



Morven Hawthorn Pit Grid Connection Project

Preliminary Environmental Information Report

Volume 1, Chapter 5: Policy and Legislation

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Glossary

Term	Meaning
Biodiversity benefit	An approach to development that leaves biodiversity in a better state than before. Where a development has an impact on biodiversity, developers are encouraged to provide an increase in appropriate natural habitat and ecological features over and above that being affected.
Capacity Market	A UK electricity market mechanism that secures sufficient reliable capacity by paying providers to be available to supply electricity when needed, thereby supporting security of supply.
Climate change	A change in global or regional climatic patterns, in particular a change apparent from the mid to late 20 th century onwards and attributed to the increased levels of atmospheric carbon dioxide produced by the use of fossil fuels.
Climate resilience	The capacity of social, economic and ecosystems to cope with, and adapt to, climate-related hazards, trends and disturbances.
Contracts for Difference (CfDs)	Private contracts between the generator and the Government-owned Low-carbon Contracts Company Ltd.
Development Consent Order (DCO)	An order made under the Planning Act 2008, granting development consent.
Environmental Impact Assessment (EIA)	The process of identifying and assessing the significant effects likely to arise from a project. This requires consideration of the likely changes to the environment, where these arise as a consequence of the project, through comparison with the existing and projected future baseline conditions.
EIA Regulations	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and The Marine Works (Environmental Impact Assessment) Regulations 2007.
European Protected Species (EPS)	Species (e.g. bats, great crested newts, otters, dormice and cetaceans) which receive full protection under the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017.
Favourable conservation status (FCS)	The minimum threshold at which a habitat or species is thriving throughout its natural range and is expected to continue to thrive into the future.
Greenhouse effect	The trapping of the sun's warmth in a planet's lower atmosphere, due to the greater transparency of the atmosphere to visible radiation from the sun than to infrared radiation emitted from the planet's surface.
Greenhouse gas	A gas that absorbs and emits radiant energy within the thermal infrared range, causing the greenhouse effect. Examples may include carbon dioxide and methane.
Habitats Directive	Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) is the European Union Directive from which the requirement for the consideration of likely significant effects of the Morven Hawthorn Pit Grid Connection (MHPGC) Project upon European sites and sites designated within the National Site Network is derived.
Habitats Regulations	A term commonly used to refer to the collective legislation that translates the Habitats Directive (Directive 92/43/ECC) and the Wild Birds Directive (Directive 2009/147/EC) into specific legal obligations in Scotland and England. Namely: the Conservation of Habitats and Species Regulations 2017 (applies in England out to 12nautical miles (nm) and in Scotland for

Term	Meaning
	reserved activities), the Conservation of Offshore Marine Habitats and Species Regulations (as amended) 2017 (applies in English and Scottish waters beyond 12nm). These Regulations provide the legal framework for the protection of European sites, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), and underpin the Habitats Regulations Assessment/Appraisal (HRA) process.
Inshore waters	Marine waters from mean high water springs extending seaward to 12nm.
Landfall	The area in which the offshore export cables make landfall (come onshore) and the transitional area between the offshore cabling and the onshore cabling. This term applies to the entire landfall area between the trenchless technique exit pits and the transition joint bay (TJB), inclusive of all construction works.
Local Planning Authority (LPA)	The local Government body responsible for determining planning applications within a specific area.
Marine Licence	A marine licence permits the undertaking of different activities in the marine environment, including construction, the deposition or removal of substances or objects from the seabed and dredging. The Marine and Coastal Access Act 2009 requires a marine licence to be obtained for licensable marine activities within the Scottish offshore region (12nm – 200nm) and in English offshore and inshore regions (noting that deemed marine licences will be included within the DCO application).
Marine spatial planning	A process of analysing and allocating the spatial and temporal distribution of human activities in marine areas to achieve economic, ecological and social objectives that have been specified through a political process.
MHPGC Project Environmental Statement (ES)	The document presenting the results of the Environmental Impact Assessment process.
MHPGC Project Marine Conservation Zone (MCZ) and Marine Protected Area (MPA) Assessment	The MPA and MCZ Assessment is a process used to evaluate whether a proposed activity could have a significant impact on designated nature conservation MPAs (in Scotland) or MCZs and HPMAAs (in England). It ensures that the development does not hinder the conservation objectives of the protected features of these sites, as required under the Marine (Scotland) Act 2010 (Scotland) and the Marine and Coastal Access Act 2009. The MPA and MCZ Assessment for the MHPGC Project will consider whether the activities subject to the relevant application (i.e. activities subject to a Marine Licence application and DCO consent) can hinder the conservation objectives of a protected feature in a nature conservation MPA, MCZ or Highly Protected Marine Area (HPMA).
Morven Hawthorn Pit Grid Connection Project	The MHPGC Project is comprised of the offshore export cables in Scottish and English waters from the Morven North or the Morven South offshore substation platform(s) (OSP), landfall, onshore export cables, the onshore land substation (LSS) and Alternating Current (AC) connection cables. Also referred to in this report as the MHPGC Project, for ease of reading.
Morven North Offshore Wind Array Project (Morven North)	The Morven North Offshore Wind Array Project, which includes the wind turbines and foundations, Offshore Substation Platforms and foundations, inter-array and interconnector cables and associated infrastructure located within the Morven North Boundary.
Morven South Offshore Wind Array Project (Morven South)	The Morven South Offshore Wind Array Project, which includes the wind turbines and foundations, Offshore Substation Platforms and foundations,

Term	Meaning
	inter-array and interconnector cables and associated infrastructure located within the Morven South Boundary.
National Grid Hawthorn Pit Substation	The National Grid substation at Hawthorn Pit, County Durham, into which the AC connection cables will connect from the LSS.
National Policy Statement(s) (NPS(s))	Policy statements published by the Department for Energy Security and Net Zero and designated under the Planning Act 2008, setting out national policy for Nationally Significant Infrastructure Projects.
Nationally Significant Infrastructure Project (NSIP)	A large scale development which requires development consent under the Planning Act 2008.
Offshore export cables	High Voltage Direct Current (HVDC) cables which bring electricity from either the Morven North or the Morven South offshore substation platform to the TJB at Landfall.
Offshore waters	The area seaward of 12nm extending out to the UK's continental shelf.
Onshore export cables	HVDC cables which bring electricity from the TJB to the LSS.
Onshore Land Substation (LSS)	A purpose-built site comprising a compound containing the electrical components for converting the HVDC to High Voltage Alternating Current (HVAC) power. The LSS site associated with the MHPGC Project adjusts the power quality and power factor to meet the requirements of power supply being fed to the National Grid Hawthorn Pit Substation.
Protected species	A collective, non-statutory term used to describe animal or plant species afforded legal protection under one or more pieces of UK or retained EU legislation.
Ramsar site	A wetland site designated to be of international importance under the Ramsar Convention.
Renewable energy	Energy from a source that is not depleted when used such as wind or solar power.
Sites of Community Importance	Defined in the Habitats Directive as a site which, in the biogeographical region or regions to which it belongs, contributes significantly to the maintenance or restoration at a favourable conservation status of a natural habitat type in Annex I, or of a species in Annex II, of the Habitats Directive and may also contribute significantly to the coherence of the Natura 2000 network. The site may also contribute significantly to the maintenance of biological diversity within the biogeographic region or regions concerned. For animal species ranging over wide areas, Sites of Community Importance shall correspond to the places within the natural range of such species which represent the physical or biological factors essential to their life and reproduction.
Special Area of Conservation (SAC)	A site designation specified in the Habitats Directive (Council Directive 92/43/EEC) and protected in the UK under the Conservation (Natural Habitats, &c.) Regulations 1994 (in Scotland), the Conservation of Habitats and Species Regulations 2017 (in England) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (in Scotland and England). Each site is designated for one or more of the habitats and species listed in the Habitats Directive. The Habitats Directive requires the necessary conservation measures to be established, involving, if need be, appropriate management plans for each SAC to ensure the favourable conservation status of the habitats or species for which it was designated.

Term	Meaning
Special Protection Area (SPA)	Locations within the UK designated to conserve rare, vulnerable, and migratory bird species of European importance, as classified by the Conservation (Natural Habitats, &c.) Regulations 1994 (in Scotland), the Conservation of Habitats and Species Regulations 2017 (in England) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (in Scotland and England).
Transition Joint Bay (TJB)	An underground bay housing a joint which connects the offshore export cables to the onshore export cables. The TJB will be located in the vicinity of the onshore side of the Landfall.

