

Energy UK draft response to DESNZ consultation on revised draft National Policy Statements for energy infrastructure

1. Do you agree with the glossary definition for CNP?

- Energy UK welcomes the designation of offshore wind infrastructure and connected infrastructure as Critically National Priority. The proposed CNP guidance responds appropriately to the urgent need for prioritisation of renewable energy deployment through the consenting system, especially offshore wind, at the pace and scale required to fully decarbonise the UK's power system by 2035. We also welcome the recognition in paragraph 3.3.66 of EN-1 that offshore wind is of strategic importance to the UK's energy system. We would recommend that the same policy presumption is extended to lifetime extension and repowering projects, given the principle of offshore wind development at that site is already accepted. This will minimise the risk of offshore wind capacity being decommissioning prematurely before net zero targets can be achieved.
- We also welcome section 3.3.60 outlining the urgent need for offshore infrastructure to outweigh other residual impacts. We believe that this should also be extended and applied in the context of agreeing "like for like" compensation or de minimis considerations under Habitats Regulation Assessments.
- However, we believe that achieving Net Zero would require a range of technologies, which has been identified in the Energy Security Strategy, Powering Up Britain. The Climate Change Committee has also highlighted the need for a generation mix. We therefore believe that all technologies that contribute towards the Net Zero target should qualify as Critical National Priority ('CNP') and will help facilitate consenting or, at least, benefit from the same assessment presumption that residual impacts should be outweighed by the benefits of delivering net zero. Excluding low carbon onshore technologies from the definition or from the benefits of the assessment presumption of the CNP has the potential to slow down deployment of energy NSIP's.
- We are also concerned about the unintended consequences that designating offshore wind as CNP could have on the development of other technology and that there isn't a hierarchy created for onshore technology as a result of this. We strongly believe that all low carbon technology should be given a level playing field and the same should be recognised in policy documents including any land use framework being considered by the Government.
- We would also highlight that creating a presumption or a hierarchy of low carbon technologies could have unintended consequences for the wider energy system and the system implications for this should be very carefully considered. The energy system does not stand in isolation and for the purpose of security of supply, there are needs for flexibility in the system. We would also highlight that we are awaiting the Government response for the consultation on Review of Electricity Market Arrangements which would have an impact on the broader market and should be considered.
- We are also concerned that this definition of CNP may lead to a hierarchy being placed on other low carbon technologies such as hydrogen & CCUS. These technologies require pipelines and storage infrastructure in the marine areas. The

Government must carefully consider the negative impacts on industries that cannot rely on electrification for achieving net zero. For example, as government policy requires green hydrogen production via electrolysis to decarbonise industry and transport, excluding green hydrogen from the CNP definition may negatively impact on how these technologies can work together.

- We would like to highlight the importance of broadening the definition of CNP so that it can be applied to all Net Zero technologies without needing to amend the definition. The current definition of CNP does not future proof the NPSs, as there should be a mechanism to update the scope of CNP without waiting for the five yearly (or longer) review. We support the intention behind CNPs, but over the next 5 years the need case for other low carbon technologies apart from offshore wind will grow significantly. We strongly believe that at the very least there should be a predefined process to ensure that CNP can be easily applied to other technologies in the future.
- Alternatively, to ensure that the benefits of the assessment presumption can be extended to all net zero technologies, a member has suggested including a definition of “Net Zero Technologies” to the draft NPSs to address this point. However, as Energy UK, we haven’t had the opportunity to explore this further.
- We would appreciate any clarity on whether the requirements for CNP would result in any stricter security concerns.
- Paragraph 3.8.9 of EN-3 discusses the UK's unique advantage of being an island with shallow sea beds and high winds. No mention is made to the huge storage potential for carbon and hydrogen along with the wind and sun that is available onshore.
- Paragraph 3.8.10 of EN-3 discusses the cost reduction of offshore wind over time as a driver for inclusion in the CNP, however other low carbon technologies, such as solar have shown similar cost reductions.
- National Grid is a holistic infrastructure and as such all new or reinforcement grid serving any type of net zero technology should be made a CNP. It is essential that this enabling infrastructure is considered a priority, as the lack of timely grid works can be a great barrier to delivering net zero.
- We would appreciate clarity on how CNP will be accelerated.

