RWE

RWE Renewables UK Dogger Bank South (West) Limited

RWE Renewables UK Dogger Bank South (East) Limited

Dogger Bank South Offshore Wind Farms

Preliminary Environmental Information Report

Chapter 3 – Policy and Legislative Context

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Glossary

Term	Definition
Dogger Bank South (DBS) offshore wind farms	The collective name for the two Projects, DBS East and DBS West.
European Site	Sites designated for nature conservation under the Habitats Directive and Birds Directive. This includes candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas, and is defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017.
Evidence Plan Process (EPP)	A voluntary consultation process with specialist stakeholders to agree the approach, and information to support, the Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA) for certain topics.
Offshore Development Area	The Offshore Development Area encompasses the wind farm site and the options for the offshore transmission works.
Onshore Development Area	The Onshore Development Area for PEIR is the boundary within which all onshore infrastructure required for the Projects will be located including landfall, onshore export cable route, accesses, construction compounds and onshore substations. The Onshore Development Area is to be refined through the consultation and engineering review process.
Topic Specific Study Area	The area where potential impacts from the Projects could occur, as defined for each individual EIA topic.

Term	Definition
The Applicant	RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited as the owners of DBS West and DBS East respectively are the named undertakers that will have the benefit of the Development Consent Order. References in this document to obligations on, or commitments by, 'the Applicant' are given on behalf of RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited.

Acronyms

Term	Definition
AONB	Area of Outstanding Natural Beauty
BEIS	Business, Energy and Industrial Strategy
CBD	Convention on Biological Diversity
CCMA	Coastal Change Management Area
CFD	Contracts for Difference
COP	Conference of Parties
DBS	Dogger Bank South
DCO	Development Consent Order
DML	Deemed Marine Licence
DPD	Development Plan Document
EEA	European Economic Area
EIA	Environmental Impact Assessment
EMR	Electricity Market Reform
ES	Environmental Statement
EU	European Union
GHG	Greenhouse Gas
HRA	Habitats Regulations Assessment
IPC	Infrastructure Planning Commission
LDFs	Local Development Frameworks
MCAA	Marine and Coastal Access Act 2009

Term	Definition
MCZ	Marine Conservation Zone
MMO	Marine Management Organisation
MPA	Marine Protected Area
MPS	Marine Policy Statement
NDC	Nationally Determined Contribution
NNR	National Nature Reserve
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
OEP	Office for Environmental Protection
OSPAR	Oslo and Paris Conventions
PEIR	Preliminary Environmental Information Report
RIAA	Report to Inform Appropriate Assessment
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SoS	Secretary of State
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
UK	United Kingdom
UKCCC	UK Committee on Climate Change
UN	United Nations

Term	Definition
UNECE	United Nations Economic Commission for Europe
UNFCCC	United Nations Framework Convention on Climate Change
WFD	Water Framework Directive

1. Policy and Legislative Context

1.1. Introduction

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 the proposed Dogger Bank South (DBS) East and DBS West offshore wind farms, collectively known as Dogger Bank South offshore wind farms ('the Projects').

2. Specific aspects of policy and legislation relevant to each Environmental Impact Assessment (EIA) topic are included in the appropriate chapters (**Chapters 8 to 30**) of this PEIR.

3. An assessment of the Projects in terms of compliance with planning policies will be provided in the Planning Statement, which will accompany the application for Development Consent.

4. This chapter will be updated following consultation on the PEIR and included with the Environmental Statement (ES) that will be submitted with the Development Consent Order (DCO) application.

1.1. International Context

1.1.1. Brexit and Post-Brexit Bills

5. The United Kingdom (UK) government triggered article 50 of the Treaty of the European Union (EU) in 2017, with the UK formally withdrawing from the EU on 31 January 2020. A transition period followed until the end of 2020 while the UK and the EU negotiated additional necessary arrangements.

6. The European Union (Withdrawal) Act 2018 was designed to keep in place all EU-derived domestic legislation (i.e. the statutory instruments that implement EU environmental directives) and to incorporate direct EU legislation into domestic law.

7. The UK government passed the Environment Act 2021 in November 2021 (UK Government, 2021a), which makes provisions for a range of matters, including (inter alia): 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.

8. UK legislation relating to climate change and renewable energy policy is underpinned by a number of international agreements (e.g. EU and United Nations (UN)), as outlined in the following sections.

1.2. International Climate Change and Renewable Energy Policy and Legislation

1.2.1. United Nations Framework Convention on Climate Change

9. The United Nations Framework Convention on Climate Change (UNFCCC) is an international environmental treaty which was adopted in 1992 and came into force in 1994, and as of December 2022 has been ratified by 198 countries. This framework aims to achieve the "*stabilization of greenhouse gas (GHG) concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system*" through the agreement of non-binding GHG emission reduction limits and providing guidance and financial support to countries wishing to progress towards the targets.

10. The 'Kyoto Protocol' is an international agreement which was adopted in 1997 and came into force in 2005 (UNFCCC, 1997). The UK is one of 192 parties which have adopted the Protocol, agreeing to a commitment for limiting and reducing GHG emissions. The Protocol was ratified by the UK Government in 2002 and the UK's commitments under the Protocol were brought into UK law via the Climate Change Act in 2008.

11. The 2012 annual meeting resulted in the Doha Amendment (United Nations, 2012), an extension to the Kyoto Protocol, with a commitment from parties to reduce emissions from GHGs by 18% in comparison to 1990 levels during the years of 2013-2020. The EU committed to reduce emissions by 20% under this amendment, with the 2020 European Green Deal building upon this to raise the 2030 greenhouse gas emission reduction target (including emissions and removals), to at least 55% compared to 1990.

12. In 2015, the 21st Conference of the Parties (COP) in Paris aimed to accelerate global action for a sustainable future and resulted in the 2015 'Paris Agreement' (United Nations, 2015) with the following key objectives:

- Commit to a long-term temperature goal to hold global average temperature increase to well below 2°C above preindustrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels;
- Parties should aim to reach global peaking of GHG emissions as soon as possible; and

- Parties will prepare, communicate and maintain a nationally determined contribution (NDC) and to pursue domestic measures to achieve them. Parties shall communicate their NDCs every 5 years and provide information necessary for clarity and transparency.

13. The UK signed the Paris Agreement in 2016 during the 22nd Climate Change Conference of the Parties (COP22), and ratified it later that year, committing to a 40% reduction in GHG emissions by 2030 against the 1990 baseline along with EU member states.

14. As a result of COP27 in November 2022, the UK Committee on Climate Change (UKCCC) published the following key messages for the UK Government in relation to climate goals (UKCCC, 2022):

- "*The delayed 2030 Strategic Framework (the Government's vision for the UK's long-term international role tackling climate change and biodiversity loss) is an opportunity to set out the UK's leadership role in helping the world achieve the goals of the Paris Agreement;*
- *After exiting the EU and convening COP26, the UK Government should decide what its priorities are in COP negotiations and communicate these at a high level. The relationships and capabilities built through the Presidency should be used to actively champion progress towards the goals of the Paris Agreement and take forward the delivery of pledges and initiatives;*
- *As a major finance centre and sponsor of the multilateral development banks, the UK should pay particular attention to its positions on mobilising finance, which are vital to global success on climate change, and how it contributes to future Just Energy Transition Partnerships; and*
- *The UK must implement its Net Zero Strategy to deliver its legislated domestic targets and international commitments. It must strengthen its response on climate adaptation, which remains weak, with an ambitious, action-oriented third National Adaptation Programme in 2023*".

