



Department for
Energy Security
& Net Zero

Consultation | Planning for New Energy Infrastructure

Revised draft National Policy Statements for
energy infrastructure

Closing Date: 23 June 2023 (extended from 25 May 2023)

March 2023



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Any enquiries regarding this publication should be sent to us at: energyNPS@beis.gov.uk

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General information

Why we are consulting

The current suite of energy National Policy Statements (NPSs) were designated by the Department of Energy and Climate Change in 2011.

In December 2020 the government launched a review of the energy NPSs to ensure they reflected government's energy priorities as set out in the Ten-Point Plan and Energy White Paper. As part of the review a consultation was launched on the updated draft energy NPSs in September 2021.

Since then the government has published two further documents setting out relevant policy. In October 2021 the *Net Zero Strategy: Build Back Greener*¹ was published setting out our plan for reducing reliance on fossil fuels and making the transition to low carbon energy consistent with our net zero commitments. In April 2022, the government published the British Energy Security Strategy (BESS), setting out several commitments related to energy, planning reform and the energy NPSs.²

Some material updates have been made to the draft energy NPSs following the BESS and require consultation. This consultation is targeted to those material changes in policy.

Consultation details

Issued: 30 March 2023

Respond by: 23 June 2023 (extended from 25 May 2023)

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

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

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

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

¹ <https://www.gov.uk/government/publications/net-zero-strategy#full-publication-update-history>

² <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy>

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

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

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

Confidentiality and data protection

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

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

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

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

How to respond

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

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

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

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

Respond online at: <https://beisgovuk.citizenspace.com/energy-strategy-networks-markets/national-policy-statements>

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

Quality assurance

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

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

Introduction

The energy National Policy Statements (NPSs) are designated under the Planning Act 2008 to provide guidance for decision-makers on the application of government policy when determining applications for development in relation to Nationally Significant Infrastructure Projects (NSIPs). Their function is to clearly state an established need for the infrastructure in question and how existing policy applies to development consent, removing discussion of the merits of government policy from the examination process so that decisions can be made based on planning considerations alone.

In the *Energy White Paper: Powering our Net Zero Future*³ published in December 2020, the government committed to completing a review of the existing energy NPS to ensure they reflect current energy policy and enable a planning policy framework which can deliver investment in the infrastructure needed for the transition to net zero.

Since the white paper, the Government has published two further documents setting out relevant policy. In October 2021 the *Net Zero Strategy: Build Back Greener*⁴ was published setting out our plan for reducing reliance on fossil fuels and making the transition to low carbon energy consistent with our net zero commitments. In April 2022 the British Energy Security Strategy⁵ (BESS) was published, accelerating the Government's ambition to support the deployment of low carbon and renewable technologies such as offshore wind, nuclear and hydrogen, in line with our objectives to ensure our supply of energy always remains secure, reliable, affordable and consistent with our net zero target.

The BESS additionally set out some major commitments relating to planning reform including two specifically related to the energy NPS:

- strengthening the Renewable NPSs to reflect the importance of energy security and net zero
- updating the energy National Policy Statements to recognise the Holistic Network Design (HND) and Centralised Strategic Network Plan (CSNP) in the planning system, increasing certainty for the planning inspectorate, developers and other stakeholders, and speeding up delivery

Several material changes have been made to the draft energy NPS following the BESS and reflect new policy, we are now consulting on these before we can progress to designation of an updated suite of energy NPS.

³ <https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future>

⁴ <https://www.gov.uk/government/publications/net-zero-strategy#full-publication-update-history>

⁵ <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy>

What are energy National Policy Statements?

The energy NPSs set out national energy policy and provide the foundations for decision making for Nationally Significant infrastructure Projects (NSIPs) subject to an application for Development Consent under s104 of the Planning Act 2008.

EN-1 sets out the overarching need case and general assessment principles, whilst EN-2 to EN-5 set out technology specific assessment principles.

Along with the energy NPS, there are two associated documents that consider the potential socio-economic and environmental impacts that infrastructure would have on the local area, and on Wales and Scotland. These are the Appraisal of Sustainability (AoS) and the Habitats Regulations Assessment (HRA).

Review of existing energy NPS

A public consultation on the draft energy NPS was launched in September 2021, closing in November 2021, and the documents were subject to parliamentary scrutiny between 22nd September and 28th February 2022 including an Inquiry by the BEIS Select Committee who published its recommendations on 25 February 2022.

There were 175 responses to the consultation including from members of the public, industry, non-governmental organisations and public bodies.

Alongside this consultation document the government has published in March 2023 updated draft energy NPS along with a response to the first consultation, and a response to the BEIS Select Committee Inquiry.

Transitional arrangements

While the review is undertaken, the current suite of energy NPS (or for nuclear development the position set out in the Written Ministerial Statement of 7 December 2017) remain relevant government policy and EN-1 to EN-5 have effect for the purposes of the 2008 Act.

