

Outer Dowsing Offshore Wind Preliminary Environmental Information Report

Volume 1, Chapter 2: Need, Policy and Legislative Context

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Abbreviations

Acronym	Expanded name
BEIS	Department for Business, Energy & Industrial Strategy (now the Department for Energy Security and Net Zero (DESNZ))
BNG	Biodiversity Net Gain
CCC	Climate Change Committee
CfD	Contracts for Difference
DCO	Development Consent Order
DECC	Department of Energy & Climate Change, now the Department for Energy Security and Net Zero (DESNZ)
DESNZ	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)
DML	Deemed Marine Licences
ECC	Export Cable Corridor (offshore ECC or indicative onshore ECC)
ES	Environmental Statement
EIA	Environmental Impact Assessment
GHG	Greenhouse Gas
GT R4 Ltd	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
GW	Gigawatt
HND	Holistic Network Design
HPMA	Highly Protected Marine Area
HRA	Habitats Regulations Assessment
IPC	Infrastructure Planning Commission
IROPI	Imperative Reasons of Overriding Public Interest

Acronym	Expanded name
kV	Kilovolt
LSE	Likely Significant Effect
MCCA	The Marine and Coastal Access Act 2009
MCZ	Marine Conservation Zone
MPS	Marine Policy Statement
MW	Megawatt
NGESO	National Grid Electricity System Operator
NIC	National Infrastructure Commission
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
OnSS	Onshore Substation
OTNR	Offshore Transmission Network Review
PRoW	Public Rights of Way
RIAA	Report to Inform Appropriate Assessment
SAC	Special Area of Conservation
SoS	Secretary of State
SPA	Special Protection Area
TCE	The Crown Estate
UK	United Kingdom
UN	United Nations
UNFCCC	United Framework Convention on Climate Change

Terminology

Term	Definition
Baseline	The status of the environment at the time of assessment without the development in place.
Biodiversity Net Gain	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.
Cumulative effects	The combined effect of the Project acting cumulatively with the effects of a number of different projects, on the same single receptor/resource.
Cumulative impact	Impacts that result from changes caused by other past, present or reasonably foreseeable actions together with the Project.
Deemed Marine Licence (dML)	A licence administered under the Marine and Coastal Access Act 2009. The licence set out within a Schedule within the Development Consent Order (DCO).

Term	Definition
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for a Nationally Significant Infrastructure Project (NSIP) from the Secretary of State (SoS) for Business, Energy and Industrial Strategy (BEIS), now the Department for Energy Security and Net Zero (DESNZ).
Effect	Term used to express the consequence of an impact. The significance of an effect is determined by correlating the magnitude of an impact with the sensitivity of a receptor, in accordance with defined significance criteria.
Environmental Impact Assessment (EIA)	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 Environmental Impact Assessment (EIA) Regulations, including the publication of an Environmental Statement (ES).
EIA Directive	European Union Directive 2011/92/EU of 13 December 2011 (as amended in 2014 by Directive 2014/52/EU).
EIA Regulations	Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
Environmental Statement (ES)	The suite of documents that detail the processes and results of the EIA.
Evidence Plan	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.
Habitats Regulations Assessment (HRA)	Habitats Regulations Assessment. 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.
Impact	An impact to the receiving environment is defined as any change to its baseline condition, either adverse or beneficial.
Landfall	The location at the land-sea interface where the offshore export cable will come ashore
Mitigation	Mitigation measures, or commitments, 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.
National Policy Statement (NPS)	A document setting out national policy against which proposals for

Term	Definition
	Nationally Significant Infrastructure Projects (NSIPs) will be assessed and decided upon.
Non-statutory consultee	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.
Onshore Infrastructure	The combined name for all onshore infrastructure associated with the Project from landfall to grid connection.
Preliminary Environmental Information Report (PEIR)	The PEIR is written in the style of a draft Environmental Statement (ES) and provides information to support and inform the statutory consultation process in the pre-application phase. Following that consultation, the PEIR documentation will be updated to produce the Project's ES that will accompany the application for the Development Consent Order (DCO).
Statutory consultee	Organisations that are required to be consulted by the Applicant, the Local Planning Authorities and/or The 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.
The Applicant	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.
The Project	Outer Dowsing Offshore Wind including proposed onshore and offshore infrastructure.

