




Cambois Connection – Onshore Scheme
Environmental Statement Volume 2
Chapter 2: Legislative and Policy Context

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|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
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| | | |
|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
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| Status: Final | | Rev: A01 |

Contents

| | |
|--|----------|
| 2. LEGISLATIVE AND POLICY CONTEXT | 5 |
| 2.1. INTRODUCTION..... | 5 |
| 2.2. INTERNATIONAL AND DOMESTIC CLIMATE CHANGE COMMITMENTS | 5 |
| 2.3. NATIONAL POLICY | 10 |
| 2.4. DEVELOPMENT PLAN POLICY | 13 |
| 2.5. CONSENT REQUIREMENTS..... | 16 |
| 2.6. OTHER CONSENTS AND LEGISLATION | 20 |
| 2.7. REFERENCES..... | 25 |


Tables

| | |
|---|----|
| TABLE 2-1 SUMMARY OF KEY TARGETS | 9 |
| TABLE 2-2 RELEVANT NLP POLICIES | 15 |
| TABLE 2-3 WHERE REQUIREMENTS UNDER SCHEDULE 4 OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 ARE ADDRESSED IN THE ONSHORE SCHEME ES..... | 18 |

| | | |
|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
| Classification: Final | | |
| Status: Final | | Rev: A01 |

Acronyms


| Acronym | Description |
|---------|---|
| AA | Appropriate Assessment |
| BBWF | Berwick Bank Wind Farm |
| BEIS | Department for Business, Energy and Industrial Strategy |
| BNG | Biodiversity Net Gain |
| CCC | Climate Change Committee |
| CCS | Carbon Capture and Storage |
| CES | Crown Estate Scotland |
| CfD | Contracts for Difference |
| DEFRA | Department for Environment, Food and Rural Affairs |
| EA | Environment Agency |
| EC | European Commission |
| ECF | European Climate Foundation |
| EIA | Environmental Impact Assessment |
| EIAR | Environmental Impact Assessment Report |
| EPS | European Protected Species |
| EU | European Union |
| FCS | Favourable Conservation Status |
| GES | Good Environmental Status |
| GHG | Greenhouse Gas |
| HRA | Habitats Regulations Appraisal / Assessment |
| iNDC | Indicative Nationally Determined Contribution |
| LSE | Likely Significant Effect |
| MHWS | Mean High Water Springs |
| MMO | Marine Management Organisation |
| MD-LOT | Marine Directorate Licensing Operations Team |
| NCC | Northumberland County Council |
| NDC | Nationally Determined Contribution |
| NERC | Natural Environment and Rural Communities Act 2006 |

| | | |
|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
| Classification: Final | | |
| Status: Final | | Rev: A01 |

| Acronym | Description |
|---------|---|
| NPPF | National Planning Policy Framework |
| NPS | National Policy Statement |
| NNR | National Nature Reserve |
| NSIP | Nationally Significant Infrastructure Projects |
| RBMP | River Basin Management Plan |
| SAC | Special Area of Conservation |
| SPA | Special Protection Area |
| SSSI | Site of Special Scientific Interest |
| UK | United Kingdom |
| UNFCCC | United Nations Framework Convention on Climate Change |
| WFD | Water Framework Directive |

Units

| Unit | Description |
|----------------------|---|
| % | Percent |
| C | Degrees Celsius |
| GW | Gigawatt |
| km / km ² | Kilometre / Kilometre ² |
| MtCO _{2e} | Million tonnes of carbon dioxide equivalent |
| nm | Nautical Mile |

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|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
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2. Legislative and Policy Context

2.1. Introduction

1. This chapter of the Onshore Scheme Environmental Statement (ES) provides an overview of the legislation and policy relevant to the Onshore Scheme (as defined) of the Cambois Connection (hereafter referred to as ‘the Project’), including:
 - International and domestic climate change commitments, which aim to reduce greenhouse gas (GHG) emissions, in the context of avoiding emissions through investment in renewable energy;
 - United Kingdom (UK) climate change and renewable energy legislation and policy; and
 - UK consenting legislation and processes.
2. Policy and legislation relating to specific EIA topics is provided in the relevant technical chapters (Volume 2, Chapters 7 to 16) of the Onshore Scheme ES. Volume 3, Appendix 2.1 provides a summary of the topic specific legislation identified within the relevant technical chapters.
3. The consent requirements with regard to the location of the Onshore Scheme and the type of development are discussed in section 2.4.
4. The purpose of the Cambois Connection is to facilitate the export of renewable electricity from the generation assets associated with the Berwick Bank Wind Farm (BBWF), located in the outer Firth of Forth. These are the subject of a separate Section 36 Consent and Marine Licence applications that were submitted to MD-LOT in December 2022). The Cambois Connection will be in addition to the existing planned connection from BBWF to Branxton, East Lothian, which also form part of the separate consent applications for the BBWF.
5. The Offshore Export Cables for the Marine Scheme will connect into offshore converter station platforms (OCSPs) which will be located within the BBWF array area (and are subject to a separate Marine Licence application submitted to MD-LOT in December 2022). The Cambois Connection will be in addition to the grid connection at Branxton, East Lothian. This additional grid connection will enable BBWF to reach full generating capacity by. The Onshore Scheme will therefore contribute to renewable energy capacity in the UK and will help reach the UK offshore wind capacity targets, and in turn will contribute to the international and domestic climate change commitments. For further details on the needs and objectives of the Cambois Connection, refer to Volume 2, Chapter 6: Route Appraisal and Consideration of Alternatives.

2.2. International and Domestic Climate Change Commitments


6. The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on Climate Change (UNFCCC) which commits industrialised nations, including the UK, to limit and reduce GHG emissions. The Kyoto Protocol has been in effect since 2005. The commitments of the Kyoto Protocol were transposed into UK law through the Climate Change Act 2008.
7. In 2015, the Paris Agreement was established to commit countries to reduce global GHG emissions and limit the global temperature increase in this century to 2 °C while pursuing efforts to limit global warming to 1.5 °C compared to pre-industrial levels. The Paris Agreement entered into force as a legally binding international treaty on climate change in 2016.
8. COP26 was held in Glasgow in November 2021. Key achievements included securing net zero commitments with new 2030 emission targets and strengthened climate commitments.

| | | |
|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
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9. The European Union (EU) Roadmap 2050 sets out a plan for a low-carbon economy in Europe by 2050 with a goal of achieving an overall 80% reduction in the EU’s greenhouse gas emissions by 2050 (compared to 1990) through investment in clean energy and clean technology (ECF, 2010).
10. The UK is currently committed to implement international environmental obligations in accordance with the EU (Withdrawal) Act 2018, in which the UK Government maintains environmental commitments following the withdrawal from the EU on 31 January 2020. The UK Government established a roadmap to 2050 through the UK Net Zero Strategy (2021) (UK Government, 2021a).
11. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 revised the Climate Change Act 2008 to set a ‘net zero target’ requiring GHG emissions to be 100% lower than the 1990 levels by 2050.
12. The Climate Change Act 2008 also established the Committee on Climate Change (CCC), an independent statutory body which advises the UK and devolved governments on emission targets and reports to the UK Parliament on progress in reducing GHG emissions. To date, the CCC have produced six ‘Carbon Budgets’ which provide a limit on total GHG emissions to be emitted during their budgetary periods of four-year intervals. The UK Carbon Budget Order 2021 set the level of the Sixth Carbon Budget (2033 – 2037) to 965 million tonnes of carbon dioxide equivalent (MtCO_{2e}) in line with an interim target of 78% reduction in emissions by 2035 recommended by the CCC (UK Government, 2021b).
13. Chapter 6 of CCC’s ‘Net Zero – The UK’s Contribution to Stopping Global Warming’ report (CCC, 2019) refers to delivering a net zero emissions target for the UK. The chapter sets out a number of actions, including the transition to a net zero emissions economy and what is needed to underpin delivery of net zero emissions in the UK. ‘Part B’ sets out key near term actions to put the UK on track to net-zero greenhouse gas emissions by 2050 and recommends that more rapid electrification must be accompanied with greater build rates of low carbon generation capacity.
14. In 2020, the UK communicated its Nationally Determined Contribution (NDC) to the UNFCCC. The UK committed to reducing economy wide GHG emissions by at least 68% by 2030 (UK Government, 2022).
15. The UK has established plans to reach net zero through the Ten Point Plan for a Green Industrial Revolution (BEIS and Prime Minister’s Office, 2020) and the Energy White Paper (BEIS, 2020) as well as prioritising offshore wind development. This is seen through the British Energy Security Strategy target to increase offshore wind development to 50 GW by 2030 (BEIS and Prime Minister’s Office, 2022).

