



Frodsham Solar

Note on updated National Policy Statements EN-1, EN-3, and EN-5

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1.0 INTRODUCTION

1.1 Background

1.1.1 This Technical Note has been prepared by Axis on behalf of Frodsham Solar Limited (the ‘Applicant’) as part of the examination into an application for a Development Consent Order (DCO) for the Frodsham Solar project (the ‘Proposed Development’). The Applicant submitted the application for the DCO on 30th May 2025, and this was accepted for examination on 27th June 2025.

1.1.2 At the time the application was accepted for examination, the following National Policy Statements (NPS) were designated and had effect in relation to the Proposed Development and so were relevant to the Proposed Development under section 104(2)(a) of the Planning Act 2008:

- i) Overarching NPS for Energy (EN-1), designated January 2024¹;
- ii) NPS for Renewable Energy Infrastructure (EN-3), designated January 2024²; and
- iii) NPS for Electricity Networks Infrastructure (EN-5), designated January 2024³.

1.1.3 The Government consulted on updates to the above NPSs between April and May 2025 to ensure that they reflected the Government’s energy priorities. These priorities were set out in the Clean Power 2030 Action Plan⁴ and further in the Government response to the consultation on the National Planning

¹ DESNZ (2023). *Overarching National Policy Statement for Energy (EN-1)*. [online] Available at: <https://assets.publishing.service.gov.uk/media/65bbfbdc709fe1000f637052/overarching-nps-for-energy-en1.pdf>

² DESNZ (2023). *National Policy Statement for Renewable Energy Infrastructure (EN-3)*. [online] Available at: <https://assets.publishing.service.gov.uk/media/65a7889996a5ec000d731aba/nps-renewable-energy-infrastructure-en3.pdf>

³ DESNZ (2023). *National Policy Statement for Electricity Networks Infrastructure (EN-5)*. [online] Available at: <https://assets.publishing.service.gov.uk/media/65a78a5496a5ec000d731abb/nps-electricity-networks-infrastructure-en5.pdf>

⁴ DESNZ (2024). *Clean Power 2030 Action Plan*. [online] Available at: <https://www.gov.uk/government/publications/clean-power-2030-action-plan>

Policy Framework⁵ (NPPF), which included a commitment to reintroduce onshore wind into the Nationally Significant Infrastructure Project (NSIP) regime.

1.1.4 The Government Response⁶ to the energy NPSs consultation (published on 13th November 2025) confirmed that the Government intends to proceed with updating these NPSs. Accordingly, the following NPSs have been laid before Parliament and are expected to be designated in December 2025 or January 2026:

- i) Overarching NPS for Energy (EN-1), December 2025⁷;
- ii) NPS for Renewable Energy Infrastructure (EN-3), December 2025⁸; and
- iii) NPS for Electricity Networks Infrastructure (EN-5), December 2025⁹.

1.1.5 It should be stated that the final paragraph of the Executive Summary of the Government's Response⁶ notes that:

*“Once published, the updated 2025 NPSs (EN-1, EN-3 and EN-5) will have effect in relation to applications for development consent accepted for examination. **For applications that have been accepted for examination before publication of the updated 2025 NPSs, the 2024 versions will underpin planning decisions.**”* [emphasis added]

⁵ MHCLG (2025). Government response to the proposed reforms to the National Planning Policy Framework and other changes to the planning system consultation. [online] Available at:

<https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system/outcome/government-response-to-the-proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system-consultation>

⁶ Department for Energy Security and Net Zero (2025). Consultation Response: Planning For New Energy Infrastructure – 2025 revisions to National Policy Statements for Energy Infrastructure. [online] Available at: <https://assets.publishing.service.gov.uk/media/69121170bda892e068aa6454/nps-revisions-2025-consultation-government-response.pdf>

⁷ DESNZ (2025). Overarching National Policy Statement for Energy (EN-1). [online] Available at: <https://assets.publishing.service.gov.uk/media/6915ba42bc34c86ce4e6e726/overarching-national-policy-statement-for-energy-en-1-web-accessible.pdf>

