

Introduction

The National Infrastructure Planning Association (NIPA) was established in 2010 with the aim of bringing together individuals and organisations involved in the planning and delivery of major infrastructure projects. Our principal focus is the planning regime for nationally significant infrastructure projects (NSIPs) introduced by the Planning Act 2008; however, our members work across all consenting regimes and we act as a forum and community for anyone with an interest in the challenge of driving better national infrastructure planning outcomes.

In summary, we:

- advocate and promote an effective, accountable, efficient, fair and inclusive system for the planning and authorisation of national infrastructure projects and act as a single voice for those involved in national infrastructure planning and delivery;
- participate in debate on the practice and the future of national infrastructure planning and act as a consultee on proposed changes to national infrastructure planning and authorisation regimes, and other relevant consultations; and
- develop, share and champion best practice, and improve knowledge, skills, understanding and engagement by providing opportunities for learning and debate about national infrastructure planning.

On 24 April 2025, the Department for Energy Security and Net Zero (DESNZ) published draft updates to energy infrastructure National Policy Statements (NPSs):

- EN-1: Overarching National Policy Statement for energy
- EN-3: National Policy Statement for renewable energy infrastructure
- EN-5: National Policy Statement for electricity networks infrastructure

NIPA welcomes this opportunity to provide views on [the revised draft energy infrastructure National Policy Statements](#). For future consultations NIPA would welcome a set of side-by-side versions of the NPSs (current and proposed) to allow consultees to easily see the changed text and so focus their responses accordingly. The Ministry of Housing, Communities & Local Government (MHCLG) has done this when consulting on National Planning Policy Framework (NPPF) revisions and such a tool would be useful for any future consultation drafts of the energy and other NPSs.

The consultation was framed with a number of questions (1-9), and these are addressed in turn below.

Response to consultation questions

Clean Power 2030

1. To what extent do you think the inclusion of Clean Power 2030 policy in EN-1 provides sufficient guidance for developers to bring forward relevant projects?

The updates to paragraph 2.3.4 of EN-1 on SoS decision-making set out clearly the Government's objectives to decarbonise power generation to meet the Clean Power 2030 Mission.

Decision-making

Overall, in the updated NPS EN-1 the emphasis is on what the applicant can do to adhere to timescales and assist in energy projects being prioritised. The guidance to decision-makers could be stronger in parts, setting out clearly the urgent need at scale by both 2030 and 2050.

As regards EN-1, sections 2 and 3 are lacking clarity in how their commentary on Clean Power 2030, Critical National Priorities, and co-ordination should actually be applied by decision-makers, especially in the (lengthy) periods before we have either the Centralised Strategic Network Plan (which is not expected before 2027) or further guidance on implementing Holistic Network Design. These matters are not then clarified in section 4, which leaves significant room for debate and uncertainty.

A clearer relationship between strategies, and a clearer hierarchy in relation to emerging spatial planning and strategic energy and network plans, as well as the NPPF (paragraph 5 for example) is required to avoid contradiction and uncertainty. NPSs must sit at the top of the hierarchy within the emerging framework to deliver clear policy outcomes and the purpose intended, without creating strategy, sector, regional or local conflict against national objectives, and without introducing unnecessary debate on weight and priority in DCO Examination and Determination.

Clean Power 2030

A key misunderstanding across many projects NIPA members are involved with is that regional capacity ranges in Clean Power 2030 (CP2030) are being interpreted incorrectly as 'targets'. For example, it is being said that if a project takes the technology installed capacity over the CP2030 target, it is not needed. This is not correct and needs to be very clearly set out so there can be no misinterpretation or debate in Examination. CP2030 sets the target of delivering Clean Power (by 2030, and beyond) but the ranges are government's current 'hand rails' to NESO to help us get there. Going faster and further is encouraged. Optionality to change capacity ranges is retained in government. Clarity in policy on this point is vital to maintain efficiency in the planning system. Examples in draft EN-1 are set out below (bold is NIPA's emphasis):

- Paragraph 2.3.1 states "*The Clean Power 2030 Action Plan sets out **targets** for the 2030 capacities of key technologies at national and regional level*" which is incorrect. No targets are set.