2.2.1. The Energy Act 2013

16. The Energy Act 2013 (UK Government, 2013) received Royal Assent on 18 December 2013. The Energy Act 2013 makes provisions to incentivise investment in low carbon electricity generation, ensure security of supply, and help the UK meet its emissions reduction and renewables targets. In particular, the Energy Act 2013 contains provisions from then Department of Energy and Climate Change (DECC) (now the Department for Business Energy and Industrial Strategy (BEIS)) for Electricity Market Reform (EMR).
17. The EMR set out the framework for replacing Renewables Obligation Certificates (ROCs) with Contracts for Difference (CfD) to provide stable financial incentives to encourage investment in low carbon electricity generation. CfDs are private contracts between a low carbon electricity generator and the UK Government owned Low Carbon Contracts Company (LCCC). Under a CfD, the electricity generating party is paid the difference between the strike price (the price for electricity reflecting the cost of investment in low carbon technology) and the reference price (a measure of the average market price for electricity in the Great Britain market).

| | | |
|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
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18. The aim of CfDs is to give greater certainty and stability of revenues to electricity generators by reducing exposure to volatile wholesale prices, whilst at the same time protecting the consumer from paying for higher generation support costs when electricity prices are high. The first CfD allocation round was held in 2014, with the latest allocation, round 5, to be held in March 2023. In February 2022, a number of changes were made to the allocation rounds, including but not limited to holding allocation rounds annually and measures to strengthen Supply Chain Plans.

2.2.2. Clean Growth Strategy

19. The Clean Growth Strategy (UK Government, 2017) promotes 'clean growth' as growing national income while cutting greenhouse gas emissions. Achieving net zero, which encapsulates clean growth, forms part of one of the three core pillars of growth within the UK's Build Back Better: Our Plan for Growth (2021). The UK is a world leader in clean growth. This success has been aided by the falling costs of many low carbon technologies including solar and offshore wind. The Clean Growth Strategy aims to promote further growth of offshore wind by holding auctions of CfDs, working with the industry to develop a Sector Deal for offshore wind, and to provide further funding for innovation in offshore wind.

20. In October 2020, the UK Government announced further commitments to progress towards net zero emissions by 2050. These commitments included:

- Boosting the target for offshore wind to 40 GW by 2030;
- Creation of a target for 1 GW by 2030 from floating offshore windfarms; and
- Increasing the capacity of renewable energy in the next round of CfDs.

2.2.3. The Ten Point Plan for a Green Industrial Revolution

21. This plan (BEIS and Prime Minister's Office, 2020) aims to encourage a green industrial revolution, creating investment in British industries whilst protecting future generations from climate change and the destruction of habitats. Point 1 in the plan is 'Advancing Offshore Wind,' with an aim to increase offshore wind capacity to 40 GW by 2030 (this has subsequently been increased further - see Section 28), including 1 GW of innovative floating offshore wind.


2.2.4. Offshore Transmission Network Review

22. Point 1 of The Ten Point Plan for a Green Industrial Revolution includes initiatives such as the Offshore Transmission Network Review (OTNR), which aims to ensure that the transmission connections for offshore wind generation are delivered in the most appropriate way, considering the increased ambition for offshore wind to achieve net zero and the recent (2022) establishment of the British Energy Security Strategy (BESS).

23. The OTNR aims to deliver improvements in the way that offshore generation is connected to the onshore transmission network and facilitate a more supportive approach for multi-purpose interconnectors, that combine market-to-market interconnectors with offshore transmission. To achieve the objectives of the OTNR, there are four workstreams operating in parallel: Early Opportunities, Pathway to 2030 (PT2030), Multipurpose Interconnectors (MPIs) and Future Framework.

2.2.5. Net Zero Strategy: Build Back Greener

24. The UK Government published its policy paper, Net Zero Strategy: Build Back Greener (UK Government, 2021a) in October 2021 and builds on the approach presented in the Ten Point Plan. The

| | | |
|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
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| Status: Final | | Rev: A01 |

policy paper sets out policies and proposals to deliver commitments on carbon budgets, Nationally Determined Contribution (NDC) and ambition for a decarbonised economy by 2050. The policy paper is pursuant to Section 14 of the Climate Change Act 2008. However, in July 2022, the High Court ruled that this strategy is inadequate in order to meet legally binding carbon budgets and failed to include enough information about policies, breaching legal duties under the Climate Change Act 2008 and so policy is expected to be further strengthened.

2.2.6. Energy White Paper: Powering Our Net Zero Future

25. Building on the Ten Point Plan, and published in December 2020, the Energy White Paper (BEIS 2020) provides further clarity on the UK governments policies and commitments to achieve net zero. This includes transforming energy (creating more renewable energy capacity, the deployment of Carbon Capture Usage and Storage (CCUS)), supporting a green recovery from COVID-19 and creating a fair deal for consumers with regards to energy usage.

2.2.7. National Infrastructure Strategy – Fairer, Faster and Greener (November 2020)

26. The National Infrastructure Strategy (NIS) (UK Government, 2020) was published in November 2020. The Strategy sets out the UK Government’s plans to deliver on its ambitions to ‘deliver an infrastructure revolution: a radical improvement in the quality of the UK’s infrastructure to help level up the country, strengthen the Union, and put the UK on the path to net zero emissions by 2050’.

27. This Strategy represents the first step of a multi-year process to transform the UK’s infrastructure networks. It will be followed by a series of detailed publications setting out further details on key areas of infrastructure policy, including the Construction Playbook, English Devolution and Local Recovery White Paper, a refreshed Industrial Strategy, Union Connectivity Review and an updated National Infrastructure and Construction Pipeline.

2.2.8. British Energy Security Strategy


28. Published in April 2022 in response to increasing global energy prices, the UK government released the British Energy Security Strategy (BEIS and Prime Minister’s Office, 2022) to accelerate energy production in the UK and provide greater energy independence. Again, this built upon many of the policies in the Ten Point Plan and the Energy White Paper. Targets associated with offshore wind were increased further, with an ambition to deliver 50GW by 2030, including up to 5GW of floating offshore wind. Additionally, there were also policies targeted at increasing energy efficiency in homes and helping consumers with energy bills.