2 Need, Policy and Legislative Context

2.1 Overview

- 2.1.1 This chapter of the Preliminary Environmental Information Report (PEIR) presents the international, national, regional and local planning policy and legislative context that is relevant to the impact assessment of Outer Dowsing Offshore Wind (hereafter the Project). Policy and legislation specific to each specific technical topic are also outlined in the relevant chapters.
- 2.1.2 This chapter should be read in conjunction with the Planning Statement (document reference 8.2), which provides an assessment of the Project in relation to compliance with relevant policy.

2.2 Requirement for EIA

- 2.2.1 The 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 no longer form part of legislation in the UK, the EIA Directive was transposed into UK law for Nationally Significant Infrastructure Projects (NSIPs) 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.
- 2.2.2 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 NSIPs.
- 2.2.3 Activities which fall under Schedule 2 of the EIA Regulations do not automatically require an Environmental Impact Assessment (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.
- 2.2.4 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.
- 2.2.5 The EIA Regulations set out the statutory process and minimum requirements for an EIA to be acceptable by law, including the provision of adequate environmental information and the carrying out of consultation, publication and notification.
- 2.2.6 A Scoping Report for the Project was submitted to the Planning Inspectorate (The Inspectorate) on 1st August 2022. A Scoping Opinion was adopted by the Secretary of State on 9th September 2022 (The Planning Inspectorate, 2022), which has informed the development of this PEIR.

2.3 Consultation

- 2.3.1 Consultation with regard to Need, Policy and Legislative Context has been undertaken in line with the general process described in Volume 1, Chapter 6: Consultation. The key elements to date have included scoping and the ongoing Evidence Plan Process (EPP).
- 2.3.2 The feedback received throughout this process has been considered in preparing this chapter. Where further feedback is received prior to application relevant to this chapter, it will be updated as appropriate.
- 2.3.3 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 2.1: Summary of consultation relating to Need, Policy and Legislative Context

Date and consultation phase/ type	Consultation and key issues raised	Section where comment addressed
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> .	N/A. See Biodiversity Net Gain and Marine Net Gain Principles and Approach (document reference: 8.3)

2.4 The Need for the Project

- 2.4.1 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 Secretary of State, as required by Section 104, therefore must determine the application for the Project, once made, and the need for the Project, in accordance with the Overarching National Policy Statement for Energy (NPS EN-1) and other relevant NPSs, as designated following their passage through Parliament. National policy established in NPS EN-1 is that in general "*The UK needs all the types of energy infrastructure covered by this NPS in order to achieve energy security at the same time as dramatically reducing greenhouse gas emissions*" (paragraph 3.1.1), and is that, in particular in relation to low carbon generation such as the Project, "*In order to secure energy supplies that enable us to meet our obligations for 2050, there is an urgent need for new (and particularly low carbon) energy NSIPs to be brought forward as soon as possible, and certainly in the next 10 to 15-years, given the crucial role of electricity as the UK decarbonises its energy sector*" (paragraph 3.3.15 - emphasis added). In March 2023, the Department for Energy Security and Net Zero (DESNZ) (formerly the Department for Business, Enterprise and Industrial Strategy (BEIS), which was previously Department for Energy and Climate Change (DECC)) published updated new draft NPSs for Energy, which restate that there is both need and urgent need for offshore wind energy generation, including Draft Overarching NPS EN-1 (DESNZ, 2023a), Draft NPS EN-3 (DESNZ, 2023b) and Draft NPS EN-5 (DESNZ, 2023c). This level of urgent need, established by NPS policy made under the Planning Act 2008, has been further underlined by the UK Government's policy and legislative commitments set out below. Importantly, offshore wind projects have been identified as critical national priority infrastructure within the revised draft NPSs, further strengthening the policy support for this infrastructure.
- 2.4.2 UK Government policy ambition is currently to deliver 50GW of renewable energy generation from offshore wind by 2030, however 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. In its Sixth Carbon Budget, published in 2020, the Climate Change Committee (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. In October 2021, the UK Government has committed to decarbonise the UK's electricity system by 2035.
- 2.4.3 Most recently, the UK Government has outlined an even greater level of ambition in the British Energy Security Strategy¹ (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 90,000 jobs in offshore wind by 2028, with a goal of accelerating offshore wind deployment, ensure energy security and stabilise consumer prices in the longer term.