- Paragraph 3.2.6 states “*It is not the government’s intention in presenting any of the figures or targets in this NPS to propose limits on any new infrastructure that can be consented in accordance with the energy NPS’s.*” This is not helpful as no figures on GW capacity have been presented as targets (para 2.3.1 aside).
- Paragraph 3.3.19 states “*The Clean Power 2030 Action Plan explains that in order to meet the Clean Power 2030 Mission **target**...*” where elsewhere it is just ‘**Mission**’
- Paragraph 3.3.75 states “*Connecting the volume of offshore wind capacity **targeted** by the government will require not only...*” We suggest that a different set of words would be more helpful, e.g. “Connecting government’s capacity range for offshore wind will require not only ...”

The risk remains that objectors and others continue to reference the capacity ranges as targets, as set out above, but there is good policy evidence that this is not the case. The recommendations set out above will help if incorporated in finalising the updates to EN-1.

EN-1 therefore needs to be amended to make it clear beyond all doubt that there is no cap or limitation on localities or thresholds, and there should be no debate about that until we have operationally delivered, and met our need as a nation for, clean power.

On the point of capacity, and the related point of overplanting, on 19 May 2025, the judgment of Mr. Justice Eyre in *Ross v SSHCLG and RES Ltd* [2025] EWHC 1183 was handed down, where the judge found that the Inspector was right to conclude that overplanting going beyond that which was necessary to address module degradation was not inconsistent with EN-3, providing that:

- it was justified; and
- the worst-case had been assessed.

NIPA recommends that draft Footnote 91 of draft EN-3 (current Footnote 92 in EN-3) should be updated in light of the judgment as follows:

“91 “Overplanting” refers to the situation in which the installed generating capacity or nameplate capacity of the facility is larger than the generator’s grid connection. This allows ~~developers to take account of degradation in panel array efficiency over time, thereby enabling~~ the grid connection to be maximised across the lifetime of the site. Such reasonable overplanting should be considered acceptable in a planning context so long as it can be justified ~~and the electricity export does not exceed the relevant NSIP installed capacity threshold throughout the operational lifetime of the site and the proposed development and its impacts are assessed through the planning process on the basis of its full extent, including any overplanting.~~”

Other matters

The guidance in section 5.10 should be clearer on what is expected where energy development has implications for a Protected Landscape and further mitigation is not possible, but offsetting or compensatory measures would be feasible. The guidance currently leaves it unclear how promoters or the decision-maker are expected to test

compliance with the statutory duties introduced by section 245 (Protected landscapes) of the Levelling-up and Regeneration Act 2023.

The question of how the Secretary of State can meet this duty has already been the subject of legal challenges and discussion in DCO Examination about how compliance is best secured, ultimately leaving the Examining Authority to test and report and the Secretary of State to reach a determination on significantly different starting points from interested parties, without policy direction on how to robustly reach that decision.

This challenge (and indeed project cost, given the scale of contributions that have been being discussed in Examination to date) creates risk around allowable regulatory expenditure and uncertainty which this government is seeking to reduce. As such NIPA considers that the Government should utilise the NPS amendment process to provide clear policy guidance on how this legal duty should be proportionately scoped and applied moving forward.

It is suggested that the designated document for EN-1 should take the opportunity to set out a clear position on community benefits and where they may be relevant to a decision by way of providing offsetting/compensation for unavoidable residual impacts. EN-1 should reflect and incorporate the feedback on the proposals set out in the 'Community benefits and shared ownership for low carbon energy infrastructure: working paper' published by DESNZ on 21 May 2025, which NIPA will provide its views on separately.

2. To what extent do you think the updates to the Critical National Priority policy help bring forward higher-quality applications?

The Critical National Priority policy presumption for low carbon infrastructure introduced in the last update to the energy NPSs has been effective so far. The Critical National Priority policy is seeing results at decision-making stage but not as consistently through Examination and reporting. Clearer guidance for Examiners on how this should be taken into account would be beneficial in giving this the intended consistent effect.

