



NORTH FALLS

Offshore Wind Farm

PRELIMINARY ENVIRONMENTAL INFORMATION REPORT

Chapter 3 Policy and Legislative Content

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Glossary of Acronyms

AONB	Area of Outstanding Natural Beauty
BEIS	Department for Business, Energy and Industrial Strategy
CBD	Convention on Biological Diversity
CfD	Contract for Difference
CRoW	Countryside and Rights of Way
DCO	Development Consent Order
DECC	Department of Energy and Climate Change
Defra	Department for Environment, Food and Rural Affairs
DESNZ	Department for Energy Security and Net Zero
DML	Deemed Marine Licence
DPD	Development Plan Documents
EC	European Commission
EEA	European Economic Area
EIA	Environmental Impact Assessment
EPS	European Protected Species
EU	European Union
GES	Good Environmental Status
GHG	Greenhouse Gas
GW	Gigawatts
HRA	Habitats Regulations Assessment
LEC	Low-level Energy Cost
LDF	Local Development Framework
MMO	Marine Management Organisation
MCAA	Marine and Coastal Access Act
MCZ	Marine Conservation Zone
MPA	Marine Protected Area
MPS	Marine Policy Statement
MW	Megawatts
NERC	Natural Environment and Rural Communities
NFOW	North Falls Offshore Wind Farm Ltd (NFOW)
NPPF	National Planning Policy Framework

NNR	National Nature Reserves
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
RSPB	Royal Society for the Protection of Birds
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
PPS	Planning Policy Statement
PRoW	Public Right of Way
SAC	Special Area of Conservation
SoS	Secretary of State
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
UK	United Kingdom
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNECE	United Nations Economic Commission for Europe
UNFCCC	United Nations Framework Convention on Climate Change
WFD	Water Framework Directive

Glossary of Terminology

The Applicant	North Falls Offshore Wind Farm Limited (NFOW).
The Project	North Falls Offshore Wind Farm, including all onshore and offshore infrastructure.

3 Policy and Legislative Context

3.1 Introduction

1. This chapter of the Preliminary Environmental Information Report (PEIR) states the international, national, regional and local planning policy and legislative context that is relevant to the development of the proposed North Falls offshore wind farm (hereafter ‘the Project’ or ‘North Falls’). The Project is being developed to ensure it accords with each relevant policy. This shall be reported on in detail in a future Planning Statement to be submitted with the Development Consent Order (DCO) application. Policy and legislation specific to each Environmental Impact Assessment (EIA) topic are also outlined in the relevant subsequent technical chapters (Chapters 8 to 33, Volume I).

3.1.1 Requirement for Environmental Impact Assessment

2. EIA is a systematic tool for examining and assessing the likely significant effects of a development on the physical, biological and human environment. This process allows management and mitigation measures to be identified, where required, to facilitate sustainable design of a project. The EIA also informs the consent determination process and gives consultees (including the local community) the opportunity to participate in decision-making procedures through the consultation process.
3. EIA was introduced under the European Union (EU) EIA Directive 85/337/EEC. The EIA Directive has been amended several times and most recently codified by EIA Directive 2011/92/EU and then amended by EU Directive 2014/52/EU.
4. Offshore wind farms are listed in Annex II of the Environmental Impact Assessment Directive (85/337/EEC) as “*installations for the harnessing of wind power for energy production (wind farms)*”. The Planning Act 2008 (discussed further in Section 3.3.2.1) identifies offshore electricity generating stations as Nationally Significant Infrastructure Projects (NSIPs).
5. Whilst the United Kingdom (UK) is no longer in the EU (see Section 3.2.1), the EU Directive (including the requirements of Directive 2014/52/EU) is transposed for NSIPs by The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (‘the EIA Regulations’ 2017).
6. The EIA Regulations set out the statutory process and minimum requirements for an EIA to be acceptable by law, including the provision of adequate environmental information and the carrying out of consultation, publication and notification.
7. North Falls Offshore Wind Ltd (NFOW) notified the Secretary of State that, under Regulation 8(1)(b) of the EIA Regulations, an Environmental Statement (ES) will be provided for North Falls. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the Project is an EIA development.
8. An EIA Scoping Report for North Falls was submitted to the Planning Inspectorate on 16th July 2021 (Royal HaskoningDHV, 2021). A Scoping Opinion was received on 16th August 2021 (The Planning Inspectorate, 2021), which has informed the EIA. The preliminary findings of the North Falls EIA are

presented within this PEIR to support consultation under sections 42 and 47 and publication under section 48 of the Planning Act 2008 and meet the requirements of Regulation 12 of the EIA Regulations.

9. NFOW will have regard to feedback from the consultation and where appropriate use it to inform the ongoing project design, upon which the impact assessment of the Project will be based. This will be set out within the ES, to be submitted to the Planning Inspectorate as part of the application for a DCO under the Planning Act (see Section 3.3.2.1).

3.2 International Context

3.2.1 Brexit and Post-Brexit Bills

10. In 2020, the UK formally withdrew from the EU. This was followed by a transition period until the end of 2020 while the UK and the EU negotiated additional arrangements.
11. Fundamentally, the European Union (Withdrawal) Bill (leading to the European Union (Withdrawal Agreement) Act 2020) was designed to keep in place all EU-derived domestic legislation (such as the many statutory instruments that implement EU environmental directives) and to incorporate direct EU legislation such as EU environmental regulations into domestic law.
12. Notably, the UK legislation relating to climate change and renewable energy policy is underpinned by a number of international agreements (e.g. EU and United Nations (UN)), as outlined in the sections below.
13. The Applicant is aware that the UK Government published the Retained EU Law (Revocation and Reform) Bill in 2022. The purpose of this Bill is to provide the UK Government with the provisions to allow for amendment to Retained EU law and remove special features it has in the UK legal system. The Bill is currently in parliamentary process, and it is currently unclear if, when and in what form it will be enacted. The Applicant has therefore prepared this PEIR based on the legislation currently in force as it applies to the Project.

3.2.2 International Climate Change and Renewable Energy Policy and Legislation

3.2.2.1 United Nations Framework Convention on Climate Change

14. The United Nations Framework Convention on Climate Change (UNFCCC) came into force in March 1994 and is an intergovernmental environmental treaty. The framework sets out non-binding greenhouse gas (GHG) emission reduction limits and guidance on how specific treaties may be negotiated to bring further action towards UNFCCC objectives. The main objective is the “*stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.*”
15. The UK is a signatory to the Kyoto Protocol which is linked to the UNFCCC and provides commitments for the State parties to reduce GHG emissions. The Kyoto Protocol was ratified by the UK Government in 2002 and its commitments were transposed into UK law by the Climate Change Act 2008 (see Section 3.3.1.1).

16. Since 1997, regular international meetings of the UNFCCC have been held resulting in further agreements, in particular the Doha Amendment (2012) and the Paris Agreement (2015).
17. The Doha Amendment (2012) included a commitment by parties to reduce GHG emissions by at least 18% below 1990 levels in the eight-year period from 2013 to 2020. The EU committed to reduce emissions by 20% under 1990 levels by 2020 under this amendment. As part of the European Green Deal, the Commission proposed in September 2020 to raise the 2030 GHG emission reduction target, including emissions and removals, to a reduction of at least 55% compared to 1990 levels.
18. The United Nations Climate Change Conference in Paris in 2015 (COP21) gave rise to the following key areas of agreement (UNFCCC, 2016a):
 - Limit global temperature increase to below 2°C, while pursuing efforts to limit the increase to 1.5°C above pre-industrial average temperature;
 - Parties aim to reach global peaking of GHG emissions as soon as possible to achieve this temperature goal with commitments from all Parties to prepare, communicate and maintain a Nationally Determined Contribution;
 - Contribute to the mitigation of GHG emissions and support of sustainable development;
 - Enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change;
 - Help vulnerable countries cope with the adverse effects of climate change, including extreme weather events and slow-onset events such as sea-level rise;
 - Support efforts of developing countries to build clean, climate-resilient futures;
 - Transparent reporting of information on mitigation, adaptation and support which undergoes international review; and
 - In 2023 and every 5 years thereafter, a global stocktake will assess collective progress toward meeting the purpose of the Agreement.
19. The UK ratified the 2015 Paris Agreement during the 22nd Climate Change Conference of the Parties (COP22) in November 2016 (UNFCCC, 2016b) and is currently committed to the EU pledge to reduce emissions by at least 40% across all Member States by 2030 relative to 1990 levels.
20. During United Nations Climate Change Conference talks in Bonn, Germany in 2017 (COP23), finer details on the implementation of the Paris Agreement from 2020 onwards were discussed (UNFCCC, 2017). COP24 (Poland) resulted in a rulebook providing a set of guidelines for delivering the Paris Agreement, with discussions continuing at COP25 (Madrid) and COP 26 (Glasgow). COP26 led to the signing of the Glasgow Climate Pact, which sets out a series of decisions and resolutions on coordinated international action to tackle climate change. During COP26, the finalised Paris Rulebook was also agreed.

3.2.2.2 European Union Renewables Directive / Renewable Energy Directive

21. The first EU Renewable Energy Directive (2001/77/EC) on the 'Promotion of electricity produced from renewable energy sources in the internal electricity market' was adopted in 2001. This was replaced with the Renewables Directive (2009/28/EC) which has the following two key targets:
 - A reduction of 20% in GHG emissions by 2020 (below 1990 levels); and
 - 20% of the total EU energy (electricity, heat and fuel) consumption to come from renewable sources by 2020.
22. The European Commission (EC) proposed an 'Energy Policy for Europe' (EC, 2007) in 2007 as a first step towards becoming a low carbon economy. This policy recognises that the use of renewable energy contributes significantly to limiting climate change and plays a part in securing energy supply and creating employment in Europe.
23. In October 2014, the EC proposed new climate and energy targets up to 2030. These targets build on the experience of, and lessons learnt from, the 2020 climate and energy framework (EC, 2015). These targets include:
 - A 40% cut in GHG emissions compared to 1990 levels;
 - At least a 27% share of renewables in energy consumption within the EU; and
 - A 27% improvement in energy efficiency (compared to projections, to be reviewed by 2020, having in mind an EU level of 30%).
24. In November 2016 (with amendments in February 2017), the EC published a proposal for a Directive on the Use of Energy from Renewable Sources (EC, 2017) with the aim of making the EU a global leader in renewable energy and to ensure that the target of the 2030 EU Climate and Energy Framework of a 27% share of renewables in energy consumption in the EU by 2030 is met. The revised Renewable Energy Directive 2018/2001 subsequently established a number of key targets for member states. Along with sister Directives on Energy Efficiency it revised the EU 2030 Climate and Energy Framework to ensure the following:
 - At least a 32% share of renewables in energy consumption within the EU;
 - A headline target of at least a 32.5% improvement in energy efficiency; and
 - Member states of the EU to review their contribution to this target as part of their national energy and climate plans under Regulation (EU) 2018/1999 of the European Parliament and of the Council.
25. Both the 2020 and 2030 frameworks underpin the environmental and energy policy objectives of the EU. If the most recent proposed energy target is not met at a Union level, the EC may take measures to ensure the target is achieved under Regulation (EU) 2018/1999.
26. As described above, as of 31st January 2020, the UK has withdrawn as a Member State of the EU, however the UK's commitments to reducing GHG emissions are included in the 2008 Climate Change Act (as amended) (see Section 3.3.1.1).