2.2.9. Powering Up Britain

29. Again, in response to the rise in energy prices rises brought on by continued reliance on imported oil and gas in 2022/3, the UK Government published the document ‘Powering Up Britain’ in March 2023. The document explains how energy in the UK will be diversified, decarbonised and domesticated through investment in renewables and nuclear.

2.2.10. Energy Bill (2022)

30. Published in July 2022, the Energy Bill (UK Parliament, 2022) builds upon the British Energy Security Strategy to invest in homegrown energy and maintain the diversity and resilience of the UK’s energy supply. The Bill establishes the need to support the growth of low carbon technologies.

| | | |
|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
| | | Rev: A01 |
| Classification: Final | | |
| Status: Final | | |

2.2.11. The Levelling Up and Regeneration Bill (2022)


31. Published in May 2022 along with an accompanying policy note, the bill shows a clear direction of travel in terms of the response to climate change. In particular, clause 96 states: "*When making a planning decision relating to development arising from an application for planning permission, the making of a development order granting planning permission or an approval pursuant to a development order granting planning permission, a relevant planning authority (as defined in section 92 (interpretation of chapter 1)) **must have special regard to the mitigation of, and adaptation to, climate change.***" The "special regard" test shows the increased weight to be attached to climate change when taking planning decisions. The bill is now in its final stages.

2.2.12. Summary of Key Targets

32. Table 2-1 below provides a summary of the key climate change targets and commitments outlined in this chapter.

Table 2-1 Summary of Key Targets

| Key Target | Policy Implemented | Target Date | Relevant Legislation/Policy |
|--|--------------------|--------------|--|
| 80% Reductions in emissions compared to 1990 levels. | 2010 | 2050 | The European Union (EU) Roadmap 2050 |
| Limit global temperature rise to below 2°C this century. | 2015 | This century | Paris Agreement |
| Ambitions to limit global warming to 1.5°C compared to pre-industrial levels. | 2015 | N/A | Paris Agreement |
| 100% reduction in emissions compared to 1990 levels. | 2019 | 2050 | The Climate Change Act 2008 (2050 Target Amendment) Order 2019 |
| To increase offshore wind development to 40GW | 2020 | 2030 | The Ten Point Plan for a Green Industrial Revolution |
| 1GW capacity from floating offshore windfarms | 2020 | 2030 | The Ten Point Plan for a Green Industrial Revolution |
| To reduce economy wide GHG emissions by at least 68% | 2020 | 2030 | UK's Nationally Determined Contribution to UNFCCC 2022 |
| Limit of total emissions of to 965 million tonnes of carbon dioxide equivalent (MtCO ₂ e) | 2021 | 2033 – 2037 | The Carbon Budget Order 2021 |
| Ambitions for a fully decarbonised economy | 2021 | 2050 | Net Zero Strategy: Build Back Greener |
| To increase offshore wind development to 50GW | 2022 | 2030 | British Energy Security Strategy |

| | | |
|---|---|---|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
| | | Rev: A01 |
| Classification: Final | | |
| Status: Final | | |


| Key Target | Policy Implemented | Target Date | Relevant Legislation/Policy |
|---|--------------------|-------------|----------------------------------|
| To increase floating offshore wind development to 5GW | 2022 | 2030 | British Energy Security Strategy |

2.3. National Policy


2.3.1. National Policy Statement

33. National Policy Statements (NPS) are produced by Government. They set out the Government’s policy for the delivery of Nationally Significant Infrastructure Projects (NSIPs) for particular sectors within England and Wales and provide the legal framework for planning decisions. They were first designated and published in 2011 (DESNZ, 2023).
34. There are 12 NPSs setting out government policy on different types of national infrastructure including energy, transport, water, wastewater and waste. Of the six NPSs for energy, three are relevant to renewable energy projects (Planning Inspectorate, 2012):
- The Overarching NPS for Energy (EN-1);
 - NPS for Renewable Energy Infrastructure (EN-3); and
 - NPS for Electricity Networks Infrastructure (EN-5).
35. The BBWF does not comprise a NSIP, on the basis that it is located in Scottish Waters, and therefore does not require development consent under the Planning Act 2008. Similarly, the Onshore Scheme is not an NSIP and does not form part of a NSIP. Therefore, the Onshore Scheme does not require development consent under the Planning Act 2008 and does not fall to the Planning Inspectorate to consider¹.
36. However, EN-1 (2011) notes that although the NPSs are of direct relevance to the development of NSIPs in England energy policy is generally a matter reserved to UK Ministers and EN-1 may therefore be a relevant consideration in planning decisions.
37. The 2023 Draft NPS EN-1, also notes that NPSs have a role in the wider planning system and can be a material consideration in decision making on applications that fall under the Town and County Planning Act 1990 (as amended). As such it is necessary to take the NPSs into consideration in the preparation of this EIA and the application for the Onshore Scheme.
38. In 2020, the government announced that it was reviewing the energy NPSs to ensure that they were brought up to date to reflect the policies set out in the 2020 Energy White Paper: powering our net zero future.
39. Public consultation on revisions to NPSs EN-1, EN-3 and EN-5 was held between September 2021 and November 2021. This consultation sought views on:

¹ This matter was discussed with both MD-LOT and the MMO during pre-application discussions in August 2022. As requested by the MMO, the Applicant provided clarity regarding the relevance of the Planning Act 2008, and the fact that the Cambois Connection is not an NSIP.

| | | |
|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
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| Status: Final | | Rev: A01 |

- Whether the revised energy NPS provide a suitable framework to support decision making for nationally significant energy infrastructure; and
 - The appraisals of sustainability and habitats regulations assessments that have been carried out in relation to the draft energy NPS (BEIS, 2021a).
40. Since 2021, the government has strengthened the process for delivering major new energy infrastructure in England and Wales, reinforcing the country’s national priorities regarding energy security, reducing costs, and delivering on net zero, while creating new green jobs and industries for the UK (DESNZ, 2023). These changes are reflected in further revisions to the NPSs.
41. Further public consultation was held on these Draft NPSs between March 2023 and June 2023. This was more focused and sought views on (DESNZ, 2023):
- clarifying that offshore wind is now a critical national priority, including the related onshore and offshore network infrastructure.
 - to deliver the 50GW of offshore wind including 5GW of floating wind, we need to cut the process time by over half. The government therefore announced it was introducing the offshore wind environmental improvement package to help accelerate deployment of offshore wind, whilst protecting and enhancing the marine environment.
 - strengthening the electricity networks NPS to include more detail on the role of strategic planning of networks, which considers the network as a whole, rather than just individual transmission projects.
 - updating the civil and military aviation and defence interests to reflect the status of energy developments, including offshore wind, and how impacts to civil and military aviation, meteorological radars and other types of defence interests should be managed.
42. EN-1, as designated (2011) sets out national policy for developing energy infrastructure including renewable energy with a focus on achieving 2050 targets for reducing GHG emissions by 80% compared to 1990 levels and security of supply. EN-1 recognises that offshore wind is likely to provide the largest single contribution to tackling climate change and achieving 2020 renewable energy targets, but new electricity transmission and distribution infrastructure is urgently required for this to happen.
43. 2023 revisions to EN-1 (Draft EN-1) sets out policy for delivering the major energy infrastructure required to achieve net zero by 2050. Emphasis is placed on the requirement to transform the energy system and that a step change is required to achieve decarbonisation. The Draft EN-1 identifies the requirement for different types of electricity infrastructure to delivery energy objectives (generation, storage, interconnection and networks) and that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.
44. Most notably Draft EN-1 2023 places a requirement on the secretary of state to treat development consent applications for the types of infrastructure included in the NPS as urgent with a presumption in favour of granting development consent subject to considering impacts on the environment and any social and economic benefits.
45. The NPS for Renewable Energy Infrastructure EN-3 provides the basis for consent decisions for renewable energy NSIPs. The 2023 Draft EN-3 defines renewable energy NSIPS as Nationally Significant Renewable Energy Infrastructure, recognising in section 3.8.12 that there is a critical national priority (CNP) for the provision nationally significant new offshore wind development and supporting onshore and offshore network infrastructure and related network reinforcements (“CNP Infrastructure”).
46. Draft EN-3 section 3.8.13 notes that applicants for CNP infrastructure must continue to show how their application meets the requirements of EN-1 and this NPS, applying the mitigation hierarchy as well as