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1069969/british-energy-security-strategy-web-accessible.pdf

- 2.4.4 Green infrastructure development has also been identified as one of the UK Government's COVID-19 pandemic and post-Brexit economic recovery strategies². 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.
- 2.4.5 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.

2.5 The Role of Renewable Energy

- 2.5.1 Global temperature rise as a result of greenhouse gas emissions in the atmosphere is associated with potential impacts on weather, ecosystems, human health and welfare. In the Overarching NPS EN-1 (DECC, 2011a), predictions are made that a continuation of global emission trends, including emissions of greenhouse gases such as carbon dioxide, could lead average global temperatures to rise by up to 6°C by the end of this century. The potential impacts associated with such a global temperature rise include (DECC, 2014):
- Increased frequency of extreme weather events such as floods and drought;
 - Reduced food supplies;
 - Impacts on human health;
 - Increased poverty; and
 - Ecosystem impacts, including species extinction.
- 2.5.2 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:

² <https://www.instituteforgovernment.org.uk/sites/default/files/publications/Building-a-green-recovery.pdf>

- 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.

2.5.3 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 wind farm developments such as the Project.

Table 2.2: 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 (Paris Climate Agreement)	<p>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.</p> <p>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.</p>
The Climate Change Act 2008	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 an 80% reduction by 2050.
Climate Change Act 2008 (2050 Target Amendment) Order 2019	Amending the 2008 Act to implement a target of a net reduction in greenhouse gas emissions of at least 100% against the 1990 baseline (superseding the 80% target in the 2008 Act).
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 UK's electricity sector.
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.

Policy / Legislation	Summary of Requirements
Net Zero Strategy: Build Back Greener 2021 (Presented to Parliament pursuant to Section 14 of the Climate Change Act 2008)	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.
Energy White Paper: Powering our Net Zero Future	The Governments 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.
Sixth Carbon Budget	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 Secretary of State on applications for energy developments that fall within the scope of the NPSs. Draft revised NPSs were published in March 2023 for consultation.

2.6 International Context

Brexit and Post-Brexit Bills

- 2.6.1 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.
- 2.6.2 Fundamentally, the European Union (Withdrawal) Bill (leading to the European Union (Withdrawal Agreement) Act 2020) 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.

- 2.6.3 In November 2021 the UK Government passed the Environment Act. The Environment Act 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.
- 2.6.4 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.

International Climate Change and Renewable Energy Policy and Legislation

United Nations Framework Convention on Climate Change (UNFCCC)

- 2.6.5 The UNFCCC came into force in March 1994 and is an intergovernmental environmental treaty. The framework sets out non-binding greenhouse gas (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.”*
- 2.6.6 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.
- 2.6.7 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.
- 2.6.8 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.
- 2.6.9 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.
- 2.6.10 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).
- 2.6.11 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.

European Union Renewables Directive/Renewable Energy Directive

- 2.6.12 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.
- 2.6.13 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.
- 2.6.14 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). 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

2.7 National Planning and Legislative Context

The Planning Act 2008

- 2.7.1 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 Secretary of State.
- 2.7.2 Amendments have been made to the planning system that are applicable to the Planning Act 2008, including through the Localism Act 2011. This made the Inspectorate the executive agency responsible for the NSIP planning process. 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 Inspectorate must appoint an Examining Authority to examine the application and make a recommendation to the relevant Secretary of State, who will then make a decision whether to grant the DCO.
- 2.7.3 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.
- 2.7.4 During the DCO process the Applicant is seeking other relevant permissions, consents and licences which include, but are not limited to:
- Development consent for the proposed authorised project;
 - Powers to compulsorily acquire land or rights over land, either permanently or temporarily;
 - Power to undertake marine works under deemed Marine Licences (dMLs); and
 - Powers to divert or stop up Public Rights of Way (ProW).
- 2.7.5 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.

National Policy Statements

2.7.6 NPSs are produced by the UK Government and 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 Inspectorate, a DCO application for the Project will be examined and a recommendation made, by the Examining Authority, to the Secretary of State for the DESNZ who decide 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.

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

- NPS EN-1 (DECC, 2011a);
- NPS EN-3 (DECC, 2011b), which covers nationally significant renewable energy infrastructure (including offshore generating stations in excess of 100 MW); and
- NPS EN-5 (DECC, 2011c), which covers the electrical infrastructure associated with an NSIP.