In the consultation document (Consultation | Planning for New Energy Infrastructure Revised draft National Policy Statements for energy infrastructure), it states: *"Projects relevant for Clean Power 2030 can be deemed Critical National Priority (CNP), with a presumption in favour of consent."* This suggests an alignment with CP2030 technologies that this supports CNP infrastructure 'designation'.

Paragraph 4.2.16 of EN-1 states: *"Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure to meet the Clean Power 2030 Mission and net zero. Paragraphs 4.2.17 and 4.2.18 below set out the projects to be prioritised for the Clean Power 2030 Mission. The CNP policy below applies to these projects."*

The inclusion of Clean Power 2030 as explained in the Consultation document, and drafted in paragraph 4.2.16, could potentially introduce some ambiguity and a potential narrow interpretation for some that it is only those projects which fall within the remit of the Clean

Power 2030 Action Plan that are deemed CNP. Although paragraphs 4.2.17-4.2.18 explain what low carbon infrastructure means for the purposes of CNP.

EN-1 would benefit from being clear that the CNP concept applies to projects which fall within the remit of the Clean Power 2030 Action Plan (i.e. “projects relevant for Clean Power”) and to the relevant genres of low-carbon infrastructure set out in paragraphs 4.2.17 – 4.2.18 and defined in the Glossary.

In this content, we also note that paragraphs 4.2.17 - 4.2.18 and the Glossary are not fully aligned with what other parts of the NPS suggest are CNP. In particular, the following do not fully flow through to the Glossary definition:

- “CCS technologies, pipelines and storage infrastructure” in paragraph 3.5.7; and
- “low carbon hydrogen infrastructure, hydrogen distribution, pipelines and storage” in paragraph 3.4.22.

Onshore Wind

3. Do you have comments or amendments on any aspects of the new guidance for onshore wind?

In light of the moratorium that was lifted on onshore wind at the end of 2024, and with the expected coming into force of the Infrastructure Planning (Onshore Wind and Solar Generation) Order 2025 later this year, the NPSs (particularly NPS EN-3) have now acknowledged this form of energy generation through the inclusion of whole new sections for onshore wind projects generating >100MWs to be incorporated directly into the scope of these updated NPSs. This is a significant achievement in the draft NPSs which addresses these omissions.

As regards EN-3, the new guidance on onshore windfarms and Protected Landscapes lacks clarity on what is required, especially as regards compliance with the duties in section 245 (Protected landscapes) of the Levelling-up and Regeneration Act 2023. This should be reflected consistently throughout the NPSs as set out under our Other Matters section of the response to Q1.

Offshore Wind

4. Do you have comments on any aspects of the updated guidance for offshore wind?

The updates to EN-3 in relation to offshore wind farm wake effects require greater clarity to avoid the very open required exploration currently set out. The overarching principle of the revised drafting is welcomed. However, the specific language used in the policy text is of critical importance, as it will guide interpretation by applicants, interested parties, Examining Authorities, and ultimately the Secretary of State as the decision-maker. For example, if the duty to collaborate is retained in the Planning and Infrastructure Bill, it should be reframed as a duty to engage meaningfully. This is because an applicant cannot be held responsible for the willingness of others to engage in collaboration.

The revised policy would benefit from being informed by a robust evidence base and clear guidance, while acknowledging this is an evolving area of scientific understanding, and what proportionate and relevant information is required to inform effective Examination and DCO determination.

Updates to EN-3 in relation to Marine Noise Policy in paragraph 2.8.122 requires greater clarity, particularly regarding construction noise management during piling activities. While the intent to align the NPS with Defra policy is acknowledged, the current drafting lacks sufficient clarity on how the "best endeavours" standard should be interpreted or applied in practice or in balance with other factors. This ambiguity has already led to uncertainty and inconsistency in decision-making processes, both at DCO Examination and post consent requirement/condition discharge stages. Without clearer guidance and applied proportionality, there is a risk of delays and inefficiencies and unintended consequences that could hinder project delivery and prevent projects contributing to Clean Power 2030.

Electricity Networks Infrastructure

Endorsement of the Centralised Strategic Network Plan

5. Do you agree with the proposal in EN-5 to endorse the electricity transmission recommendations set out in the CSNP to accelerate consenting times and support the upgrade of the electricity grid?