⁸ DESNZ (2025). National Policy Statement for Renewable Energy Infrastructure (EN-3). [online] Available at: <https://assets.publishing.service.gov.uk/media/6915b78bbc34c86ce4e6e71f/national-policy-statement-for-renewable-energy-infrastructure-en-3-web-accessible.pdf>

⁹ DESNZ (2025). National Policy Statement for Electricity Networks Infrastructure (EN-5). [online] Available at: <https://assets.publishing.service.gov.uk/media/6915b9049d50fc2fe8161744/national-policy-statement-for-electricity-networks-infrastructure-en-5-web-accessible.pdf>

- 1.1.6 This point is also made in paragraphs 1.6.2 and 1.6.3 of the 2025 NPS EN-1. The Proposed Development was accepted for examination prior to the publication of the updated 2025 NPSs and therefore should be determined in accordance with the 2024 NPSs set out at paragraph 1.1.2 of this technical note. On this basis, the Applicant has not updated the **Planning Statement (APP-128)** or the **Policy Compliance Document (APP-128)** which were submitted with the DCO application, and any policy references within the Environmental Statement to NPS EN-1, EN-3 or EN-5 continue to be relevant.
- 1.1.7 The 2025 NPSs are however a potentially important and relevant consideration for the Secretary of State to have regard to when making a decision about the DCO application. This Technical Note therefore sets out a summary of the main changes between the 2024 version and the 2025 version of the NPSs, and any changes that may be of relevance to the Proposed Development.

2.0 SUMMARY OF NPS POLICY UPDATES

2.1 Overarching National Policy Statement for Energy (EN-1)

- 2.1.1 The 2025 NPS EN-1 updates the need case and related decision-making policies to include the Government's Clean Power 2030 Mission, including by placing Clean Power 2030 within the Government's stated objectives for the energy system and as a reference point when describing the scale and urgency of infrastructure delivery (e.g. paragraphs 2.3.2–2.3.4 and 3.2.1).
- 2.1.2 NPS EN-1 now more clearly identifies the Government's "strategic framework" documents that applicants should take into account when developing proposals, specifically referencing the Clean Power 2030 Action Plan, the Strategic Spatial Energy Plan and the Centralised Strategic Network Plan (paragraph 3.2.5).
- 2.1.3 There is a change to the scope of the application of the "Critical National Priority" (CNP) policy, with energy from waste (EfW) developments now

considered not to be critical to meeting the Clean Power 2030 Mission such that CNP policy does not apply to EfW applications (paragraph 4.2.17).

- 2.1.4 There are updates relating to the wider change in electricity generation thresholds for NSIPs, including reference to the forthcoming changes introduced by the Infrastructure Planning (Onshore Wind and Solar Generation) Order 2025 which brings onshore wind into the NSIP regime, and introduces an updated 100 MW generation threshold for both onshore wind and solar generating stations (paragraph 1.3.4, first bullet point).
- 2.1.5 The updated NPS EN-1 strengthens expectations on application quality and proportionality, stating that applications (and Environmental Statements in particular) must be clear and accessible, and “*proportional, clear and focused*” so the planning process can move at the pace required to meet the Clean Power 2030 Mission (paragraph 4.2.13). It further states that it is important all parts of the planning system work together cohesively to ensure that the impacts of projects are properly assessed and mitigated so that good quality schemes are consented. To support collaborative working and efficient examination, applicants are encouraged to provide tracked-change versions of amended documents alongside clean versions (paragraph 4.2.14), and a standardised approach to DCO drafting (such as in respect of compulsory purchase powers, the discharge of requirements and arbitration) is promoted (paragraph 4.2.15).
- 2.1.6 Further detail on changes to individual policies of relevance to the Proposed Development are provided in **Table 1** in Section 3 of this Technical Note.

2.2 National Policy Statement for Renewable Energy Infrastructure (EN-3)

- 2.2.1 Similar to NPS EN-1, NPS EN-3 has been updated to reflect the Government’s wider Clean Power 2030 Mission, and the changes to bring onshore wind into the NSIP regime from the end of December 2025.