2.7.8 These are outlined in Table 2.3 below.

Table 2.3: Relevant NPSs to the Project

National Policy Statement	Summary of Requirements
Overarching National Policy Statement for Energy (EN-1)	<p>NPS EN-1 sets out the national policy for the delivery of energy infrastructure, including offshore renewable electricity generation. 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 3.3.4 notes that all energy sources will be required to support the transition to a low carbon economy.</p> <p>The Secretary of State is directed to assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that the 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.</p>

National Policy Statement	Summary of Requirements
	It is acknowledged that much of the new electricity infrastructure needed will be located in places where there is no existing network infrastructure, or where there may be technical reasons why existing network infrastructure is not suitable for connecting the new generation infrastructure and that new infrastructure may be required.
National Policy Statement for Renewable Energy Infrastructure (EN-3)	NPS EN-3, taken together with the Overarching NPS EN-1, provides the primary policy for decisions by the Secretary of State on applications they receive for nationally significant renewable energy infrastructure, defined as energy from biomass and/or waste (>50 MW), offshore wind (>100 MW) or onshore wind (>50 MW).
National Policy Statement for Electricity Networks Infrastructure (EN-5)	NPS EN-5 taken together with the Overarching NPS EN-1, provides the primary policy for decisions taken by the Secretary of State on applications it receives for electricity networks infrastructure. The infrastructure covered by the NPS is confirmed as above ground electricity lines whose nominal voltage is expected to be 132kV or above. Any other kind of electricity infrastructure (including lower voltage overhead lines, underground or sub-sea cables at any voltage, and associated infrastructure as referred to above) will only be subject to the 2008 Act – and so be covered by this NPS – if it is in England and it constitutes associated development for which consent is sought along with an NSIP such as a generating station or relevant overhead line.

2.7.9 It is noted that the process of updating these NPSs is currently underway. Public consultation on the revised NPSs EN1 to EN5 was initially held in 2021 by the Department for Business, Energy & Industrial Strategy (BEIS) (as of February 2023, the DESNZ), with a re-consultation which opened in March 2023 and closed on 25 May 2023. The consultation on the 2023 draft NPSs is more focused and clarifies that offshore wind is now a critical national priority, including the related onshore and offshore network infrastructure. The PEIR refers to the draft NPSs when relevant throughout the application, thereby future proofing the ES as far as is practicable. It should be noted that with the draft NPSs now in their second iteration with extensive consultation and Parliamentary scrutiny to follow draft policies could change significantly and that whilst any consultation draft NPS may be considered important and relevant matters, the Planning Act 2008 requires that decisions must be made in accordance with the NPSs as ultimately designated and in force at the time.

2.7.10 The three draft NPSs currently of relevance are:

- Draft Overarching NPS EN-1 (DESNZ, 2023a);
- Draft NPS EN- 3 (DESNZ, 2023b); and
- Draft NPS EN-5 (DESNZ, 2023c).

2.7.11 These are outlined in Table 2.4 below.

Table 2.4: Relevant Draft NPS to the Project

Draft National Policy Statement	Summary of Requirements
<p>Draft Overarching National Policy Statement for Energy (EN-1)</p>	<p>Draft EN-1 sets out the national policy for the delivery of energy infrastructure, including offshore renewable electricity generation. Part 3 of draft 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.</p> <p>The Secretary of State is directed to assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that the 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 Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS (3.2.5-3.2.7).</p> <hr/> <p>With regards the role of offshore wind, the draft 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 (3.3.21).</p>
<p>Draft NPS for Renewable Energy Infrastructure (EN-3)</p>	<p>Draft NPS EN-3, taken together with the Overarching 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> <p>The Critical National Priority (CNP) for offshore wind and supporting onshore infrastructure is set out in the draft with more than half of the final energy demand in 2050 being met by electricity from renewable sources (3.8.8 - 3.8.12).</p> <p>Therefore, the need for energy security and decarbonising are, among other things, capable of amounting to imperative reasons of overriding public interest (3.8.19) and the urgent need for offshore wind is unlikely to be outweighed, in all but the most exceptional cases by non-HRA residual impacts other than those which present an unacceptable interface with human health, national defence or navigation (3.8.14).</p> <p>The draft makes clear reference to the revised target of 50GW of new offshore wind capacity by 2030 (3.8.26).</p>
<p>Draft NPS for Electricity Networks Infrastructure (EN-5)</p>	<p>Draft NPS EN-5 taken together with the Overarching NPS EN-1, provides the primary policy for decisions taken by the Secretary of State on applications it receives for electricity networks infrastructure (1.1.8).</p>