3.2.3 International Environmental and Nature Conservation Legislation and Treaties

3.2.3.1 *The Convention on Biological Diversity*

27. The Convention on Biological Diversity (CBD) is a legally binding treaty, to which the UK is one of 168 signatories, which came into force in December 1993. It has three main objectives:
- The conservation of biological diversity;
 - The sustainable use of the components of biological diversity; and
 - The fair and equitable sharing of the benefits arising from the utilisation of genetic resources.
28. The CBD recognised for the first time in international law that the conservation of biological diversity is "a common concern of humankind" and is an integral part of the development process. The CBD covers all ecosystems, species, and genetic resources.
29. A number of major UN and EU initiatives are aimed at making a contribution towards meeting the objectives of the CBD. These include the Bern and Bonn conventions and the establishment of the Natura 2000 network across Europe (now the National Site Network in the UK, see Section 3.3.3.1).
30. At the fourteenth meeting of the Conference of the Parties to the CBD in 2018, the Parties adopted the preparatory process for the development of the post-2020 global biodiversity framework. This proposed framework applies a 'theory of change' approach, a strategic planning framework used to help plan, implement and evaluate the impacts of the actions taken. The fifteenth meeting (part 2) of the Conference of the Parties to the CBD was held in December 2022 where the framework was adopted, incorporating a range of goals, including the sustainable use and management of biodiversity by ensuring ecosystem functions and services are valued, maintained and enhanced, with those currently in decline being restored, supporting the achievement of sustainable development, for the benefit of present and future generations by 2050.

3.2.3.2 *The Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention)*

31. The Ramsar Convention is the intergovernmental treaty that provides the framework for the conservation and use of wetlands and their resources. The Convention was adopted in Ramsar (Iran) in 1971 and ratified by the UK in 1976. The criteria for assessing a site for designation as a Ramsar Site include whether or not the wetland supports 20,000 water birds and/or supports 1% of the individuals in a population of one species or subspecies of water bird. UK Government policy affords the same protection to Ramsar sites as European designations such as Special Protection Areas (SPA) and Special Areas of Conservation (SACs) (now known collectively as National Site Network sites in the UK). The UK has generally chosen to underpin the designation of its Ramsar sites through prior notification of these areas as Sites of Special Scientific Interest (SSSI).

3.2.3.3 OSPAR Convention

32. International cooperation to protect the marine environment (including biodiversity) of the northeast Atlantic is achieved through the OSPAR Convention which entered into force on 25 March 1998.
33. A key part of OSPAR's biodiversity strategy is to establish a network of Marine Protected Areas (MPAs). The UK has currently identified 365 OSPAR MPAs (OSPAR, 2020), many of which are European sites that also meet the relevant OSPAR selection criteria (OSPAR, 2019).

3.2.3.4 Transboundary Considerations – Espoo Convention

34. The United Nations Economic Commission for Europe (UNECE) convention (the 'Espoo Convention'), which entered into force in the UK on 10 October 1997, sets out the obligations of States to notify and consult each other on all major projects under consideration that have the potential to give rise to significant adverse environmental effects across international boundaries (transboundary effects). The Espoo Convention has been implemented in the UK for the purpose of NSIPs by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, specifically Regulation 32. This places a statutory duty on the Secretary of State to notify and consult other European Economic Area (EEA) states where they are of the view that the development is likely to have significant effects on the environment of another EEA State.
35. The Planning Inspectorate (PINS) Advice Note Twelve: Transboundary Impacts and Processes (PINS, 2020) sets out the procedures for transboundary notification and consultation associated with NSIP applications for a DCO under the Planning Act 2008 (as amended), where such an application may have transboundary effects. The Advice Note sets out the roles of PINS, UK Government departments and developers. Developers are advised to identify the possible significant transboundary effects or alternatively, state why they consider that there would not be any significant effects on another EEA State.

3.2.3.5 Marine Strategy Framework Directive

36. The Marine Strategy Framework Directive (Directive 2008/56/EC) (MSFD) aims to establish a framework within which Member States will take measures to maintain or achieve 'good environmental status' (GES) in the marine environment by 2020 and to protect the resource base upon which marine-related economic and social activities depend. It enshrines an ecosystem approach to the management of human activities which have an impact on the marine environment, within its legislative framework and integrates the concepts of environmental protection and sustainable use.
37. It aims to be complementary to and provide the overarching framework for a number of other key Directives and legislation at the EU level, including for example Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive), Council Directive 2009/147/EC on the conservation of wild birds (the Birds Directive), Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy (the Water Framework Directive (WFD)) and the Common Fisheries Policy. It is transposed into UK law by the Marine Strategy Regulations (2010) (discussed further in Section 3.3.2.5). Whilst EU Directives no longer form part of legislation in the UK, the Marine Strategy Regulations 2010 and the Marine and Coastal Access

Act 2009 (MCCA) remain in force. As noted in more detail in Section 3.3.2.6, the MCCA introduced a new system of marine management, including a new planning system for the marine environment.

3.2.3.6 Water Framework Directive

38. The WFD (2000/60/EEC) is transposed into UK law by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, which addresses the quality of inland, estuarine and groundwater bodies including coastal surface waters up to an offshore limit of one nautical mile.
39. Official monitoring of the aquatic environment in relation to physical, chemical and biological parameters started in 2006 in the UK with a view to ensuring a 'good ecological status' or 'good ecological potential' of all surface water bodies including lakes, rivers, canals and estuaries. Within the WFD, chemical and biological environmental quality indicators are used, and a programme of measures is implemented, in order to improve surface waters that do not meet the required status.

3.2.3.7 Habitats and Birds Directives

40. EC Directive 92/43/EEC, known as the Habitats Directive, implements the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) and The Convention on the Conservation of Migratory Species of Wild Animals (the Bonn Convention); initiatives that are aimed at making a contribution towards meeting the objectives of the CBD (see Section 3.2.3.1). The Habitats Directive aims to conserve natural habitats of wild fauna and flora and is intended to protect biodiversity by requiring Member States to take measures to maintain or restore natural habitats and wild species, including protection for specific habitats listed in Annex I and species listed in Annex II of the Directive.
41. The Habitats Directive provides robust protection for those habitats and species of European importance. A key element of this protection is the establishment, under Article 3 of the Directive, of a European-wide network of protected sites, known as SAC sites.
42. EC Directive 2009/147/EC on the conservation of wild birds (known as the Birds Directive) provides a framework for the conservation and management of wild birds in Europe. It sets broad objectives for a wide range of activities. The Directive requires establishment, under Article 4, of a network of SPAs for rare or vulnerable species listed in Annex I and for all regularly occurring migratory species. It also establishes a general scheme of protection for all wild birds (required by Article 5). The Birds Directive requires national Governments to establish SPAs and to have in place mechanisms to protect and manage these Areas. The SPA protection procedures originally set out in Article 4 of the Birds Directive have been replaced by the Article 6 provisions of the Habitats Directive.
43. 'European sites' is an umbrella name for the network of protected sites that include SPA and SAC sites designated across the EU. In the UK these sites are now known collectively as National Site Network sites. This network of important high-quality conservation sites is intended to significantly contribute to the conservation of habitats and species listed in the Birds Directive and Habitats Directive.

44. European Protected Species (EPS) are those species listed in Annexes II and IV of the Habitats Directive. These species include both animals and plants in marine and terrestrial environments.
45. These Directives are relevant to the Project as there is the potential for European Sites and EPS to be affected. A description of how these Directives are transposed into UK law is given in Section 3.3.2.5.

3.3 National Context

3.3.1 UK Climate Change and Renewable Energy Policy

46. The EU Renewable Energy Directive and associated targets (Section 3.2.2.2) have primarily been transposed into UK law through The Promotion of the Use of Energy from Renewable Sources Regulations 2011.
47. As detailed below, there are a number of overarching UK environmental targets/goals which set the national framework for tackling climate change and renewable energy production. The most relevant of these is the legally binding target (implemented through the Climate Change Act 2008 and the 2019 Amendment Order) to reduce the net UK carbon account and therefore reduce GHG emissions by 100% by 2050, compared to a 1990 baseline.
48. In 2011 the UK Government set a target to produce 15% of UK energy from renewable sources by 2020 (Department of Energy and Climate Change (DECC), 2011a). This includes a sub-target of 30% of electricity from renewable sources. For offshore wind, the UK is world leading with approximately 11 Gigawatts (GW) of generating capacity consented and approximately 20GW in construction or operational at the time of writing. In April 2022, the Government published the British Energy Security Strategy in which the UK wide target for installed offshore wind capacity increased to 50GW by 2030.