Acronyms

Acronym	Meaning
AC	Alternating Current
AEoSI	Adverse Effects on Site Integrity
BEIS	Business, Energy & Industrial Strategy
BNG	Biodiversity Net Gain
CBD	Convention on Biological Diversity
CDP	County Durham Plan
CfDs	Contracts for Difference
CNP	Critical National Priority
COP	Conference of Parties
DCO	Development Consent Order
DEFRA	Department for Environment, Food and Rural Affairs
DESNZ	Department for Energy Security and Net Zero
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
EIP	Environmental Improvement Plan
EMR	Electricity Market Reform
EPS	European Protected Species
ES	Environmental Statement
EU	European Union
FCS	Favourable Conservation Status
HNDR	Holistic Network Design Review
HPMA	Highly Protected Marine Area
HRA	Habitats Regulations Assessment
HVAC	High Voltage Alternating Current
HVDC	High Voltage Direct Current
ICZM	Integrated Coastal Zone Management

Acronym	Meaning
LPA	Local Planning Authority
MCAA	Marine and Coastal Access Act
MCZs	Marine Conservation Zones
MD-LOT	Marine Directorate - Licensing Operation Team
MHPGC	Morven Hawthorn Pit Grid Connection
MMO	Marine Management Organisation
MPAs	Marine Protected Areas
MPS	Marine Policy Statement
NDCs	Nationally Determined Contributions
NERC	Natural Environment and Rural Communities
NESO	National Energy System Operator
NGESO	National Grid Electricity System Operator
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPS	National Policy Statement
NIC	National Infrastructure Commission
NSIP	Nationally Significant Infrastructure Project
OSP	Offshore Substation Platform(s)
OTNR	Offshore Transmission Network Review
PEIR	Preliminary Environmental Information Report
PIA	Planning and Infrastructure Act
PINS	Planning Inspectorate
SACs	Special Areas of Conservation
SoS	Secretary of State for Energy Security and Net Zero
SPAs	Special Protection Areas
SSSIs	Sites of Special Scientific Interest
TJBs	Transition Joint Bays
UK	United Kingdom
UNFCCC	United Nations Framework Convention on Climate Change

Units

Unit	Meaning
°C	Degrees Celsius
g	Grams
GW	Gigawatts

Unit	Meaning
kWh	Kilowatt-hour
MtCO ₂ e	Megatonnes of carbon dioxide equivalent
nm	Nautical Miles
%	Percentage

5 Policy and Legislation

5.1 Introduction

- 5.1.1.1 This chapter of the Preliminary Environmental Information Report (PEIR) provides a summary of the key legislation, policy and guidance that have been considered for the development of Morven Hawthorn Pit Grid Connection (hereafter, the MHPGC Project) throughout the Environmental Impact Assessment (EIA) process.
- 5.1.1.2 Policy, legislation, guidance and strategies specific to relevant technical chapters of the PEIR are described within each technical chapter and an assessment carried out against each relevant policy (see **Volume 2**, **Volume 3** and **Volume 4, of the PEIR**).
- 5.1.1.3 This chapter should also be read in conjunction with the following technical chapters:
- **Volume 1, Chapter 1: Introduction, of the PEIR;** and
 - **Volume 1, Chapter 4: Approach to Environmental Impact Assessment, of the PEIR.**
- 5.1.1.4 The MHPGC Project is located within the Scottish and English jurisdictions, specifically within Scottish offshore waters, English offshore waters, English territorial (inshore waters) and onshore in England. As stated in **Volume 1, Chapter 1: Introduction, of the PEIR**, whilst the MHPGC Project is proceeding under the Development Consent Order (DCO) regime, it is not a Nationally Significant Infrastructure Project (NSIP) pursuant to the thresholds in Part 3 of the Planning Act 2008. Rather, upon application to the Secretary of State (SoS) for Energy Security and Net Zero the SoS issued a direction under section 35 of the Planning Act 2008 in March 2024 confirming that the MHPGC Project is to be treated as development for which development consent is required. In respect of the MHPGC Project, assets located within Scottish waters (specifically, Scottish Offshore waters), Marine Licence(s) will be applied for from the Marine Directorate - Licensing Operations Team (MD-LOT), in accordance with the provisions of the Marine and Coastal Access Act 2009 (MCAA 2009).
- 5.1.1.5 The purpose of the MHPGC Project is to transmit electricity generated by the Morven North Offshore Wind Array Project or the Morven South Offshore Wind Array Project (hereafter, Morven North and Morven South, respectively), located within Scottish waters, to the National Grid Hawthorn Pit Substation, located in England. This will contribute to the UK's energy transition plans by generating low-carbon electricity from the offshore wind farm in support of the decarbonisation of the UK's electricity supply and achieving the aims of the UK's net zero ambitions.

5.2 Legislation

5.2.1 International Legislation and Agreements

International climate change commitments

- 5.2.1.1 The UK's climate change and renewable energy policy is underpinned by international commitments summarised in **Table 5.1**. These commitments establish global goals to reduce greenhouse gas emissions, promote renewable energy solutions, and combat climate change. These frameworks provide the regulatory foundation that necessitates the transition to clean energy, such as offshore wind, ensuring that projects align with internationally agreed-upon sustainability and environmental targets.

Table 5.1: International climate change commitments that underpin the UK's climate change policy

Name	Relevant components
United Nations Framework Convention on Climate Change (UNFCCC)	The UNFCCC is an inter-governmental treaty that took effect on 21 March 1994. According to Article 2 of the UNFCCC, its goal is to achieve: "stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system" (United Nations, 1992). At the time of writing, the UNFCCC has been ratified by 198 state signatories, including the UK. The Kyoto Protocol, adopted in 1997, was the first significant agreement under the UNFCCC. Since then, various meetings have been held, leading to several critical and binding agreements, which are detailed in the sections below.
Kyoto Protocol	The UK is a signatory to the Kyoto Protocol, an international agreement that operationalises the UNFCCC. This protocol requires industrialised nations to set and meet individual targets for limiting and reducing greenhouse gas emissions and to regularly report on their progress, as mandated by the UNFCCC. Implemented in 2005, the Kyoto Protocol's commitments were incorporated into UK law through the Climate Change Act 2008. Initially, the Act set a target for the UK to reduce its net carbon emissions by 80% by 2050, relative to 1990 levels. Recognising the need for more ambitious action, this target was later revised by the Climate Change Act 2008 (2050 Target Amendment) Order 2019 to a 'net zero' goal, aiming for at least a 100% reduction in greenhouse gas emissions compared to 1990 levels, by 2050.
The United Nations Adoption of the Paris Agreement COP21	In December 2015, 195 countries, including the UK, adopted the Paris Agreement at the Conference of Parties (COP) 21 conference, establishing the first universal and legally binding global climate accord. The targets in this Agreement succeeded those made in the Kyoto Protocol and aim to reduce global greenhouse gas emissions and keep the rise in global temperature this century "well below" 2°C, with ambitions to further limit the increase to 1.5°C (United Nations, 2015). The UK Government ratified the Agreement in November 2016, meaning it is bound by this international treaty. Under the Paris Agreement, countries are required to submit their Nationally Determined Contributions (NDCs) to the UNFCCC. The UK's NDCs commit to reducing economy-wide greenhouse gas emissions by at least 68% by 2030, relative to 1990 levels (HM Government, 2022).
COP26, COP27, COP28, COP29 and COP30	At COP26 in November 2021, nearly 200 parties adopted the Glasgow Climate Pact, committing to phase down coal and establish a unified approach for emissions reduction targets (United Nations, 2021). Countries were expected to set more ambitious 2030 targets in 2022, but COP27 in November 2022 saw limited progress. COP28, held in late 2023, emphasised accelerating climate action by 2030 and transitioning from fossil fuels to renewable energy sources. The summit conducted the first global stocktake, revealing a significant gap between countries' climate goals and the actual actions needed to achieve them, indicating insufficient implementation of the Paris Agreement worldwide. At COP29 in November 2024, developed countries reached an agreement to provide at least US\$300 billion annually to developing countries by 2035. This funding aims to significantly reduce greenhouse gas emissions and safeguard lives and livelihoods from the escalating impacts of climate change (United Nations, 2024). At COP30 in November 2025, all parties adopted the Belém Package and the Global Mutirão decision, focusing on accelerating implementation of the Paris Agreement and strengthening international cooperation on climate action. The summit reaffirmed the 1.5°C goal, launched new initiatives to support climate action, and called for a tripling of adaptation finance by 2035 (United Nations, 2025).

International conventions

- 5.2.1.2 The following international conventions (as described in **Table 5.2**) seek to establish frameworks for cooperation, standards and procedures for conservation and sustainable use, and protect valuable and vulnerable ecosystems and wildlife. By facilitating collaboration among nations, these conventions help address global environmental issues and promote sustainability, ensuring that natural resources and biodiversity are safeguarded for future generations.