The infrastructure covered by the draft is confirmed as above ground electricity lines i) whose nominal voltage is expected to be 132kV or above, ii) whose length is greater than 2km, iii) that are not a replacement line within the meaning of Section 16(3)(ab) of the 2008 Act, and iv) that are not otherwise exempted for reasons set out in Sections 16(3)(b) and (c) of the 2008 Act. Other kinds of electricity infrastructure (including lower voltage overhead lines, underground or sub-sea cables at any voltage, and associated infrastructure as referred to above) will only be subject to the 2008 Act – and so be covered by this NPS – if it constitutes associated development for which consent is sought along with an NSIP such as a generating station or relevant overhead line or if the Secretary of State gives a direction under Section 35 of the 2008 Act that it should be treated as an NSIP and requires a DCO.

In considering factors which influence site selection and design the draft advises that the Secretary of State 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 significant new electricity networks infrastructure is required, including in areas with comparatively little build-out to date (2.2).

National Planning Policy Framework

- 2.7.12 The National Planning Policy Framework (NPPF) was originally implemented in 2012, with the most recent update in July 2021. The NPPF sets out the UK Government’s planning policies for England and how these are expected to be applied (see Table 2.5). This revised Framework replaces the previous NPPF published in March 2012, July 2018 and February 2019.
- 2.7.13 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.
- 2.7.14 The NPPF provides principles that cover protection and conservation of the natural and built environment and promotes sustainable growth and development.
- 2.7.15 The key principles considered by the Project are listed in Table 2.5 below.

Table 2.5: Summary of National Planning Policy Framework Considerations

Principle	Summary of NPPF consideration
Meeting the Challenge of Climate Change, Flooding and Coastal Change	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 152/159).
Making Effective Use of Land	Planning decisions and policies should promote effective use of land while safeguarding and improving the environment. Such relevant policy includes taking opportunities to achieve net gains (i.e., improve public access to the countryside, or development that enable new habitat creations) (paragraph 119/120).
Conserving and Enhancing the Natural Environment	The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; recognising the intrinsic character and beauty of the countryside; and minimising impacts on and providing net gains for biodiversity (paragraph 174).

2.8 National Infrastructure Advice Notes

2.8.1 The Project is taking account of the non-statutory National Infrastructure Advice Notes provided by the 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 Inspectorate, 2017a);
- Advice Note Seven: Environmental Impact Assessment, Preliminary Environmental Information, Screening and Scoping (The Inspectorate, 2020a);
- Advice Note Nine: Rochdale Envelope (The Inspectorate, 2018);
- Advice Note Ten: Habitat Regulations Assessment (The Inspectorate, 2022);
- Advice Note Twelve: Transboundary Impacts and Processes (The Inspectorate, 2020b);
- Advice Note Seventeen: Cumulative Effects Assessment (The Inspectorate, 2019); and
- Advice Note Eighteen: The Water Framework Directive (The Inspectorate, 2017c).

2.9 UK and English Policy and Legislative Context

Marine and Coastal Access Act 2009

- 2.9.1 The Marine and Coastal Access Act (MCAA) 2009³ 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).
- 2.9.2 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.
- 2.9.3 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.
- 2.9.4 The Marine and Coastal Access Act 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 will be undertaken as part of the Project's DCO application.

Marine Planning Policy

- 2.9.5 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.
- 2.9.6 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.

³ <https://www.legislation.gov.uk/ukpga/2009/23/contents>

- 2.9.7 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.

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

- 2.9.8 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.
- 2.9.9 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.
- 2.9.10 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”.

Deemed Marine Licencing (DML)

- 2.9.11 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.
- 2.9.12 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.

The Environmental Impact Assessment Regulations

- 2.9.13 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 Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). These came into force on 16 May 2017 and are the relevant EIA regulations applicable to the Project.
- 2.9.14 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.