3.3.1.1 *The Climate Change Act 2008*

49. The Climate Change Act sets the framework for the UK to transition to a low-carbon economy, exceeding the targets set out in the EU Renewables Directive (Directive 2009/28/EC) (see Section 3.2.2.2). It places a duty on the UK Government to ensure their net carbon account and GHG emissions are reduced, as underpinned by the international agreements and commitments described in Section 3.2.2. Initially the 2008 target was a reduction in GHG emissions of at least 80% relative to 1990 levels by 2050.
50. To achieve this target, the UK government committed to implement five-yearly carbon budgets that will run until 2032 to restrict the amount of emissions within each five-year period. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 introduced amendments to enshrine in law a commitment to reduce net emissions by 100% by 2050 relative to 1990 levels ('net zero'). This legal target will remain in place in the UK and is not affected by withdrawal from the EU.
51. In its Clean Growth Strategy, the Department for Business, Energy and Industrial Strategy (BEIS) (now the Department for Energy Security and Net Zero (DESNZ)) outlined the UK Government's plans for investment in low carbon innovations, energy transmission and smart systems in order to supply the UK with secure, affordable clean power (BEIS, 2017a). The Clean Growth

Strategy provides a strong commitment from the UK Government to achieving the UK's climate change targets as detailed in the Climate Change Act 2008. Such pathways to promote renewable technologies for offshore wind include the following:

- Commitment to fund a total of £210 million of Contracts for Difference (CfD) funding for offshore wind in the fourth Allocation Round (AR4) (BEIS, 2022); and
- Innovative fund of £75 million for emerging technologies, such as remote island wind, tidal stream and floating offshore wind.

52. CfD contracts have been awarded to around 16GW of new renewable electricity capacity, including 13GW of offshore wind.
53. This demonstrates the UK Government's ongoing support for offshore wind development. Furthermore, the Clean Growth Strategy commits to a Sector Deal for offshore wind aimed at encouraging the development and deployment of a further 10 GW of offshore wind development in UK waters in the 2020s (BEIS, 2017a) along with the latest Government commitment to install 50 GW of offshore wind around the UK by 2030.

3.3.1.2 The Growth Plan 2022

54. The Growth Plan identifies growth as being the government's central economic mission. The Plan makes specific reference to renewable energy, with the government unlocking offshore wind by aiming to bring the consenting process in line with other forms of infrastructure.
55. New legislation (the Levelling-up and Regeneration Bill) is to be brought in to accelerate priority major infrastructure projects so they can be built more quickly. Annex B of the Growth Plan sets out which projects will be accelerated; this includes Extension Projects, such as North Falls.

3.3.1.3 Ten Point Plan for a Green Industrial Revolution

56. The UK Government published its policy paper, the Ten Point Plan for a Green Industrial Revolution in November 2020. The policy paper sets out the approach the government will take to support green jobs and accelerate the path to net zero. Point one of the Plan sets out how the Government will advance offshore wind as a critical source of renewable energy, which includes initiatives such as the Offshore Transmission Network Review (OTNR), which aims to ensure that the transmission connections for offshore wind generation are delivered in the most appropriate way. As outlined in Chapter 1 Introduction (Volume I)(and discussed further in Chapter 5 Project Description, Volume I), NFOW is reviewing options for the Project's electricity transmission National Grid connection point.

3.3.1.4 Crown Estates Offshore Wind Evidence and Change Programme

57. Offshore wind is described as having an important role to help the UK achieve net zero by 2050. The Crown Estate has convened government bodies, industry and key stakeholders to work collectively within a steering group to better understand and overcome the cumulative environmental impacts of offshore wind particularly in relation to its effects on users of the sea and onshore communities. The programme mission statement is 'to facilitate the sustainable and coordinated expansion of offshore wind to help meet the UK's commitments

to low carbon energy transition whilst supporting clean, healthy, productive and biologically diverse seas.’

3.3.1.5 *Energy White Paper: Powering Our Net Zero Future*

58. The Government’s Energy White Paper, published December 2020, sets out how the UK will reach targets for net zero emissions by 2050. The paper builds on the Ten Point Plan to set energy related measures, including a shift to low carbon and renewable energy.

3.3.1.6 *Net Zero Strategy: Build Back Greener*

59. The UK Government published its policy paper, Net Zero Strategy: Build Back Greener in October 2021, and builds on the approach presented in the Ten Point Plan. The policy paper sets out policies and proposals to deliver commitments on carbon budgets, Nationally Determined Contribution (NDC) and ambition for a decarbonised economy by 2050. The policy paper was produced pursuant to Section 14 of the Climate Change Act 2008 which sets out the duty to report on proposals and policies for meeting carbon budgets.

3.3.1.7 *British Energy Security Strategy*

60. The British Energy Security Strategy, published in April 2022, sets out how Great Britain will accelerate homegrown power for increased energy independence. The Strategy includes renewables and offshore wind. The Strategy aims to use smarter planning to maintain high environmental standards whilst increasing the pace of offshore wind deployment by 25%, with an ambition to deliver 50GW of offshore wind by 2030.

3.3.1.8 *The UK Energy Act 2013*

61. The Energy Act 2013 and Electricity Market Reform policy introduced the CfD auction framework with the aim of providing long term revenue stabilisation for new low carbon energy initiatives, replacing the previous Renewable Obligation system. The auction framework drives developers to deliver competitive projects at a Low-level Energy Cost (LEC), thereby reducing the subsidy required with the aim of ultimately lowering the cost to the consumer.

62. Very large cost reductions have resulted as the offshore wind industry has matured, as evidenced by the CfD process, whereby the cost of offshore wind in the original CfD auction round in 2015 was £114-120 per MWh and the most recent CfD results in 2022 were £37.35/MWh.

63. In this context, NFOW is working to develop the Project to maximise the competitiveness of the Project in future CfD auctions, whilst seeking to minimise environmental impact where possible.

64. The importance of accelerated development of the offshore wind market in the UK has been highlighted in the British Energy Security Strategy Policy Paper (BEIS, 2022). Ambitions of the policy are to deliver up to 50GW by 2030; halve the process time for offshore wind developments; and to enable annual CfD auctions (increase from every two years).

3.3.2 National Planning Legislation

3.3.2.1 *The Planning Act 2008*

65. The Planning Act 2008 is the primary legislation that first established the legal framework for applying for, examining and determining applications for NSIPs.

National Policy Statements (NPSs) set the framework for decisions by the Secretary of State (SoS) (see Section 3.3.2.2).

66. Amendments have been made to the planning system that are applicable to the Planning Act 2008, including through the Localism Act 2011. This made PINS the executive agency responsible for the NSIP planning process and means that any developer wishing to construct a project classed as a NSIP must apply for an order granting development consent (a DCO). PINS must appoint an Examining Authority to examine the application and make a recommendation to the relevant SoS, who will then make a decision whether to grant the DCO.
67. The Planning Act 2008 sets out thresholds above which certain types of infrastructure development are nationally significant and therefore require a DCO. For offshore energy developments in England the threshold is a generating capacity of over 100 Megawatts (MW). The Project will have a generating capacity which exceeds 100MW and is therefore classified as an NSIP.
68. As part of its application for a DCO, NFOW is also able to seek other relevant permissions, powers, consents and licences, including but not limited to:
 - Powers to compulsorily acquire land or rights over land, either permanently or temporarily;
 - Marine works under a Deemed Marine Licence (DML); and
 - Powers to divert or stop up Public Rights of Way (PRoW).

3.3.2.2 National Policy Statements

69. The Planning Act 2008 makes provision for NPSs. NPSs are designed to set the policy framework for determination of NSIP applications. They integrate the UK Government's objectives for infrastructure capacity and development with its wider economic, environmental and social policy objectives, including climate change goals and targets, in order to deliver sustainable development.
70. NPSs are produced by the UK Government and set out national policy against which proposals for major infrastructure projects will be assessed. Planning decisions will be taken within the clear policy framework set out in the NPS making the decision-making process transparent. The Examining Authority will have regard to applicable NPSs in its examination of applications for development consent. The relevant SoS must also have regard to them and decide the application in accordance with applicable NPSs, subject to specified exceptions. NPSs include the UK Government's objectives for the development of nationally significant infrastructure in a particular sector, and set out:
 - How these objectives will contribute to sustainable development;
 - How these objectives have been integrated with other UK Government policies;
 - How actual and projected capacity and demand have been taken into account;
 - Relevant issues in relation to safety or technology;
 - Circumstances where it would be particularly important to address the adverse impacts of development; and

- A clear framework for investment and planning decisions.
71. There are 12 NPSs in total relating to different types of infrastructure projects. Of these there are six energy NPSs produced by the former DECC, three of which are relevant to the Project, specifically:
- The Overarching NPS for Energy (NPS EN-1) (DECC, 2011a);
 - The NPS for Renewable Energy Infrastructure (NPS EN-3) (DECC, 2011b), which covers nationally significant renewable energy infrastructure (including offshore generating stations in excess of 100 MW); and
 - The NPS for Electricity Networks Infrastructure (NPS EN-5) (DECC, 2011c), which covers the electrical infrastructure associated with an NSIP.
72. The UK Government announced a review of the existing NPSs within its December 2020 Energy White Paper (HM Government, 2020) and issued a draft version of Overarching NPS for Energy EN-1, NPS for Renewable Energy Infrastructure EN-3 and NPS for Electricity Networks Infrastructure EN-5 for consultation on 6th September 2021 (BEIS, 2021a; BEIS, 2021b; BEIS, 2021d). Revised drafts of the NPSs were issued for consultation by DESNZ 30th March 2023, during the finalisation stage of the North Falls PEIR. The 2023 draft NPSs or final versions (if available) will be taken into account in the ES.
73. Chapter 2 of this PEIR (Volume, I) describes the policy drivers which support the need to deliver the North Falls project, including the policies provided by the 2011 and 2021 draft NPSs. Specific NPS policies relevant to each environmental topic are set out in each PEIR chapter (Volume, I) with information provided as to how each item has been addressed.
74. Section 104(2)(aa) of the Planning Act 2008 (which ultimately made provision for NPSs) makes a number of statements in relation to offshore wind including:
- *“The UK is currently the leading country for offshore wind deployment and the potential sites identified for offshore renewables (including offshore wind, wave and tidal) show the huge exploitable renewable energy resource in UK waters which would keep the UK as a global leader in renewable energy production from these technologies. Increasing the generation of energy from low carbon sources will mitigate against climate change, lessen the UK’s dependence on fossil fuels and improve energy security by increasing the diversity of electricity supply.”* (Paragraph 3.3.16); and
 - *“The UK has some of the best wind resources in the world and [that] offshore wind will play an important and growing part in meeting our renewable energy and carbon emission targets and improving energy security by 2020, and afterwards towards 2050. Harnessing and connecting offshore wind is currently more technologically challenging and more expensive than harnessing and connecting onshore wind. However, offshore wind has a larger potential, due to a stronger and more consistent wind source at sea leading to higher power outputs. As the most mature of the offshore renewable energy technologies, it has the potential to have the biggest impact in the medium-term on security of energy supply and carbon emission reductions through its commercial scale output. Expansion of the offshore wind supply is likely to require significant investment in new high-*

value manufacturing capability with potential to regenerate local and national economies and provide employment” (Paragraph 3.3.19).