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?

- As mentioned above, we welcome the designation of offshore wind infrastructure and connected infrastructure as CNP. However, we believe that same clarity needs to be applied for the onshore and offshore network infrastructure, which is critical for achieving the 50 GW target. Currently, there is a lack of clarity around the scope of onshore and offshore network infrastructure and which projects would be able to

benefit from the new requirements. We also believe that, as a holistic network, grid infrastructure supporting any net zero technology should be designated as CNP.

- The definition of “supporting onshore and offshore network infrastructure and related network reinforcements” should be expanded to confirm this includes, but is not necessarily limited to, all ‘enabling’ electricity grid infrastructure works as defined by National Grid ESO and Transmission Operators that are required to efficiently construct, operate and connect an offshore wind farm to the National Electricity Transmission System (NETS).
- Welcome the statement in paragraph 3.8.14 of EN-3 that residual non-HRA impacts “are therefore unlikely to result in the application being refused”, as beyond simply weighing up relevant material considerations, this position provides helpful direction to decision makers.
- Successful implementation of the CNP guidance will rely on effective and consistent application of the mitigation hierarchy and the related assessment of residual effects. Beyond defining each term in the glossary, to ensure proportionality in assessments and examinations further guidance is needed within the NPSs to set clear expectations and an objective test for how satisfactory compliance with the mitigation hierarchy will be determined. Use of the mitigation hierarchy must remain proportionate and should have regard to the need for and objectives of the development proposal in question.
- There is lack of consistency in the language used in draft EN-1, draft EN-3 and draft EN-5. We believe that the needs case for network infrastructure is not strong enough in EN-5 and there is a material difference in terms of the needs case highlighted in EN-3 as compared to EN-5.
- We would strongly recommend that the same kind of supportive and proactive language used in EN-3 is reflected in EN-5, including the supportive language used for significant effects of residual infrastructure.
- As recognised in EN-3, the deployment of offshore wind and other low carbon technology is strongly dependant on network infrastructure being in place and it is important that the Government take a whole systems approach in the energy National Policy Statements more widely. It is worth considering that the energy system does not operate in isolation as outlined above.
- With regards to question 2(b), we are concerned about the impacts of the ongoing review of the environmental impact assessment regulations through the Levelling Up and Reintegration Bill. We believe that transition to a new system of assessments needs to be carefully considered and implemented. While we appreciate the Government’s intention to streamline the process of environmental impact assessments, the new system of Environmental Outcome Reports (‘EORs’) has the potential to cause massive delays to new projects. The terminology used in EN-1, EN-3 and EN-5 must avoid ambiguity – should the EORs replace the EIA process before the next NPS update, ‘residual impacts’ may no longer be a meaningful term; and Environmental Statements may no longer be application documents. This could cause a level of uncertainty for developers and stakeholders. We recommend this is addressed as a specific point in the transitional guidance
- Therefore, a clear link needs to be made between the energy NPSs and the changes being made to environmental assessments by DLHUC. Whether the changes are able to achieve the Government objectives of streamlining the consenting process will depend on an effective transition between the current and new EIA process.

- We would also like to highlight paragraph 4.2.14 of EN-1 which makes reference to Environmental Statements. We believe that the current wording in the paragraph creates significant confusion between the current EIA assessment requirements that are included in Environmental Statements and the new requirements that will be specified by the process related to EORs. We strongly disagree with any duplication of assessments.
- We would also appreciate clarity on how the Government's Environmental Improvement Plan will be applied in practice once the requirements for Biodiversity Net Gain (BNG), Marine Net Gain and EORs come into force.
- Paragraph 3.8.14 of EN-1 notes 'navigation' as a caveat to the application of CNP. We would recommend rewording this to 'safety of navigation' to provide clarity in the definition and allow non-safety related navigation impacts (i.e. commercial) to be applicable to the CNP process.

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?