The Secretary of State has decided that for any application accepted for examination before designation of the updated energy NPSs, the original suite of energy NPS should have effect. The amended energy NPSs will therefore only have effect in relation to those applications for development consent accepted for examination after the designation of the updated energy NPSs. However, any emerging draft energy NPSs (or those designated but not having effect) are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act and with regard to the specific circumstances of each development consent order application.

Key Policy Changes

Critical national priority for offshore wind

The Energy White Paper, published in December 2020, announced the government's target to deliver 40GW of offshore wind by 2030, including 1GW floating wind. This was then increased in the BESS, published in April 2022, to an ambition of up to 50GW of offshore wind by 2030, including up to 5GW of floating wind.

In the last 11 years, since the publication of the previous iteration of the energy NPS, offshore wind electricity generation has moved from an emerging to established technology, which continues to grow rapidly to help support the government's green energy agenda. The government has concluded that there is an urgent and critical need for the provision of new nationally significant offshore wind infrastructure and related onshore and offshore network infrastructure and reinforcements to achieve our energy objectives.

A new policy presumption known as a critical national priority (CNP) for offshore wind, and supporting onshore and offshore network infrastructure, and related network reinforcements has been introduced to draft EN-1, EN-3 and EN-5.

This new policy means that, subject to any legal requirements, the urgent need for offshore wind to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy.

The full CNP policy is set out in Section 3.8.8 of draft EN-3.

We have additionally added a definition for CNP into the glossary:

"A policy set out at Section 3.8.8 of EN-3 which applies a policy presumption that, subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. CNP Infrastructure is defined as nationally significant new offshore wind development and supporting onshore and offshore network infrastructure and related network reinforcements."

Questions

1. Do you agree with the glossary definition for CNP?
2. Do you agree with the new guidance added to draft EN-1, draft EN-3 and draft EN-5 on the CNP for offshore wind, supporting onshore and offshore network infrastructure, and related network reinforcements? Specifically, do you agree that this policy will

- a. support government ambitions to deploy up to 50GW of offshore wind by 2030, including up to 5GW of floating wind?
- b. support government objectives to streamline the offshore wind consenting process?

Offshore Wind Environmental Improvement Package

In the BESS, we have increased our ambition to deliver up to 50GW of offshore wind, including 5GW of floating offshore wind by 2030. To deliver this, we need to cut the process time by over half. The Government is therefore introducing new policies to help accelerate deployment of offshore wind, whilst protecting and enhancing the marine environment. These include a new Offshore Wind Environmental Improvement Package (OWEIP),⁶ which is referenced in the NPS.⁷ This development has resulted in some key additions to the offshore wind text in draft EN-3.

There is now a new section, under Section 3.8.103 of draft EN-3, which introduces one of the OWEIP measures, the Offshore Wind Environmental Standards (previously described as Nature-Based Design Standards in the BESS). These standards, aim to accelerate deployment whilst enhancing the marine environment. Once final guidance is issued by Defra, the Secretary of State will expect applicants to have applied the guidance to their proposals.

Similarly, in light of the BESS, we have updated Section 3.8.282 of draft EN-3 which sets out guidance in relation to Compensatory Measures. Under the OWEIP government is facilitating the consideration of environmental issues earlier in the planning process, including the use of strategic compensation measures to address impacts across offshore wind projects, encourage collaborative work between developers, and with government, and reduce delays to projects. This will apply to projects already in the system. We have included new text in this section encouraging early collaboration with Statutory Nature Conservation Bodies (SNCBs) and Defra at the pre-application stage. We also advising that applicants seek the views of the SNCBs and Defra Secretary of State on the suitability, securability and effectiveness of their compensation plans.

Questions

3. Do you agree with the new text included in Section 3.8.103 of draft EN-3 relating to the Offshore Wind Environmental Standards?
4. Do you agree with additions made in relation to strategic compensation and seeking the views of the SNCBs and Defra Secretary of State in Section 3.8.282 of draft EN-3 relating to the Compensatory Measures?

⁶ Defra held a recent Opportunity to Comment with them to capture views on the Offshore Wind Environmental Improvement Package. This will be published in due course

⁷ The Energy Bill OWEIP Factsheet sets out in greater detail what this package of measures will in addition to the new NPS text: www.gov.uk/government/publications/energy-security-bill-factsheets/energy-security-bill-factsheet-offshore-wind-environmental-improvement-package

Civil and military aviation and defence interests

In the draft EN-1 consulted on in September 2021 limited changes had been made to Section 5.5 Civil and Military Aviation and Defence Interests. This was because it was too early to make amendments, as the relevant work being carried out by The Joint Industry and Government Air Defence and Offshore Wind Mitigation Task Force (the Joint Task Force) was not yet advanced enough to identify the required amendments.