3.3.2.3 National Infrastructure Planning Advice Notes

75. The EIA process has taken account of the advice and guidance provided by PINS in the form of the non-statutory national infrastructure Advice Notes. These notes are published to provide advice and information on a range of issues arising throughout the whole life of the application process. Where relevant, these have been given careful consideration by NFOW in the preparation of the PEIR for the Project, in particular:

- Advice Note Three: EIA consultation and notification (PINS, 2017a);
- Advice Note Seven: Environmental Impact Assessment, Preliminary Environmental Information, Screening and Scoping (PINS, 2020);
- Advice Note Nine: Rochdale Envelope (PINS, 2018);
- Advice Note Ten: Habitat Regulations Assessment (PINS, 2022);
- Advice Note Twelve: Transboundary Impacts and Processes (PINS, 2020);
- Advice Note Seventeen: Cumulative Effects Assessment (PINS, 2019); and
- Advice Note Eighteen: The Water Framework Directive (PINS, 2017c).

3.3.2.4 National Planning Policy Framework

76. The National Planning Policy Framework (NPPF) sets out the UK Government’s planning policies for England and how these are expected to be applied. A revised NPPF was published in July 2021 which replaces the previous National Planning Policy Framework published in March 2012, July 2018, February 2019 and June 2019.

77. The NPPF does not contain specific policies for NSIPs (for which particular considerations apply, determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant NPSs) but may be considered as a relevant matter.

78. The NPPF sets out a series of core principles that cover protection and conservation of the natural and built environment, and the promotion of sustainable growth and development.

79. The key principles of relevance to the Project are listed in Table 3.1 below.

Table 3.1 National Planning Policy Framework Principles relevant to the Project

Principle	NPPF Advice (with respective paragraph number)
Promoting Sustainable Transport	All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (paragraph 113).
Making Effective Use of Land	Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (paragraph 119).
Achieving Well-Designed Places	Planning policies and decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the

Principle	NPPF Advice (with respective paragraph number)
	short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities) (paragraph 130).
Meeting the Challenge of Climate Change, Flooding and Coastal Change	The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources; and support renewable and low carbon energy and associated infrastructure (paragraph 152).
Planning and Flood Risk	All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk (paragraph 161).
Conserving and Enhancing the Natural Environment	Planning policies and decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; maintaining the character of the undeveloped coast, while improving public access to it where appropriate; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (paragraph 174).
Conserving and Enhancing the Historic Environment	When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 199-202).

3.3.2.5 Marine Strategy Regulations

80. As discussed in Section 3.2.3.5, the MSFD is transposed into UK law by the Marine Strategy Regulations (2010), which require the production of a “Marine

Strategy” for all UK waters. The objective of the UK Marine Strategy reflects the UK’s vision for ‘clean, healthy, safe, productive and biologically diverse oceans and seas’, it helps to deliver key international obligations and commitments to protect and preserve the marine environment under the UN Convention on the Law of the Sea (UNCLOS), the UN Sustainable Development Goal 14 (to conserve and sustainably use the oceans, seas and marine resources for sustainable development), the OSPAR North-East Atlantic Environment Strategy and the CBD.

3.3.2.6 *Marine and Coastal Access Act 2009*

81. The Marine and Coastal Access Act 2009 (MCAA) sets out a spatial planning system for improved management and protection of the marine and coastal environment. The MCAA established the Marine Management Organisation (MMO), the authority tasked with ensuring the delivery of sustainable development in the marine area. The MMO remains the monitoring and enforcement body in respect of the conditions and restrictions set out in the deemed Marine Licences.
82. The MCAA enables the designation of Marine Conservation Zones (MCZs) in England and Wales as well as UK offshore areas. MCZs are intended to conserve a functioning marine ecosystem without a specific bias towards any particular species or habitat. The North Falls southern array area overlaps the Kentish Knock East MCZ and an assessment of the likely significant effects on the MCZ is provided in Chapter 10 Benthic and Intertidal Ecology (Volume, I) and in the MCZ Assessment (document reference 004447056-01).
83. The MCAA introduced a new section to the Planning Act 2008 (Section 149A) enabling a DCO applicant to apply for a DML as part of the DCO process.
84. The Act contains provisions for the coastal environment, including improving access to the coast and undertaking Integrated Coastal Zone Management, which brings policy makers, decision makers and stakeholders together to manage coastal and estuarine areas.
85. When deciding DCO applications the SoS must have regard to relevant marine plans. The Marine Policy Statement (MPS) adopted by all UK administrations in March 2011 provides the policy framework for the preparation of Marine Plans, establishing how decisions affecting the marine area should be made in order to enable sustainable development.
86. The East Inshore and East Offshore Marine Plans (published in April 2014) encompass the offshore project area. The Plans do not establish new requirements or policies; however, they do clarify the intent of national policy to the marine plan areas. The East Inshore and East Offshore Marine Plans make specific reference to the development of offshore wind:

“By 2033 the East Inshore and East Offshore marine areas are providing a substantial part of the electricity generated from offshore wind in the UK as a result of collaboration and integration between sectors. Sustainable, effective and efficient use of our marine area has been achieved, resulting in economic development whilst protecting the marine ecosystem, and offering local communities new jobs, wealth, improved health and well-being”.

3.3.2.6.1 The Marine Policy Statement

87. The MPS adopted by all UK administrations in March 2011 provides the policy framework for the preparation of marine plans and establishes how decisions affecting the marine area should be made in order to enable sustainable development. When deciding DCO applications the SoS is obliged to have regard to the MPS.
88. The MPS was drawn up pursuant to the Marine Strategy Regulations 2010 and the MCAA, which set out the provisions for any future MPS and introduced a marine planning system. The MPS adopted by all UK administrations (UK Government, Scottish Government, Welsh Assembly Government and Northern Ireland Executive) in March 2011 provides the policy framework for the preparation of marine plans and establishes how decisions affecting the marine area should be made in order to ensure the sustainable development of the UK marine area. When deciding DCO applications the SoS is obliged to have regard to the MPS under Section 104(2)(aa) of the Planning Act 2008 and Section 59 of the MCAA.
89. The MPS makes a number of statements in relation to offshore wind, including:
- “The UK is currently the leading country for offshore wind deployment and the potential sites identified for offshore renewables (including offshore wind, wave and tidal) show the huge exploitable renewable energy resource in UK waters which would keep the UK as a global leader in renewable energy production from these technologies. Increasing the generation of energy from low carbon sources will mitigate against climate change, lessen the UK’s dependence on fossil fuels and improve energy security by increasing the diversity of electricity supply.” (Paragraph 3.3.16); and
- “The UK has some of the best wind resources in the world and [that] offshore wind will play an important and growing part in meeting our renewable energy and carbon emission targets and improving energy security by 2020, and afterwards towards 2050. Harnessing and connecting offshore wind is currently more technologically challenging and more expensive than harnessing and connecting onshore wind. However, offshore wind has a larger potential, due to a stronger and more consistent wind source at sea leading to higher power outputs. As the most mature of the offshore renewable energy technologies, it has the potential to have the biggest impact in the medium-term on security of energy supply and carbon emission reductions through its commercial scale output. Expansion of the offshore wind supply is likely to require significant investment in new high-value manufacturing capability with potential to regenerate local and national economies and provide employment” (Paragraph 3.3.19).
90. The MPS also sets out detailed policy considerations in relation to a range of impacts on the marine environment which comprise:
- Marine ecology and biodiversity
 - Air quality
 - Noise
 - Ecological and chemical water quality and resources

- Seascape
- Historic environment
- Climate change adaptation and mitigation, and
- Coastal change and flooding.

91. Whilst policy in relation to such considerations was subsequently set out in more detail in National Policy Statements, the requirement to take the MPS into account in determining a DCO application nonetheless remains.

3.3.2.6.2 The East Inshore and East Offshore Marine Plans

92. Pursuant to Section 104(2)(aa) of the Planning Act 2008 and Section 59 of the MCAA, in deciding DCO applications the SoS is obliged to have regard to any Marine Plan which has effect for the area of the application.

93. The East Inshore and East Offshore Marine Plans (also referred to as the ‘East Marine Plans’) encompass and therefore have effect for the North Falls offshore project area.

94. The East Marine Plans state (paragraph 4) that “The marine plans do not establish new requirements, but apply or clarify the intent of national policy in the East Inshore and Offshore areas, taking into account the specific characteristics of the plan areas”. The approach (stated in paragraph 16) is one that “avoids replication of policies and ensures new plan policies and supporting information focus on issues where they can add value”.

95. The Marine Plans make clear that policies are in significant part derived from terrestrial development plan documents. Marine Plan policies should be taken into account when considering any development in the plan area.

96. The East Marine Plans make specific reference to the development of offshore wind in its vision in 2034:

“the East marine plan areas are providing a significant contribution, particularly through offshore wind, to the energy generated in the United Kingdom and to targets on climate change”.

97. In addition to the above the East Marine Plans list several objectives (Objective, 6, 7 and 8) relating to biodiversity, ecosystems and ecological networks and Policy BIO1 and BIO2, which relate to the protection of habitats and species that are protected or of conservation concern in the East Marine Plans and adjacent areas (marine, terrestrial), and where appropriate, the enhancement of biodiversity and geological interests.