Habitats Regulation Assessment

- 2.9.15 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.
- 2.9.16 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).
- 2.9.17 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.
- 2.9.18 Under the Habitats Regulations, the competent authority (the Secretary of State 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.
- 2.9.19 HRA is a four stage process, starting with screening which is being undertaken concurrently with this scoping exercise, followed by appropriate assessment for those sites and features for which a Likely Significant Effect (LSE) is identified at screening, which will be reported in a Report to Inform Appropriate Assessment (RIAA) – a draft of which will be subject to formal consultation as part of the Section 42 consultation required under the Planning Act 2008 (document reference 7.1).
- 2.9.20 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 but noting that the Project is already progressing early consideration of 'without prejudice' derogation requirements and compensation options, which will be subject to discussion with relevant stakeholders throughout the pre-application period and outline compensation strategy documents accompany the RIAA for the Project.
- 2.9.21 The Project was subject to the outcomes of the Plan-Level HRA undertaken by The Crown Estate (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, on the basis of a derogation for impacts to the Flamborough and Filey Coast SPA for impacts to kittiwake 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 SAC.

Biodiversity Net Gain

- 2.9.22 The UK 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.
- 2.9.23 The NPPF makes general provisions for the delivery of BNG, though this is not yet compulsory for NSIPs.
- 2.9.24 The Project is exploring opportunities to deliver voluntarily on future requirements for NSIPs to provide 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 Document Reference 8.3: Biodiversity and Marine Net Gain Principles and Approach.

Climate Change Act 2008

- 2.9.25 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.
- 2.9.26 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.
- 2.9.27 In its Clean Growth Strategy, the Department for Business, Energy and Industrial Strategy (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.
- 2.9.28 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.

The Energy Act 2004

- 2.9.29 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.

Environment Act 2021

- 2.9.30 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.

Energy Bill

- 2.9.31 The Energy Bill is being proposed by the Government as a response to the COVID-19 pandemic and the invasion of Ukraine, which together have resulted in highly elevated energy prices and a renewed focus on the reliance on imported, fossil fuel generated energy within the UK. The Energy Bill has been developed to provide a cleaner, more affordable and more secure energy system and facilitate the achievement of net zero by 2050.
- 2.9.32 As part of this Bill, the Government are seeking to establish an Offshore Wind Environmental Improvement Package (OWEIP), which will include tailoring the Habitat Regulation Assessment process, deliver strategic compensation and introduce a new Marine Recovery Fund, all of which will aid the delivery of offshore wind to meet the British Energy Security Strategy 50GW of offshore wind by 2030 ambition, whilst continuing to protect the marine environment.
- 2.9.33 The OWEIP is intended to support the 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.
- 2.9.34 If this Bill becomes law during the course of the Project, it (and any relevant associated Regulations) will be taken into account to the extent applicable.

2.10 Regional and Local Context

- 2.10.1 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.
- 2.10.2 At the time of preparing this PEIR, the Project does not have a confirmed grid connection point from National Grid (although the Project has made a grid connection application and has received a holding offer from National Grid and has been given two grid connection options, which are used as the basis of the PEIR; referred to as Lincolnshire Node and Weston Marsh). The preferred grid connection point for the project is being determined through the Offshore Transmission Network Review (OTNR) Holistic Network Design (HND) process which has identified two potential grid connection options for the Project. Initiated by the Minister for Energy, Clean Growth and Climate Change, the OTNR process is being managed by DESNZ 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.

- 2.10.3 The onshore development area falls within Lincolnshire County Council with landfall within the administrative area of East Lindsey District Council. Connection to the Lincolnshire Node would be within East Lindsey and to the south at Weston Marsh would fall within the administrative area of South Holland District Council.
- 2.10.4 Formed in 2021, South & East Lincolnshire Councils Partnership is made up of Boston Borough Council, East Lindsey District Council and South Holland District Council. 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 SE Lincolnshire Local Plan, prepared by the South East Lincolnshire Joint Strategic Planning Committee and adopted on 8 March 2019.
- 2.10.5 The Local Plan for East Lindsey comprises the Core Strategy 2018 and the Settlement Proposals Document 2018.
- 2.10.6 The South East Lincolnshire Local Plan 2011-2036 is a joint strategic partnership covering Boston Borough and South Holland District.

East Lindsey Core Strategy 2018

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

Table 2.6: 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,

Policy	Summary
	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: <ul style="list-style-type: none"> ▪ 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: <ul style="list-style-type: none"> ▪ 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 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)	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.