In September 2021, the Joint Task Force published its Joint Strategy and Implementation Plan. We have used this, alongside feedback from stakeholders during the last consultation, to make significant amendments to Section 5.5, updating it to reflect the status of energy developments, including offshore wind, and how impacts to civil and military aviation, meteorological radars and other types of defence interests should be managed.

The revised draft focuses on the importance of collaboration and co-existence between aviation, meteorological, defence and energy industry stakeholders, who should strive for scenarios such that neither is unduly compromised.

Key changes in the draft include:

- Updated text on aerodromes safeguarding
- Additional context on considerations applicants and industry should take into account when planning new developments or investment in communications, navigation and surveillance (CNS) infrastructure
- A new section on meteorological radar
- Providing additional context on the types of effects that are a priority consideration for aerodromes for example bird strike risk, building induced turbulence, thermal plume turbulence
- Updated mitigation measures
- A change in tone, recognising the significant changes in this rapidly evolving area that have occurred and providing a more balanced view between the needs of different stakeholders, which is overall more reflective of the government's ambitions
- References to key pieces of relevant government policy, including Net Zero and the 6th Carbon Budget (CB6)
- Additional design considerations for applicants for example minimising impacts on aerodromes and existing surveillance systems such as radar / tracking technologies, designing lighting in such a way as to ensure that there is no glare that may cause an impact or to dazzle pilots and/or air traffic control (ATC).
- Inclusion of salient points from the Joint industry and government Air Defence and Offshore Wind Mitigation Task Force.

Question

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

Need for new electricity network infrastructure

The draft energy NPS have been updated to make the criticality of network infrastructure in achieving net zero and shifting away from fossil fuels more explicit.

In the BESS, the government committed to strengthen the energy NPS further to include more detail on the role of strategic planning of electricity networks, which considers the network as a whole, rather than just individual transmission projects. This included a commitment to reference the needs case for infrastructure identified in the Holistic Network Design (HND) and the upfront work to consider environmental and community impacts undertaken in the HND.

The HND and follow-on strategic network plans⁸ will help to ensure more renewable generation can be brought forward at the right time and in the right places taking into account potential community and environmental impacts at an earlier stage of planning.

Within the revised draft Section 2.8 of EN-5, we have recognised the role of the Government-led Offshore Transmission Network Review (ONTR) and the independent regulator Ofgem-led move to a Centralised Strategic Network Planning approach. Both programmes are ensuring the network can be planned strategically onshore and offshore and their inclusion will help to provide more clarity to developers when developing the needs case for their projects.

For projects not captured by strategic network planning, we have referred to the OTNR Early Opportunities workstream which enables offshore wind developers to 'opt in' to OTNR work supporting their co-ordination. The policy includes a presumption that offshore transmission will be co-ordinated and that radial options should only be proposed where options assessment work following four criteria identifies that a co-ordinated solution is not feasible.

Questions

6. Do you agree with new guidance added to Section 2.8 of draft EN-5 on the inclusion of strategic planning as a consideration to support the needs case for electricity network infrastructure?
7. Draft EN-5 includes a strong starting presumption for overhead lines for electricity networks developments outside nationally designated landscapes, which was consulted on in 2021. Do you agree?

⁸ The follow up designs will cover forthcoming and future seabed leasing rounds and represent incremental steps towards the integrated enduring solution for network design.

Other comments

The government welcomes views on any other aspect of the draft energy NPSs or associated documents that the previous questions do not cover.

When considering responses to this consultation, the government will give greater weight to responses that are based on argument and evidence, rather than simple expressions of support or opposition. Government will also consider its previous response on the draft energy NPS published alongside this consultation.

Questions

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

Next Steps

This consultation will close on 25 May 2023.

The government will consider responses it receives, before issuing a formal response and revised draft energy NPSs as necessary. Government will then proceed to laying the documents in parliament for approval.

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

Consultation questions

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

Critical national priority for OFW

1. Do you agree with the glossary definition for CNP?
2. Do you agree with the new guidance added to draft EN-1, draft EN-3 and draft EN-5 on the CNP for offshore wind, supporting onshore and offshore network infrastructure, and related network reinforcements? Specifically, do you agree that this policy will
 - a. support government ambitions to deploy up to 50GW of offshore wind by 2030, including up to 5GW of floating wind?
 - b. support government objectives to streamline the offshore wind consenting process?

Offshore Wind Environmental Improvement Package

3. Do you agree with the new text included in Section 2.8.103 of draft EN-3 relating to the Offshore Wind Environmental Standards?
4. Do you agree with additions made in relation to strategic compensation and seeking the views of the SNCBs and Defra Secretary of State in Section 2.8.282 of draft EN-3 relating to the Compensatory Measures?

Civil and Military Aviation and Defence Interests

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

Need for new electricity network infrastructure

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

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

Other Comments

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

This consultation is available from: www.gov.uk/government/consultations/planning-for-new-energy-infrastructure-revisions-to-national-policy-statements

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