that this is not technically feasible) and confirms how these will be maintained/managed for the lifetime of development (surface water connections to the public sewerage network will only be permitted in exceptional circumstances where it is demonstrated that there are no feasible alternatives);</li> <li>f. demonstrates that the proposal will not increase risk elsewhere and that opportunities through layout, form of development and green infrastructure have been considered as a way of providing flood betterment and reducing flood risk overall;</li> </ol> </li> </ol>

Policy	Summary
	<p>g. demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development;</p> <p>h. ensures suitable access is safeguarded for the maintenance of water resources, drainage and flood risk management infrastructure.</p> <p>Development in all flood zones, and development over 1 hectare in size in Flood Zone 1, will need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties.</p> <p>Change of use of existing buildings will be supported providing they do not pose an increase in risk to people. Change of use that would result in self-contained ground floor residential accommodation in areas of hazard rating 'danger for some', 'danger for most' and 'danger for all' will not be supported. In these areas unrestricted access to a habitable room above the flood level and an emergency evacuation plan will be required.</p> <p>Caravans, mobile homes and park homes intended for permanent residential use will not be permitted in areas at risk of flooding. Caravan, chalet, log cabin, camping and touring sites at risk of fluvial flooding where there is a 'danger for most' and 'danger for all' will not be permitted. Occupancy of caravan, chalet, log cabin, camping and touring sites at risk of tidal flooding will not be permitted to open between 1st November in any one year and the 14th of March in the succeeding year. No development will be permitted within a 50m buffer from the toe of the raised Witham Haven Banks (flood defences), as shown on the indicative Plan contained in Appendix 10, to allow access for construction and maintenance.</p> <p>Flood risk management infrastructure shall be provided at the strategic level, where development opportunities allow, to reduce the hazard and probability of flooding.</p>
<b>Policy 5: Meeting Physical Infrastructure and Service Needs</b>	<p>Planning permission will be granted for new development provided that developers can demonstrate that there is or will be sufficient physical infrastructure and service needs capacity to support and meet the needs of the proposed development.</p>
<b>Policy 6: Developer Contributions</b>	<p>Developments of 11 or more dwellings, or which have a combined gross floorspace of more than 1,000 sqm, or non-residential development of 1,000sqm gross floorspace or more will be expected to mitigate their impacts upon infrastructure, services and the environment to ensure that such developments are acceptable in planning terms. The Local Planning Authorities will not accept any proposals that artificially reduce capacity or floorspace to circumvent the proper operation of this policy.</p>
<b>Policy 28: The Natural Environment</b>	<p>A high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets:</p>

Policy	Summary
	<ol style="list-style-type: none"> <li>1. Internationally designated sites, on land or at sea;</li> <li>2. Nationally or locally designated sites and protected or priority habitats and species;</li> <li>3. Addressing gaps in the ecological network.</li> </ol>
Policy 29: The Historic Environment	Distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced. Opportunities to identify a heritage asset's contribution to the economy, tourism, education and the local community will be utilised including: <ol style="list-style-type: none"> <li>1. The historic archaeological and drainage landscape of the Fens;</li> <li>2. The distinctive character of South East Lincolnshire market towns and villages;</li> <li>3. The dominance within the landscape of church towers, spires and historic windmills.</li> </ol>
Policy 30: Pollution	Development proposals will not be permitted where, taking account of any proposed mitigation measures they would lead to unacceptable adverse impacts upon: <ol style="list-style-type: none"> <li>1. health and safety of the public;</li> <li>2. the amenities of the area; or</li> <li>3. the natural, historic and built environment;</li> </ol> by way of: <ol style="list-style-type: none"> <li>4. air quality, including fumes and odour;</li> <li>5. noise including vibration;</li> <li>6. light levels;</li> <li>7. land quality and condition; or</li> <li>8. surface and groundwater quality.</li> </ol> Planning applications, except for development within the curtilage of a dwelling house as specified within Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development)(England) Order 2015, or successor statutory instrument, must include an assessment of: <ol style="list-style-type: none"> <li>9. impact on the proposed development from poor air quality from identified sources;</li> <li>10. impact on air quality from the proposed development; and</li> <li>11. impact on amenity from existing uses.</li> </ol>
Policy 31: Climate Change and Renewable and Low Carbon Energy	A. Climate Change All development proposals will be required to demonstrate that the consequences of current climate change has been addressed, minimised and mitigated by: <ol style="list-style-type: none"> <li>1. employing a high-quality design;</li> <li>2. the adoption of the sequential approach and Exception Test to flood-risk and the incorporation of flood-mitigation measures in design and construction to reduce the effects of flooding, including SuDS schemes for all 'Major' applications;</li> <li>3. the protection of the quality, quantity and availability of water resources, including for residential developments, complying with the</li> </ol>

Policy	Summary
	<p>Building Regulation water efficiency standard of 110 litres per person per day;</p> <ol style="list-style-type: none"> <li>4. reducing the need to travel through locational decisions and, where appropriate, providing a mix of uses;</li> <li>5. incorporating measures which promote and enhance green infrastructure and provide an overall net gain in biodiversity as required by Policy 28 to improve the resilience of ecosystems within and beyond the site.</li> </ol> <p><b>B. Renewable Energy</b></p> <p>With the exception of Wind Energy the development of renewable energy facilities, associated infrastructure and the integration of decentralised technologies on existing or proposed structures will be permitted provided, individually, or cumulatively, there would be no significant harm to:</p> <ol style="list-style-type: none"> <li>1. visual amenity, landscape character or quality, or skyline considerations;</li> <li>2. residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic;</li> <li>3. highway safety (including public rights of way);</li> <li>4. agricultural land take;</li> <li>5. aviation and radar safety;</li> <li>6. heritage assets including their setting; and</li> <li>7. the natural environment.</li> </ol> <p>Provision should be made for post-construction monitoring and the removal of the facility and reinstatement of the site if the development ceases to be operational.</p> <p>Proposals by a local community for the development of renewable and low carbon sources of energy, in scale with their community's requirements, including supporting infrastructure for renewable energy projects, will be supported and considered in the context of contributing to the achievement of sustainable development and meeting the challenge of climate change and against criteria B1-7.</p>
<p>Policy 32: Community, Health and Well-being</p>	<p>Development shall contribute to: the creation of socially-cohesive and inclusive communities; reducing health inequalities; and improving the community's health and well-being.</p>
<p>Policy 33: Delivering a More Sustainable Transport Network</p>	<p>The Local Planning Authorities will work with partners to make the best use of, and seek improvements to, existing transport infrastructure and services within, and connecting to South East Lincolnshire, having considered first solutions that are based on better promotion and management of the existing network and the provision of sustainable forms of travel.</p>

## 1.11 Other Relevant Legislation

112. A variety of other environmental legislation is relevant to the development of the Project and will be considered during the development of the DCO application including, but not necessarily limited to, the following:

- The OSPAR Convention;
- The Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention);
- The Convention on Biological Diversity;
- The Wildlife and Countryside Act 1981;
- Countryside and Rights of Way Act 2000;
- Hedgerows Regulations 1997;
- Natural Environment and Rural Communities Act 2006 (NERC);
- The Commons Act 2006;
- Water Environment (Water Framework Directive) (England and Wales) Regulations 2017; and
- Marine Strategy Regulations 2010.

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