| | | |
|---|---|--|
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other legal and regulatory requirements. Where the applicant has done so and there are residual impacts that are non-HRA and do not present an unacceptable risk or interference to human health, national defence or navigation, these are unlikely, in all but exceptional cases, to outweigh the urgent need for this type of infrastructure and therefore unlikely to result in an application being refused. Any HRA residual impacts will continue to be considered under the framework set out in the Habitat Regulations.

47. Draft EN-3 (2023) also notes that transmission cabling associated with offshore wind farms can negatively impact (both during installation and over their lifetime) seabed habitats and protected sites. Where applications for transmission cable connections are being taken forward separately applicants are required to define a route or corridor for the transmission connection (offshore and onshore) and assess the effects of the cable(s) and any associated infrastructure on the marine, coastal and onshore environment. This ES considers the effects of the transmission infrastructure associated with the BBWF Cambois Connection (Marine Scheme) on the marine and coastal environment. The ES for the Onshore Scheme considers the effects of the onshore transmission infrastructure on the coastal and onshore environment.
48. EN-5 (2011) recognises that the new electricity generating infrastructure that the UK needs to move to a low carbon economy will be *“heavily dependent on the availability of a fit for purpose and robust electricity network”*. EN-5 (2011) also highlights that *“when considering impacts for electricity networks infrastructure, all of the generic impacts covered in EN-1 are likely to be relevant, even if they only apply during one phase of the development [...] or only apply to one part of the development”*.
49. The Draft EN-5 (2023) further recognises offshore wind, and the supporting onshore and offshore transmission infrastructure and related network reinforcements as critical national priority (CNP) noting that the electricity network infrastructure is as important as the offshore wind generation infrastructure, and that without it the offshore wind ambition cannot be achieved. The Draft EN-5 reiterates the importance of adopting a strategic and coordinated approach to onshore and offshore transmission network planning with specific reference to the DESNZ-led Offshore Transmission Network Review (OTNR) and the Ofgem-led Electricity Transmission Network Planning Review (ETNPR).
50. The timescales for the designation and publication of the revised NPS (EN-1, EN-3 and EN-5) is not yet known. There is also potential for the 2023 draft NPSs to be subject to change based on outcome from the most recent round of consultation. Specific detail relating to the Draft NPSs has therefore not been included in the technical chapters of this ES. However, the content of the Draft NPSs, as summarised above, including the information presented in the General Assessment and Technology Specific Sections has been taken into considered in the EIA and the preparation of this ES.

2.3.2. National Planning Policy Framework

51. The National Planning Policy Framework (NPPF) was originally implemented in 2012 with the intent of making the planning system less complex and more accessible (Ministry of Housing, Communities and Local Government, 2021). The NPPF replaces the suite of Planning Policy Guidance Notes (PPGN) and Planning Policy Statements (PPS) which formerly provided national planning guidance to local planning authorities. A revised NPPF was published in February 2019 and updated in July 2021, setting out the UK Government’s planning policies for England and how these are expected to be applied.
52. The NPPF sets out the Government’s planning policies for England and how these should be applied. The NPPF is a material consideration in the determination of planning applications. The NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: an economic objective, a social objective and an environmental objective.

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|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
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The most pertinent aspects of the NPPF include:

- Paragraph 11c – approving development proposals that accord with an up-to-date Development Plan without delay;
- Paragraph 38 – LPA should approach decisions in a positive and creative way;
- Paragraph 47 – determined in accordance with the Development Plan;
- Paragraph 81 – the need to support economic growth;
- Paragraph 119 – promote an effective use of land;
- Paragraph 152 – the planning system should support the transition to a low carbon future; and
- Paragraph 155 – help increase the use and supply of renewable and low carbon energy.

53. With regards to proposed renewable energy developments, the framework states that ‘When determining planning applications for renewable and low carbon development, local planning authorities should... approve the application if its impacts are (or can be made) acceptable’ and also states that the planning system should ‘support renewable and low carbon energy and associated infrastructure.’


2.3.3. North East Inshore and Offshore Marine Plan (2021)

54. Published by the UK Government in June 2021, the North East Inshore and Offshore Marine Plan comprises 2 separate plans within the same document - the North East Inshore Marine Plan and the North East Offshore Marine Plan. These plans introduce a strategic approach to planning within the English inshore and offshore waters between the Scottish border and Flamborough Head, in Yorkshire. The policy areas covered includes area submerged at MHWS and the waters of any estuary, river or channel so far as the tide flows at MHWS. The Plan provides for a framework to deliver the UK Marine Policy Statement, and there are a number of policies relevant to the proposed development, some of which are outlined below:

55. There are several policies directly relevant to cabling, which includes Policy NE-CAB-1: ‘preference should be given to proposals for cable installation where the method of protection is burial. Where burial is not achievable, decisions should take account of protection measures for the cable that may be proposed by the applicant. Where burial or protection measures are not appropriate, proposals should state the case for proceeding without those measures’.
56. Policy NE-CAB-2 states that ‘proposals demonstrating compatibility with existing landfall sites and incorporating measures to enable development of future landfall opportunities should be supported. Where this is not possible, proposals will, in order of preference: a) avoid; b) minimise; c) mitigate adverse impacts on existing and potential future landfall sites so they are no longer significant. If it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding’.
57. Policy NE-REN-1 states that: ‘proposals that enable the provision of renewable energy technologies and associated supply chains will be supported’ and Policy NE-REN-3 states that ‘Proposals for the installation of infrastructure to generate offshore renewable energy, inside areas of identified potential and subject to relevant assessments, will be supported.’

2.4. Development Plan Policy

58. The Development Plan for Northumberland comprises the adopted Northumberland Local Plan 2016 to 2036 (NLP) and any made neighbourhood plans. The NLP was adopted by Northumberland County Council (NCC) on 31 March 2022. There are no made neighbourhood plans relevant to the application site for the proposed Onshore Scheme.