98. The objectives of the East Marine Plans and relevant policies established under them are listed in Table 3.2 and have been considered by the Applicant:

Table 3.2 East Marine Plans objectives and policies

Number	Objective/ Policy	Addressed in this PEIR
Objective 1	To promote the sustainable development of economically productive activities, taking account of spatial requirements of other activities of importance to the East marine plan areas.	Spatial constraints of other activities are taken into account during the site selection of North Falls (see Chapter 4, Volume I)

Number	Objective/ Policy	Addressed in this PEIR
Policy EC1	Proposals that provide economic productivity benefits which are additional to Gross Value Added currently generated by existing activities should be supported.	Socio-economic impacts and benefits of the Project are considered in Chapter 31 (Volume I).
Objective 2	To support activities that create employment at all skill levels, taking account of the spatial and other requirements of activities in the East marine plan areas	See below
Policy EC2	Proposals that provide additional employment benefits should be supported, particularly where these benefits have the potential to meet employment needs in localities close to the marine plan areas.	Employment opportunities are discussed in Chapter 31 (Volume I).
Objective 3	To realise sustainably the potential of renewable energy, particularly offshore wind farms, which is likely to be the most significant transformational economic activity over the next 20 years in the East marine plan areas, helping to achieve the United Kingdom's energy security and carbon reduction objectives	See below
Policy EC3	Proposals that will help the East marine plan areas to contribute to offshore wind energy generation should be supported.	North Falls will deliver significant renewable energy capacity from offshore wind (see Chapter 2, Volume I)
Objective 4	To reduce deprivation and support vibrant, sustainable communities through improving health and social well-being.	Socio-economic impacts and benefits of the Project are considered in Chapter 31 (Volume I).
Objective 5	To conserve heritage assets, nationally protected landscapes and ensure that decisions consider the seascape of the local area.	See below
Policy SOC2	Proposals that may affect heritage assets should demonstrate, in order of preference: <ul style="list-style-type: none"> that they will not compromise or harm elements which contribute to the significance of the heritage asset how, if there is compromise or harm to a heritage asset, this will be minimised how, where compromise or harm to a heritage asset cannot be minimised it will be mitigated against or the public benefits for proceeding with the proposal if it is not possible to minimise or mitigate compromise or harm to the heritage asset 	Assessment of likely significant effects and identification of mitigation for offshore heritage assets and onshore heritage assets are discussed in Chapters 16 and 25 (Volume I), respectively
Policy SOC3	Proposals that may affect the terrestrial and marine character of an area should demonstrate, in order of preference: <ul style="list-style-type: none"> that they will not adversely impact the terrestrial and marine character of an area how, if there are adverse impacts on the terrestrial and marine character of an area, they will minimise them 	Assessment of likely significant effects and identification of mitigation for landscapes and seascapes are assessed in Chapters 29 and 30 (Volume I), respectively.

Number	Objective/ Policy	Addressed in this PEIR
	<ul style="list-style-type: none"> • how, where these adverse impacts on the terrestrial and marine character of an area cannot be minimised they will be mitigated against • the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts 	Chapter 2 (Volume I) provides the case for proceeding with North Falls.
Objective 6	To have a healthy, resilient and adaptable marine ecosystem in the East marine plan areas:	See below
Policy ECO1	Cumulative impacts affecting the ecosystem of the East marine plans and adjacent areas (marine, terrestrial) should be addressed in decision-making and plan implementation.	<p>Cumulative impacts assessment is provided in each technical chapter (Volume I). Those related to marine and terrestrial ecosystems include:</p> <ul style="list-style-type: none"> • Chapter 10 Benthic and intertidal ecology • Chapter 11 Fish and shellfish ecology • Chapter 12 Marine mammals • Chapter 13 Offshore ornithology • Chapter 23 Onshore ecology • Chapter 24 Onshore ornithology
Policy ECO2	The risk of release of hazardous substances as a secondary effect due to any increased collision risk should be taken account of in proposals that require an authorisation.	Accidents and disasters such as release of hazardous substances and navigational safety risks are discussed in Section 5.8 of Chapter 5 Project Description (Volume I).
Objective 7	To protect, conserve and, where appropriate, recover biodiversity that is in or dependent upon the East marine plan areas:	See below
Policy BIO1	Appropriate weight should be attached to biodiversity, reflecting the need to protect biodiversity as a whole, taking account of the best available evidence including on habitats and species that are protected or of conservation concern in the East marine plans and adjacent areas (marine, terrestrial)	<p>Assessments relating to biodiversity are included in the following PEIR chapters (Volume I):</p> <ul style="list-style-type: none"> • Chapter 10 Benthic and intertidal ecology • Chapter 11 Fish and shellfish ecology • Chapter 12 Marine mammals • Chapter 13 Offshore ornithology • Chapter 23 Onshore ecology • Chapter 24 Onshore ornithology <p>In addition, effects on designated sites are considered in the Report to Inform Appropriate Assessment and the Marine Conservation Zone Assessment.</p>

Number	Objective/ Policy	Addressed in this PEIR
Policy BIO2	Where appropriate, proposals for development should incorporate features that enhance biodiversity and geological interests.	<p>The Project will deliver onshore biodiversity net gain, in accordance within the Environment Act 2021.</p> <p>All current information on the BNG baseline for the onshore project area is detailed in Appendix 23.1, Annex 7 (Volume III).</p> <p>Natural England provided a list of BNG projects for NFOW for future consideration on 29.09.21. These will be taken into account as the impacts of the Project become clearer and proposals for BNG develop in consultation with the onshore ecology ETG.</p>
Objective 8	To support the objectives of Marine Protected Areas (and other designated sites around the coast that overlap, or are adjacent to the East marine plan areas), individually and as part of an ecologically coherent network.	Effects on designated sites are considered in the Report to Inform Appropriate Assessment and the Marine Conservation Zone Assessment.
Objective 9	To facilitate action on climate change adaptation and mitigation in the East marine plan areas.”	See below.
Policy CC1	<p>Proposals should take account of:</p> <ul style="list-style-type: none"> • how they may be impacted upon by, and respond to, climate change over their lifetime and • how they may impact upon any climate change adaptation measures elsewhere during their lifetime • Where detrimental impacts on climate change adaptation measures are identified, evidence should be provided as to how the proposal will reduce such impacts. 	<p>The Project’s impact on climate change is assessed in Chapter 33 (Volume I).</p> <p>The design of the Project (Chapter 5 Project Description, Volume I) has been engineered to withstand any effects of climate change.</p>
Policy CC2	Proposals for development should minimise emissions of greenhouse gases as far as is appropriate. Mitigation measures will also be encouraged where emissions remain following minimising steps. Consideration should also be given to emissions from other activities or users affected by the proposal	GHG emissions and proposed mitigation is discussed in Chapter 33 Climate change (Volume I).
Objective 10	To ensure integration with other plans, and in the regulation and management of key activities and issues, in the East Marine Plans, and adjacent areas:	See below.

Number	Objective/ Policy	Addressed in this PEIR
Policy GOV1	Appropriate provision should be made for infrastructure on land which supports activities in the marine area and vice versa.	The onshore infrastructure requirements required for the North Falls offshore wind farm are detailed in Chapter 5 Project Description (Volume I).
Policy WIND2	Proposals for Offshore Wind Farms inside Round 3 zones, including relevant supporting projects and infrastructure, should be supported.	While North Falls is not in a Round 3 zone, the 2017 Extension projects (including North Falls) were brought forward to expedite offshore wind development, recognising the urgent need for Renewable energy.
Policy CAB1	Preference should be given to proposals for cable installation where the method of installation is burial. Where burial is not achievable, decisions should take account of protection measures for the cable that may be proposed by the applicant.	NFOW has committed to burying all onshore cables and burial of offshore cables where possible.
Policy TR1	Proposals for development should demonstrate that during construction and operation, in order of preference: a) they will not adversely impact tourism and recreation activities b) how, if there are adverse impacts on tourism and recreation activities, they will minimise them c) how, if the adverse impacts cannot be minimised, they will be mitigated d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts	Chapter 32 (Volume I) considered likely significant effects on tourism and recreation.

3.3.2.7 The Energy Act 2004

99. The Energy Act 2004 includes provisions for the decommissioning of offshore installations (including offshore wind). Chapter 3 of Part 2 of the Act details these provisions which includes the requirement to prepare a decommissioning programme, the approval process of said programme, details of what happens in the event of failure to submit or rejection of a decommissioning programme, the review and revision process, how to carry out a decommissioning programme and the regulations concerning decommissioning programmes.

3.3.3 National Environmental and Conservation Legislation

3.3.3.1 The Conservation of Habitats and Species Regulations 2017 and Conservation of Offshore Marine Habitats and Species Regulations 2017

100. In England and Wales, the Habitats Directive and elements of the Birds Directive (see Section 3.2.3.7) are implemented under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'). This includes both onshore and offshore (out to 12 nautical miles (nm)) elements. For UK offshore waters (i.e. 12nm from the coast out to 200nm or to the limit of the UK Continental Shelf Designated Area), the Habitats Directive is transposed into UK law by the Conservation of Offshore Marine Habitats and Species Regulations 2017 (the 'Offshore Marine Regulations').

101. The provisions of the Birds Directive are primarily implemented through the Wildlife and Countryside Act 1981, the Habitats Regulations and the Offshore Marine Regulations.
102. The Habitats Regulations and the Offshore Marine Regulations make it an offence to kill, injure, capture or disturb an EPS. Where appropriate, licences can be obtained to allow persons to carry out activities that would otherwise be prohibited, without committing an offence. In England, licences for actions which may affect marine EPS are issued by the MMO beyond 12nm and for action up to 12nm licences can be obtained from Natural England.
103. Changes to the Habitats Regulations have been implemented by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The key changes are the creation of a National Site Network (which no longer forms part of the EU Natura 2000 network) and the establishment of management objectives for the National Site Network. The network objectives are to:
 - Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status; and,
 - Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.
104. The Habitats Regulations and the Offshore Marine Regulations require an Appropriate Assessment to be carried out in respect of a plan or project which, either alone or in combination with other plans or projects, is likely to have a significant effect on a European site and is not directly connected with or necessary for the management of the site. If an Appropriate Assessment is required, the SoS must consider whether the plan or project will adversely affect the integrity of the site.
105. The Appropriate Assessment is Step 2 of a wider process known as Habitats Regulations Assessment (HRA). HRA generally follows a four-stage process set out in UK Government guidance (e.g. Department for the Environment and Rural Affairs (Defra), 2010):
 - Stage 1: Screening to identify likely impacts on a European site resulting from a project or plan;
 - Stage 2: Appropriate Assessment to consider in detail impacts on the integrity of the site likely to result from the implementation of the project or plan;
 - Stage 3: Assessment of alternative solutions to examine alternative ways of achieving the objectives of the project or plan that would avoid adverse impacts; and
 - Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain.
106. Further details of the HRA process followed by the project to date can be found in the Report to Inform Appropriate Assessment (document reference 004447089-01) which has been made available alongside this PEIR.

