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Insights

GOVERNMENT CONSULTS ON CHANGES TO ENERGY NATIONAL POLICY STATEMENTS

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SUMMARY

Government is consulting on material updates to National Policy Statements EN-1 (overarching energy), EN-3 (renewable energy infrastructure) and EN-5 (electricity networks). National Policy Statements are at the heart of the fast-track bespoke planning regime for nationally significant infrastructure projects under the Planning Act 2008. The changes reflect Government's current energy priorities set out in the Clean Power Mission and cover:

- Low carbon infrastructure, now linked to the Government's Clean Power 2030 Action Plan, is deemed a Critical National Priority (CNP) and thus benefits from a presumption in favour of consent. Energy from waste projects no longer benefit from this policy.
- Centralised Strategic Network Plans are to set out a coordinated and long-term approach for planning transmission infrastructure, and their future conclusions are endorsed in the National Policy Statements.
- Electricity Transmission Design Principles are to provide greater clarity on the type of transmission assets to be used in different environments and appropriate mitigation.
- Guidance is provided for onshore wind, now that it is to be brought back into the DCO regime.
- Inter-array wake effects are to be assessed for offshore wind.

In this Insight we explore how these changes might accelerate infrastructure consenting.

THE DCO REGIME

Making Britain a "Clean Energy Superpower" is one of the five missions of the current Government. For this to be achieved, the number of applications for development consent orders (DCOs) being

examined and decided under the Planning Act 2008, the bespoke fast-track planning regime for nationally significant infrastructure projects, needs to significantly increase.

Much of the certainty of outcome for DCO schemes resides in the Government's National Policy Statements (NPSs). There is a statutory presumption in favour of projects consistent with the NPSs, with the Planning Act requiring that a scheme compliant with the relevant NPS should be granted consent, unless its adverse impacts would outweigh its benefits. A lot of NPSs, however, have fallen out of kilter with more recent Government policy since first being introduced, which has played a role in the spike in legal challenges against DCOs in recent years.

NATIONAL POLICY STATEMENTS FOR ENERGY

The current suite of energy NPSs was first designated in 2011 and updated by the last Government in January 2024. Overarching National Policy Statement for Energy (EN-1) sets out the Government's policy regarding the overarching need case and general assessment principles for delivery of major energy infrastructure. There are a further five NPSs setting out technology-specific assessment principles for the energy sector: natural gas electricity generation (EN-2); renewable electricity generation (both onshore and offshore) (EN-3); gas supply infrastructure and gas and oil pipelines (EN-4); the electricity transmission and distribution network (EN-5); and large-scale conventional nuclear electricity generation (EN-6). In February 2025, the Government also published a draft of EN-7, a new NPS for a broader range of nuclear generation technologies and facilities.

CONSULTATION

The Government has now issued revised draft versions of EN-1 (overarching energy NPS), EN-3 (renewable energy infrastructure) and EN-5 (electricity networks) for consultation closing on 29 May 2025, including a number of material updates which this blog summarises.

THE CLEAN POWER 2030 ACTION PLAN

In December 2024, the Government published the Clean Power 2030 Action Plan. The plan set out infrastructure deployment pathways and generation capacity ranges aimed at ensuring clean sources produce at least 95% of Great Britain's generation by 2030, pushing the country towards net zero 2050.

The policy narrative throughout the new draft EN-1 has now been updated to bring Clean Power 2030 front and centre as the primary policy that the NPSs enable, i.e. setting out the capacity ranges for technologies in 2030 that the NPSs supports developers bringing forward.

The low carbon infrastructure listed in Clean Power 2030 is deemed a Critical National Priority (CNP), an existing concept in EN-1. It means that, subject to legal requirements (e.g. around the Habitats Regulations), the urgent need for achieving energy objectives, together with national

security, economic, commercial and net zero benefits, will in general be taken to outweigh residual impacts not capable of being addressed by the mitigation hierarchy.

Aligned with the Clean Power 2030 Action Plan, “Low carbon infrastructure” for the purposes of this policy means, for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion (that is, renewable generation, including anaerobic digestion plants provided they meet existing definitions of low carbon; and nuclear energy generation), as well as natural gas fired generation which is carbon capture ready for electricity grid infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations. This is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the National Electricity Transmission System for other energy infrastructure, fuels, pipelines and storage infrastructure, which fits within the normal definition of “low carbon”, such as hydrogen distribution, and carbon dioxide distribution for energy infrastructure which is directed into the NSIP regime under section 35 of the Planning Act 2008, and fit within the normal definition of “low carbon”, such as interconnectors, offshore hybrid assets, or ‘bootstraps’ to support the onshore network which are routed offshore lifetime extensions of nationally significant low carbon infrastructure, and repowering of projects.