1.2.2. European Union Renewables Directive

15. The EU Renewable Energy Directive (2001/77/EC) was the first EU level legislation on renewable energy that was implemented in 2001. It encourages member states to increase the proportion of electricity produced from renewable energy sources in the internal electricity market. This was achieved by setting indicative targets for future electricity consumption from renewable sources.

16. This was replaced in 2009 by the Renewables Directive (2009/28/EC), aiming to:

- Set the target of reaching 20% of the EU's energy consumption (electricity, heat and fuel) to come from renewable sources by 2020; and
- Reduce GHG emissions by 20% in 2020 in comparison to 1990 levels.

17. The current Renewable Energy Directive (2018/2001/EU) establishes a new binding renewable energy target for the EU for 2030 of a share of at least 32% renewable energy, with a clause for a possible upwards revision by 2023.

18. Following the UK's withdrawal from the EU, there are uncertainties as to the extent to which EU legislation already transposed into UK law will be retained going forward. However, the UK's commitments to reducing GHG emissions are included in the Climate Change Act 2008 (see section 1.4.1.1).

1.3. International Environmental and Nature Legislation and Treaties

1.3.1. Water Framework Directive

19. The Water Framework Directive (WFD), transposed into UK law in England and Wales by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, aims to ensure the quality of inland, estuarine and groundwater bodies, including coastal surface waters, are protected and improved up to an offshore limit of one nautical mile.

20. The Directive's Member States are responsible for ensuring that all inland and coastal waters reach at least "*good ecological status*" or "*good ecological potential*".

21. Within the Directive in the UK, chemical and biological environmental quality indicators are used, and the implementation of river basin management plans is required. The Environment Agency is responsible for monitoring water quality and reports the data against Environmental Quality Standards, allowing the improvement of surface waters that do not meet the required status.

1.3.2. The Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention)

22. The Ramsar Convention (United Nations, 1971) was adopted in 1971 and ratified by the UK in 1976. It provides an international mechanism for protecting sites of global importance and is thus of key conservation significance, covering all aspects of wetland conservation. The Convention has three main uses:

- The designation of wetlands of international importance as Ramsar Sites;
- The promotion of the wise use of all wetlands in the territory of each country; and
- International co-operation with other countries to further the wise use of wetlands and their resources.

23. The criteria for assessing a site for designation as a Ramsar site include whether or not the wetland supports 20,000 water birds and/or supports 1% of the individuals in a population of one species or subspecies of water bird.

24. UK Government policy affords the same protection to Ramsar sites as European designations such as Special Protection Areas (SPAs) and Special Areas of Conservation (SACs), known collectively as National Site Network sites in the UK. The UK has generally chosen to underpin the designation of its Ramsar sites through prior notification of these areas as Sites of Special Scientific Interest (SSSI).

1.3.3. The Convention on Biological Diversity

25. The Convention on Biological Diversity (CBD) is a legally binding treaty to which the UK is one of 196 signatories and came into force in December 1993. It has three main objectives:

- The conservation of biological diversity;
- The sustainable use of the components of biological diversity; and
- The fair and equitable sharing of the benefits arising from the utilisation of genetic resources.

26. The CBD recognised for the first time in international law that the conservation of biological diversity is "*a common concern of humankind*" and is an integral part of the development process. The CBD covers all ecosystems, species, and genetic resources.

27. Numerous UN and EU initiatives aim to contribute towards meeting the objectives of the CBD, including the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention), the Convention on the Conservation of Migratory Species of Wild Animals (the Bonn Convention) and the establishment of the European Site Network.

28. On 12 July 2021, the UN Convention on Biological Diversity Secretariat released the first official draft of a new post-2020 Global Biodiversity Framework (CBD, 2021) to guide actions worldwide through to 2030 to preserve and protect nature and its essential services to people. This includes 21 associated "*action targets*" for 2030 which address reducing threats to biodiversity, meeting people's needs through sustainable use and benefit-sharing, and tools and solutions for implementation and mainstreaming. The framework delivery was discussed at the fifteenth meeting (part 2) of the Conference of the Parties to the CBD, held in December 2022.

1.3.4. Habitats and Birds Directives

29. The Habitats Directive (EC Directive 92/43/EEC) implements the Bern and Bonn Conventions; aiming to meet the objectives of the CBD. The Directive aims to conserve natural habitats of wild fauna and flora and is intended to protect biodiversity by requiring Member States to take measures to maintain or restore natural habitats and wild species, including protection for specific habitats listed in Annex I and species listed in Annex II of the Directive.

30. The Birds Directive (EC Directive 2009/147/EC) on the conservation of wild birds provides a framework for the conservation and management of wild birds in Europe. It sets objectives for a wide range of activities for Member States to take necessary measures to maintain the populations of all wild birds at levels.

31. A description of how the Habitats Directive and the Birds Directive are transposed into UK law is given in section 1.4.7.1.

1.3.5. Marine Strategy Framework Directive

32. The Marine Strategy Framework Directive (Directive 2008/56/EC) aims to achieve and maintain healthy, productive and resilient marine ecosystems while securing more sustainable use of marine resources for the benefit of current and future generations. Under this Directive, EU countries are required to develop marine strategies in order to achieve 'good' environmental status for 11 descriptors covering various aspects of the health of the sea, such as biodiversity, seabed integrity and marine pollution, and have clean, healthy and productive seas by 2020.

33. The Directive was transposed into UK law under the Marine Strategy Regulations 2010 (UK Government, 2010), requiring the production of a 'Marine Strategy' for all UK waters and that the approach is coordinated across all four UK Administrations. It also requires cooperation with other countries sharing our seas. The objective of the UK Marine Strategy reflects the UK's vision of having "*clean, healthy, safe, productive and biologically diverse oceans and seas*". The Strategy applies an ecosystem-based approach to the management of human activities.

34. The Strategy helps to deliver key international obligations and commitments to protect and preserve the marine environment including those under the UN Convention on the Law of the Sea, the UN Sustainable Development Goal 14 (to conserve and sustainably use the ocean, seas and marine resources for sustainable development), the OSPAR (Oslo and Paris Conventions) North-East Atlantic Environment Strategy and the Convention on Biological Diversity.

35. Although EU Directives no longer form part of legislation in the UK, the Marine Strategy Regulations 2010 and the Marine and Coastal Access Act 2009 remain to set out the basis for preparing Marine Policy Statements and Marine Plans.

1.3.6. OSPAR Convention

36. The OSPAR Convention (1992) focuses on international cooperation to protect the marine environment of the northeast Atlantic.

37. OSPAR's biodiversity strategy establishes a network of Marine Protected Areas (MPAs). The UK has currently identified 365 OSPAR MPAs (OSPAR, 2020), many of which are European sites that also meet the relevant OSPAR selection criteria (OSPAR, 2019).

1.3.7. Transboundary Considerations – Espoo Convention

38. The United Nations Economic Commission for Europe (UNECE) convention (the 'Espoo Convention') sets out the obligations of Parties to notify and consult each other on all major projects under consideration that have the potential for likely significant adverse environmental effects across international boundaries (transboundary effects).

39. The Espoo Convention has been implemented in the UK for the purpose of Nationally Significant Infrastructure Projects (NSIPs) by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, specifically Regulation 32 (Development with significant transboundary effects). This places a statutory duty on the Secretary of State (SoS) to notify and consult other European Economic Area (EEA) states where they are of the view that the development is likely to have significant effects on the environment of another EEA State.