Table 5.2: International conventions that ensure natural resources and biodiversity are safeguarded

Name	Relevance
The Ramsar Convention	The Ramsar Convention on Wetlands of International Importance, commonly known as the ‘Ramsar Convention’, is an international treaty established for the conservation and sustainable use of wetlands. Adopted in Ramsar, Iran, in 1971, the Ramsar Convention came into force in 1976. The Ramsar Convention aims to halt the worldwide loss of wetlands and conserve those that remain. Its primary objective is to ensure the effective management and utilisation of wetlands to sustain their ecological functions and sustainable development. Wetlands are designated as Ramsar sites based on their ecological, botanical, zoological, limnological, or hydrological importance. Specific criteria include: • Supporting at least 20,000 water birds; or • Hosting 1% of the individuals in a population of one species or subspecies of water bird. Since its inception, the Ramsar Convention has led to the designation of over 2,400 Ramsar sites, covering more than 250 million hectares worldwide. These designated areas play vital roles in biodiversity preservation, climate regulation, water purification and providing resources for human livelihoods. In the UK, Ramsar sites are afforded protection through domestic legislation and policy and are considered through the Habitat Regulations Assessment (HRA) process (Paragraphs 5.2.2.24 - 5.2.2.29 in this Chapter). Recent amendments introduced through the Planning and Infrastructure Act 2025 have strengthened the treatment of Ramsar sites within the statutory Habitats Regulations framework in England.
The OSPAR Convention	The Convention for the Protection of the Marine Environment of the Northeast Atlantic, commonly known as the ‘OSPAR Convention’, was signed in 1992 at a ministerial meeting of the Oslo and Paris commissions. This international agreement aims to safeguard the marine environment of the northeast Atlantic through cooperative efforts. A crucial element of the OSPAR Convention's biodiversity strategy is the establishment of a network of MPAs. The UK has several Marine Protected Area (MPA) designations, including Special Area of Conservations (SACs), Special Protection Areas (SPAs), Marine Conservation Zones (MCZs), Highly Protected Marine Areas (HPMAs) and Nature Conservation MPAs in Scotland.
The Espoo Convention	The Espoo Convention came into force in 1997 and has been incorporated into UK legislation for development consent projects through the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. The procedures for transboundary notification and consultation for applications under the DCO process, as defined by the Planning Act 2008, are detailed in Planning Inspectorate (PINS's) guidance: ‘Nationally Significant Infrastructure Projects: Advice on Transboundary Impacts and Process’ (PINS, 2025).

Name	Relevance
The Convention on Biological Diversity	The Convention on Biological Diversity (CBD) is a legally binding treaty that came into force in December 1993 with 168 signatories, including the UK. It has three primary objectives: the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits from the utilization of genetic resources. For the first time in international law, the CBD recognised that conserving biological diversity is a ‘common concern of humankind’ and an integral part of development. The CBD encompasses all ecosystems, species and genetic resources. To further the objectives set by the CBD, several major United Nations and European Union (EU) initiatives have been implemented. These include the Bern Convention and the Bonn Convention and the establishment of the Natura 2000 site network across Europe, all contributing significantly to the conservation goals outlined by the CBD.
The Convention on the Conservation of European Wildlife and Natural Habitats (The Bern Convention) 1979	The obligations of the Bern Convention are transposed into English and Scottish law by means of the Wildlife and Countryside Act 1981 (in England) and the Nature Conservation (Scotland) Act 2004 (in Scotland). The principal aims of the Bern Convention are to ensure conservation and protection of wild plant and animal species and their natural habitats.

European Protected Species Legislation

- 5.2.1.3 European Protected Species (EPS) are animals and plants listed in Annex IV of the Habitats Directive 92/43/EEC, which are afforded protection under the Habitats Regulations (**Sections 5.2.2.24 - 5.2.2.29**) and associated activities which are prohibited in relation to specified protected species. The activities that are prohibited, such as deliberate disturbance or causing damage to a breeding place, are set out in Conservation of Habitats and Species Regulations 2017 43(1), and 47(1) and 47(2) for animals and plants, respectively.
- 5.2.1.4 If an activity is likely to have a risk of disturbance or injury to an EPS, a licence is required. The Habitat Regulations provide for such licences to be granted for certain operations, such as projects that may affect protected species, subject to:
- there being no satisfactory alternative; and
 - the action authorised not being detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 5.2.1.5 In the marine environment, these licences are required for certain cetacean species (e.g. whales, dolphins and porpoise), all of which are considered marine EPS. These licences are obtained in Scotland from the MD-LOT, and in England from the Marine Management Organisation (MMO). In the terrestrial environment, these licences are obtained from Natural England in England (or NatureScot in Scotland, however this is not relevant to the MHPGC Project). Before development consent is granted, the SoS will need to be satisfied that there is no known impediment that would prevent the EPS licence being granted when sought. These licences are often sought after development consent and prior to construction, when detail of the project design is known, and the actual risk can be more accurately defined. Should such licences be required for the MHPGC Project, these will be discussed and agreed with the relevant authority during the post-consent and pre-construction phase of the MHPGC Project.

5.2.2 UK Legislation

- 5.2.2.1 The UK has introduced various legislation related to climate change, renewable energy, environmental protection and infrastructure planning, summarised in the sections below. These create the legal framework for reducing carbon emissions, advancing renewable energy, safeguarding the environment and fostering sustainable growth. They mandate climate and environmental obligations, promote green technology investments, and outline the necessary infrastructure and industrial transformation for achieving net-zero emissions. By adhering to these legislative requirements, offshore wind projects support national objectives such as energy security,

economic growth, and job creation in the clean energy sector, while facilitating the transition to a low-carbon economy. These legislative measures support the delivery of wider climate change and decarbonisation objectives, while facilitating the transition to a low-carbon economy and enhancing energy security.

The Climate Change Act 2008

- 5.2.2.2 The Climate Change Act 2008 mandates that the UK reduces its greenhouse gas emissions by 80% by 2050, compared to 1990 levels, and requires five-year carbon budgets until 2032. In 2019, the target was increased to 'net zero' by 2050. The Act established the Committee on Climate Change to advise on carbon budgets and climate preparedness. In May 2011, the Committee published the Renewable Energy Review, highlighting the importance of renewable energy for decarbonising the power sector by 2030 and advocating strong support for offshore wind and marine generation (Climate Change Committee, 2011).
- 5.2.2.3 In subsequent reports, including the Sixth Carbon Budget in 2020 (Climate Change Committee, 2020) and the UK's Net Zero Strategy in 2021 (Climate Change Committee, 2021), the Committee emphasised increasing offshore wind and marine generation to meet 2035 and 2050 emissions targets. The Seventh Carbon Budget report in February 2025 outlined a pathway to an 87% emissions reduction by 2040, stressing the need to end fossil fuel reliance, prioritise electrification and implement land use changes and engineered removals (Climate Change Committee, 2025). The Climate Change Committee's 2026 *Progress in Reducing Emissions Report* to Parliament reaffirmed the importance of accelerating the delivery of the UK's emissions reduction pathway, including through a more ambitious approach to electrification and continued progress towards low-carbon electricity generation.

The Energy Act 2013

- 5.2.2.4 The Energy Act 2013 establishes a legislative framework to deliver secure, affordable and low-carbon energy. The Act provides a legislative framework for the setting of a 2030 decarbonisation target range for electricity (in secondary legislation) and for electricity market reforms (EMR), consisting of measures which seek to secure investment towards a low-carbon transmission of the electricity market. The Act notably introduced EMR. EMR aims to develop a clean, diverse and competitive electricity generation mix, ensuring decarbonisation and supply security while minimising consumer costs. It comprises two main policies:
- Capacity Market: Ensures electricity supply security at the lowest cost to consumers; and
 - Contracts for Difference (CfDs): Provides stable long-term revenue for new low-carbon electricity generation in Great Britain.
- 5.2.2.5 In May 2022, a five-year review of the Act was published (Department for Business, Energy & Industrial Strategy (BEIS), 2022), evaluating the effectiveness and impact of the legislation since its enactment. The review identifies achievements, challenges, and areas for improvement, guiding future policy adjustments and reforms to better meet the UK's energy objectives and enhance the sustainability and efficiency of the energy market.

Great British Energy Act 2025

- 5.2.2.6 The Great British Energy Act 2025 establishes 'Great British Energy' and sets out its objects as facilitating, encouraging and participating in the production, distribution, storage and supply of clean energy, the reduction of greenhouse gas emissions from energy produced from fossil fuels, improvements in energy efficiency, and measures for ensuring the security of the supply of energy.

The Planning Act 2008

- 5.2.2.7 The Planning Act 2008 establishes the legislative framework for the consenting of projects which require development consent in England and Wales through the DCO regime. The Act provides a single consent process for major infrastructure projects, incorporating environmental assessment, examination and decision-making procedures. The Act also establishes the role of National Policy Statements (NPSs), which form the primary policy framework for determining applications for development consent. For projects where relevant NPSs have effect, section 104 of the Planning Act

2008 requires the SoS to determine applications in accordance with the relevant NPSs, unless specified exceptions apply.

- 5.2.2.8 The UK Government has implemented a number of reforms to the consenting process for projects which require development consent, including through the NSIPs Reform Action Plan and the Planning and Infrastructure Act 2025. These reforms seek to improve the efficiency, effectiveness and resilience of the consenting process, whilst maintaining opportunities for stakeholder engagement and environmental assessment.