3.3.3.2 *Environment Act 2021*

107. In November 2021, the government passed the Environment Act 2021. The Environment Act 2021 makes provisions for a range of matters, including *inter alia*:
- Provision for targets, plans and policies for improving the natural environment;
 - Creation of the Office for Environmental Protection; and
 - A range of measures in relation to nature and biodiversity, water, and air quality.
108. The Environment Act 2021 acts as a framework of environmental protection in the UK, and aims to improve air and water quality, biodiversity and waste reduction. The Environment Act also established the Office for Environmental Protection (OEP). The OEP's principal function is to contribute to environmental protection and the improvement of the natural environment by holding government and other public authorities to account.

3.3.3.2.1 *Biodiversity Net Gain*

109. The Government's 25 Year Environment Plan (HM Government, 2018) describes an ambition to leave the environment in a better state than that which it inherited for the next generation. This ambition is supported by the NPPF, which makes general provisions for the delivery of biodiversity net gain. The Government has acknowledged that biodiversity net gain has not been delivered effectively through the NPPF.
110. The Environment Act 2021, contains measures for the protection and improvement of the environment, including biodiversity net gain under which developers of proposals subject to the Town and Country Planning regime are mandated to ensure a biodiversity gain of at least 10% which is to be maintained for a minimum 30 years. This includes the requirement to measure the existing and proposed biodiversity value of development sites and to set out a plan for the proposed biodiversity increase in order to ensure that the development leaves the natural environment in a measurably improved condition.
111. Although not yet mandatory for NSIPs, biodiversity net gain will be a requirement for NSIPs across all terrestrial infrastructure projects, or the terrestrial components of such project, by November 2025. It is proposed that a target biodiversity net gain for the onshore project infrastructure is a minimum of 10%.
112. There is currently no marine net gain requirement. It is acknowledged that Defra has undertaken consultation on the principles of marine net gain and how to introduce a net gain approach to infrastructure in the marine environment (Defra, 2022). At the time of writing there is no policy or guidance on the approach to marine net gain.

3.3.3.3 *Wildlife and Countryside Act 1981*

113. The Wildlife and Countryside Act 1981 enables the designation of SSSIs to provide statutory protection of the best examples of flora, fauna, geological and physio-geological features. SSSI legislation applies to areas of the terrestrial and intertidal environment only and does not extend offshore. Improved provisions for the protection and management of SSSIs were also introduced

by the Countryside and Rights of Way (CRoW) Act 2000. SSSIs are often designated for very specific areas, and the presence of several SSSIs in one region has, in many cases, formed the basis of SPA and SAC (now collectively known as National Site Network sites) boundary classification. Natural England has overall responsibility for the management of the SSSI network in England.

114. The Wildlife and Countryside Act also enables Statutory Nature Conservation Bodies to declare sites which are considered to be of national importance as National Nature Reserves (NNRs). NNRs also provide additional statutory protection to the finest SSSIs in England and Wales. Natural England is the body responsible for the designation of NNRs in England under the legislation as described for SSSIs. All NNRs must be within a designated SSSI. Natural England manages the majority of English NNRs, with the remaining sites managed by other approved organisations such as the National Trust, the Forestry Commission, the Royal Society for the Protection of Birds (RSPB), local Wildlife Trusts, and Local Authorities.
115. The Wildlife and Countryside Act defines a series of offences which are intended to provide protection to wild birds, including their eggs and nests, certain animal and plant species, and to prohibit the intentional introduction and spread of invasive non-native species.

3.3.3.4 Countryside and Rights of Way Act 2000

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

3.3.3.5 The Protection of Badgers Act 1992

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

3.3.3.6 Natural Environment and Rural Communities Act 2006 (NERC)

118. Section 41 of the Act requires the relevant SoS to compile a list of habitats and species of principal importance for the conservation of biodiversity in England. Decision makers of public bodies, in the execution of their duties, must have regard for the conservation of biodiversity in England, and the list is intended to guide them.

3.3.3.7 The Hedgerows Regulations 1997

119. The Regulations make it an offence to remove or destroy certain hedgerows without permission from the local planning authority and the local planning authority is the enforcement body for such offences.

3.3.3.8 The Commons Act 2006

120. The Act aims to protect areas of common land, in a sustainable manner delivering benefits for farming, public access and biodiversity.

3.4 Regional and Local Context

121. It is a requirement for local authorities to prepare and maintain up to date Local Plans. The plans outline the local authorities' objectives for the land use and development within their jurisdiction, and general policies for implementation.

122. Prior to the implementation of the Planning and Compulsory Purchase Act 2004, local planning policy was set out in the Local Plan, in the form of a single document. Local Development Frameworks (LDFs) are now replacing Local Plans and comprise a suite of Development Plan Documents (DPD) including a Core Strategy DPD, Site Allocation DPD, Area Action Plans and a Proposals Map. Taken together, the LDF can be thought of as the 'new' Local Plan. For the majority of local planning authorities these documents are still in development but where drafts are available, these have been considered by the Applicant. The Local Plan and emerging replacement DPDs may be considered by the SoS as "an important and relevant" matter to which regard should be had in the SoS's decision.

123. The North Falls onshore project area falls under the jurisdiction of the following county council and local planning authorities:

- Essex County Council; and
- Tendring District Council

124. Relevant Local Plans have been considered during the onshore site selection for the project (Chapter 4 Site Selection and Alternatives, Volume I) to avoid conflict with site specific planning allocations.

125. Information on the local policies of Essex County Council and Tendring District Council which are of relevance to North Falls are provided in Sections 3.4.1 and 3.4.2.

3.4.1 Essex County Council

126. Table 3.3 presents a summary of the local planning policies of Essex County Council relevant to the project.

Table 3.3 Essex County Council Policies relevant to the Project

Policy	Summary
Essex County Council Everyone's Essex: our plan for levelling up the county, 2021 to 2025	This planning policy document contains the vision, objectives and strategic planning policies for development in Essex until 2025.
Essex County Council Minerals Local Plan July 2014	Provides a policy framework for all parties involved in future minerals and minerals related development of how the council determines the minerals development in the county taking place up to 2029, the steps needed to make it happen and the measures necessary to assess the progress.

Policy	Summary
Essex County Council Local Transport Plan	Assesses transport needs and challenges and sets out its transport aspirations over the 2011 – 2026 period. To improve maintenance of existing transport networks, support sustainable economic growth and regeneration; reduce carbon emissions.
Essex County Council Local Flood Risk Management Plan	Aims to manage the risk of flooding in the region and inform all groups and individuals who may have an interest in, or an ability to influence or manage flood risk.
Essex County Council Green Infrastructure Strategy	The strategy provides a plan to guide the future planning and delivery of green infrastructure in Essex.
Essex County Council Rural Strategy	The Essex Rural Partnership brings together organisations in the public, private and voluntary sectors to co-ordinate action on the major economic, social and environmental issues facing rural Essex.
Essex County Council Waste Local Plan 2017	The Plan provides the key principles and policies to guide future management of waste in the plan area up until 2032.
NSIPs Policy 2022	Sets out the Council's position in relation to NSIPs in general terms, including how and when it will engage in the DCO process.

3.4.2 Tendring District Council

127. The Tendring District Council Core Strategy (2011 - 2031) is the key document in the Local Plan. The document provides a detailed framework for the control of development and use of land that guides planning decisions in the Tendring district.

128. Table 3.4 presents the relevant policies from the Core Strategy.

Table 3.4 Relevant Policies from the Tendring District Council Core Strategy

Policy	Summary
Policy CP2 Development in the Countryside	In the countryside, the following forms of development will be acceptable, in principle, subject to detailed consideration against other relevant Core Policy and Development Policies: <ul style="list-style-type: none"> • Renewable Energy Installations
Policy CP7 Flood Risk, Coastal Change and Water Conservation	All development proposals will be considered against the 'sequential test' set out in national planning policy PPS25 'Development and Flood Risk' (along with any subsequent replacements or amendments). For development proposals within defined Settlement Development Boundaries (see Core Policy 1), the sequential test will apply to the whole of the settlement in question. For development proposals in the countryside outside of defined Settlement Development Boundaries (see Core Policy 2), the sequential test will apply to the whole of the Tendring district. Planning permission for new development will not be granted unless it can be demonstrated that any wastewater from the development can be dealt with within the confines of existing sewerage 'discharge consents'. In this regard, Anglian Water and the Environment Agency will be important consultees.
Policy CP8	Sites designated for their international, European and national importance to nature conservation including Ramsar Sites, Special Protection Areas (SPA), Special Areas of

Policy	Summary
Nature Conservation	<p>Conservation (SAC), National Nature Reserves and Sites of Special Scientific Interest (SSSI) will be protected from harmful development in line with the relevant International, European and English law. The Council will work with its partners to produce management plans for these areas.</p> <p>Sites designated for their local importance to nature conservation including Local Wildlife Sites (LoWS) and Local Nature Reserves will be protected from development that is likely to have an adverse impact.</p> <p>Elsewhere, where development is likely to harm nature conservation or geo-diversity interests, planning permission will only be granted in exceptional circumstances, where the benefits of the development clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development.</p> <p>Consideration will be given to the potential for new wildlife habitats in new development and green infrastructure. Where these are created, measures may be taken to ensure suitable permanent management, and public access. In these matters, the Council may be guided by the UK and Essex Biodiversity Action Plans.</p>
Policy CP9 The Historic Environment	<p>The Council will work with its partners including Essex County Council and English Heritage to understand, protect and enhance the district's historic environment by:</p> <ul style="list-style-type: none"> • Having regard to the Tending Historic Environment Characterisation Project, the Essex Historic Environment Record, specialists advice and the heritage assets themselves when considering proposals for new development, and working with developers to secure the retention or safeguard the integrity of any heritage assets identified features of importance to the historic environment; • Undertaking periodic reviews of Conservation Areas, preparing and using Conservation Area Appraisals and Conservation Area Management Plans (CAMP) and refusing planning permission for development that would harm the character or appearance of a Conservation Area (or its setting) or lead to the loss of buildings or structures that positively contribute towards that character (see Policy DP7); • Refusing planning permission and Listed Building consent for development that would harm the character, appearance or setting of a Listed Building (see Policy DP8), working with property owners to secure improvements to Listed Buildings that are identified as being in poor condition or at risk of disrepair; • Refusing planning permission for development that will adversely affect a Scheduled Monument, nationally important archaeological site or their setting; • Requiring archaeological evaluation to be undertaken for schemes affecting sites that might contain archaeological remains which, in some cases, may require excavation and recording prior to commencement of development; • Refusing planning permission for development that would adversely affect Registered Parks and Gardens and continuing to promote these gardens as tourist attractions; • Protecting areas of ancient woodland, other important and historic trees and protected lanes from loss or damage as a result of development; and • Compiling and thereafter maintaining a 'local list' of structures of particular local historic and architectural significance to be protected and enhanced along with their setting; • Taking account of the desirability of enhancing the significance of the district's heritage assets, securing their long term conservation and utilising their positive contribution to place-making when determining planning application.