40. Planning Inspectorate Advice Note Twelve: Transboundary Impacts and Processes (Planning Inspectorate, 2020) sets out the procedures for transboundary notification and consultation associated with NSIP applications for a DCO under the Planning Act 2008, whereby an application has the potential for significant transboundary effects.

41. Planning Inspectorate Advice Note Twelve establishes the roles of the Planning Inspectorate, the UK Government departments and developers. It is advised that developers identify the possible significant transboundary effects or alternatively state why they consider that there would not be any significant effects on another EEA State.

1.4. National Context

1.4.1. UK Climate and Renewable Energy Policy

42. Numerous overarching UK environmental targets and goals set the national framework for addressing climate change and increasing renewable energy production. An important policy is the legally binding target implemented through the Climate Change Act 2008 (2050 Target Amendment) Order 2019 (the 2019 Amendment Order) which commits to reducing carbon and GHG by 100% by 2050 in comparison to a 1990 baseline.

1.4.1.1. The Climate Change Act 2008

43. The Climate Change Act 2008 sets the framework for the UK to transition to a low-carbon economy, placing a duty on the UK government to ensure their net carbon account and GHG emissions are reduced by 80% relative to 1990 levels by 2050. To progress towards this target, the UK government committed to implementing five-yearly carbon budgets until 2032 to restrict the GHG emissions within each period.

44. In June 2019, the Climate Change Act 2008 (2050 Target Amendment) Order 2019 was passed which extended the 80% reduction target to "*at least 100%*", compared to the 1990 levels, also known as "*net zero*". This legal target has remained post-UK withdrawal from the EU and is in line with targets made under the Paris Agreement.

45. In 2017, the Department for Business, Energy and Industrial Strategy (BEIS) produced a Clean Growth Strategy (BEIS, 2017) which sets out a comprehensive set of policies and proposals within the UK that aim to deliver increased economic growth and decreased emissions in order for the UK to operate on secure and affordable clean power.

46. In terms of offshore wind, the Strategy aims to improve the route to market for renewable technologies such as offshore wind through:

- The provision of up to £557 million for rounds of clean electricity auctions;
- Working with industry as they develop an ambitious Sector Deal for offshore wind, resulting in up to 10 gigawatts of new capacity, with the opportunity for additional deployment; and
- £177 million further investment to reduce the cost of renewables, including innovation in offshore wind turbine blade technology and foundations.

47. The Contracts for Difference (CfD) scheme is the Government's primary method of encouraging investment in low-carbon electricity. In 2021, the UK Government announced £200 million to support offshore wind projects to help progress towards the 2030 40GW capacity target, with a further £55 million available for supporting emerging renewable technologies.

48. This combination of measures demonstrates the UK Government's ongoing support for offshore wind development, with projected costs predicted to continue to decrease as total capacity increases.

1.4.1.2. The UK Energy Act 2013

49. The Energy Act 2013 outlines the UK's commitment to low carbon energy industry and investment in low-carbon electricity generation. The Act introduced the Electricity Market Reform (EMR) which was designed to enable the UK to develop a clean, diverse and competitive mix of electricity generation to meet a 2030 decarbonisation target range for electricity.

50. Two main policies were introduced as part of the EMR:

- Capacity Market: To ensure the security of electricity supply at the least cost to the consumer; and
- Contracts for Difference: To provide long-term revenue stabilisation for new low-carbon electricity generation in Great Britain (GB).

51. The CfD aims to ensure sufficient investment in sustainable low-carbon technologies to put us on a path consistent with the target to achieve net zero by 2050.

1.4.1.3. Ten Point Plan for a Green Industrial Revolution

52. The ten-point plan for a Green Industrial Revolution (UK Government, 2020) was published in November 2020 and will mobilise £12 billion of government investment. The policy paper sets out the approach the Government will take to support green jobs and accelerate the path to net zero. Point one of the plan sets out how the Government will advance offshore wind as a critical source of renewable energy. By 2030 the aim is to have 40GW of operational offshore wind in the UK.

1.4.1.4. Net Zero Strategy: Build Back Greener

53. The UK Government published its Net Zero Strategy: Build Back Greener policy paper in October 2021 (UK Government, 2021b). This strategy builds on the approach presented in the Ten Point Plan, setting steps to cut emissions, enhance green economic opportunities, and leverage further private investment into net zero. The Strategy provides a pathway to deliver on carbon budgets, NDC and 2050 decarbonisation targets.

1.4.1.5. British Energy Security Strategy

54. In April 2022, the UK Government published the British Energy Security Strategy (UK Government, 2022). This sets out how Great Britain will accelerate homegrown power for increased energy independence. The Strategy includes renewables including offshore wind. 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.

1.4.2. National Planning Legislation

1.4.2.1. The Planning Act 2008

55. The Planning Act 2008 is the legislation that established the first legal framework for applying for, examining and determining applications for NSIPs. The Act sets thresholds above which certain types of infrastructure development are nationally significant and require a DCO.

56. DBS East and DBS West are defined as NSIPs under Section 15(3) of the Planning Act 2008 as the Projects are both offshore generating stations each with an expected capacity greater than 100MW. As required by Section 31 of the Planning Act 2008, a DCO Application will be submitted. Whilst DBS East and DBS West are separate projects and separate commercial entities, this PEIR assumes that the Projects will form the basis of a single DCO application.

57. In 2011, the Localism Act was adopted which amended the Planning Act 2008. This made the Planning Inspectorate the agency responsible for operating the consenting process for NSIPs on behalf of the relevant SoS. The SoS appoints an Examining Authority, which can comprise a panel of Inspectors or a single Inspector, to examine the application and make a recommendation to the relevant SoS, who will make the decision on whether to grant the DCO.

58. The SoS's decision must be in accordance with designated National Policy Statements (NPSs) unless being classed under an exception as set out in Section 104 of the Planning Act 2008.

1.4.2.2. Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and Guidance Documents

59. The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations 2017") transpose EIA Directive provisions (2014/52/EU, amending 2011/92/EU). The EIA Regulations 2017 require that the effects of a project (likely to have a significant effect on the environment), are accounted for in the decision-making process for that project.

60. The EIA Regulations 2017 indicate the process for environmental information provision to enable the EIA process. As required under the Regulations, the DCO Application for the Projects will be accompanied by an ES.

61. A Scoping Report for the Projects was submitted to the Planning Inspectorate on 26 July 2022. A Scoping Opinion was subsequently adopted by the Planning Inspectorate, on behalf of the SoS, on 26 September 2022 (Planning Inspectorate, 2022). The notification under Regulation 8(1)(b) confirms that the Projects are 'EIA development' in accordance with Regulation 6(2)(a) of the EIA Regulations 2017. The environmental effects of the Projects will be identified and assessed based on the Scoping Opinion, and ongoing engagement and assessment work throughout the EIA process.

1.4.2.3. Marine and Coastal Access Act 2009

62. The Marine and Coastal Access Act 2009 (MCAA) created a new system of marine and coastal management within the UK focused on management and protection measures for the environment. This Act established the Marine Management Organisation (MMO) as the statutory body responsible for the enhancement and delivery of sustainable development within UK coastal areas.

63. The Act allows for the creation of Marine Conservation Zones (MCZs), which are areas designated for the protection of a range of nationally important marine wildlife, habitats, geology and geomorphology. MCZs cover both UK territorial and offshore waters.

64. The MCAA introduced a new Planning Act 2008 section (Section 149A) which enables a DCO applicant to apply for marine works under Deemed Marine Licence(s) (DML) as part of the DCO process.