Planning and Infrastructure Act 2025

- 5.2.2.9 The Planning and Infrastructure Act 2025 (PIA) received Royal Assent on 18 December 2025 and introduces a range of reforms intended to support the delivery of nationally significant infrastructure, housing and economic growth. The PIA amends aspects of the Planning Act 2008 regime, including provisions relating to NPSs, DCO applications and associated consenting processes. The PIA also introduces measures relating to nature recovery, environmental compensation, electricity infrastructure and planning decision-making. The provisions of the PIA are being commenced on a phased basis, with some measures requiring secondary legislation and guidance before they come into effect.
- 5.2.2.10 The PIA also includes provisions relating to connections to electricity network (section 14), managing connections to the network: strategic plans etc. (section 18), EIAs for electricity works (section 25) and wind generating stations that may affect seismic array systems (section 30).
- 5.2.2.11 The PIA includes provisions that are intended to make it quicker and easier to deliver critical infrastructure projects, such as electricity networks, roads, and public transport links. The PIA requires NPSs to be reviewed at least every five years and introduces a streamlined procedure for updating NPSs to reflect wider Government policy.
- 5.2.2.12 The PIA also reforms the pre-application stage by removing the statutory requirement for applicants to undertake pre-application consultation on proposed DCO applications, introducing a more focused acceptance test for applications, and providing guidance on best practice during pre-application. The PIA further seeks to improve the efficiency of examinations by requiring examining authorities to have regard to their initial assessment of principal issues when making procedural decisions. To accelerate the later stages of the consenting process, the PIA reduces the scope for delays arising from judicial review and streamlining post-consent changes to DCOs. These changes aim to support swifter delivery of infrastructure and ensure that strategic infrastructure priorities are better reflected in wider planning policy.
- 5.2.2.13 The PIA is relevant to the MHPGC Project because it forms part of the legislative framework governing projects requiring development consent. The PIA also includes provisions relating to Ramsar sites and amendments to the Habitats Regulations framework in England, which are relevant to the consideration of designated sites through the HRA process.

The Marine and Coastal Access Act 2009 (MCAA)

- 5.2.2.14 The MCAA establishes a spatial planning system aimed at improving the management and protection of the marine and coastal environment.
- 5.2.2.15 The MMO is responsible for administering marine licencing activities under Part 4 of the MCAA in English Waters, ensuring sustainable development in marine areas and for monitoring and enforcing conditions of Marine Licences. MD-LOT are responsible for administering and enforcing marine licences in Scottish waters.
- 5.2.2.16 The MCAA amended the Planning Act 2008 to insert section 149A into the Planning Act 2008, which enables applicants for a DCO to apply for a Deemed Marine Licence (DML) as part of the DCO process. The draft DCO will include a DML, which covers all of the proposed works in English waters. The SoS is the responsible authority for DMLs in English waters included within a DCO application. The MMO is a key consultee and remains the monitoring and enforcement body in respect of the conditions and restrictions contained within the DMLs once granted.
- 5.2.2.17 The MCAA designates MCZs in England, Wales and UK offshore areas to conserve functional marine ecosystems without bias towards specific species or habitats. Section 126 of the MCAA sets out

that where a public authority has the function of determining an application that can impact the protected features of an MCZ, then they have a duty to consider MCZs during their decision-making. Details of any MCZs relevant to the MHPGC Project are given in the **Marine Protected Area/Marine Conservation Zone Screening and Stage I Assessment Report, prepared to accompany the PEIR**. The MCAA also improves coastal access and supports Integrated Coastal Zone Management (ICZM), fostering collaboration among policymakers, decision-makers and stakeholders to manage coastal and estuarine areas. Additionally, the MCAA introduced a marine planning system, with the Marine Policy Statement (MPS) adopted by UK administrations in March 2011, providing a policy framework for Marine Plans to ensure decisions promote sustainable development (HM Government, 2011). A guidance note was added to the MPS in 2020 following the UK's exit from the EU.

- 5.2.2.18 Relevant to the MHPGC Project, the MCAA covers the consent for offshore export cables beyond 12nm in Scotland. This requires a Marine Licence from MD-LOT. As an authorisation decision taken by a public authority (i.e. MD-LOT), a Marine Licence decision must be taken in accordance with the appropriate marine policy documents, unless material considerations indicate otherwise.

The Environment Act 2021

- 5.2.2.19 The Environment Act 2021 establishes targets, plans and policies for environmental protection in England, including provisions for biodiversity net gain (BNG) in Schedule 15. Schedule 15 amends the Planning Act 2008 by inserting Schedule 2A, which introduces a mandatory BNG requirement for projects requiring development consent in England. Under this framework, DCO applications submitted on or after 2 November 2026 will be required to demonstrate a minimum 10% BNG, unless exempt. The SoS must be satisfied that the relevant biodiversity gain objective has been met before granting development consent. In June 2026, the Department for Environment, Food and Rural Affairs (DEFRA) published biodiversity gain statements and supporting guidance for projects requiring development consent, setting out the approach to calculating, delivering and reporting BNG. Further details on the MHPGC project approach are provided in **Volume 3, Annex 3.14: Initial Biodiversity Net Gain Assessment, of the PEIR**.

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and the Marine Works (Environmental Impact Assessment) Regulations 2007 (the 'EIA Regulations')

- 5.2.2.20 The EIA process evaluates the likely significant environmental effects of proposed development projects to inform decision-making. The EIA Regulations are a key component of environmental protection policy, designed to assess the likely significant effects of development projects on the environment. Originating from EU directives, these Regulations have been transposed into UK law to ensure comprehensive assessment and mitigation of environmental impacts.
- 5.2.2.21 The EIA Regulations outline the requirements for EIA under the Planning Act 2008 and the MCAA, respectively.
- 5.2.2.22 The EIA Regulations set out the requirements of an EIA and the statutory process which the MHPGC Project must follow. The EIA Regulations apply independently from the other regulatory assessments, such as the HRA (**Sections 5.2.2.24 - 5.2.2.29**) but are often applied in parallel.
- 5.2.2.23 The EIA Regulations ensure that the determining authorities have adequate information regarding a project's likely significant environmental effects. **Volume 1, Chapter 4: Approach to EIA, of the PEIR** details the approach for conducting the EIA for the MHPGC Project.

The Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (The Habitats Regulations)

- 5.2.2.24 The Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (collectively known as the 'Habitats Regulations') form a critical part of the legislation aimed at conserving natural habitats and species within the UK.
- 5.2.2.25 The Habitats Regulations are grounded in Council Directive 92/43/EEC, commonly known as the 'Habitats Directive', and Council Directive 2009/147/EC, known as the 'Birds Directive'. These Directives were established to safeguard Europe's most vulnerable habitats and species. Initially

transposed into UK law through the Conservation (Natural Habitats, &c.) Regulations 1994, these have since been updated following the UK's departure from the EU, and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The Habitats Regulations provide the legislative foundation for habitat and species conservation in England and Wales. Scotland follows similar provisions under the Conservation (Natural Habitats, &c.) Regulations 1994.

- 5.2.2.26 The primary purpose of the Habitats Regulations is to ensure the protection and effective management via the assessment of significant effect on qualifying features of internationally important nature conservation sites, including the following:
- SACs;
 - SPAs;
 - Sites of National Importance (equivalent to Habitats Directive Sites of Community Importance); and
 - Ramsar sites (Schedule 5 of the Planning and Infrastructure Act 2025).
- 5.2.2.27 These sites have been traditionally referred to as European Sites or Natura 2000 sites; following the UK's departure from the EU, they are now referred to in the UK as the 'National Site Network'.
- 5.2.2.28 The requirements of the Habitats Regulations are met in the consenting process through the use of HRA, which requires an applicant to demonstrate, using evidence, that there will be no Adverse Effects on Site Integrity (AEoSI) on the overall ecological coherence of the National Site Network. The assessment is to be undertaken by the 'competent authority', which, in the case of the MHPGC Project, is the Scottish Ministers for Scotland, and the SoS for England.
- 5.2.2.29 The MHPGC Project must provide sufficient information on any potential impacts of the MHPGC Project on sites protected under the Habitats Regulations to enable the competent authority to undertake the HRA. Further detail and the assessment of sites relevant to the MHPGC Project is provided in the **MHPGC Project HRA Screening** and the **MHPGC Project HRA Report to Inform Appropriate Assessment** (provided alongside the PEIR).

Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

- 5.2.2.30 The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 are integral to the sustainable management and protection of water bodies in England and Wales. These Regulations implement the EU's Water Framework Directive (Directive 2000/60/EC), which aims to establish a comprehensive framework for water protection across member states.
- 5.2.2.31 The primary objective of these Regulations is to achieve 'good status' for all water bodies, including rivers, lakes, coastal waters and groundwater. This involves both ecological and chemical assessments to ensure water quality standards are met and preserved. The Water Framework Directive Assessment relevant to the MHPGC Project is provided in **Volume 2, Annex 2.1: Offshore Water Framework Directive Assessment, of the PEIR**.

Environmental Permitting (England and Wales) Regulations 2016

- 5.2.2.32 The aim of the Environmental Permitting (England and Wales) Regulations 2016 is to streamline the legislative system for industrial and waste installations into a single permitting structure for activities that have the potential to harm human health or the environment. Any waste generated during the construction phase, including harmful substances or debris, must be managed in accordance with the Regulations and relevant permits will be required.