Policy	Summary
<p>Policy CP10</p> <p>The Countryside Landscape</p>	<p>The Council will work with adjoining authorities to ensure the continued protection of the Dedham Vale Area of Outstanding Natural Beauty (AONB) and will refuse planning permission for any development that would harm or otherwise fail to conserve its natural beauty, including views towards it from the outside. The Dedham Vale AONB will be depicted on the Proposals Map as part of the Site Allocations Document.</p> <p>The Council will also work in partnership with adjoining authorities on the ‘Stour Project’ to secure the extension to the Suffolk Coast and Heaths AONB to cover the southern part of the Stour Estuary between Mistley and Ramsey. The extent of the proposed area will be depicted on the Proposals Map as part of the Site Allocations Document and, until it is formally designated as an AONB, will be subject to a high level of protection to protect its quality and character.</p> <p>The Council will seek to protect the open character of the undeveloped coastline by refusing planning permission for developments in the ‘Coastal Protection Belt’ that do not have a compelling functional or critical operational requirement to be located there. The Coastal Protection Belt will be shown on the Proposals Map as part of the Site Allocations Document.</p> <p>In all parts of the district’s countryside, all development proposals will be judged against Policy DP5 having particular regard to the Landscape Character Assessment and will require any adverse visual and landscape impacts to be mitigated.</p>
<p>Policy DP1</p> <p>Design of New Development</p>	<p>Part A – Design</p> <p>All new development must make a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met:</p> <ul style="list-style-type: none"> • New buildings, alterations and structures are well designed and maintain or enhance local character and distinctiveness; • The development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials; • The development respects or enhances views, skylines, landmarks, existing street patterns, open spaces and other locally important features; • The design and layout of the development incorporates or enhances important existing site features of landscape, ecological or amenity value such as trees, hedges, water features, buffer zones, walls and buildings; and • Boundary treatments and hard and soft landscaping are designed as an integral part of the development reflecting the function and character of the development and its surroundings. <p>Part B – Practical Requirements</p> <p>New development should meet practical requirements. The following criteria must be met:</p> <ul style="list-style-type: none"> • Access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate; • The design and layout of the development maintains and/or provides safe and convenient access for people with mobility impairments; • The development incorporates or provides measures to minimise opportunities for crime and anti-social behaviour;

Policy	Summary
	<ul style="list-style-type: none"> • Buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents; and • Provision is made for private amenity space, waste storage, separation and recycling facilities, servicing, vehicle and cycle parking. <p>Part C – Impacts and Compatibility</p> <p>New development should be compatible with surrounding uses and minimise any adverse environmental impacts. The following criteria must be met:</p> <ul style="list-style-type: none"> • The development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties; • The development, including any additional road traffic arising, will not have a materially damaging impact on air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes of other forms of pollution or nuisance; and • The health, safety or amenity of any occupants or users of the proposed • Development will not be materially harmed by any pollution from an existing or committed use.
<p>Policy DP5</p> <p>Landscape Impacts</p>	<p>The quality of the district’s landscape and its distinctive local character will be protected and, wherever possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. The Council will seek in particular to conserve the following natural and man-made features which contribute to local distinctiveness:</p> <ul style="list-style-type: none"> • Estuaries and rivers, and the undeveloped coast; • Skylines and prominent views, including those of ridge tops and plateau edges; • The settings and character of settlements and of attractive and/or vernacular buildings within the landscape; • Historic landscapes and listed parks and gardens, ancient woodlands, and other important woodland, hedgerows and trees; and • The traditional character of protected lanes, other rural lanes, bridleways and footpaths.
<p>Policy DP6</p> <p>Development Affecting Protected Trees and Hedges</p>	<p>Planning permission will be refused for development that would cause demonstrable harm to protected woodland, trees and hedgerows or conditions will be imposed requiring the developer to secure their protection. Where the felling of a preserved tree or removal of a hedgerow is permitted a replacement tree or hedge of an appropriate type, size and in a suitable location, will be required.</p>
<p>Policy DP7</p> <p>Development in Conservation Areas</p>	<p>Within a Conservation Area, development will not be permitted unless the proposal:</p> <ul style="list-style-type: none"> • Is of a design and/or scale that preserves or enhances the special character or appearance of the area and is compatible with neighbouring buildings and spaces; • Uses building materials, finishes and building techniques, including those for features such as walls, railings, gates and hard surfacing, that are appropriate to the local context; • Retains historically significant boundaries, important open spaces and other • Elements of the area’s established pattern of development, character and historic value, including gardens, roadside banks and verges; • Retains and restores, where relevant, traditional features such as shop fronts, walls, railings, paved surfaces and street furniture, and improves the condition of structures worthy of retention; • Does not harm important views into, from or within the area; • Protects trees, hedgerows and other significant landscape features and • Incorporates landscaping appropriate to the special character and appearance of the Conservation Area; and

Policy	Summary
	<ul style="list-style-type: none">• Results, where relevant, in the removal of unsympathetic features and the• Restoration or reinstatement of missing features.

4 References

<p>Crown Estates. Offshore Wind Evidence + Change Programme. [Online] Available at: https://www.thecrownestate.co.uk/en-gb/what-we-do/on-the-seabed/offshore-wind-evidence-and-change-programme/</p>
<p>Department for Business, Energy and Industrial Strategy (2017a) The Clean Growth Strategy Leading the way to a low carbon future. The Stationary Office, London.</p>
<p>Department for Business, Energy and Industrial Strategy (2020) Contracts for Difference for Low Carbon Electricity Generation - Consultation on proposed amendments to the scheme, Victoria Street, London.</p>
<p>Department for Business, Energy and Industrial Strategy (2021a). Draft Overarching National Policy Statement for Energy (EN-1) [Online] Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015233/en-1-draft-for-consultation.pdf [Accessed 4 October 2021]</p>
<p>Department for Business, Energy and Industrial Strategy (2021b). Draft National Policy Statement for Renewable Energy Infrastructure [Online] Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015236/en-3-draft-for-consultation.pdf [Accessed 4 October 2021]</p>
<p>Department for Business, Energy and Industrial Strategy (2021c). Draft National Policy Statement for Electricity Networks Infrastructure (EN-5). [Online] Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015238/en-5-draft-for-consultation.pdf [Accessed 27 October 2021]</p>
<p>Department for Business, Energy and Industrial Strategy (2022). Contracts for Difference (CfD): Budget Revision Notice for the fourth Allocation Round. Accessed at: Contracts for Difference (CfD): Budget Revision Notice for the fourth Allocation Round (publishing.service.gov.uk)</p>
<p>Department for Energy and Climate Change (2016) Single departmental plan 2015 to 2020. [Online] Available at: https://www.gov.uk/government/publications/decc-single-departmental-plan-2015-to-2020/single-departmental-plan-2015-to-2020</p>
<p>Department for Environment, Food and Rural Affairs (Defra) (2010). UK Marine Policy Statement: Habitats Regulations Assessment. Defra Publications.</p>
<p>Department of Energy and Climate Change (2011a) Overarching National Policy Statement for Energy (EN-1). Presented to Parliament pursuant to Section 5(9) of the Planning Act 2008. The Stationary Office, London.</p>

Department of Energy and Climate Change (2011b) National Policy Statement for Renewable Energy Infrastructure (EN-3). Presented to Parliament pursuant to Section 5(9) of the Planning Act 2008. The Stationary Office, London.

Department of Energy and Climate Change (2011c) National Policy Statement for Electricity Networks Infrastructure (EN-5). Presented to Parliament pursuant to Section 5(9) of the Planning Act 2008. The Stationary Office, London.

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

Essex County Council (2011) Local Transport Plan (Online) Available at:
https://www.essexhighways.org/uploads/downloads/essex_ltp.pdf (Accessed 02/11/2021)

Essex County Council (2014) Minerals Local Plan July 2014 (Online) Available at:
<https://assets.ctfassets.net/knkzaf64jx5x/5UZuVtnjZbJ81olvZoZKVX/90acfc65df6fa8ee8ab20df3f0cda1c8/essex-minerals-local-plan-adopted-july-2014.pdf>
(Accessed 02/11/2021)

Essex County Council (2016) Rural Strategy (Online) Available at:
<https://admin.essexruralpartnership.org.uk/public/uploads/all/h1eeKAKmCxpxttCMCXNIWMv7Dmw0UOWfdb8XTkFN.pdf> (Accessed 02/11/2021)

Essex County Council (2017) Waste Local Plan 2017 (Online) Available at:
<https://assets.ctfassets.net/knkzaf64jx5x/5MMZ5nNFmOCIpF56igb0Jc/e6f7ab4cb a4ed1198c67b87be7b375e7/waste-local-plan-2017-compressed.pdf> (Accessed 02/11/2021)

Essex County Council (2018) Local Flood Risk Management Strategy (Online) Available at:
<https://flood.essex.gov.uk/media/1293/essex-local-flood-risk-management-strategy.pdf> (Accessed 02/11/2021)

Essex County Council (2020) Green Infrastructure Strategy (Online) Available at:
https://downloads.ctfassets.net/knkzaf64jx5x/35jihjEoQZAc4f7bwGyLa38/fc90fbc5519874490047930aae371036/Essex_Green_Infrastructure_strategy.pdf
(Accessed 02/11/2021)

Essex County Council (year) Everyone's Essex Plan 2021 to 2025 (Online) Available at:
<https://assets.ctfassets.net/knkzaf64jx5x/QfCTFvZFWm6jBFzKlCxU8/3033e555110ddb553603919ae00c638d/ECC-Everyones-Essex-plan-2021-to-2025.pdf>
(Accessed 02/11/2021)

European Council and European Parliament (1992) Directive 92/43/EEC of the European Parliament and of the Council of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora OJ L 206, 22.7.1992, p. 7–50.