Policy	Summary
	The benefits of renewable energy developments are a material consideration and will be weighed in the balance alongside all other material considerations.
Strategic Policy 27 (SP27) – Renewable and Low Carbon Energy	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: <ul style="list-style-type: none"> a) residential amenity; b) surrounding landscape, townscape and historic landscape character, and visual qualities; c) the significance (including the setting) of a historic garden, park, battlefield, building, conservation area, archaeological site or other heritage asset; d) sites or features of biodiversity or geodiversity importance, or protected species; e) the local economy; f) highway safety; and g) water environment and water quality
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.

East Lindsey Settlement Proposals Document 2018

2.10.8 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 Gypsies / travellers and policy in respect of retail.

South East Lincolnshire Local Plan (2011-2036)

2.10.9 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.

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

2.10.11 Compliance with Local Policy will be covered by Planning Statement (see Document Reference 8.2).

Table 2.7: 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:

Policy	Summary
	<ol style="list-style-type: none"> 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; 2. quality of design and orientation; 3. maximising the use of sustainable materials and resources; 4. access and vehicle generation levels; 5. the capacity of existing community services and infrastructure; 6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion; 7. sustainable drainage and flood risk; 8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets; and 9. impact on the potential loss of sand and gravel mineral resources.
Policy 3: Design of New Development	<p>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 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>
Policy 4: Approach to Flood Risk	<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"> 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). 2. It can be demonstrated that essential infrastructure in FZ3a & FZ3b, highly vulnerable development in FZ2 and more vulnerable development in FZ3 provide wider sustainability benefits to the community that outweigh flood risk. 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"> a. demonstrate that the vulnerability of the proposed use is compatible with the flood zone; b. identify the relevant predicted flood risk (breach/overtopping) level, and mitigation measures that

Policy	Summary
	<p>demonstrate how the development will be made safe and that occupants will be protected from flooding from any source;</p> <p>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;</p> <p>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;</p> <p>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);</p> <p>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;</p> <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</p>

Policy	Summary
	<p>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>
Policy 5: Meeting Physical Infrastructure and Service Needs	<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>
Policy 6: Developer Contributions	<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>
Policy 28: The Natural Environment	<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> <ol style="list-style-type: none"> 1. Internationally designated sites, on land or at sea; 2. Nationally or locally designated sites and protected or priority habitats and species; 3. Addressing gaps in the ecological network.
Policy 29: The Historic Environment	<p>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:</p> <ol style="list-style-type: none"> 1. The historic archaeological and drainage landscape of the Fens; 2. The distinctive character of South East Lincolnshire market towns and villages; 3. The dominance within the landscape of church towers, spires and historic windmills.
Policy 30: Pollution	<p>Development proposals will not be permitted where, taking account of any proposed mitigation measures they would lead to unacceptable adverse impacts upon:</p>

Policy	Summary
	<ol style="list-style-type: none"> 1. health and safety of the public; 2. the amenities of the area; or 3. the natural, historic and built environment; by way of: <ol style="list-style-type: none"> 4. air quality, including fumes and odour; 5. noise including vibration; 6. light levels; 7. land quality and condition; or 8. surface and groundwater quality. 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"> 9. impact on the proposed development from poor air quality from identified sources; 10. impact on air quality from the proposed development; and 11. impact on amenity from existing uses.
Policy 31: Climate Change and Renewable and Low Carbon Energy	<p>A. Climate Change</p> <p>All development proposals will be required to demonstrate that the consequences of current climate change has been addressed, minimised and mitigated by:</p> <ol style="list-style-type: none"> 1. employing a high-quality design; 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; 3. the protection of the quality, quantity and availability of water resources, including for residential developments, complying with the Building Regulation water efficiency standard of 110 litres per person per day; 4. reducing the need to travel through locational decisions and, where appropriate, providing a mix of uses; 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. <p>B. Renewable Energy</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>

Policy	Summary
	<ol style="list-style-type: none"> 1. visual amenity, landscape character or quality, or skyscape considerations; 2. residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic; 3. highway safety (including public rights of way); 4. agricultural land take; 5. aviation and radar safety; 6. heritage assets including their setting; and 7. the natural environment. <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>
Policy 32: Community, Health and Well-being	Development shall contribute to: the creation of socially-cohesive and inclusive communities; reducing health inequalities; and improving the community's health and well-being.
Policy 33: Delivering a More Sustainable Transport Network	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.

2.11 Other Relevant Legislation

2.11.1 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;
- Marine & Coastal Access Act 2009; and
- Marine Strategy Regulations 2010.

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