Natural Environment and Rural Communities (NERC) Act 2006

- 5.2.2.33 The NERC Act 2006 is a UK legislative framework aimed at promoting biodiversity, conservation, and the well-being of rural communities. It established Natural England to oversee environmental conservation and support rural areas. The Act requires public authorities to integrate biodiversity conservation into their planning and operations, strengthening wildlife protection measures and sustainable resource management. The MHPGC Project will be expected to integrate nature preservation into planning and operations and work with Natural England to assess ecological impacts.

Wildlife and Countryside Act 1981

- 5.2.2.34 The Wildlife and Countryside Act 1981 is one of the primary pieces of legislation aimed at the protection of wildlife and their habitats in the UK. It has been amended several times to enhance its protective measures, considering the evolving environmental and ecological threats. The Act provides legal protection to designated wildlife sites (Sites of Special Scientific Interest (SSSIs)) and ensures that any development proposal must consider and mitigate impacts on these protected areas. It lists species that are protected under the law, prohibiting harm, disturbance, or trade. Developers must avoid, minimise or compensate for any damage to SSSIs impacted by their project. Consultation with Natural England is often required to ensure compliance and determine appropriate mitigation measures.
- 5.2.2.35 Additionally, the Act includes provisions specifically tailored to the protection of birds, including mitigating risks during cable laying operations which could, for example, impact feeding or nesting grounds.
- 5.2.2.36 The EIA must assess the MHPGC Project's impacts on sites, habitats, and species protected under the Act, and relevant mitigation strategies should be proposed. Engagement with stakeholders like Natural England is essential to ensure compliance with the Act's provisions. Developers must adhere to conditions from consultations to protect wildlife and habitats throughout a project's phases, with necessary licenses and permissions for activities that may disturb protected species and habitats. All relevant areas for wildlife and conservation and species afforded extra protections under the Act are assessed in **Volume 3, Chapter 3: Terrestrial Ecology and Terrestrial and Intertidal Ornithology, of the PEIR**, which also summarises consultation undertaken with relevant statutory consultees and how this has informed the assessment.

5.2.3 Scottish Legislation

The Climate Change (Scotland) Act 2009

- 5.2.3.1 The Climate Change (Scotland) Act 2009 as amended by the Climate Change (Emission Reduction Targets) (Scotland) Act 2019 establishes the legal framework for reducing greenhouse gas emissions in Scotland. Additionally, it introduced binding targets on the Scottish Government to achieve net zero by 2045 (Scottish Government, 2009).

5.3 Planning Policy

5.3.1 Overview

- 5.3.1.1 Planning policy plays a vital role in shaping developments and use of land, ensuring sustainable growth, and protecting valuable environmental and cultural resources. Two key elements in the UK's planning system are NPSs and the National Planning Policy Framework (NPPF). NPSs EN-1, EN-3 and EN-5 provide the primary policy framework for consenting offshore wind projects and associated infrastructure in England, outlining the key considerations for nationally significant developments. The NPPF is more relevant to local-level planning, such as onshore infrastructure, and sets out broader principles for sustainable development and environmental protection.

5.3.2 National Planning Policy

National Policy Statements

- 5.3.2.1 As stated in **Section 5.3.1.1**, the NPSs articulate the national need for, and policies regarding, significant infrastructure projects in the UK. They serve as a framework for decision-making on development consent and are essential for ensuring a consistent and comprehensive approach to infrastructure planning.
- 5.3.2.2 NPSs designated under the Planning Act 2008 outline the national need for energy infrastructure, including transmission systems. Currently, there are six energy NPSs, three of which include policies relevant to offshore wind development and transmission:
- Overarching NPS for energy (NPS EN-1), 2025;

- NPS for renewable energy infrastructure (NPS EN-3), 2025; and
- NPS for electricity networks infrastructure (NPS EN-5), 2025.

5.3.2.3 The 2025 NPSs (EN-1, EN-3 and EN-5) were published on 6 January 2026.

5.3.2.4 **Table 5.3** outlines the key aspects from the 2025 NPSs which are relevant to the MHPGC Project and the need for, and approach to, consenting such infrastructure.

5.3.2.5 The technical chapters within the MHPGC PEIR detail the policies in the NPSs that are relevant to each specific topic. These considerations guide the assessment of potential impacts and outline the criteria that projects must meet to gain approval.

5.3.2.6 A Planning Statement will accompany the development consent application, providing an assessment against relevant policies within the NPSs. It will demonstrate how the MHPGC Project aligns with national objectives and complies with policy requirements.

Table 5.3: Relevant components of NPS policy

NPS	Relevant components
NPS EN-1	The Overarching NPS for energy sets the broad framework for evaluating applications for consent for major energy infrastructure projects. It outlines the Government's policy for the development and delivery of significant energy infrastructure (paragraphs 1.1.1 to 1.1.5 and 1.3.1).
	Section 3.2 of NPS EN-1 emphasises the urgent need for various types of energy infrastructure, stating that substantial weight should be given to this need in decision-making processes. The SoS should assess applications on the basis that this urgent need has been demonstrated and give substantial weight to that need when considering applications for development consent under the Planning Act 2008 (Paragraph 3.2.8 and 3.2.9).
	NPS EN-1 indicates that Critical National Priority (CNP) infrastructure generally outweighs residual impacts not capable of being addressed through the mitigation hierarchy (Paragraphs 3.3.62 to 3.3.63 and Section 4.2). The Government strongly supports the rapid delivery of CNP infrastructure, urging it to progress as quickly as possible (Paragraph 3.3.63).
	Section 3.3 emphasises the need for new Nationally Significant Electricity Infrastructure. It states that substantial amounts of new electricity infrastructure are urgently needed to meet current and future demand and to deliver a secure, reliable and decarbonised electricity system (Paragraph 3.3.1 to 3.3.7). Wind and solar are identified as “the lowest cost ways of generating electricity”, helping to reduce costs and providing “a clean and secure source of electricity supply”, and Government analysis indicates that “a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar” (Paragraph 3.3.23).
	NPS EN-1 recognises the urgent need for electricity network infrastructure supports a coordinated approach for areas with multiple offshore wind farms or transmission projects to ensure efficient connectivity and minimise impacts (Paragraphs 3.3.65 to 3.3.74).
	Projects should be evaluated as part of a coherent and strategically necessary system, considering the Government's commitment to ambitious levels of interconnection capacity and offshore wind generation (Paragraphs 3.3.81 to 3.3.83). The connection of electricity generation plants to the transmission network is critical, and applicants must ensure necessary infrastructure and capacity for accommodating generated electricity (Paragraphs 4.11.1 to 4.11.6).
	Section 4.11 of NPS EN-1 focuses on the Network Connection. Connecting a proposed electricity generation plant to the electricity network is an important aspect for applicants looking to build or expand such facilities (Paragraph 4.11.1). Historically, applicants have been responsible for ensuring that the existing or planned transmission or distribution network has the required infrastructure and capacity to handle the generated electricity (Paragraph 4.11.2). However, to expedite the transition to net zero emissions, the Government is prioritising the coordination and development of the grid network (Paragraph 4.11.3). This coordination is intended to facilitate net-zero generation and transmission development.
	Transmission network infrastructure and the reinforcement required for nationally significant new offshore wind projects are classified as CNP infrastructure (Section 4.11; Paragraph 4.11.4).