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|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
| Classification: Final | | |
| Status: Final | | Rev: A01 |

59. The NLP identifies land at Cambois within the application site as a Strategic Employment Area (Policy ECN2) and includes reference to approximately 16.5 hectares of sites with Enterprise Zone status (offering a combination of financial incentives and simplified planning procedures) and 73 hectares of sites with Local Development Order status.
60. Policy REN-1 states that ‘proposals for renewable energy and low carbon energy development will be supported including where decentralised, renewable or low carbon energy supply systems are to be used to supply energy to a development.’
61. Paragraph 3 of REN-1 states that: ‘Applications will be supported where it has been demonstrated that the environmental, social and economic effects of the proposal, individually and cumulatively, are acceptable or can be made acceptable.’ The policy lists a range of considerations, including: the landscape character and sensitivity of landscape and visual receptors, various designated sites, heritage sites, air quality, public rights of way, and the impact of any new grid connection lines, amongst others.
62. Reference is also made within the NLP to the strategic locational opportunities within Blyth Estuary for energy generation uses and related uses (such as onshore converter stations). Specific sectors targeted for economic growth in this Strategic Employment Area by Policy ECN2 include:
- low carbon and related environmental goods and services;
 - offshore and sub-sea engineering;
 - energy generation sectors with special emphasis on renewable and low carbon; and
 - development which will support and strengthen the economic role of the Port of Blyth.
63. Paragraph 2 of Policy ECN2 identifies that other sectors will also be supported with the Blyth Estuary Strategic Employment Area, particularly if they can demonstrate a link with or reliance on proximity to the above sectors.
64. Recognising the ecological sensitivity of the Blyth Estuary, paragraph 3 of Policy ECN2 provides that development proposals within the Strategic Employment Area will be supported where there is no unacceptable adverse impact upon neighbouring sites of biodiversity importance. Specific reference is made in this regard to the Northumbria Coast Special Protection area (SPA) and Ramsar site, the Northumberland Marine SPA, the Northumberland Shore Site of Special Scientific Interest (SSSI) and the Blyth Estuary Local Wildlife Site. Further support for the protection of these areas is also provided through NLP Policy ENV2.
65. Paragraph 3 of Policy ECN2 also provides that development proposals will be supported within the Strategic Employment Area where there is no unacceptable adverse impact upon the significance and setting of the Grade II listed Coal Staithes at the former Blyth Power Station site.
66. Table 2-2 lists the other NLP policies considered to be relevant to the proposed Onshore Scheme. These other policies and guidance are covered within the relevant technical chapters of this ES and in the Planning Statement which accompanies this application.



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|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
| | | Rev: A01 |
| Classification: Final | | |
| Status: Final | | |

Table 2-2 Relevant NLP Policies

| NLP Policies | Title |
|--------------|--|
| Policy STP1 | Spatial strategy |
| Policy STP2 | Presumption in favour of sustainable development |
| Policy STP3 | Principles of sustainable development |
| Policy STP4 | Climate change mitigation and adaptation |
| Policy STP5 | Health and wellbeing |
| Policy STP6 | Green infrastructure |
| Policy ECN1 | Planning strategy for the economy |
| Policy ECN2 | Blyth Estuary Strategic Employment Area |
| Policy ECN5 | Large-scale windfall employment development |
| Policy ECN6 | General employment land – allocations and safeguarding |
| Policy ECN7 | Key general employment areas for main employment uses |
| Policy QOP1 | Design principles |
| Policy QOP2 | Good design and amenity |
| Policy QOP4 | Landscaping and trees |
| Policy QOP5 | Sustainable design and construction |
| Policy QOP6 | Delivering well-designed places |
| Policy TRA1 | Promoting sustainable connections |
| Policy TRA2 | Effects of development on the transport network |
| Policy TRA7 | Aerodrome Safeguarding Areas |
| Policy ENV1 | Approaches to assessing the impact of development on the natural, historic and built environment |
| Policy ENV2 | Biodiversity and geodiversity |
| Policy ENV3 | Landscape |
| Policy ENV4 | Tranquillity, dark skies and a sense of rurality |
| Policy ENV7 | Historic environment and heritage assets |

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|---|---|---|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
| | | Rev: A01 |
| Classification: Final | | |
| Status: Final | | |


| NLP Policies | Title |
|--------------|---|
| Policy WAT1 | Water quality |
| Policy WAT2 | Water supply and sewerage |
| Policy WAT3 | Flooding |
| Policy WAT4 | Sustainable Drainage Systems |
| Policy WAT5 | Coastal erosion and coastal change management |
| Policy POL1 | Unstable and contaminated land |
| Policy POL2 | Pollution and air, soil and water quality |
| Policy REN1 | Renewable and low carbon energy and associated energy storage |
| Policy INF5 | Open space and facilities for sport and recreation |
| Policy MIN4 | Safeguarding mineral resources |
| Policy MIN6 | Safeguarding minerals related infrastructure |

2.5. Consent Requirements

67. Consent for the Onshore Scheme will be via an Outline Planning Application to Northumberland County Council (NCC) as the local planning authority under Section 57 of the Town and Country Planning Act 1990. There are some design details related to the Onshore Scheme that are still to be finalised due to further ground investigations required, ongoing engineering design work and the procurement of cable and converter station suppliers. These details will inform the final specification. The Site boundary has been chosen to allow flexibility to accommodate these design details which will be subject to future application(s) for approval of Reserved Matters.
68. A separate ES has been prepared to accompany the application for marine licences (see below) for the Marine Scheme. The relationship between the Marine Scheme and the Onshore Scheme is detailed within Chapter 1: Introduction. Chapter 3: EIA Methodology details how the Marine Scheme is assessed within this ES.
69. The primary consents that will be sought in support of the Marine Scheme are as follows:
- A Marine Licence from MD-LOT (Marine Scotland Licensing Operations Team) under the Marine and Coastal Access Act 2009 for the offshore export cables between 12 nm and the outer limits of the Exclusive Economic Zone in Scotland; and
 - A Marine Licence from the MMO under the Marine and Coastal Access Act 2009 for offshore export cables, landfall works and supporting activity for the portion of the Marine Scheme in English inshore and offshore waters.

2.5.1. Environmental Impact Assessment Regulations

70. Requirements for an Environmental Impact Assessment (EIA) were defined in the EIA Directive (85/337/EEC codified by EIA Directive 2011/92/EU and then amended by EU Directive 2014/52/EU)

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|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
| Classification: Final | | |
| Status: Final | | Rev: A01 |

which were transposed into UK law. The purpose of the EIA Directive is to ensure that the potential effects of a project on the environment are taken into consideration before development consent is granted. If a development of a specified nature is deemed likely to have a significant effect on the environment by virtue of factors such as size or location, then an EIA is required. The results from an EIA must be provided by the Applicant to the decision maker in the form of an ES.

71. The requirements of the EIA Directive are enacted in the UK for planning applications by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (hereinafter referred to as ‘the EIA Regulations’).
72. The EIA Regulations set out the statutory process and minimum requirements for an EIA, as addressed within Schedule 4 of the EIA Regulations. According to regulation 4 of the EIA Regulations, the EIA must identify, describe, and assess the direct and indirect significant effects of the Onshore Scheme on the following factors:
 - Population and human health;
 - Biodiversity, in particular species and habitats protected under the Habitats Directives;
 - Land, soil, water, air and climate;
 - Material assets, cultural heritage and the landscape; and
 - The interaction between the factors referred to above.