- We appreciate the Government's intention to streamline consenting for offshore wind and the commitment to develop Offshore Wind Environmental Standards (OWES) in close consultation with the industry and other stakeholders. The development of clear, consistent and deliverable standards have the potential to shorten Examination and thus potentially the overall consenting timeframes, but only if they are proportionate, realistic and provide clear direction on key questions or areas of uncertainty which currently cause delays e.g. models and parameters to be used for ornithological modelling.
- However, given that we are still in early stages of establishing OWES and there is lack of clarity on the scope and requirements of these standards, we strongly oppose the requirements in paragraph 3.8.105 of EN-3 which outline that "*the Secretary of State will expect applications to have applied the guidance to their proposals*". We would also highlight the need for the recognition of a period of transition which will be essential for projects that are currently in the planning process.
- We believe that it would be pre-emptive to have such a strong requirement in place without any clarity of OWES and suggest that paragraph 3.8.105 be replaced with the following wording:

"3.8.105 "Once the final guidance setting out Offshore Wind Environmental Standards applicable to the design, construction, operation and decommissioning of offshore wind farms is issued, the Secretary of State will expect applicants to have regard to the guidance to their proposals".

- It is currently unclear what the purpose of introducing and developing OWES are. We are concerned that the universal application of mandatory OWES could increase costs for projects even in cases where there are no significant impacts for certain environmental parameters. We are unclear what environmental benefits delivered by the design standard would measure if there is no significant environmental impact to be managed.
- We believe that the development of policies such as OWES couple with changes being considered in other aspects of the process such as EORs strengthen a case for regular review of the energy NPSs to ensure that they are up to date and can

enable decision makers to support the consenting of low carbon infrastructure efficiently.

- Consideration should be given as to whether mention of Environmental Standards should be removed from the NPSs until they are further developed. Their inclusion now only provides a level of uncertainty, ambiguity and the risk that stakeholders have an expectation for developers to adhere to Standards which do not yet exist.
- As a matter of principle, it is not appropriate for the NPSs, which have a statutory footing through Section 104 of the Planning Act 2008, to bind applicants to compliance with potential future guidance for which no firm details have yet been established or consulted upon and which has not yet been adopted.
- As a principle of best practice in regulation, measures should only be implemented where they are actually necessary and will deliver a discernible environmental benefit. If there is no significant impact, then a measure should not be required, in order for proportionate and cost-effective regulation to be delivered.
- There is also a lack of clarity as to how the OWES would relate to the indicators and outcomes which will be developed and utilised for should EORs replace the current EIA process.
- We are concerned that providing strict criteria for design standards can have unintended consequences of stifling innovation in technology considering the fast pace of developments. The overall result would be an addition to the resource burden industry and regulators.

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?

- We note the recommendation for earlier engagement with nature conservation bodies on strategic compensation and HRA matters; however, account needs to be taken of how the resourcing of the consent process and key stakeholders in it affects the timely delivery of energy projects. This is particularly important given the indication in paragraph 3.8.288 that projects may not be accepted for Examination if information for the assessment of a potential derogation is not provided within the application. We welcome the recommendation made in the Independent Report of the Offshore Wind Champion which recognises the need for adequate skills, training, resourcing and funding in planning agencies and SNCB's.
- To support accelerated deployment of offshore wind, particularly where compensation is required, we believe it is necessary for developers to be able to provide broader measures that improve wider marine ecosystems but are not targeted at specific impacted habitats, species or protected sites. For sites where like-for-like measures are not possible, this would increase the number of measures available, avoid sterilisation of areas of seabed with specific features (e.g. sandbanks) and potentially accelerate marine recovery. More broadly, it is essential that an aligned approach on the delivery of strategic compensation, including operation of any Marine Recovery Fund, is prioritised.
- We are broadly supportive of requirement for applicants to ensure consents include provisions to define the final 'as built' parameters for use in future cumulative impact assessments. However, clarity should be provided on whether there is an expectation for developers with projects in construction or operation to make amendments to their consent retrospectively in order to 'formally' secure the headroom from past projects.

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?