NPS	Relevant components
NPS EN-3	NPS EN-3 applies to offshore transmission infrastructure projects directed into the DCO regime under section 35 of the Planning Act 2008, potentially including interconnectors, Offshore Hybrid Assets including Multi-Purpose Interconnectors, and offshore elements of the onshore transmission system such as 'bootstraps'. (Paragraph 1.6.3).
	NPS EN-3 supports a coordinated approach to connect multiple close offshore wind farms to onshore networks through coordinated transmission proposals, promoting efficiency and reducing environmental impacts (Paragraphs 2.8.34 to 2.8.37 and 2.8.55 to 2.8.59).
	NPS EN-3 allows for transmission proposals to be consented separately from wind farm (array) applications if approved by the SoS (Paragraphs 2.8.38 and 2.8.39). The SoS would then decide whether to give direction under section 35 of the Planning Act 2008 (Paragraph 2.8.39). This separation helps streamline the process and ensures focused assessments for each component. In the case of the MHPGC Project, the section 35 direction avenue applies as directed by the SoS.
	Applicants should adhere to the regulatory framework for offshore transmission, supported by changes under the OTNR for coordinated development. As offshore transmission can develop separately from wind farms, initial agreements should be made with network developers/operators for connections. For wind farm projects, including The Crown Estate Leasing Round 4, connection agreements will be limited to points identified through strategic network designs by the National Electricity System Operator (NESO), including the Holistic Network Design under the Offshore Transmission Network Review (OTNR) (Paragraphs 2.8.52 to 2.8.54).
	NPS EN-3 highlights considerations for assessing effects of installing offshore transmission infrastructure across the intertidal/coastal zone, including evaluation of alternative landfall sites and cable installation methods (Paragraph 2.8.112).
	NPS EN-3 details considerations for assessment in Paragraph 2.8.258, referring to NPS EN-5 for onshore components.
NPS EN-5	NPS for electricity networks (including grid connections for wind farms). Encompasses transmission systems, distribution systems and associated infrastructure, such as substations and converter stations.
	NPS EN-5, taken together with NPS EN-1, provides the primary policy for decisions taken by the SoS on applications it receives for electricity networks infrastructure (Paragraph 1.1.9). NPS EN-5 underlines the CNP of onshore and offshore transmission infrastructure for the security and reliability of the UK's energy supply. This infrastructure is crucial for meeting the rapid increase in electricity demand necessary for the transition to Clean Power by 2030 and net zero emissions, while maintaining energy security (Paragraph 1.1.1 to 1.1.6).
	NPS EN-5 details factors influencing site selection and design for electricity network infrastructure, ensuring optimal choices for project locations and specifications (Sections 2.2 and 2.13).
	Section 2.13 of NPS EN-5 outlines the approach for transmission projects, emphasising coordinated transmission proposals identified by the HND Pathway to 2030 workstream. Radial offshore transmission to single wind farms should only be considered when coordination is not feasible (Paragraph 2.13.9). Coordination is expected to reduce environmental and community impacts compared to uncoordinated approaches, resulting in fewer landing sites and minimised landfall impacts (Paragraph 2.13.14). Additionally, onshore infrastructure, including substations and transmission lines, should be consolidated to reduce impacts, which applicants must demonstrate (Paragraph 2.13.16).
	NPS EN-5 refers to EN-1 and stresses the importance of holistic planning, anticipating that transmission infrastructure may sometimes need separate consent from generation assets (Section 2.7.1 to 2.7.5; Paragraph 2.12.8 to 2.12.11). This allows for more effective and integrated project assessments.
	As part of the shift towards a more coordinated approach, it is expected that some transmission proposals will be consented separately from windfarm (array) applications (Paragraph 2.12.8). Section 35 of the Planning Act 2008 may be utilised for coordinated offshore transmission infrastructure (Paragraph 2.12.10).
	Applicants must demonstrate how they have considered environmental, community and other impacts in their design assessments. They should show adherence to the mitigation hierarchy and describe how environmental enhancements, including BNG and broader environmental improvements, will be achieved in line with the Environmental Improvement Plan (EIP) and targets (Paragraph 2.14.2).

NPS	Relevant components
	Sections 2.9 to 2.13 outline the principles for assessing electricity networks.
	Section 2.12 provides for special assessment principles for offshore-onshore transmission, whilst recognising that a substantial amount of new onshore network infrastructure is required to enable transmission of offshore power flows coming onshore. Much of this new network infrastructure needs to be located near to, or oriented to take power flows from, the coast, particularly the east of England, where offshore wind power comes onshore (Paragraph 2.12.3).
	The sensitivities of many coastal locations and of the marine environment as well as the potential environmental, community and other impacts in neighbouring onshore areas must be considered in the identification onshore connection points. Connection locations for offshore transmission must seek to minimise environmental and other impacts, both onshore and in the marine environment and including to local communities (Paragraphs 2.13.21 and 2.13.23)
	The SoS must be satisfied that applicants have explained the steps they have taken to minimise impacts, the options that have been considered and the approach taken to strategic network design coordination (Paragraph 2.15.1).

The National Planning Policy Framework

- 5.3.2.7 The NPPF (updated in February 2025) sets out the Government's planning policies for England and how these are expected to be applied. Under section 104 of the Planning Act 2008, when a NPS is in effect for a type of development, the SoS must decide the application in accordance with that NPS, unless specific exceptions apply. However, section 104(2)(d) of the Planning Act 2008 also requires the SoS to have regard to any other matters which the SoS thinks are both important and relevant to the SoS's decision; guidance in the NPPF may be deemed both important and relevant to the specific application and, in this respect, the NPPF guidance may be a material consideration.
- 5.3.2.8 The relevant guidance from the NPPF is considered in the technical chapters of the PEIR. The NPPF was updated in August 2026 and will be fully considered in the MHPGC Environmental Statement.

National Planning Practice Guidance (NPPG)

- 5.3.2.9 Alongside the NPPF, the NPPG provides further Government guidance on a range of topics, for development in England including renewable and low-carbon energy, climate change and environmental topics such as air quality, noise, natural environment, historic environment and flood risk. The NPPG recognises that increasing the amount of energy from renewable and low-carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses.
- 5.3.2.10 The NPPG states that planning has an important role in the delivery of new renewable and low-carbon energy infrastructure in locations where the local environmental impact is acceptable (NPPG, Renewable and Low Carbon Energy, Paragraph: 001 Reference ID: 5-001-20140306).

5.3.3 Marine Policy

UK Marine Policy Statement

- 5.3.3.1 The UK MPS serves as a foundational framework for marine planning across UK waters, encompassing territorial seas and the exclusive economic zone. The MPS was published in 2011 under the MCAA and most recently updated in 2020 (**Sections 5.2.2.14 - 5.2.2.17**). Its purpose is to facilitate and support the creation of marine plans, ensuring that marine resources are utilised sustainably in accordance with the following high-level marine objectives (HM Government, 2011):
- Promoting sustainable economic development;
 - Supporting the UK's shift to a low-carbon economy to mitigate and adapt to climate change and ocean acidification;
 - Ensuring a sustainable marine environment by protecting marine ecosystems, habitats, species and heritage assets; and
 - Enhancing societal benefits by responsibly using marine resources to address local social and economic issues.

5.3.3.2 As outlined in **Sections 5.2.2.14 - 5.2.2.17**, the MCAA mandates that all public authorities making authorisation or enforcement decisions affecting the UK marine area must do so in accordance with the MPS and relevant Marine Plans. According to the MPS, decision-makers should consider the following when evaluating applications for energy infrastructure:

- The national need for energy infrastructure;
- The broad environmental, societal and economic benefits of low-carbon electricity generation and carbon capture and storage, crucial for reducing carbon dioxide emissions; and
- The impact of investments in offshore renewable energy manufacturing and deployment on employment opportunities and economic regeneration.

5.3.3.3 The MPS states: “The UK has some of the best wind resources in the world and offshore wind will play an important and growing part in meeting our renewable energy and carbon emission targets and improving energy security by 2020, and afterwards towards 2050” (Paragraph 3.3.19). However, the MPS does recognise that renewable energy developments can potentially have adverse effects on fish, mammals and birds, and it emphasises the need for further research to better understand these impacts.

5.3.3.4 The MPS identifies specific environmental policy considerations, which are detailed within the relevant technical chapters of the PEIR.

North-East Inshore and North-East Offshore Marine Plan

5.3.3.5 The North-East Inshore and North-East Offshore Marine Plan (referred to as the North East Marine Plan) (HM Government, 2021c) provides strategic guidance for managing marine activities in the North-East of England, encompassing both inshore and offshore areas. Its key objectives include promoting sustainable development, enhancing environmental protection and fostering economic growth. The Plan emphasises the importance of balancing various marine uses, such as fishing, shipping, energy production and recreation, while protecting marine ecosystems and biodiversity.

5.3.3.6 The key objectives of the North-East Marine Plan include:

- Achieving a sustainable marine economy: Infrastructure supports safe, profitable and efficient marine businesses that make strategic, long-term decisions, respect environmental limits and are competitive in the marketplace;
- Ensuring a strong, healthy and just society: Diverse marine environments contribute to resilient communities, adapting to coastal erosion and flood risks, promoting physical and mental well-being, ensuring safety, mitigating climate change and providing equitable access; and
- Living within environmental limits: Biodiversity is protected and conserved, healthy marine habitats support biodiverse communities and ecosystems function resiliently and adaptably.

5.3.3.7 The North East Marine Plan’s policy provisions which are pertinent to each environmental topic are outlined and addressed in relevant technical chapters of the PEIR.

Scotland’s National Marine Plan

5.3.3.8 Scotland’s National Marine Plan (Scottish Government, 2015) provides a strategic framework for the sustainable management of Scotland’s marine resources. The Plan is prepared in accordance with the EU Directive 2014/89/EU, which establishes a framework for marine spatial planning and aims to promote the sustainable development of marine areas and the sustainable use of marine resources in the context of national and regional priorities. The Plan covers all activities in Scottish inshore waters and offshore waters.

5.3.3.9 The offshore wind and marine renewable energy objectives are as follows:

- Promote sustainable development of offshore wind, wave and tidal renewable energy in the most suitable locations;
- Maximise economic benefits from offshore wind, wave and tidal energy developments by establishing a competitive local supply chain in Scotland;
- Ensure alignment of marine and terrestrial planning, along with efficient consenting and licensing processes, including data sharing, engagement and timing where feasible;
- Coordinate marine and terrestrial electricity transmission grid planning and development in Scottish waters;

- Contribute to achieving the renewables target to generate electricity equivalent to 100% of Scotland's gross annual electricity consumption from renewable sources by 2020;
- Contribute to the decarbonisation goal of achieving 50g CO₂/kWh by 2030, significantly reducing carbon emissions from electricity generation;
- Foster sustainable development and expansion of test and demonstration facilities for offshore wind and marine renewable energy technologies; and
- Implement coordinated monitoring across government and industry for effective oversight.