European Council and European Parliament (2000) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy. [Online] Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32000L0060> . (Accessed 24/09/2020)

European Council and European Parliament (2009a) Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC OJ L 140, 5.6.2009, p. 16–62.

European Council and European Parliament (2009b) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds OJ L 20, 26.1.2010, p. 7–25.

European Council and European Parliament (2011) Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012). [Online] Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32011L0092> (Accessed: 25/09/2020)

European Council and European Parliament (2014) Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (OJ L 124, 25.4.2014). [Online] Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0052> (Accessed: 25/09/2020)

European Council and European Parliament (2017). Directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources (recast). Explanatory Memorandum. [Online] Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52016PC0767R%2801%29>. (Accessed 25/09/2020)

European Council and the European Parliament (2007) Communication from the commission to the European Council and the European Parliament - An Energy Policy for Europe, 2007. [Online] Available at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52007DC0001> (Accessed 22/09/2020)

European Council and the European Parliament (2008) Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive). [Online] Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0056> (Accessed 23/09/2020)

<p>European Council and the European Parliament (2018) Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources. [Online] Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018L2001 (Accessed 25/09/2020)</p>
<p>HM Government (1981) Wildlife and Countryside Act. [Online] Available at: https://www.legislation.gov.uk/ukpga/1981/69/contents (Accessed 21/09/2020)</p>
<p>HM Government (1992) Protection of Badgers Act. [Online] Available at: https://www.legislation.gov.uk/ukpga/1992/51/contents (Accessed 24/09/2020)</p>
<p>HM Government (1997) Hedgerows Regulations (SI 1997/1160). [Online] Available at: https://www.legislation.gov.uk/uksi/1997/1160/contents/made (Accessed 24/09/2020)</p>
<p>HM Government (2000) Countryside and Rights of Way Act. [Online] Available at: https://www.legislation.gov.uk/ukpga/2000/37/contents (Accessed 22/09/2020)</p>
<p>HM Government (2006) Natural Environment and Rural Communities Act. Available at: https://www.legislation.gov.uk/ukpga/2006/16/contents (Accessed 24/09/2020)</p>
<p>HM Government (2008) The Planning Act (United Kingdom) (SI2008/29). [Online] Available at https://www.legislation.gov.uk/ukpga/2008/29/contents (Accessed: 25/09/2020)</p>
<p>HM Government (2008a) Climate Change Act (SI 2008/27). [Online] Available at https://www.legislation.gov.uk/ukpga/2008/27/contents (Accessed 25/09/2020)</p>
<p>HM Government (2009) The Marine and Coastal Access Act. [Online] Available at: https://www.legislation.gov.uk/ukpga/2009/23/contents (Accessed 25/09/2020)</p>
<p>HM Government (2011a) UK Marine Policy Statement. London: The Stationery Office. [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69322/pb3654-marine-policy-statement-110316.pdf (Accessed 22/09/2020)</p>
<p>HM Government (2011b) The Promotion of the Use of Energy from Renewable Sources Regulations 2011 (SI 2011/243). [Online] Available at: https://www.legislation.gov.uk/uksi/2011/243/contents/made (Accessed 24/09/2020)</p>
<p>HM Government (2014) East Inshore and East Offshore Marine Plans, HM Government, London. [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/312496/east-plan.pdf (Accessed 22/09/2020)</p>

<p>HM Government (2017) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (SI 2017/527). [Online] Available at: legislation.gov.uk/ukxi/2017/572/contents/made (Accessed: 25/09/2020)</p>
<p>HM Government (2017a). The Conservation of Habitats and Species Regulations 2017 (SI 2017/1012). [Online] Available at: https://www.legislation.gov.uk/ukxi/2017/1012/introduction/made (Accessed 23/09/2020)</p>
<p>HM Government (2017b). The Conservation of Offshore Marine Habitats and Species Regulations 2017 (SI 2017/1013). Available at: https://www.legislation.gov.uk/ukxi/2017/1013/contents/made (Accessed 25/09/2020)</p>
<p>HM Government (2018) A Green Future: Our 25 Year Plan to Improve the Environment. [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf (Accessed 22/09/2020)</p>
<p>HM Government (2019) Marine Strategy Part One: UK updated assessment and Good Environmental Status. [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841246/marine-strategy-part1-october19.pdf. (Accessed: 24/09/2020)</p>
<p>HM Government (2020a). Energy White Paper: Powering Our Net Zero Future [Online] Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945899/201216_BEIS_EWP_Command_Paper_Accessible.pdf [Accessed 4 October 2021]</p>
<p>HM Government (2020b). The Ten Point Plan for a Green Industrial Revolution [Online] Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936567/10_POINT_PLAN_BOOKLET.pdf [Accessed 24 September 2021]</p>
<p>HM Government (2020c) The Future Relationship with the EU. The UK's Approach to Negotiation (CP211). [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/868874/The_Future_Relationship_with_the_EU.pdf (Accessed: 25/09/2020)</p>
<p>HM Government Ministry of Housing, Communities and Local Government (2021) National Planning Policy Framework. [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf (Accessed 11/08/21)</p>
<p>HM Treasury (2022) The Growth Plan. [Online] Available at: The Growth Plan 2022 (publishing.service.gov.uk)</p>

OSPAR Commission (2019) 2018 Status Report on the OSPAR Network of Marine Protected Areas.
OSPAR Commission (2020) Key figures of the MPA OSPAR network, MPA OSPAR network per country. [Online] Available at: https://mpa.ospar.org/home-ospar/key-figures (Accessed 28/10/2020)
Royal HaskoningDHV (2021) North Falls EIA Scoping Report (Online) Available at: https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010119/EN010119-000019-EN010119%20-%20Scoping%20Report.pdf (Accessed 02/11/2021)
Tendring District Council (2009) Infrastructure Study (Online) Available at: https://www.tendringdc.gov.uk/sites/default/files/documents/planning/planning%20policy/InfrastructureStudyPart1.pdf (Accessed 02/11/2021)
Tendring District Council (2010) Core Strategy and Development Plan. (Online) Available at: https://www.tendringdc.gov.uk/sites/default/files/documents/planning/planning%20policy/Tendring%2520Core%2520Strategy%2520and%2520Development%2520Policies%2520Document%2520Reg%252027.pdf (Accessed 02/11/2021)
Tendring District Council (2017) Flood Risk Assessment. (Online) Available at: https://www.tendringdc.gov.uk/sites/default/files/documents/planning/Tendring%20SFRA%20Addendum%20DRAFT%20v1.2.pdf (Accessed 02/11/2021)
Tendring District Council (2019) Infrastructure Delivery Plan Review (Online) Available at: https://www.tendringdc.gov.uk/sites/default/files/documents/planning/Planning_Policy/S2Examination/Evidence/EB10.1.1%20TDC%20IDP%20Review%20June%202019.pdf (Accessed 02/11/2021)
Tendring District Council (2021) Local Plan 2013-2031 and Beyond Section 1. (Online) Available at: https://www.tendringdc.gov.uk/sites/default/files/documents/planning/Planning_Policy/Section_1/Tendring%20District%20Local%20Plan%202013-2033%20and%20Beyond%20-%20Section%201.pdf (Accessed 02/11/2021)
The Planning Inspectorate (2017a). Advice Note Three: EIA consultation and notification. [Online] Available at: https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/07/advice_note_3_v5.pdf (Accessed 24/09/2020)
The Planning Inspectorate (2022). Advice Note Ten: Habitat Regulations Assessment relevant to nationally significant infrastructure projects. [Online] Available at: https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-ten/ (Accessed 09/09/22)
The Planning Inspectorate (2017d). Advice Note Eighteen: The Water Framework Directive. [Online] Available at:

https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2017/06/advice_note_18.pdf (Accessed 26/10/2020)

The Planning Inspectorate (2018). Advice Note Nine: Using the Rochdale Envelope. [Online] Available at:
<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/05/Advice-note-9.-Rochdale-envelope-web.pdf> (Accessed 24/09/2020)

The Planning Inspectorate (2019) Cumulative effects assessment relevant to nationally significant infrastructure projects. [Online] Available at:
<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/12/Advice-note-17V4.pdf> (Accessed 24/09/2020)

The Planning Inspectorate (2020a). Advice Note Seven: Environmental Impact Assessment, Preliminary Environmental Information, Screening and Scoping. [Online] Available at:
<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2017/12/Advice-note-7.pdf> (Accessed 24/09/2020)

The Planning Inspectorate (2020b). Advice Note Twelve: Transboundary Impacts and Process. [Online] Available at:
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-twelve-transboundary-impacts-and-process/> (Accessed 11/08/2020)

The Planning Inspectorate (2021) Scoping Opinion: Proposed North Falls Offshore Wind Farm (Online) Available at:
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010119/EN010119-000054-EN010119%20-%20Scoping%20Opinion.pdf> (Accessed 02/11/2021)

UNFCCC (2016a) Report of the Conference of the Parties on its twenty-first session, held in Paris from 30 November to 13 December 2015 (FCCC/CP/2015/10).

UNFCCC (2016b) Proceedings of the 2016 twenty-second session of the Conference of the Parties (COP 22) and the twelfth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP 12) held in Marrakech, Morocco.

UNFCCC (2017) Proceedings of the 2017 twenty-third session of the Conference of the Parties (COP 23) held in Bonn, Germany.