- We welcome the supportive additions in EN-1, 5.5 relating to Civil and Military Aviation and Defence Interests, however, as section 5.5 continues, the tone appears to move from a balanced and positive stance, to one that reads progressively more negatively towards energy infrastructure. There is a danger that this will create areas of conflict and need to be addressed.
- We would recommend that DESNZ draws on the language used in Scottish NPF4 around changing landscape resulting from Net Zero and the need for broader associated infrastructure to reflect that.
- The co-existence of windfarms with civil and military aviation and defence interests will only be addressed through the modernisation of airspace and the upgrading of physical infrastructure. There is an urgent need for such matters to be addressed on a more strategic basis than achieved to date. Consideration should therefore be given to a more strategic and proportionate mechanism to deliver upgraded radar across the UK, the role of which should be acknowledged within Section 5.5.
- We believe that the changes made in draft EN-1 need to be reiterated in draft EN-3 as well to ensure synergy between the policy documents.

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?

- We welcome references to Holistic Network Design and strategic planning in draft EN-5. However, we would appreciate more clarity in terms of how these will be taken into account in decision making. There is a lack of clarity around what the references mean in practice.
- We welcome the proposed addition of policy which recognises the criticality of co-ordinated network infrastructure and its role in achieving net zero targets. However, amendments should be made to revised draft EN-3 and EN-5 to ensure the deployment of existing projects, accepted on the basis of a radial grid connection, are not unduly delayed or burdened.
- As outlined in question 2, we believe that the language used in EN-5 for grid infrastructure does not strengthen the need case for building grid infrastructure. To achieve the government's net zero targets, grid infrastructure will play a critical role and it is essential that the delays in building transmission infrastructure be addressed with utmost clarity.
- We would suggest that the definition of CNP outlined in draft EN-3 be reiterated in draft EN-5.
- Currently, there is uncertainty around the scope of projects that can benefit from the designation of CNP and would require more clarity.
- We also believe that there is a lack of focus on building onshore transmission network for wider system benefits. The Government needs to take a whole system approach in grid connectivity as the energy system does not stand in isolation.
- We welcome the requirements to take a proportionate approach is applying environmental statements.

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?

- Yes, in principle, we agree that for renewable energy grid connections the strong starting presumption detailed in EN-5 provides a pragmatic approach to balancing the feasibility, cost and potential impacts of both overhead lines and undergrounding or subsea cable infrastructure.
- However, we would appreciate more information and clarity on the presumption for overhead lines versus underground cables.

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

- Review:
 - We recommend that the energy NPS's be reviewed every 5 years on a statutory bases, as recommended by the National Infrastructure Commission in its recent report on planning for Nationally Significant Infrastructure Projects. We also support the recommendations that the Government needs to outline clear criteria for further review and have clear tests, standards and timelines for consultation. Any updates must be streamlined to reduce burden on resources within the Government and ensure certainty for developers, stakeholders and decision makers.
 - Given the breadth of changes that the planning system is undergoing, be it with the Energy Bill, the Levelling Up and Regeneration Bill, the requirements for Environmental Outcome Reports and biodiversity and marine net gain, we also support the NIC's recommendation for introducing system of modular updates to the NPS's linked to primary or secondary legislation to ensure clarity on how future legislative change relates to National Policy Statements, with clear transitional arrangements in place.
- Onshore wind:
 - Onshore wind needs to be mentioned along with additional technology including storage.
 - The importance of onshore wind has been reiterated in a number of Government documents including Powering Up Britain and Energy Security Strategy. The NIC has also recommended that the energy NPSs be revised to include onshore wind in their recent report. *"To deliver net zero and energy security, onshore wind, one of the cheapest forms of renewable energy generation, should be included in the Nationally Significant Infrastructure Project system."*
 - We believe that the amendments proposed to the National Planning Policy Framework (NPPF) will not facilitate the deployment of onshore wind in England. It is critical to include onshore wind in the National Policy Statements to reflect the need for renewable infrastructure as outlined in governmental policies and the NIC recommendation.
 - Additionally, further detail should be added to EN-1, 3.3.20 – 3.3.24 to articulate a compelling needs case for the deployment of wind and solar power, including providing more detailed policy support for the deployment of each technology at pace and scale.