5.3.3.10 Feedback was gathered on Scotland's National Marine Plan through statutory reviews in 2018 and 2021, which highlighted the need to update the Plan to respond to the crises of climate change and biodiversity loss. Scotland's National Marine Plan 2 would replace Scotland's existing National Marine Plan, setting out policies to guide decision makers in Scotland's seas with a view to balancing the different needs of people, the environment and the economy.

5.3.3.11 Public consultation on Scotland's National Marine Plan 2 ran between 5 November 2024 and 7 February 2025, asking for feedback on the early-stage work of Scotland's National Marine Plan 2. A Consultation Analysis Report was published in August 2025, which highlighted divergent views of stakeholders and the need for further consideration of particular issues, to address emerging and existing issues, and provide an effective overarching planning framework. The Scottish Government has since decided to postpone the planned engagement on the draft National Marine Plan 2 and will publish updated timescales in due course (Scottish Government, 2025).

5.3.4 Local Planning Policy

5.3.4.1 The onshore components of the MHPGC Project are located entirely within the jurisdiction of Durham County Council as the Local Planning Authority (LPA) and statutory consultee in the DCO determination process. Engagement with the LPA will be undertaken regarding the DCO application for the MHPGC Project as prescribed in the Planning Act 2008.

5.3.4.2 **Table 5.4** highlights the key local development planning policy documents considered during the DCO determination process. Local development plans may be considered under section 104(2)(d) of the Planning Act 2008 as "important and relevant" matters.

Table 5.4: Local planning documents

Authority	Adopted policy	Further detail
Durham County Council	County Durham Plan (CDP) (adopted 2020)	CDP (2020) addresses the need to mitigate and adapt to climate change by influencing new and existing developments to reduce carbon emissions and enhance community resilience against challenges like extreme heat and flood risk (Durham County Council, 2020). The Plan states this can be achieved by strategically locating new developments to minimise travel requirements and maximise the use of sustainable transport. Developments should be designed to limit carbon dioxide emissions, utilise decentralised, renewable or low-carbon energy sources, and reduce vulnerability to future climate impacts. Policy 33, Renewable and Low-carbon Energy, of the plan, states that renewable and low-carbon energy development in appropriate locations will be supported. In determining planning applications for such projects, significant weight will be given to the achievement of wider social, environmental and economic benefits. The CDP is supported by supplementary planning guidance which may be a material consideration in planning decisions where relevant.
	The County Durham Minerals and Waste Policies and Allocations Document (adopted 2024)	The County Durham Minerals and Waste Policies and Allocations Document provides a comprehensive framework for managing mineral extraction and waste management within County Durham (Durham County Council, 2024). Its objectives are to ensure the sustainable use of mineral resources, promote environmentally responsible waste management practices, and support the county's economic and social development.

Authority	Adopted policy	Further detail
	Biodiversity Supplementary Planning Document (2025)	The Biodiversity Supplementary Planning Document provides guidance to improve biodiversity delivery within new developments. It is a key action in the Durham County Council's Ecological Emergency Action Plan. This Document supplements policies in the County Durham Plan (2020), in particular policies 41 (Biodiversity and Geodiversity), 42 (Internationally Designated Sites) and 43 (Protected Species and Nationally and Locally Protected Sites).

- 5.3.4.3 Durham County Council gave notice of its intention to commence preparation of a new local plan in March 2026. This will be the new CDP and will be produced in accordance with the Levelling Up and Regeneration Act 2023 to provide up-to-date policy context and set out the new spatial strategy and vision and strategic objectives, which will inform the future development of County Durham. The scoping consultation ended on 17th August 2026, with the new CDP currently scheduled for adoption in March 2029 (Durham County Council, 2026).
- 5.3.4.4 Further details of local plans and relevant policies can be found within each technical chapter of the PEIR, where relevant, and supplementary planning documents have been reviewed and considered where necessary. Planning documents relevant to any additional administrative areas have been included within the technical chapters of the PEIR if the study areas for specific topics extend beyond the LPA area.

5.4 Guidance and Strategies

Modern Industrial Strategy - Clean energy industries sector plan, 2025

- 5.4.1.1 In June 2025, the Government published its Modern Industrial Strategy - a new economic approach to back our strengths and realise Britain's potential. It is a 10-year plan to transform business investment, grow the industries of the future in the UK, deliver economic growth across the UK and put more money in people's pockets.
- 5.4.1.2 The plan states that the Government's ambition is to double investment across frontier clean energy industries to over £30 billion per year by 2035. Offshore wind is identified as one of the priority clean energy industries expected to contribute to this growth.
- 5.4.1.3 The plan identifies offshore wind as a core component of the UK's Clean Energy Superpower Mission and links future growth to the deployment of wind generation, electricity networks, hydrogen, carbon capture and energy infrastructure.
- 5.4.1.4 The plan seeks to create hundreds of thousands of jobs by 2035 across clean energy industries through the deployment of offshore wind, electricity networks, hydrogen, nuclear, carbon capture and associated supply chains.

Clean Power 2030: Advice on achieving clean power for Great Britain by 2030, November 2024

- 5.4.1.5 The Clean Power 2030: Advice on achieving clean power for Great Britain by 2030 was published by the National Energy System Operator and sets out pathways for how Great Britain can reach a clean power system by 2030. It recognises offshore wind as the bedrock of the clean power system, providing over half of Great Britain's generation. It identifies two primary clean power pathways. The first pathway (Further Flex and Renewables) builds 50GW of offshore wind by 2030, but no new dispatchable power from hydrogen or gas with carbon capture and storage. The second pathway (New Dispatch) delivers new dispatchable plants (totalling 2.7GW) and 43GW offshore wind.

Clean Power Action Plan 2030: A new era of clean electricity, December 2024

- 5.4.1.6 The Clean Power 2030 Action Plan was published by DESNZ in December 2024 and sets out the Government's pathway to delivering a clean power system by 2030. The Action Plan identifies offshore wind as the backbone of the future electricity system and a principal technology for achieving clean power objectives, alongside the expansion of supporting electricity network infrastructure and grid connections.

- 5.4.1.7 The Action Plan is supported by a technology deployment pathway which identifies an offshore wind capacity range of 43GW to 50GW by 2030, including both fixed-bottom and floating offshore wind technologies. Offshore wind is expected to provide the largest share of electricity generation within the Clean Power 2030 pathway and is identified as a cornerstone of the UK's transition to a decarbonised electricity system. The Action Plan recognises that delivery of this offshore wind ambition will require significant expansion of electricity transmission infrastructure and reform of the grid connections regime. It also identifies the need for investment in port infrastructure, manufacturing facilities, supply chains and workforce development to support the scale of offshore wind deployment required by 2030.

The Powering Up Britain: Net Zero Growth Plan, 2023

- 5.4.1.8 The Net Zero Growth Plan 2023 emphasises the pivotal role of offshore wind in achieving the UK's net zero emissions goals (HM Government, 2023). The Plan outlines targets to expand offshore wind capacity up to 50GW by 2030 including 5GW of floating offshore wind, reinforcing its commitment to harnessing clean, renewable energy sources. The Plan highlights substantial investments in advanced offshore wind technologies, grid infrastructure and storage solutions to ensure a reliable and resilient energy supply. Additionally, the Plan focuses on catalysing economic growth through job creation in coastal regions, driven by the burgeoning offshore wind sector. Overall, the Plan aims to position the UK as a global leader in offshore wind energy, accelerating the transition to a sustainable, low-carbon economy and it supports the development of renewable energy sources, and new technologies, to reduce the UK's emissions and energy reliance on foreign sources.

Net Zero Strategy: Build Back Greener, 2021

- 5.4.1.9 Building on the Ten Point Plan outlined in Section 5.4.1.21, the Energy White Paper outlined in Section 5.4.1.24, and the Climate Change Act 2008 (2050 Target Amendment) Order 2019, the Government released its Net Zero Strategy in 2021 (HM Government, 2021a). This long-term plan outlines how the UK will end its contribution to man-made climate change by 2050. Key policies include:
- Powering the UK entirely with clean electricity by 2035,
 - Ensuring security of supply; and
 - Delivering 40GW of offshore wind by 2030.
- 5.4.1.10 The Strategy's focus was on UK leadership at COP26 to encourage global ambition to make meaningful commitments at COP26.