1.4.3. Marine Policy

1.4.3.1. The Marine Policy Statement

65. The Marine Policy Statement (MPS) is the framework for preparing Marine Plans and taking decisions affecting the marine environment, which was prepared and adopted for the purposes of section 44 of the Marine and Coastal Access Act 2009. It was adopted in 2011 by all UK administrations (UK Government, Scottish Government, Welsh Assembly Government and Northern Ireland Executive).

66. The MPS facilitates and supports the formulation of Marine Plans, ensuring that marine resources are used in a sustainable way in line with the high-level marine objectives:

- Promote sustainable economic development;
- Enable the UK's move towards a low-carbon economy, in order to mitigate the causes of climate change and ocean acidification and adapt to their effects;
- Ensure a sustainable marine environment which promotes healthy, functioning marine ecosystems and protects marine habitats, species and our heritage assets; and
- Contribute to the societal benefits of the marine area, including the sustainable use of marine resources to address local social and economic issues.

67. The SoS must have regard to the MPS under Section 104(2)(aa) of the Planning Act 2008 and Section 59 of the MCAA when considering DCO applications.

68. In terms of offshore wind, the MPS states the following: *"The UK has some of the best wind resources in the world and offshore wind will play an important and growing part in meeting our renewable energy and carbon emission targets and improving energy security by 2020, and afterwards towards 2050. Harnessing and connecting offshore wind is currently more technologically challenging and more expensive than harnessing and connecting onshore wind. However, offshore wind has a larger potential, due to a stronger and more consistent wind source at sea leading to higher power outputs. As the most mature of the offshore renewable energy technologies, it has the potential to have the biggest impact in the medium-term on security of energy supply and carbon emission reductions through its commercial scale output. Expansion of the offshore wind supply is likely to require significant investment in new high-value manufacturing capability with potential to regenerate local and national economies and provide employment."* (Section 3.3.19).

69. The MPS considers policy in relation to the marine environment covering the following technical areas:

- 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.

1.4.3.2. Marine Plans

70. Marine plans are prepared under the policy framework provided by the UK Marine Policy Statement; together they underpin the marine planning system for England. In deciding DCO applications the SoS is also obliged to have regard to any Marine Plan which has an effect for the area of the application, by Section 104(2)(aa) of the Planning Act 2008 and Section 59 of the MCAA. The majority of the offshore elements of the Projects are within the East Inshore and Offshore Marine Plan areas, and therefore these plans are the focus of this PEIR chapter. A small portion of the offshore export cable route lies within the North East Marine Plan area, and this plan has been considered by the Applicant where relevant.

1.4.3.1.2 East Inshore and East Offshore Marine Plans

71. The East Inshore and East Offshore Marine Plans (2014) encompass and therefore have effect on the Projects Offshore Development Area

72. The purpose of the Plans is to: "*…provide a clear approach to managing the East Inshore and East Offshore areas, their resources, and the activities and interactions that take place within them. They will help ensure the sustainable development of the marine area. …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*".

73. In terms of offshore wind, the plans state *"By 2034, sustainable, effective and efficient use of the East Inshore and East Offshore Marine Plan Areas has been achieved, leading to economic development while protecting and enhancing the marine and coastal environment, offering local communities new jobs, improved health and well-being. As a result of an integrated approach that respects other sectors and interests, the East marine plan areas are providing a significant contribution, particularly through offshore wind energy projects, to the energy generated in the United Kingdom and to targets on climate change."* (Paragraph 50).

74. The objectives of the Plans and key associated policies established under them are listed below and have been considered by the Applicant:

- **Objective 1:** *"To promote the sustainable development of economically productive activities, taking account of spatial requirements of other activities of importance to the East marine plan areas".*
  - *Policy EC1 states: "Proposals that provide economic productivity benefits which are additional to Gross Value Added currently generated by existing activities should be supported".*
- **Objective 2:** *"To support activities that create employment at all skill levels, taking account of the spatial and other requirements of activities in the East marine plan areas".*
  - Policy EC2 states: *"Proposals that provide additional employment benefits should be supported, particularly where these benefits have the potential to meet employment needs in localities close to the marine plan areas".*

- **Objective 3:** *"To realise sustainably the potential of renewable energy, particularly offshore wind farms, which is likely to be the most significant transformational economic activity over the next 20 years in the East marine plan areas, helping to achieve the United Kingdom's energy security and carbon reduction objectives".*
  - Policy EC3 states: *"Proposals that will help the East marine plan areas to contribute to offshore wind energy generation should be supported".*
- **Objective 4:** *"To reduce deprivation and support vibrant, sustainable communities through improving health and social well-being".*
- **Objective 5:** *"To conserve heritage assets, nationally protected landscapes and ensure that decisions consider the seascape of the local area".*
  - Policy SO2 states: "*Proposals that may affect heritage assets should demonstrate, in order of preference:*

    a) That they will not compromise or harm elements which contribute to the significance of the heritage asset;

    b) How, if there is compromise or harm to a heritage asset, this will be minimised;

    c) How, where compromise or harm to a heritage asset cannot be minimised it will be mitigated against; and

    d) The public benefits for proceeding with the proposal if it is not possible to minimise or mitigate compromise or harm to the heritage asset".
  - Policy SOC3 states: *"Proposals that may affect the terrestrial and marine character of an area should demonstrate, in order of preference:*

    a) That they will not adversely impact the terrestrial and marine character of an area;

    b) How, if there are adverse impacts on the terrestrial and marine character of an area, they will minimise them;

    c) How, where these adverse impacts on the terrestrial and marine character of an area cannot be minimised they will be mitigated against; and

    d) The case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts".

- **Objective 6:** *"To have a healthy, resilient and adaptable marine ecosystem in the East marine plan areas".*
  - Policy ECO1 states: *"Cumulative impacts affecting the ecosystem of the East marine plans and adjacent areas (marine, terrestrial) should be addressed in decision-making and plan implementation".*
  - Policy ECO2 states: *"The risk of release of hazardous substances as a secondary effect due to any increased collision risk should be taken account of in proposals that require an authorisation".*
- **Objective 7:** *"To protect, conserve and, where appropriate, recover biodiversity that is in or dependent upon the East marine plan areas".*
  - Policy BIO1 states: *"Appropriate weight should be attached to biodiversity, reflecting the need to protect biodiversity as a whole, taking account of the best available evidence including on habitats and species that are protected or of conservation concern in the East marine plans and adjacent areas (marine, terrestrial)".*
  - Policy BIO2 states: *"Where appropriate, proposals for development should incorporate features that enhance biodiversity and geological interests".*
- **Objective 8:** *"To support the objectives of Marine Protected Areas (and other designated sites around the coast that overlap, or are adjacent to the East marine plan areas), individually and as part of an ecologically coherent network".*
  - Policy MPA1 states: *"Any impacts on the overall Marine Protected Area network must be taken account of in strategic level measures and assessments, with due regard given to any current agreed advice on an ecologically coherent network".*
- **Objective 9:** "To facilitate action on climate change adaptation and mitigation in the East marine plan areas."
  - Policy CC1 states: *"Proposals should take account of:*

    a) How they may be impacted upon by, and respond to, climate change over their lifetime; and

    b) How they may impact upon any climate change adaptation measures elsewhere during their lifetime .

    Where detrimental impacts on climate change adaptation measures are identified, evidence should be provided as to how the proposal will reduce such impacts".