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|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
| Classification: Final | | |
| Status: Final | | Rev: A01 |

Table 2-3 Where requirements under Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 are addressed in the Onshore Scheme ES

| Requirement | Addressed |
|---|---|
| <p>A description of the development, including in particular:</p> <p>(a) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;</p> <p>(b) a description of the physical characteristics of the whole development, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;</p> <p>(c) a description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;</p> <p>(d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation) and quantities and types of waste produced during the construction and operation phases.</p> <p>Reference: regulation 6 and Schedule 4 paragraph 1</p> | <p>A detailed project description for the Onshore Scheme is included in Volume 2, Chapter 5: Project Description. The project description covers the realistic ‘worst-case scenario’ for installation, operation and maintenance, and decommissioning of the Marine Scheme.</p> |
| <p>A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.</p> <p>Reference: Schedule 4 paragraph 2</p> | <p>A detailed description of the route appraisal and alternatives considered, including the rationale for the selection and progression of the Onshore Scheme, is included in Volume 2, Chapter 4: Site Selection and Consideration of Alternatives.</p> |
| <p>A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.</p> <p>Reference: Schedule 4 paragraph 3</p> | <p>Within the structure of each of the technical chapters of the Marine Scheme ES is a ‘Baseline Environment’ section detailing the current state of the environment and a ‘Future Baseline’ section detailing the likely evolution of the baseline without implementation of the Onshore Scheme.</p> |
| <p>A description of the factors specified in regulation 4(2) likely to be significantly affected by the development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.</p> <p>Reference: Schedule 4 paragraph 4</p> | <p>Volume 2, Chapter 3: EIA Methodology outlines where these factors are incorporated into the Onshore Scheme ES.</p> |
| <p>A description of the likely significant effects of the development on the environment resulting from, inter alia:</p> <p>(a) the construction and existence of the development, including, where relevant, demolition works;</p> <p>(b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;</p> | <p>Within each technical chapter of the Onshore Scheme ES is an assessment of the likely significant effects resulting from the construction, operation and maintenance, and decommissioning of the Onshore Scheme in addition to a cumulative effects assessment. The</p> |

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|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
| Classification: Final | | |
| Status: Final | | Rev: A01 |

| Requirement | Addressed |
|---|---|
| <p>(c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;</p> <p>(d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);</p> <p>(e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;</p> <p>(f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;</p> <p>(g) the technologies and the substances used.</p> <p>Reference: Schedule 4 paragraph 5</p> | <p>cumulative effects assessment is informed by Volume Chapter 3: EIA Methodology and Volume 3 Appendix 3.1: Long-list of Cumulative Developments.</p> |
| <p>The description of the likely significant effects on the factors specified in regulation 4(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development. This description should take into account the environmental protection objectives established at Union level (as they had effect immediately before exit day) or United Kingdom level which are relevant to the project, including in particular those established under the law of any part of the United Kingdom that implemented Council Directive 92/43/EEC and Directive 2009/147/EC.</p> <p>Reference: Schedule 4 paragraph 5</p> | <p>The approach and methodology are outlined in Volume 2, Chapter 3: EIA Methodology, and covers the direct effects, indirect, secondary, cumulative, transboundary, short-term, medium-term, and long-term, permanent and temporary, positive and negative effects of the Onshore Scheme ES.</p> |
| <p>A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.</p> <p>Reference: Schedule 4 paragraph 6</p> | <p>Within each technical chapter of the Onshore Scheme ES is a description of the topic-specific methodology, including the relevant data-sources (including site-specific survey data where applicable), modelling and assessments performed, and details of the data gaps and uncertainties associated with the identification and assessment of significant environmental effects.</p> |
| <p>A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.</p> <p>Reference: Schedule 4 paragraph 7</p> | <p>Within the project description (Volume 2, Chapter 5: Project Description) there is detail of the designed in mitigation measures for the overall Onshore Scheme. Additionally, within each technical chapter is a description of the topic-specific mitigation and monitoring measures, which is summarised in Volume 2, Chapter 16: Summary of Mitigation Measures and Commitments.</p> |
| <p>A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to retained EU law such as any law that implemented Directive 2012/18/EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or</p> | <p>An assessment of the potential effects arising from major accidents and disasters and the associated control measures which will be employed to address these is included in the separately prepared Onshore Scheme ES.</p> |

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|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
| Classification: Final | | |
| Status: Final | Rev: A01 | |

| Requirement | Addressed |
|---|---|
| <p>UK environmental assessments may be used for this purpose provided that the requirements of any law that implemented this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.</p> <p>Reference: Schedule 4 paragraph 8</p> | |
| <p>A non-technical summary of the information provided under paragraphs 1 to 8.</p> <p>Reference: Schedule 4 paragraph 9</p> | <p>A non-technical summary of the Onshore Scheme ES is provided within the Onshore Scheme ES in Volume 1, Non-Technical Summary.</p> |
| <p>A reference list detailing the sources used for the descriptions and assessments included in the environmental statement.</p> <p>Reference: Schedule 4 paragraph 10</p> | <p>All in-text citations to literature and webpages are detailed in a reference list at the end of the chapter. Additionally, information regarding sources is included in the description of legislation, policy and guidance, in the data sources table, and within the details of site-specific surveys and assessments.</p> |

73. The Applicant has confirmed with NCC the commitment to complete an EIA for the Onshore Scheme (see Chapter 1: Introduction). This Onshore Scheme ES has been undertaken in accordance with the EIA Regulations to fulfil their requirements.

2.6. Other Consents and Legislation


74. The key additional consents and licences and the legislation applicable to those are provided in sections 2.6.1 to 2.6.8. Full details of any consents and legislation applicable to the Onshore Scheme are provided within the topic specific legislation sections of each ES technical chapter.

2.6.1. The Habitats and Birds Directives

75. The EU Council Directive 2009/147/EC on the conservation of wild birds (the 'Birds Directive') provides a framework for the conservation and management of wild birds within the EU, with protection to Annex I and regularly occurring migratory species through the identification and designation of Special Protection Areas (SPAs).

76. The provisions of the European Council Directive 2009/147/EC on the conservation of wild birds (known as 'the Birds Directive') are implemented through the Wildlife and Countryside Act 1981 (UK Government, 1981) the Conservation of Habitats and Species Regulations 2017 (UK Government, 2017a) (the 'Habitats Regulations') and the Conservation of Offshore Marine Conservation (Natural Habitats & c.) Regulations 2017, as well as other legislation related to the uses of land and sea.

77. The EU Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora ('the Habitats Directive') aims to maintain or restore natural habitats and wild species listed on the Annexes at a favourable conservation status.

| | | |
|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
| Classification: Final | | |
| Status: Final | | Rev: A01 |

78. In England and Wales, the Habitats Directive is implemented under the Conservation of Habitats and Species Regulations 2017 (UK Government, 2017a) (for the Onshore Scheme) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (UK Government, 2017b) (for the Marine Scheme).

79. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (the ‘2019 Regulations’) amended the 2017 Habitats Regulations and grant protection through the designation of a UK national site network, which was previously granted through European Sites. The national site network consists of:

- Special Areas of Conservation (SACs);
- SPAs; and
- Ramsar Sites².

80. The 2019 Regulations also maintained the requirement for the relevant Competent Authority to complete a Habitats Regulations Assessment (HRA) to determine whether there is potential for a proposal to have an adverse effect on the integrity of a site designated as part of the National Site Network (collectively referred to as ‘European Sites’). Where it is identified that there is potential for a proposal to have a Likely Significant Effect (LSE) on a European Site, referred to as HRA Screening, Applicants are required to provide information to the Competent Authority to enable them to complete an appropriate assessment of the proposals to ascertain whether a project will adversely affect the integrity of a site in view of the conservation objectives of the site.

81. Regarding the UK’s departure from the EU, the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 mean that the HRA process under the Habitats Regulations continues to apply in substantially the same way as it did before the UK’s departure from the EU.

82. The HRA is not a part of the EIA process. However, much of the baseline characterisation information is common to both processes.


83. The Applicant has carried out a detailed screening for LSE for the Marine and Onshore Schemes and completed a HRA Report to Inform Appropriate Assessment (RIAA) separately for both the Marine and Onshore Schemes, which has been submitted alongside the Onshore Scheme ES. The RIAA provides sufficient information to enable the competent authorities, i.e., MD-LOT, MMO and NCC, to carry out an Appropriate Assessment should it be determined that one is required.