- The NPS needs to consider cross-over with EN-1 which sets out the needs case for new energy infrastructure and for specific technologies - these are useful even if onshore wind or battery storage is no longer an energy NSIP.
- Solar:
 - We welcome the restatement of the importance of ground mounted solar and multifunctional use of land.
 - We would urge the Government to introduce legislation to increase the NSIP threshold for solar projects to 100MW to align them with requirements for other low carbon technologies such as offshore wind.
- Hydrogen and CCS
 - We welcome the urgency case for low carbon hydrogen infrastructure including pipelines with enhanced capacity. We would appreciate clarity around the term “low carbon hydrogen” and whether it also includes the production, transportation, storage and use of hydrogen in electricity generation. We would welcome clear wording in the NPSs in support of the use of hydrogen in electricity generation and a clear definition of low carbon hydrogen and associated infrastructure.
 - We consider the recognition of the critical importance of the decarbonisation of the energy system to meeting Net Zero as set out in section 2.3 of EN-1, including the infrastructure needed to capture, transport and store carbon dioxide (paragraph 2.3.4 of EN-1) to be positive. We also welcome the call for increasing the supply of hydrogen manufactured using low carbon processes (low carbon hydrogen) (paragraph 2.3.6 of EN-1). However, this would be strengthened if it mirrored paragraph 2.3.4 of EN-1 in calling for transport, storage and end-use of hydrogen as well. The recognition that we will need to adapt existing networks or build new ones to integrate low carbon hydrogen into the system and enable the transport and storage of carbon dioxide is also welcomed as set out in paragraph 2.3.8 of EN-1 – though specifying the need to store hydrogen would also be helpful to projects.
 - We welcome the recognition of urgency for new CCS infrastructure.
 - We welcome the detailed assessment guidance on CCS provided section 4.8 of EN-1. However, we would like to see the inclusion of equivalent assessment guidance for hydrogen-fired power generation.
 - We believe that the decision making by the Secretary of State on energy infrastructure projects should take into account the contribution that a specific project would make to achievement of the Net Zero goal (paragraph 3.2.7 of EN-1). Therefore, we would like to see further guidance for decision makers on this.
 - We support the emphasis in paragraph 3.2.11 of EN-1 that the Secretary of State should give substantial weight to the need established in the NPS when considering applications for electricity generation, hydrogen and CCS infrastructure which are not covered by the Planning Act. This provides important assistance to projects in these sectors which would not meet the relevant NSIP thresholds.
 - Paragraphs 4.8.20 and 4.8.21 of EN-1 recognise that the CCS chain has three elements, capture of carbon, transport and storage and that development consents may not cover the full chain.
 - The consenting of capture plant for energy sector and industrial emitters can be a powerful driver for bringing forward the associated transport and storage

infrastructure, including in areas which are not currently part of the formal cluster sequencing process. In most cases, the developers of the transport and storage infrastructure will be different companies with different land-ownership to those developing capture plants and the scale of the transport and storage infrastructure may not be clear at the stage at which capture plant developers take their project forward. Despite this, planning authorities are making overly stringent requests for capture plant developers to include assessment of the environmental impacts of undefined CO₂ transport infrastructure, alone and in-combination, with their capture plant impacts. This adds both cost and time to capture plant consent applications whilst adding no genuine value in terms of the impact assessment.

- We recognise the importance of capturing in-combination impacts, however, the planning process should automatically ensure that this takes place as whenever a project submits its planning application, it is required to consider in-combination impacts with other local projects. We strongly support the literal position stated in paragraph 4.8.21 of EN-1 and would like to see a strengthening of the wording in paragraphs 4.8.20 and 4.8.21 to recognise (i) these paragraphs are not specific to the current chosen UK 'clusters' but to the wider development of CCS across the UK and (ii) there is no additional requirement on the developers of capture plant or CO₂ transport infrastructure to attempt to assess in-combination effects, rather the requirement is to clarify how these will be assessed and (iii) this position should be considered applicable to all planning consents relating to CCS infrastructure, not just those Nationally Significant Infrastructure Projects.
- Example wording could be:

“4.8.20 The chain of CCS has three links: capture of carbon, transport, and storage. As the deployment of CCS in the UK is likely to primarily come forward in clusters with shared transport and storage infrastructure, it is likely that development consent applications for power CCS projects may not include an application for consent for the full CCS chain (including the onward transportation and storage of CO₂). Recognising that the development of the individual CCS chain links is important to drive forward wider CCS deployment in the UK, this should not form an impediment to the consenting.”