- Policy CC2 states: "*Proposals for development should minimise emissions of greenhouse gases as far as is appropriate. Mitigation measures will also be encouraged where emissions remain following minimising steps. Consideration should also be given to emissions from other activities or users affected by the proposal*".
- **Objective 10:** "*To ensure integration with other plans, and in the regulation and management of key activities and issues, in the East marine plans, and adjacent areas*".
  - Policy GOV1 states: "*Appropriate provision should be made for infrastructure on land which supports activities in the marine area and vice versa*".
  - Policy GOV2 states: "*Opportunities for co-existence should be maximised wherever possible*".
  - Policy GOV3 states: "*Proposals should demonstrate in order of preference:*

    a) That they will avoid displacement of other existing or authorised (but yet to be implemented) activities;

    b) How, if there are adverse impacts resulting in displacement by the proposal, they will minimise them;

    c) How, if the adverse impacts resulting in displacement by the proposal, cannot be minimised, they will be mitigated against; or

    d) The case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts of displacement".
  - Policy DEF1 states: "*Proposals in or affecting Ministry of Defence Danger and Exercise Areas should not be authorised without agreement from the Ministry of Defence*".
  - Policy OG1 states: "*Proposals within areas with existing oil and gas production should not be authorised except where compatibility with oil and gas production and infrastructure can be satisfactorily demonstrated*".
  - Policy WIND2 states: "*Proposals for Offshore Wind Farms inside Round 3 zones, including relevant supporting projects and infrastructure, should be supported*".
  - Policy CCS1 states: "*Within defined areas of potential carbon dioxide storage, proposals should demonstrate in order of preference:*

    a) That they will not prevent carbon dioxide storage;

b) How, if there are adverse impacts on carbon dioxide storage, they will minimise them;

c) How, if the adverse impacts cannot be minimised, they will be mitigated; and

d) The case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts".

- Policy PS2 states: "*Proposals that require static sea surface infrastructure that encroaches upon important navigation routes should not be authorised unless there are exceptional circumstances. Proposals should:*

  a) Be compatible with the need to maintain space for safe navigation, avoiding adverse economic impact;

  b) Anticipate and provide for future safe navigational requirements where evidence and/or stakeholder input allows; and

  c) Account for impacts upon navigation in-combination with other existing and proposed activities".

- Policy CAB1 states: "*Preference should be given to proposals for cable installation where the method of installation is burial. Where burial is not achievable, decisions should take account of protection measures for the cable that may be proposed by the applicant".*

- Policy FISH1 states: "*Within areas of fishing activity, proposals should demonstrate in order of preference:*

  a) That they will not prevent fishing activities on, or access to, fishing grounds;

  b) How, if there are adverse impacts on the ability to undertake fishing activities or access to fishing grounds, they will minimise them;

  c) How, if the adverse impacts cannot be minimised, they will be mitigated;

  d) The case for proceeding with their proposal if it is not possible to minimise or mitigate the adverse impacts".

- Policy FISH2 states: "*Proposals should demonstrate, in order of preference:*

  a) That they will not have an adverse impact upon spawning and nursery areas and any associated habitat;

b) How, if there are adverse impacts upon the spawning and nursery areas and any associated habitat, they will minimise them;

c) How, if the adverse impacts cannot be minimised they will be mitigated;

d) The case for proceeding with their proposals if it is not possible to minimise or mitigate the adverse impacts".

- Policy TR1 states: *"Proposals for development should demonstrate that during construction and operation, in order of preference:*

  a) They will not adversely impact tourism and recreation activities;

  b) How, if there are adverse impacts on tourism and recreation activities, they will minimise them;

  c) How, if the adverse impacts cannot be minimised, they will be mitigated;

  d) The case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts".

- *Policy TR2 states: "Proposals that require static objects in the East marine plan areas, should demonstrate, in order of preference:*

  a) That they will not adversely impact on recreational boating routes;

  b) How, if there are adverse impacts on recreational boating routes, they will minimise them;

  c) How, if the adverse impacts cannot be minimised, they will be mitigated; and

  d) The case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts".

75. Remaining policies under Objective 10 seek to protect areas designated for or with potential to be used by a range of different marine activities e.g. aggregates, shipping and leisure. Since the site selection for the Projects has avoided areas designated for other marine uses as far as possible, these remaining policies are not applicable to these Projects.

1.4.4. National Policy Statements

76. The Planning Act 2008 makes provision for NPSs. NPSs are designed to set the policy framework for the determination of NSIP applications. They integrate the Government's objectives for infrastructure capacity and development with its wider economic, environmental and social policy objectives, including climate change goals and targets, in order to deliver sustainable development.

77. NPSs are produced by the UK Government and set out national policy against which proposals for major infrastructure projects will be assessed and decided on by the Planning Inspectorate. Planning decisions will be taken within the clear policy framework set out in the NPSs, making these decisions as transparent as possible. The Planning Inspectorate will have regard for NPSs in its examination of applications for development consent, and Ministers will also have regard for them when making decisions. NPSs include the Government's objectives for the development of nationally significant infrastructure in a particular sector and set out:

- How these objectives will contribute to sustainable development;
- How these objectives have been integrated with other 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.

78. Twelve NPSs in total were produced by the Department of Energy and Climate Change (DECC), of which six are relevant to energy. The energy NPSs received designation by the former Secretary of State for Energy and Climate Change on 19 July 2011. The three NPSs of relevance to the Projects are:

- EN-1 Overarching Energy (DECC, 2011a);
- EN-3 Renewable Energy Infrastructure, which identifies the construction of offshore generating stations in excess of 100MW as NSIPs (DECC, 2011b); and
- EN-5 Electricity Networks, which covers the electrical infrastructure in conjunction with EN-1 (DECC, 2011c).

79. It is noted that NPS EN-1, EN-3 and EN-5 are in the process of being revised. A draft version of each NPS was published for consultation in September 2021. The consultation closed in November 2021 (BEIS, 2021). The updated draft NPSs include a number of key changes. They also include reference to plans to decarbonize the UK's economy, and strategies to ensure energy security and a reduction in the cost of energy for consumers. The updated draft NPSs highlight the need for diversification of the energy generating infrastructure to include a mix of sources to help the transition to net zero.

80. Following the consultation in 2021 on the draft energy NPS, a new consultation opened on the 30 March 2023 on revised drafts EN1, EN3 and EN5. Due to the timing of this consultation, and finalisation of this PEIR we have been unable to review and take these revised draft NPS into account within these documents. However, these will be reviewed and incorporated into the final ES where relevant.

81. Specific NPS polices relevant to each environmental topic are set out in each PEIR chapter with information provided as to how each item has been addressed. Key differences in the draft NPS polices relevant to each EIA topic are also included.

1.4.4.1. Overarching National Policy Statement for Energy (EN-1)

82. EN-1 sets out national policy for energy infrastructure and notes that an increase in renewable electricity is essential to enable the UK to meet its commitments under the UK Renewable Energy Directive. Part 3 describes the need for new nationally significant energy infrastructure projects including:

- On the need for new electricity network infrastructure, Paragraph 3.7.1 explains that much of the new electricity infrastructure that is needed will be located in places where there is no existing network infrastructure. It acknowledges that this is likely to be the case for many wind farms, or where there may be technical reasons why existing network infrastructure is not suitable for connecting the new generation infrastructure.
- Paragraph 3.7.10 explains that in light of the urgent need for new electricity transmission and distribution infrastructure, the Infrastructure Planning Commission (whose decision making role is now carried out by SoS) should consider that the need for any given proposed new connection has been demonstrated if it represents an efficient and economical means of connecting new generation to the transmission or distribution network.