British Energy Security Strategy, 2022

- 5.4.1.11 The British Energy Security Strategy 2022 (BEIS and Prime Minister's Office, 2022) prioritises enhancing offshore wind capacity to bolster the UK's energy independence and resilience. It sets an ambitious target of up to 50GW of offshore wind by 2030, supporting the country's transition to renewable energy.
- 5.4.1.12 The strategy highlights the significant economic opportunities associated with offshore wind, including substantial private investment, supply chain growth and the creation of around 90,000 jobs by 2030. Investments in energy storage and grid infrastructure will aim to support a stable and resilient supply, enabling the efficient integration of expanded offshore wind capacity.
- 5.4.1.13 The focus on offshore wind aligns with broader goals to achieve a secure and sustainable energy future for the UK, reducing reliance on fossil fuels and advancing net zero ambitions. This comprehensive approach aims to position the UK as a global leader in renewable energy, particularly in offshore wind, enhancing resilience against global energy market fluctuations and contributing to economic growth in green industries.

The Clean Growth Strategy, 2017

- 5.4.1.14 The Clean Growth Strategy focuses on increasing national income while reducing greenhouse gas emissions. Central to the UK's Modern Industrial Strategy, its goal is to achieve clean growth and maintain an affordable energy supply for both businesses and consumers (HM Government, 2017).

National Infrastructure Assessment, 2018 and 2023

- 5.4.1.15 The National Infrastructure Commission (NIC) provides guidance on the UK's national infrastructure and assesses long-term needs to and beyond 2050. In its first National Infrastructure Assessment (2018), the NIC highlighted the need for low-cost, low-carbon electricity. It recommended a mostly renewable energy mix as the most cost-effective solution, aiming for at least 50% renewable electricity by 2030. Mechanisms like CfDs and the competitive potential of offshore wind were emphasised to achieve this goal (NIC, 2018).
- 5.4.1.16 Reaffirming the 2030 target in its 2020 paper, "Net Zero: Opportunities for the Power Sector," the NIC reported that renewable energy costs had decreased faster than expected. The paper supported the Government's plan to deploy 40GW of offshore wind, stressing the need to maintain progress and take immediate action (NIC, 2020).
- 5.4.1.17 The second National Infrastructure Assessment, published in October 2023, reviewed the UK's infrastructure needs up to 2055 and beyond. While acknowledging significant advances in renewable electricity generation, it identified key challenges: decarbonising energy to achieve net zero emissions, promoting economic growth across all regions and improving climate resilience and environmental sustainability. Concerning energy security, the report highlighted the necessity for a reliable electricity system predominantly powered by renewables by 2035. It called for accelerated deployment of offshore wind, onshore wind and solar power (NIC, 2023).

National Infrastructure Strategy, 2020

- 5.4.1.18 Published in November 2020, the National Infrastructure Strategy outlines the UK's plan for an infrastructure revolution and levelling up, in response to the National Infrastructure Assessment (HM Treasury, 2020). Key commitments include:
- Significant investment in offshore wind, modern ports and manufacturing infrastructure to increase renewable energy generation; and
 - Supporting job creation and economic growth across the UK, particularly in post-industrial and coastal towns.
- 5.4.1.19 The Government's decarbonisation agenda aims to build the UK's capabilities in new green industries. Investing in offshore wind capacity (40GW by 2030) and port infrastructure will create jobs in coastal communities.

National Infrastructure Planning Guidance

- 5.4.1.20 National Infrastructure Planning Guidance, published through the National Infrastructure Planning Guidance Portal, has been considered as part of the guidance documents reviewed. The Portal enables quick and easy access to up-to-date National Infrastructure Planning Guidance. It is coordinated by the Ministry for Housing, Communities and Local Government as a central source for all users who wish to find guidance on all aspects of the DCO regime from pre-application through to post-consent changes, and a range of related matters.

The Ten Point Plan for a Green Industrial Revolution, 2020

- 5.4.1.21 The UK's Ten Point Plan (HM Government, 2020c) lays the groundwork for a 'Green Industrial Revolution', aiming to create jobs by leveraging British science and technology to develop and utilise clean energy. Point one of the Plan, 'Advancing Offshore Wind', highlights the importance of offshore wind as a crucial renewable energy source for the expanding economy.
- 5.4.1.22 The Plan targets a fourfold increase in offshore wind capacity by 2030, supporting innovations to optimise this technology and investing in ports and coastal regions to foster job creation and growth, outlining a proposed £160 million investment in modern ports and manufacturing infrastructure.

The Energy White Paper: Powering our Net Zero Future, 2020

- 5.4.1.23 Following the Ten Point Plan (HM Government, 2020c) and the National Infrastructure Strategy (HM Treasury, 2020), the Energy White Paper (HM Government, 2020d) represents a crucial step in the UK's transition to net zero.

- 5.4.1.24 In reference to the net zero target by 2050, the White Paper addresses energy generation, supply and consumption with a focus on energy-efficient buildings and reducing household bills. Marking a significant shift from fossil fuel generation, the White Paper emphasises the potential for planned Government investment to attract billions in private sector funding and support over 250,000 green economy jobs by 2030.
- 5.4.1.25 A key objective of the White Paper is to quadruple offshore wind capacity by 2030, aligning with the National Infrastructure Strategy's goal of reaching 40GW of offshore wind. It advocates for innovations to optimise offshore wind technology and investments to promote job creation and growth in ports and coastal regions.

Pathway to 2030 Holistic Network Design 2022

- 5.4.1.26 The MHPGC Project was scoped into the Pathway to 2030 Holistic Network Design workstream of the OTNR, as set out in **Volume I, Chapter I: Introduction, of the PEIR**. The OTNR aims to consider, simplify and, wherever possible, facilitate a collaborative approach to offshore wind projects connecting to the National Grid.
- 5.4.1.27 Under the OTNR, the National Grid Electricity System Operator (NGESO) (now, NESO) was responsible for assessing options to improve the coordination of offshore wind generation connections and transmission networks and undertook a Holistic Network Design Report (HNDR). In July 2022, the UK Government published the 'Pathway to 2030 Holistic Network Design Report' which set out the approach to connecting 50GW of offshore wind to the grid. This Report concluded that the MHPGC Project should connect the offshore wind farm to the Hawthorn Pit National Grid substation (NGESO, 2022).

Great British Energy Strategic Plan 2025

- 5.4.1.28 The Government has reaffirmed its dedication to renewable energy with a strong emphasis on offshore wind. The Great British Energy founding statement includes commitments to advance future offshore wind projects, aiming to make Britain a clean energy superpower by 2030 (DESNZ, 2024).
- 5.4.1.29 The founding statement outlines substantial investments in developing and expanding offshore wind capacity, fostering innovation in clean energy technology and enhancing infrastructure to integrate renewable energy sources reliably. The overarching goal is to accelerate the UK's transition to a sustainable and low-carbon energy economy, creating job opportunities and driving economic growth in coastal regions.

Scotland's Climate Change Plan: 2026–2040

- 5.4.1.30 Scotland's Climate Change Plan: 2026 to 2040 sets out the Scottish Government's policies and proposals to meet carbon budgets between 2026 and 2040 and support delivery of the statutory net zero target by 2045. The Plan outlines sector-specific measures across energy, transport, heat, industry, land use and waste, while supporting a just transition and sustainable economic growth.
- 5.4.1.31 The Energy Supply sector is expected to deliver substantial emissions reductions, with projected emissions declining from 20.3 Megatonnes of carbon dioxide equivalent (MtCO₂e) (2021 to 2025) to 9.9MtCO₂e (2026 to 2030), 2.3MtCO₂e (2031 to 2035) and net-negative emissions by 2036 to 2040. The transition to net zero is being driven by the continued expansion of renewable and low-carbon energy generation.
- 5.4.1.32 Scotland's renewable energy sector is a significant contributor to the economy, supporting more than 47,000 full-time equivalent jobs in 2022. Renewable and low-carbon energy infrastructure is expected to support economic growth, job creation and supply chain opportunities across Scotland.

The Offshore Wind Energy Policy Statement

- 5.4.1.33 The Offshore Wind Energy Policy Statement builds on the Scottish Energy Strategy, establishing specific objectives for the development of wind to achieve net zero (Scottish Government, 2020a). Scotland's Energy Strategy forms a key component of the implementation of The Offshore Wind Energy Policy Statement by identifying of suitable offshore wind farm development areas. The Scottish Government has updated its offshore wind ambition through Scotland's Offshore Wind

Ambition (Scottish Government, 2026), which sets a target of up to 40 GW of new offshore wind capacity by 2040.

The Scottish Energy Strategy

- 5.4.1.34 The Scottish Energy Strategy: The Future of Energy in Scotland (Scottish Government, 2017) aims to significantly expand renewable energy production, ensure continued and ongoing investment in the net zero energy economy and to provide a more secure energy system. The targets are set for renewable sources to the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied by renewable sources by 2045. The Scottish Government subsequently published the Draft Energy Strategy and Just Transition Plan (Scottish Government, 2023), which sets out a vision for Scotland's energy system to deliver net zero emissions while supporting economic prosperity, energy security and a just transition for communities and industries. The Draft Strategy is intended to build upon and update the 2017 Energy Strategy and will continue to inform the direction of energy policy in Scotland.
- 5.4.1.35 The Strategy emphasises the success of Scottish projects in offshore wind in recent CfD auctions and highlights the great potential for future development, particularly within deeper waters.

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