The main change is therefore that Energy from Waste projects will no longer benefit from CNP policy as they do not meet the definition of a clean power technology in the Clean Power 2030 Action Plan.

ELECTRICITY NETWORKS INFRASTRUCTURE

CENTRALISED STRATEGIC NETWORK PLANS

The National Energy System Operator (NESO), regulated by Ofgem, will deliver Centralised Strategic Network Plans (CSNPs), the first in 2027, setting out an independent, coordinated and long-term approach until 2050 on planning transmission infrastructure. CSNPs will be subject to strategic environmental and habitats assessments.

The revised draft EN-1 states that where a project is assessed and justified through a CSNP, the Secretary of State will take the need for that project as having been established and not question it during the examination or determination of the relevant DCO. Where the CSNP endorses the need case for any new transmission infrastructure, EN-1 will also endorse the work undertaken to assess the range of possible options to address network needs. I.e. where the CSNP chooses a strategic solution, neither that choice nor the alternatives to it should be re-examined. Precise routing and siting decisions will still need to be made as project design is refined, and be subject to consultation and the DCO application process, but they should be within the strategic parameters defined in the CSNP.

This is intended to accelerate the pre-consenting stage and reduce project level risk and facilitate a once in a generation expansion to the electricity network. That is critical not only for the huge number of much needed new homes but also to unleash the Government's new industrial strategy focused on gigafactories and data centres needed for widespread AI deployment.

ELECTRICITY TRANSMISSION DESIGN PRINCIPLES

NESO is leading the development of Electricity Transmission Design Principles (ETDP) with input from a working group comprising DESNZ, PINS, MHCLG, Ofgem, Transmission Owners and the Devolved Administrations. These principles are to provide greater clarity on the type of asset to be used in different environments, to outline how the impacts of transmission infrastructure on the environment, landscape and communities can be mitigated, and to set out flexibilities for route and technology design. This is also intended to provide clarity to communities about where there are choices and the rationale for the use of different types of assets in different environments. The objective is to accelerate the delivery of transmission infrastructure but also prevent design guidance being open to interpretation which leads to differences arising in regulatory and planning approvals.

The new draft EN-5 requires that developers should have regard to the ETDP, as relevant, once consulted upon and published, in addition to the existing Holford and Horlock design rules.

ONSHORE WIND

The Clean Power 2030 Action Plan requires mass deployment of operational onshore wind capacity. Government committed in December 2024 to reintroducing onshore wind schemes at a threshold of 100MW or more into the DCO regime, away from the local decision-making to which the previous Government consigned them in a manner which meant achieving planning permission for them was almost impossible. The new draft EN-1 weaves onshore wind back into its general guidance whilst the new draft EN-3 contains detailed guidance on technical considerations, site selection, mitigation and impacts.

OFFSHORE WIND

The new draft EN-3 recommends that applicants for offshore wind farms should carry out an assessment of inter-array wake effects with those of consented and operational wind farms to inform potential mitigations. Applicants should then make reasonable efforts to demonstrate that they have considered how to manage the effects on other occupiers, explaining how the project configuration and layout has been evolved during the design process for that purpose.

TRANSITIONAL ARRANGEMENTS

Any DCO application accepted for examination before the energy NPSs are amended will be subject to the 2024 versions of the energy NPSs but the Secretary of State could well have regard to the newer versions as important and relevant considerations in the decision-making process, giving them significant weight.

WILL IT MAKE A DIFFERENCE?

Government clearly recognises how critical energy infrastructure is to its “growth” and “net zero” priorities. The changes are not a wholesale departure from the last Government’s 2024 amendments, but largely (onshore wind aside) build on them, updating the energy NPSs to align with the most recent Government policies. That should be welcomed and, in itself, strengthens the ability of critical projects to progress through the DCO regime.

Government is also acting on the advice it has received on taking a more strategic and holistic approach to overarching issues, which should be settled at a national level rather than being constantly re-considered every time a project is consulted upon or examined (a key objective of the Planning Act 2008 in the first place).

RELATED CAPABILITIES

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MEET THE TEAM

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