1.4.4.2. National Policy Statement for Renewable Energy Infrastructure (EN-3)

83. Paragraph 2.6.15 of EN-3 recognises the need for 25GW of new offshore wind-derived generating capacity in the UK Renewable Energy Zone and the territorial waters of England and Wales. It also references the Offshore Energy Strategic Environmental Assessment which concluded that there are no overriding environmental considerations preventing the plans for 25GW offshore wind and a further 8GW existing planned capacity if mitigation measures are implemented to prevent, reduce and offset significant adverse effects.

84. The role of the SoS in the offshore consenting process, including the power of the SoS to grant DMLs as part of a project's DCO is confirmed in paragraph 2.6.9 of EN-3. It also calls for some flexibility allowances in the consent of offshore wind NSIPs to allow for situations where full details of the project specification may be unknown at the time of submission (paragraph 2.6.43). EN-3 also highlights the use of the 'Rochdale Envelope' method in such circumstances, which allows for the maximum adverse case scenario (i.e. worst-case) to be assessed in the ES and a DCO granted on this basis (paragraph 2.6.43).

85. Paragraph 2.6.44 explains that the consent granted should be flexible to allow for necessary micrositing of elements of the proposed wind farm during its construction where requested at the application stage. This allows for unforeseen events such as the discovery of previously unknown marine archaeology that it would be preferable to leave in situ.

86. NPS EN-3 identifies certain environmental topic-specific policy considerations. These are outlined within the relevant ES chapters.

1.4.4.3. National Policy Statement for Electricity Networks (EN-5)

87. Paragraph 1.8.2 of National Policy Statement EN-5 – Electricity Networks explains that subsea cables and underground cables, as well as associated infrastructure maybe consented under the Planning Act 2008. In England this constitutes associated development for which consent is sought through a DCO along with the main NSIP infrastructure, such as a generating station.

88. Paragraph 2.2.1 of EN-5 explains that, with regard to factors which influence site/route selection the choices which energy companies make in selecting sites reflect their assessment of risk that following the principles in 4.1.1 of EN-1, consent may not be granted in any given case.

89. Paragraph 2.2.6 of EN-5 summaries a duty in Schedule 9 of the Electricity Act 1989 on transmission and distribution license holders, in formulating proposals for new electricity infrastructure, to *"have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and … do what [they] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects"*.

1.4.5. National Planning Policy Framework

90. The National Planning Policy Framework (NPPF) sets out the UK government's planning policies for England and how these should be applied. A revised version of the NPPF was published in July 2021 to replace the previously published framework in February 2019.

91. The Framework does not contain specific policies for NSIPs. These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant NPSs for major infrastructure, as well as any other matters that are relevant.

92. The NPPF sets out a number of core principles concerning the protection and conservation of the natural and built environment, and the promotion of sustainable growth and development. Details of the principles of the NPPF which the SoS may consider relevant to the Projects are found in **Table 1-1**.

Table 1-1 National Planning Policy Framework Principles Relevant to DBS East and DBS West

Principle	NPPF Advice (with respective paragraph number)
Promoting Sustainable Transport	All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (paragraph 113).
Making Effective Use of Land	Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (Paragraph 119).
Achieving Well-Designed Places	The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better

Principle	NPPF Advice (with respective paragraph number)
	places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process (Paragraph 126).
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, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (Paragraph 152).
Planning and Flood Risk	All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property (Paragraph 161).
Conserving and Enhancing the Natural Environment	Planning policies and decisions should contribute to and enhance the natural and local environment by (Paragraph 174): • Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); • Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; • Maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

Principle	NPPF Advice (with respective paragraph number)
	• Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; • Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and • Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries (Paragraph 175).
Conserving and Enhancing the Historic Environment	Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats (Paragraph 190). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 199-202).

1.4.6. National Infrastructure Advice Notes

93. The EIA process takes account of guidance provided by the Planning Inspectorate in the form of the non-statutory National Infrastructure Advice Notes. These notes are published to provide advice and information on a range of issues arising throughout the DCO application process. Although in many cases they include recommendations from the Planning Inspectorate about the approach to particular matters of process, which developers and others are encouraged to consider carefully, it is not a requirement for developers or others to have regard to the content of Planning Inspectorate Advice Notes. Of particular relevance for the Projects are the following Advice Notes:

- Advice Note Three: EIA consultation and notification (Planning Inspectorate, 2017a);
- Advice Note Seven: Environmental Impact Assessment, Preliminary Environmental Information, Screening and Scoping (Planning Inspectorate, 2020a);
- Advice Note Nine: Rochdale Envelope (Planning Inspectorate, 2018);
- Advice Note Ten: Habitat Regulations Assessment (Planning Inspectorate, 2017b); and
- Advice Note Twelve: Transboundary Impacts and Process (Planning Inspectorate, 2020b).

1.4.7. National Environmental and Conservation Legislation

1.4.7.1. The Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017

94. The Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations) transpose the terms of the Habitats Directive and parts of the Birds Directive into English and Welsh law. For UK offshore waters, the Habitats Directive is transposed into UK law by the Conservation of Offshore Marine Habitats and Species Regulations 2017.

95. Under Regulation 63 of the Habitats Regulations, appropriate assessment is required for a plan or project which, either alone or in combination with other plans or projects, is likely to have a significant effect on a European site or a European offshore marine site and is not directly connected with or necessary for the management of the site. This process is known as Habitat Regulations Assessment (HRA).

96. The Conservation of Offshore Marine Habitats and Species Regulations 2017 consolidate and update the Offshore Marine Conservation Regulations 2007. These regulations apply to the United Kingdom's offshore marine area, affording them the same level of protection as onshore habitats and therefore the HRA process also applies. Regulation 28 requires an appropriate assessment if a plan or project is to be carried out on or in any part of the waters or on or in any part of the seabed or subsoil comprising the offshore marine area, or on or in relation to an offshore marine installation, and is likely to have a significant effect on a European offshore marine site or a European site (either alone or in combination), and is not directly connected with or necessary to the management of the site.

97. HRA generally follows a four-stage process set out in government guidance (Defra, 2010):

- Stage 1: Screening to identify likely impacts on a Natura 2000 site resulting from a project or plan;
- Stage 2: Appropriate assessment to consider in detail impacts on the integrity of the site likely to result from the implementation of the project or plan;
- Stage 3: Assessment of alternative solutions to examine alternative ways of achieving the objectives of the project or plan that would avoid adverse impacts; and
- Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain.

98. The draft Report to Inform Appropriate Assessment (RIAA) for the Projects will be submitted along with the final DCO submission to help inform the HRA process which will be undertaken by the SoS as the competent authority. The draft RIAA will be consulted upon during the pre-application period and all HRA matters discussed with relevant stakeholders through the Evidence Plan Process (EPP).

1.4.7.2. Environment Act 2021

99. The Environment Act 2021 (UK Government, 2021a) sets clear statutory targets for the recovery of the natural world in four priority areas: air quality, biodiversity, water and waste, and sets a new target to reverse the decline in species abundance by the end of 2030. The Act also introduced the Office for Environmental Protection (OEP), responsible for improving the natural environment by increasing the accountability of government and other public authorities.

1.4.7.3. Wildlife and Countryside Act 1981

100. The Wildlife and Countryside Act 1981 (UK Government, 1981) enables the designation of SSSIs to provide statutory protection of the best examples of flora, fauna, geological and physio-geological features. SSSI legislation applies to areas of the terrestrial and intertidal environment only and does not extend offshore. Improved provisions for the protection and management of SSSIs were also introduced by the Countryside and Rights of Way Act 2000. SSSIs are often designated for very specific areas, and the presence of several SSSIs in one region has, in many cases, formed the basis of SPA and SAC (now collectively known as National Site Network sites) boundary classification. Natural England has overall responsibility for the management of the SSSI network in England.