2.6.1.1. EUROPEAN PROTECTED SPECIES LICENSING

84. The Habitats Regulations also provide protection for certain species of plants and animals, e.g., bats, great crested newt, referred to as European Protected Species (EPS), and their breeding sites or resting places. The Habitats Regulations set out the activities that are prohibited, such as deliberate disturbance or damage to a breeding site. If an activity is likely to cause disturbance or injury to an EPS, an EPS licence is required to undertake that activity. The Habitats Regulations provide for licences to be granted for certain operations, such as proposed developments that may affect EPS, subject to:

- There being no satisfactory alternative; and

² Ramsar Sites are not formally covered by the Regulations but are included in the process as a result of guidance in the National Planning Policy Framework (NPPF), as revised in 2021. Within the NPPF, Ramsar Sites are granted the same protection as habitats sites (UK Government, 2021c).

| | | |
|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
| Classification: Final | | |
| Status: Final | | Rev: A01 |

- The action authorised not being detrimental to the maintenance of the population of the range of species concerned at Favourable Conservation Status (FCS) in their natural range.

85. If disturbance cannot be avoided, then an application for an EPS licence is required to be made to the relevant authority. EPS licences are obtained from Natural England.

2.6.2. Wildlife and Countryside Act 1981

86. The Wildlife and Countryside Act 1981 (UK Government, 1981) enables the designation of Sites of Special Scientific Interest (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. Natural England has overall responsibility for the management of the SSSI network in England. The Wildlife and Countryside Act also enables Statutory Nature Conservation Bodies to declare sites which are considered to be of national importance as National Nature Reserves (NNRs).

87. 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.

2.6.3. Water Framework Directive Regulations


88. The Water Framework Directive 2000/60/EC (WFD) provides protection to water in Europe by regulating pollutants and setting corresponding regulatory standards to protect and, where necessary, restore water bodies in order to reach good status, and to prevent deterioration. The WFD is applied in England via the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, setting out a series of objectives for waterbodies and groundwaters. The WFD applies to inland, transitional, and coastal surface waters as well as groundwaters. WFD is implemented through River Basin Management Plans (RBMP). The Northumbria RBMP applies to the Onshore Scheme (Environment Agency, 2022). The WFD also applies to the Marine Scheme for activities in coastal waters (i.e., up to 3 nm from MHWS).

89. The Flood and Water (Amendments) (England and Wales) (EU Exit) Regulations 2019 (UK Government 2019a) and the Environment (Amendment etc.) (EU Exit) Regulations 2019 (UK Government 2019b) ensures that the water regime continues to operate effectively as it did before the UK's departure from the EU. Thus, the Water Environment (Water Framework Directive) Regulations 2017 include improving the water environment to achieve good or high status, maintaining existing good or high status, and implementing mitigation to support the water environment at a catchment and waterbody scale. New modifications have to be assessed in line with the legislation and the waterbody objectives.

90. A WFD Assessment for the Onshore Scheme has been completed as part of the application to NCC.

2.6.4. The Environment Act 1995

91. The Environment Act 1995 (UK Government, 1995) provided for the establishment of a number of government agencies, including the Environment Agency, The Scottish Environment Protection Agency and the National Park Authorities. The Act also brought in requirements for the governments to prepare strategies on air quality, national waste, and hedgerow protection.

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|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
| Classification: Final | | |
| Status: Final | Rev: A01 | |

2.6.5. The Environment Act 2021

92. The Environment Act 2021 (UK Government, 2021d) operates as the UKs framework of environmental protection and aims to improve air and water quality, biodiversity and waste reduction. Through the Environment Act, the Office for Environmental Protection (OEP) was established. The aim of the OEP is to protect and improve the environment by holding government and other public authorities to account.

2.6.5.1. BIODIVERSITY NET GAIN

93. Biodiversity net gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand.

94. In line with the Environment Act 2021, from a date to be appointed but expected to be January 2024, all planning applications in England will be required to deliver mandatory Biodiversity Net Gain (BNG), comprising a minimum 10% net gain. BNG can be delivered on site, off site or via a new statutory biodiversity credits scheme and any sites need to be registered on a national register of net gain delivery sites. This has been calculated using the current DEFRA Biodiversity Metric and forms part of the proposals for the Onshore Scheme planning application as outlined in Volume 3 Appendix 9.8 BNG Assessment.

95. BNG does not change existing legal protections for important habitats and wildlife species. It maintains the mitigation hierarchy of avoid, then mitigate and compensate if necessary.


2.6.6. Environmental Permitting (England and Wales) Regulations 2016

96. These regulations seek to ensure that the authorised activities and their discharges do not endanger the environment or human health. In England, Environmental Permits are granted by The Environment Agency (EA) and combine the requirements for an integrated waste management approach and hazardous waste management. Environmental Permits cover activities relevant to the Onshore Scheme such as water discharges during onshore construction and associated dewatering, and each permit issued by the EA would typically contain a series of conditions to be complied with. Further detail on the licences and permits within the outline application boundary for the Onshore Scheme are provided in Volume 3, Technical Appendix 10.1: Preliminary Environmental Risk Assessment (PERA) Report.

2.6.7. Countryside and Rights of Way (CROW) Act 2000


97. The Countryside and Rights of Way (CRoW) Act 2000 (UK Government, 2000) introduced improved provisions for the protection and management of SSSIs. It also implemented the so called ‘right to roam’ on certain upland and uncultivated areas of England and Wales in addition to a staged review of public rights of way conducted under the act. It also includes a power to extend the right to coastal land by order.

98. The Act is intended to give greater freedom for people to explore open countryside and contains measures to improve public access to the open countryside and registered common land while recognising the legitimate interests of those who own and manage the land concerned; it also amends the law relating to rights of way. There are Public Rights of Way (ProW) present within the vicinity of the Onshore Scheme, as well as Cambois Beach and Blyth Beach.

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|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
| Classification: Final | | |
| Status: Final | | Rev: A01 |

2.6.8. Natural Environment and Rural Communities Act 2006

99. Section 40(1) of the NERC Act 2006 states that ‘every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’ by imposing duties upon public authorities (UK Government, 2006).
100. Section 41 of the NERC Act requires that the Secretary of State publish ‘a list of habitats and species which are of principal importance for the conservation of biodiversity in England’. The list includes 56 habitats and 943 species which have been determined in consultation with Natural England draws upon the UK Biodiversity Action Plan List of Priority Species and habitats (JNCC, 2019). 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.
101. The current published list includes taxon groups which may be of potential relevance to the Onshore Scheme; this includes birds, amphibians (including great crested newt), reptiles (including slow worm and common lizard), mammals (including various bat species, water vole, otter and red squirrel), butterflies (including grayling and dingy skipper), lichens and vascular plants as well as other plant, fungi and animal taxon groups. Section 41 habitats of principal importance in England also include broad habitats which may be of potential relevance to the Onshore Scheme: standing open waters, rivers and streams, supralittoral sediment (including coastal sand dunes), littoral sediments (including coastal saltmarsh, sand dunes and intertidal mudflats), fen marsh and swamp (e.g., reedbeds) and hedgerows.
102. The technical chapters within the Onshore Scheme ES (Volume 2, Chapters 7 to 16) consider NERC species as required based on the extent of potential interaction between NERC habitats and species and the Onshore Scheme. The NERC Act 2006 has been considered within this ES with regards to the UK list of priority habitats and species listed of principal importance.