Yes. The proposal in EN-5 is in line with the recommendations of the Winsor Report¹ and reinforced in the previous government's Transmission Acceleration Action Plan (TAAP)²:

"Recommendation NP2: The National Policy Statements (NPS) and National Planning Framework (NPF) should refer to and allow ministers to endorse the Strategic Spatial Energy Plan (SSEP) and Centralised Strategic network Plan (CSNP), as statements of the projects required for nationally significant infrastructure".

6. Do you have any comments on the proposal in EN-5 to endorse the electricity transmission recommendations set out in the CSNP?

NIPA has made points on the proposal that it would be beneficial to clarify in the next set of designated documents for EN-1 and EN-5.

Reference to the CSNP in EN-1

Paragraph 3.3.78 of EN-1 states: *"This NPS recognises the need for the infrastructure proposed in the forthcoming CSNP, including infrastructure covered by future CSNP publications adopted following a similar process."*

¹ Accelerating electricity transmission network deployment: Electricity Networks Commissioner's recommendations (August 2023)

² Transmission Acceleration Action Plan Government response to the Electricity Networks Commissioner's report on accelerating electricity transmission network build (November 2023)

It is not clear how the NPS can “recognise” a document that is forthcoming (the first CSNP is not expected to be published until 2027). NIPA suggests that government adopts the approach taken in paragraph 1.4.5 of the NPS for water resources infrastructure and how it refers to Water Resource Management Plans (WRMPs), whereby it states that “if” a project is in the WRMP “then” the policy presumption in favour applies. This precedented approach would help to recognise something that doesn’t yet exist and will change in future iterations.

Understanding of the strategic parameters in the CSNP

Paragraph 3.3.79 of EN-1 states: *“This NPS therefore accepts the proposed strategic parameters for proposed network infrastructure outlined in the CSNP. This could mean, but is not limited to, the choice of onshore overhead High Voltage Alternating Current lines, or the use of offshore High Voltage Direct Current cabling. Where a strategic solution is proposed in the CSNP, the choice of strategic solution does not need to be re-examined, and alternatives to that choice do not need to be considered again in the consenting process.”*

Strategic parameters should be a defined term that is added to the Glossary in EN-1 or EN-5. Whilst the Consultation Document and paragraph 3.3.78 outline what this “could mean”, it is important that there is sufficient clarity and understanding for promoters, consultees and affected communities on the defined strategic parameters.

EN-5 draft text on the CSNP

Paragraph 2.8.5 of EN-5 states: *“The need case for the CSNP infrastructure is endorsed by EN-1 in conjunction with this NPS subject to the CSNP being published on NESO’s website following public consultation and once all stages of the CSNP Strategic Environmental Assessment (SEA) (and any other environmental assessments, including HRA, for specific designated sites identified) for that CSNP are adopted.”*

Publication of the CSNP is the point at which NPS support is engaged. The subsequent drafting introduces potential uncertainty as to when the NPS policy would apply and what the position is until that point. This would benefit from being simplified and clearer.

Paragraph 2.8.6 of EN-5 states: *“On occasion projects may submit a change control request to NESO.”* It is assumed that this should reference applicants submitting change control requests (not projects).

For paragraph 2.9.25 of EN-5 a cross-reference could reasonably be inserted via a footnote to the Institution of Engineering and Technology (IET) [report](#) which provides a comparison of electricity transmission technologies and the costs and characteristics of transmission networks³.

³ A Comparison of Electricity Transmission Technologies: Costs and Characteristics (Mott MacDonald in Conjunction with the IET, April 2025)

Reference to the Electricity Transmission Design Principles

7. Do you agree with the proposal in EN-5 to reference the ETDP and to set out that developers should have regard to the ETDP, as relevant, in addition to the Holford and Horlock rules?

Yes. The proposal in EN-5 is in line with the recommendations of the Winsor Report⁴ and reinforced in the last government's Transmission Acceleration Action Plan (TAAP)⁵:

“Recommendation RD1: Electricity Transmission Design Principles (ETDP) should be created to provide greater clarity on the type of asset to be used in different environments.”