101. The Wildlife and Countryside Act 1981 also enables Statutory Nature Conservation Bodies to declare sites which are considered to be of national importance as National Nature Reserves (NNRs). NNRs also provide additional statutory protection to some SSSIs in England and Wales. Natural England is the body responsible for the designation of NNRs. All NNRs must be within a designated SSSI. Natural England manages the majority of English NNRs, with the remaining sites managed by other approved organisations such as the National Trust, the Forestry Commission, the Royal Society for the Protection of Birds (RSPB), local Wildlife Trusts, and Local Authorities.

102. The Wildlife and Countryside Act defines a series of offences which are intended to provide protection to wild birds, including their eggs and nests, certain animal and plant species, and to prohibit the intentional introduction and spread of invasive non-native species.

1.4.7.4. Countryside and Rights of Way Act 2000

103. Under the Countryside and Rights of Way Act 2000 (UK Government, 2000), Natural England has the power to designate Areas of Outstanding Natural Beauty (AONBs) in England for areas that are outside national parks and that are considered to have significant landscape value. The Act amends the law relating to public rights of way including making provision for public access on foot to certain types of land. Amendments are made in relation to SSSIs to improve their management and protection, as well as to the Wildlife and Countryside Act 1981, to strengthen the legal protection for threatened species. Provision is also made for AONBs to improve their management.

1.4.7.5. The Protection of Badgers Act 1992

104. The Protection of Badgers Act 1992 (UK Government, 1992) makes it an offence to willfully kill, injure or take, or attempt to kill, injure or take a badger; and to cruelly ill-treat a badger. The Act also makes it an offence to intentionally or recklessly damage, destroy or obstruct a badger sett, or to disturb a badger whilst in a sett. A license for the purpose of development may be granted which will interfere with a badger sett within an area specified in the license

1.4.7.6. Natural Environment and Rural Communities Act 2006 (NERC)

105. Section 41 of the Natural Environment and Rural Communities Act 2006 (UK Government, 2006) requires the relevant SoS to compile a list of habitats and species of principal importance for the conservation of biodiversity in England. Decision makers of public bodies, in the execution of their duties, must have regard for the conservation of biodiversity in England, and the list is intended to guide them.

1.4.7.7. The Hedgerow Regulations 1997

106. The Hedgerow Regulations 1997 (UK Government, 1997) make it an offence to remove or destroy certain hedgerows without permission from the local authority and the local authority is the enforcement body for such offences.

1.5. Regional and Local Planning Policy

107. Regional and local planning policy is not the policy basis against which NSIPs are assessed, however they may contain policies which the SoS considers relevant. Therefore, where relevant, regional and local planning policies have been considered by the Applicant.

108. Local authorities are required to prepare and maintain up to date Local Development Plans which set out their objectives for the use and land development within their jurisdiction, and general policies for implementation.

109. Prior to implementation of the Planning and Compulsory Purchase Act 2004, local planning policy was set out in a single document, the Local Plan. Local plans are now being replaced by Local Development Frameworks (LDFs) which comprise a suite of Development Plan Documents (DPD) including a Core Strategy DPD, Site Allocation DPD, Area Action Plans and a Proposals Map. Taken together, the LDF can be thought of as the 'new' Local Plan. The Local Plan for the East Riding of Yorkshire takes the form of an LDF and has been considered by the Projects, alongside the Local Plan for Hull City Council.

110. The onshore areas for DBS East and DBS West fall under the jurisdiction of East Riding of Yorkshire Council. Hull City Council will be included for consultation as there is the potential for traffic movements to go via the Hull ports. This will be addressed in **Chapter 24 Traffic and Transport**, **Chapter 25 Noise** and **Chapter 26 Air Quality**.

111. Relevant Development Plans have been considered during the onshore site selection for the Projects (**Chapter 4 Site Selection and Alternatives**) to avoid conflict with site specific planning allocations.

1.5.1. East Riding of Yorkshire Council

112. **Table 1-2** presents the relevant policies from the East Riding of Yorkshire Local Plan (East Riding of Yorkshire Council, 2016).

Table 1-2 Policies from the East Riding of Yorkshire Local Plan that are Relevant to the Projects.

Policy	Summary
S1: Presumption in favour of sustainable development	**Development proposals** A. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the East Riding of Yorkshire. B. The Local Plan should be read as a whole. Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise - taking into account whether: 1. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or 2. Specific policies in that Framework indicate that development should be restricted.
S2: Addressing Climate Change	The Local Plan and development decisions will support a reduction in greenhouse gas emissions and adaptation to the expected impacts of climate change.
EC1: Supporting the growth and	To strengthen and encourage growth of the East Riding economy, employment development will be supported where the proposal is

Policy	Summary
diversification of the East Riding economy	of a scale suitable to the location. Proposals will be encouraged where they: 1. Contribute to the modernisation, development and diversification of the local economy; 2. Develop and strengthen the East Riding's key employment sectors and clusters including: renewable energy; manufacturing and engineering (including chemicals); agriculture/ food and drink; tourism; ports and logistics; transport equipment; digital and creative industries; finance and business services; construction; public administration, defence, health and education; and retail; 3. Contribute towards reducing social exclusion and provide employment opportunities in deprived areas; 4. Contribute to the improvement in the physical appearance of an existing employment site or premises; or 5. Support the vitality and viability of a Town or District Centre.
EC4: Enhancing Sustainable Transport	A. In order to increase overall accessibility, minimise congestion and improve safety, new development will be supported where it is accessible, or can be made accessible, by sustainable modes of transport and addresses its likely transport impact. Development proposals should: 1. Produce and agree a transport assessment and travel plan, where a significant transport impact is likely; 2. Support and encourage sustainable travel options which may include public transport, electric and ultra low emission vehicles, car sharing, cycling and walking; particularly in the Major Haltemprice Settlements, Principal Towns, and Towns; and 3. Bring forward other necessary transport infrastructure to accommodate expected movement to and from the development. B. Developments generating significant freight movement located along the East-West Multi-Modal Transport Corridor should capitalise on the opportunities for transferring and transporting freight by means other than road. C. The number of parking spaces for all new development should reflect: 1. The level of public transport accessibility; 2. The expected car usage on the site; and

Policy	Summary
	3. The most efficient use of space available and promotion of good design.
EC5: Supporting the energy sector	B. Where appropriate, proposals should include provision for decommissioning at the end of their operational life. Where decommissioning is necessary, the site should be restored, with minimal adverse impact on amenity, landscape and biodiversity, and opportunities taken for enhancement of these features. C. Suitable areas for wind energy development will be identified through a review of the Local Plan and/or preparation of Neighbourhood Development Plans. Prior to the completion of the review proposals involving wind energy development will be determined in accordance with national planning policy and practice guidance.
EC6: Protecting Mineral Resources	B. Within or adjacent to Mineral Safeguarding Areas, non-mineral development, which would adversely affect the viability of exploiting the underlying or adjacent deposit in the future, will only be supported where it can be demonstrated that the: 1. Underlying or adjacent mineral is of limited economic value; 2. Need for the development outweighs the need to safeguard the mineral deposit; 3. Non-mineral development can take place without preventing the mineral resource from being extracted in the future; 4. Non-mineral development is temporary in nature; or 5. Underlying or adjacent mineral deposit can be extracted prior to the non-mineral development proceeding, or prior extraction of the deposit is not possible.
ENV1: Integrating High Quality Design	A. All development proposals will: 1. Contribute to safeguarding and respecting the diverse character and appearance of the area through their design, layout, construction and use; and 2. Seek to reduce carbon emissions and make prudent and efficient use of natural resources, particularly land, energy and water. B. Development will be supported where it achieves a high quality of design that optimises the potential of the site and contributes to a sense of place.