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|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
| Classification: Final | | |
| Status: Final | | Rev: A01 |

2.7. References

Committee on Climate Change (CCC) (2019). *Net Zero – The UK’s Contribution to Stopping Global Warming*. Available at: <https://www.theccc.org.uk/publication/net-zero-the-uks-contribution-to-stopping-global-warming/>. Accessed on 20 April 2023.

Department for Business, Energy and Industrial Strategy (BEIS) (2021). *Planning for New Energy Infrastructure: Draft National Policy Statements for Energy Infrastructure*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015302/nps-consultation-document.pdf. Accessed on 14 February 2023.

Department for Business, Energy and Industrial Strategy (BEIS) and Prime Minister’s Office (2020). *The Ten Point Plan for a Green Industrial Revolution*. Available at: <https://www.gov.uk/government/publications/the-ten-point-plan-for-a-green-industrial-revolution>. Accessed on: 24 March 2023.

Department for Business, Energy and Industrial Strategy (BEIS) (2020). *Energy White Paper: Powering our Net Zero Future*. Available at: <https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future>. Accessed on 24 March 2023.

Department for Business, Energy and Industrial Strategy (BEIS) and Prime Minister’s Office (2022). *British Energy Security Strategy*. Available at: <https://www.gov.uk/government/publications/british-energy-security-strategy>. Accessed on: 24 March 2023.

Department for Energy Security & Net Zero (DESNZ) (2023) *DRAFT: Overarching National Policy Statement for Energy (EN-1)*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147380/NPS_EN-1.pdf Accessed on: 05 July 2023.

Department for Energy Security & Net Zero (DESNZ) (2023a) *DRAFT: National Policy Statement for Renewable Energy Infrastructure (EN-3)*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147382/NPS_EN-3.pdf Accessed on: 05 July 2023.


Department for Energy Security & Net Zero (DESNZ) (2023b) *DRAFT: National Policy Statement for Electricity Networks Infrastructure (EN-5)*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147384/NPS_EN-5.pdf Accessed on: 05 July 2023.

Department for Environment, Food and Rural Affairs (DEFRA) (2022b). *Marine Net Gain: Consultation on the principles of marine net gain*. Available at: https://consult.defra.gov.uk/defra-net-gain-consultation-team/consultation-on-the-principles-of-marine-net-gain/supporting_documents/Consultation%20on%20the%20Principles%20of%20Marine%20Net%20Gain.pdf. Accessed on: 24 March 2023.

Environment Agency (2022). *Northumbria River Basin District River Management Plan*. Updated December 2022. Available at: <https://www.gov.uk/guidance/northumbria-river-basin-district-river-management-plan-updated-2022>. Accessed on: 24 March 2023.

European Climate Foundation (ECF) (2010). *Roadmap 2050: A Practical Guide to a Prosperous, Low-Carbon Europe*. Volume 1 April 2010. Available at: <https://www.roadmap2050.eu/reports>. Accessed on: 24 March 2023.

Ministry of Housing, Communities and Local Government (2019) *National Planning Policy Framework*. Available at:

| | | |
|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
| Classification: Final | | |
| Status: Final | | Rev: A01 |

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf. Accessed on 24 March 2023.

Northumberland County Council (2022) *Northumberland Local Plan 2016-2036*. Available at: <https://www.northumberland.gov.uk/NorthumberlandCountyCouncil/media/Planning-and-Building/planning%20policy/Local%20Plan/Northumberland-Local-Plan-Adopted-March-2022.pdf>. Accessed on: 24 March 2023.

UK Government (1981) *Wildlife and Countryside Act 1981*. Available at: <https://www.legislation.gov.uk/ukxi/2017/1012/regulation/14/made>. Accessed on: 24 March 2023.

UK Government (1995) *Environment Act 1995*. Available at: <https://www.legislation.gov.uk/ukpga/1995/25/contents>. Accessed on: 24 March 2023.

UK Government (2000) *Countryside and Rights of Way Act 2000*. Available at: <https://www.legislation.gov.uk/ukpga/2000/37/contents>. Accessed on 24 March 2023.

UK Government (2006). *Natural Environment and Rural Communities Act 2006*. Available at: https://www.legislation.gov.uk/ukpga/2006/16/pdfs/ukpga_20060016_en.pdf. Accessed on: 24 March 2023.

UK Government (2008). *Planning Act 2008 (as amended)*. Available at: <https://www.legislation.gov.uk/ukpga/2008/29/contents>. Accessed on: 24 March 2023.

UK Government (2011). *National Policy Statements from energy infrastructure*. Available at: <https://www.gov.uk/government/publications/national-policy-statements-for-energy-infrastructure>. Accessed on: 24 March 2023.

UK Government (2013) *Energy Act 2013*. Available at: <https://www.legislation.gov.uk/ukpga/2013/32/contents/enacted/data.htm>. Accessed on: 24 March 2023.

UK Government (2017) *The Clean Growth Strategy*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700496/clean-growth-strategy-correction-april-2018.pdf. Accessed on: 24 March 2023.

UK Government (2017a) *The Conservation of Habitats and Species Regulations 2017*. Available at: <https://www.legislation.gov.uk/ukxi/2017/1012/regulation/14/made>. Accessed on: 24 March 2023.


UK Government (2017b) *The Conservation of Offshore Marine Habitats and Species Regulations 2017*. Available at: <https://www.legislation.gov.uk/ukxi/2017/1013/schedule/4>. Accessed on 24 March 2023.

UK Government (2019) *The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*. Available at: <https://www.legislation.gov.uk/ukdsi/2019/9780111176573>. Accessed on 24 March 2023.

UK Government (2019a) *The Flood and Water (Amendments) (England and Wales) (EU Exit) Regulations 2019*. Available at: <https://www.legislation.gov.uk/wsi/2019/460/contents>. Accessed on: 24 March 2023.

UK Government (2019b) *The Environment (Amendment etc.) (EU Exit) Regulations 2019*. Available at: <https://www.legislation.gov.uk/ukdsi/2019/9780111176276/contents>. Accessed on: 24 March 2023.

UK Government (2020) *National Infrastructure Strategy*. Available at: <https://www.gov.uk/government/publications/national-infrastructure-strategy>. Accessed on 20 April 2023.

| | | |
|---|---|--|
|  | Cambois Connection – Onshore Scheme ES Chapter 2: Legislative and Policy Context | Doc No: A100796-S01 – Legislative and Policy Context – A01 |
| Classification: Final | | |
| Status: Final | | Rev: A01 |

UK Government (2021a). *Net Zero Strategy: Build Back Greener*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033990/net-zero-strategy-beis.pdf Accessed on 24 March 2023.

UK Government (2021b). *The Carbon Budget Order 2021*. Available at: <https://www.legislation.gov.uk/uksi/2021/750/article/2/made>. Accessed on 24 March 2023.

UK Government (2021c). *National Planning Policy Framework*. Available at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2> Accessed on 24 March 2023.

UK Government (2021d) *Environment Act 2021*. Available at: <https://www.legislation.gov.uk/ukpga/2021/30/enacted>. Accessed on: 24 March 2023.

UK Government (2022). *United Kingdom of Great Britain and Northern Ireland's Nationally Determined Contribution. Updated September 2022*. CP 744. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1109429/uk-nationally-determined-contribution.pdf. Accessed on: 19 January 2023.

UK Parliament (2022). *Energy Security Bill*. Available at: <https://bills.parliament.uk/bills/3311>. Accessed on 20 April 2023.