The Holford and Horlock rules already cover the design and sighting of overhead lines and substations, and whilst now explicitly referenced in the good design for energy infrastructure, they have not been updated for some time.

The ETDP have the potential to provide clarity on how infrastructure design could be improved and where alternative options could be considered such as different pylon designs or more detailed criteria for undergrounding cables. This should give a clear basis for communities and other stakeholders to understand proposals and a clear foundation for consideration during Examination and decision stages.

8. Do you have any comments on this proposal?

As regards EN-5, it would benefit from guidance on what decision-makers should do in advance of the Electricity Network Design Principles being published to help assess the acceptability of an applicant's design approach and choices.

Other comments

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

In relation to best and most versatile agricultural (BMV) land, it could be argued that paragraphs 2.10.20 – 2.10.26 of EN-3 do not go far enough. The impact of schemes on BMV land and food production / security continues to be raised as a main argument by objectors and even though it is not leading to the refusal of DCO applications, too much unnecessary time is being taken up dealing with these arguments during the pre-application and Examination stages. Government can afford to be braver here. The main problem is paragraph 2.10.21 which says: *“While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer*

⁴ Accelerating electricity transmission network deployment: Electricity Networks Commissioner's recommendations (August 2023)

⁵ Transmission Acceleration Action Plan Government response to the Electricity Networks Commissioner's report on accelerating electricity transmission network build (November 2023)

quality land should be preferred to higher quality land avoiding the use of “Best and Most Versatile” agricultural land where possible.”

Terms like ‘where possible’ and ‘necessary’ are open to interpretation. Government could remove the references to utilising previously developed land, etc., ‘where possible’ and the use of agricultural land being ‘necessary’ and amend it to read something like: *“Land type should not be a predominating factor in determining the suitability of the site location. Where previously developed land, brownfield land or industrial land is reasonably available for development, applicants are encouraged to utilise this land in preference to best and most versatile agricultural land. Where the use of any agricultural land is proposed, poorer quality land should be preferred to higher quality (“Best and Most Versatile”) land where poorer quality land is reasonably available for development. Whether land is reasonably available for development will depend on a range of commercial, economic and environmental factors which should be considered by the applicant as part of their site selection process.”* This would also help schemes coming forward in parts of the country (e.g. Kent) that have very high proportions of BMV land but also high suitability for solar generation and grid connection.

In relation to food security and closely linked to the above point, it would be helpful to see a paragraph or two clearly setting out the Government’s position on the interaction between solar farms (and indeed other forms of CNP energy development) and food security. The evidence is clear now that even in the most ambitious scenarios, solar farms will at worst have a negligible impact on our ability to grow food domestically. In some cases, some form of agriculture may be able to continue in and around the site. That is not however stopping objectors raising it as an argument against every solar development. It would be beneficial to see a clear policy statement from government to this effect to make more effective use of pre-application engagement and Examination time and resource and to ensure clear policy direction for those seeking to engage, influence and deliver projects.

In relation to solar capacity, the new paragraph 2.10.3 (which refers to 45-47GW of solar by 2030) could be seen as being less helpful than the previous paragraph 2.10.10 (which refers to up to 70GW by 2035). Also, the wording *“noting the potential of rooftop solar to boost deployment”* is likely to be seized on by objectors to ground-mounted solar as an indication that new solar capacity should be concentrated on rooftops. The previous paragraph 2.10.11 made it clear that government was supportive of large-scale ground-mounted systems and this should be equally clear in the new NPS.

We also consider that the NPS needs to take account of the recent amendments to the Planning and Infrastructure Bill that remove the statutory requirement for pre-application consultation. Whilst it is noted that paragraph 4.2.8 of the new NPS refers to where preliminary environmental information is ‘required by law’, this is undermined by paragraph 4.2.6 still referring to the requirements of the Planning Act 2008 in discussing pre-application consultation requirements. Given that in tandem with enactment of the Planning and Infrastructure Bill, government is proposing to prepare new Guidance on consultation for DCO projects, NIPA suggests that the NPS should ‘look forward’ and point to that Guidance, rather than seeking to summarise it.