Policy	Summary
	C. Innovative design incorporating new materials and technologies will be supported where the local context and sub areas, with their diverse landscapes, geologies, historical background and built form, have been fully considered as part of the design process. D. Where possible, the design of development that maximises the use of decentralised and renewable or very low carbon technologies will be supported.
ENV2: Promoting a high quality landscape	A. Development proposals should be sensitively integrated into the existing landscape, demonstrate an understanding of the intrinsic qualities of the landscape setting and, where possible, seek to make the most of the opportunities to protect and enhance landscape characteristics and features.
ENV3: Valuing our heritage	B. The significance, views, setting, character, appearance and context of heritage assets, both designated and non-designated, should be conserved, especially the key features that contribute to the East Riding's distinctive historic character. C. Development that is likely to cause harm to the significance of a heritage asset will only be granted permission where the public benefits of the proposal outweigh the potential harm. Proposals which would preserve or better reveal the significance of the asset should be treated favourably. D. Where development affecting archaeological sites is acceptable in principle, the Council will seek to ensure mitigation of damage through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development.
ENV4: Conserving and enhancing biodiversity and geodiversity	A. Proposals that are likely to have a significant effect on an International Site will be considered in the context of the statutory protection which is afforded to the site. B. Proposals that are likely to have an adverse effect on a National Site (alone or in combination) will not normally be permitted, except where the benefits of development in that location clearly outweigh both the impact on the site and any broader impacts on the wider network of National Sites.

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	C. Development resulting in loss or significant harm to a Local Site, or habitats or species supported by Local Sites, whether directly or indirectly, will only be supported if it can be demonstrated there is a need for the development in that location and the benefit of the development outweighs the loss or harm. D. Where loss or harm to a National or Local designated site cannot be prevented or adequately mitigated, as a last resort, compensation for the loss/harm must be agreed. Development will be refused if loss or significant harm cannot be prevented, adequately mitigated against or compensated for. E. Proposals should further the aims of the East Riding of Yorkshire Biodiversity Action Plan (ERYBAP), designated Nature Improvement Areas (NIAs) and other landscape scale biodiversity initiatives. To optimise opportunities to enhance biodiversity, proposals should seek to achieve a net gain in biodiversity where possible and will be supported where they: 1. Conserve, restore, enhance or recreate biodiversity and geological interests including the Priority Habitats and Species (identified in the ERYBAP) and Local Sites (identified in the Local Sites in the East Riding of Yorkshire). 2. Safeguard, enhance, create and connect habitat networks in order to: i. protect, strengthen and reduce fragmentation of habitats; ii. create a coherent ecological network that is resilient to current and future pressures; iii. conserve and increase populations of species; and iv. promote and enhance green infrastructure.
ENV6: Managing Environmental Hazards	A. Environmental hazards, such as flood risk, coastal change, groundwater pollution and other forms of pollution, will be managed to ensure that development does not result in unacceptable consequences to its users, the wider community, and the environment. B. The risk of flooding to development will be managed by applying a Sequential Test to ensure that development is steered towards areas of lowest risk, as far as possible. The Sequential Test will, in the first instance, be undertaken on the basis of the East Riding of Yorkshire Strategic Flood Risk Assessment (SFRA) and the

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	Environment Agency's Flood Map, within appropriate search areas. Where development cannot be steered away from Flood Zone 3, the sub-delineation of Zone 3a, detailed within the relevant SFRA, will be used to apply the Sequential Test, with preference given to reasonably available sites that are in the lower risk/hazard zones. Where necessary, development must also satisfy the Exception Test. C. If, following application of the Sequential Test, it has not been possible to successfully steer development to Flood Zone 1 or a sequentially preferable site, a Sequential Approach will be taken to site layout and design, aiming to steer the most vulnerable uses towards the lowest risk parts of the site and upper floors. D. Flood risk will be proactively managed by: 1. Ensuring that new developments: i. limit surface water run-off to existing run-off rates on greenfield sites, and on previously developed land reduce existing run-off rates by a minimum of 30%, or to greenfield run-off rate; ii. do not increase flood risk within or beyond the site; iii. incorporate Sustainable Drainage Systems into major development proposals and proposals at risk of flooding, unless demonstrated to be inappropriate; iv. do not culvert or otherwise build over watercourses, unless supported by the Risk Management Authority; v. limit surface water run-off to existing run-off rates on greenfield sites, and on previously developed land reduce existing run-off rates by a minimum of 30%, or to greenfield run-off rate; have a safe access/egress route from/to Flood Zone 1 or establish that it will be safe to seek refuge at a place of safety within a development; vi. incorporate high levels of flood resistant and resilient design if located in a flood risk area; vii. are adequately set-back from all watercourses including culverted stretches; and viii. viii. adhere to other relevant SFRA recommendations. 2. Supporting proposals for sustainable flood risk management, including the creation of new and/or improved flood defences, water storage areas and other

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	schemes, provided they would not cause unacceptable adverse environmental, social, or economic impacts. 3. Supporting the removal of existing culverting and returning these sections to open watercourse. 4. Designating areas of Flood Zone 3b (Functional Floodplain) and safeguarding land for current and future flood risk management, on the Policies Map. **Coastal change** E. Development likely to be affected by coastal change will be proactively managed by designating a Coastal Change Management Area (CCMA) on the Policies Map. F. Within the CCMA proposals will be supported where it: 1. Can be demonstrated that an appropriate temporary development will contribute to the local economy and/or help to improve the East Riding's tourism offer; 2. Would involve re-location or roll back of existing development to an alternative location, provided the existing development is in permanent use and is a permanent structure, or is an existing caravan or holiday home park. The alternative location should be a suitable coastal location; and 3. Is ensured that: i. the development is safe from the risks associated with coastal change for its intended lifespan; ii. the development does not have an unacceptable impact on nature conservation, heritage and/or landscape designations; iii. sites to be vacated as a result of relocation/roll back or expiry of a temporary permission, will be cleared and restored to a natural state, with net sustainability benefits and, where appropriate, public access to the coast; and iv. the development has an acceptable relationship with coastal settlements in relation to character, setting, residential amenity and local services. G. Development proposals for sustainable coastal change management, including improvements to coastal defences or managed realignment, should have regard to the most up to date Shoreline Management Plan and the latest coastal monitoring

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	information. Proposals will be supported where they would not have any unacceptable adverse environmental, social or economic impacts. Groundwater pollution H. The risk of groundwater pollution will be managed by: 1. Avoiding development that will increase the risk of pollution in Source Protection Zones (SPZ) and where this is not possible, ensuring that appropriate mitigation measures are employed; 2. Supporting developments which will decrease the risk of pollution in SPZs by cleaning up contaminated land and incorporating pollution-prevention measures; 3. Preventing inappropriate uses/activities in SPZ1 and SPZ2, unless adequate safeguards against possible contamination can be agreed; 4. Preventing non-mains drainage that would involve sewage, trade effluent or other contaminated discharges, as far as possible; and 5. Ensuring re-development of previously developed sites does not contaminate under-lying aquifers.

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