“4.8.21 Development consent applications for power CCS projects should include details of how the captured CO₂ is intended to be transported and stored, how cumulative impacts will be assessed and whether any necessary consents, permits and licences have been obtained. However, development consent applications for individual links within the CCS chain should not be expected to specifically assess the impacts of other links (either individually or cumulatively) where no development consent for the other link has been applied for.”

“4.8.21b The preceding two paragraphs are applicable to CCS development consent at all relevant scales, including Development Consent Order Applications, Section 36 variations and local authority planning applications.”

- We believe that EN-2 should be made directly applicable policy for the consideration of hydrogen-fired power generation (paragraph 1.6.3).
- We welcome the recognition in paragraph 1.1.4 of EN-4 that *“Clean hydrogen, and the infrastructure that supports it, will be needed to help transition our energy system to net zero by 2050, with the potential to help decarbonise vital UK industry sectors and provide flexible deployment across heat, power and transport.”*
- We believe that EN-4 should be made directly applicable policy for the consideration of hydrogen infrastructure (paragraph 1.6.6).
- Believe that EN-4 should be made directly applicable policy for the consideration of CCS infrastructure (paragraph 1.6.9).
- Broader comments:
 - We welcome the presumption in favour of granting consent applications for Energy NPSs set out in section 4.1.3 of EN-1. We believe that this should be supported by further explanation as to how it will be applied in practice and how it interacts with the statutory determination texts prescribed under Section 104 of the Planning Act 2008.
 - We are concerned that paragraphs 1.3.7, 1.3.9 and 3.2.10 in draft EN-1 indicate that the ability of developers to apply for a section 35 direction may be restricted beyond the requirements set in the Planning Act 2008. In particular, paragraph 3.2.10 seems to suggest that the SoS will consider those directions in relation to novel technologies in exceptional circumstances. It is important that developers are given flexibility to reach the NSIP consenting process (or section 36C variations as appropriate) where this is appropriate for their projects or for example, where a local planning authority is not comfortable dealing with the novel technology.
 - Paragraph 1.2.1 unhelpful. For local authorities to consider the materiality of NPS. Undermines the need case for novel technology and can lead to different case by different authorities. The policies in the NPS should be a material consideration for decisions taken on application for planning permission under the TCPA. This is important so that the need case made for all the novel technologies not currently included in the DCO regime of the Planning Act 2008 can be valid. We therefore strongly suggest that this wording be removed. The reference to “may” in this paragraph should be replaced as shown in red.
 - We are concerned around paragraph 5.4.43 in EN-1, that as currently worded, this paragraph places considerable weight on alternative siting and residual harm and is contradictory to 5.4.41. The SoS should not be directed to give significant weight to residual harm. The developers undergo the process of EIA, mitigation and BNG and EOR to cover all aspects of the development and its effects and there can be some residual effects from development. It is important that the need case, net zero targets and climate emergency should be given substantial weight and prevail over any localized harm and residual harm should not be a material consideration for the SoS.
 - In Section 2.13 of EN-5, there is a need for further clarity for projects that have been through a strategic connection process, such as the HND for R4 projects, and have been given a radial connection. Any coordinated options

would have been considered as part of the HND and therefore, for radial HND connections EN-5 should outline that this is the best strategic solution.

- We welcome the amendments to the energy NPSs to reflect schedule 15 of the Environment Act 2021 on BNG. We also support the confirmation in section 4.1.8 of EN-5 that land can be acquired compulsorily for BNG. We recommend that this be further extended to clarify the position in respect to mitigation measures, landscape enhancement and / or compensation.
- Paragraph 4.1.5 of EN-1 presently refers to “potential” effects, which could result in subjective decisions and disproportionate assessments. To ensure assessments and examinations remain proportionate the text should be amended to refer to “likely” effects and focus primarily on “likely significant” effects in accordance with section 4.2.8 of EN-1.
- Paragraph 3.8.261 of EN-3 references *‘potentially shutting down turbines’* as a possible mitigation measure. We believe that this should be removed as it could significantly impact investment decisions and would in any event undermine the delivery by any such project of its renewable energy and energy security benefits.
- We would like to highlight that it is important that the scope and purpose of any requested or mandated monitoring as specified in paragraph 3.8.96 of EN-3 must always be clear, relevant and proportionate.