2.2.2 Changes to Section 2.10 of NPS EN-3 that covers solar photovoltaics are limited, with further detail on changes relevant to the Proposed Development provided in **Table 1** in Section 3 of this Technical Note.

2.3 National Policy Statement for Electricity Networks Infrastructure (EN-5)

2.3.1 The updates to NPS EN-5 align with delivering the Government’s Clean Power 2030 Mission, as well as identifying National Energy System Operator’s (NESO) role, and endorsement of the Centralised Strategic Network Plan. It also introduces additional early-stage design expectations by referencing new Electricity Transmission Design Principles.

2.3.2 Changes to NPS EN-5 relevant to the Proposed Development are limited, but where relevant are set out in **Table 1** in Section 3 of this Technical Note.

3.0 CHANGES IN NPS POLICY RELEVANT TO THE PROPOSED DEVELOPMENT

3.1.1 Table 1 sets out potentially material policy changes made to NPS EN-1, EN-3 and EN-5 that are of relevance to the Proposed Development with reference to the sub-headings used in the Planning Appraisal at Section 7.0 of the **Planning Statement (APP-128)**.

Table 1: Changes to NPS EN-1, EN-3 and EN-5 relevant to the Planning Appraisal section of the Proposed Development’s Planning Statement

Relevant Planning Statement Section	Relevant Policy Changes in Updated 2025 NPSs
7.2 – Good Design for Energy Infrastructure	There are no material policy changes in the updated NPSs that are of relevance to the Proposed Development.
7.3 – Critical National Priority Infrastructure	<p>Relevant Policy Changes:</p> <p>Paragraph 4.2.24 of the updated 2025 NPS EN-1 (formerly paragraph 4.2.11 of the 2024 NPS EN-1) has been updated with the following additional wording added: <i>“Measures that result in a significant reduction in generation capacity for CNP infrastructure are unlikely to be considered to be appropriate as mitigation. There may be exceptional circumstances where the mitigation could have a significant benefit and warrant a small reduction in generation capacity</i></p>

	<p><i>and function. In these circumstances, the Secretary of State may decide that the benefits of the mitigation to reduce the effects outweigh the marginal loss of function."</i></p> <p>The updated 2025 NPS EN-1 clarifies the position at paragraph 4.2.25 (formerly paragraph 4.2.12 of the 2024 NPS EN-1) that compensation in relation to environmental mitigation <i>"does not reduce an adverse effect resulting from a development"</i>.</p> <p>Paragraph 4.2.28 of the updated 2025 NPS EN-1 (formerly paragraph 4.2.15 of the 2024 NPS EN-1) has been updated to remove reference to an <i>"unacceptable risk to the achievement of net zero"</i> as an exception in the CNP policy test.</p> <p>Applicant's Position:</p> <p>The Proposed Development continues to represent CNP infrastructure in the 2025 NPS.</p> <p>In relation to paragraph 4.2.24, the revised wording reinforces the position set out in the 2024 NPS EN-1 that a reduction in capacity for CNP infrastructure is unlikely to be considered appropriate as mitigation.</p> <p>In relation to paragraph 4.2.12, the Applicant's EIA has not assessed compensation in relation to environmental mitigation as reducing an adverse effect from development.</p> <p>In relation to paragraph 4.2.28, the Proposed Development does not pose an unacceptable risk to the achievement of net zero.</p> <p>The above policy updates are not material changes for the determination of the Proposed Development.</p>
7.4 – Green Belt	There are no material policy changes in the updated NPSs that are of relevance to the Proposed Development.
7.5 – Landscape and Visual	There are no material policy changes in the updated NPSs that are of relevance to the Proposed Development.
7.6 – Historic Environment	There are no material policy changes in the updated NPS that are of relevance to the Proposed Development.
7.7 – Biodiversity and Nature Conservation	<p>Relevant Policy Changes:</p> <p>The only substantive amendment is the insertion of a new paragraph 5.4.50 to the updated 2025 NPS EN-1 which states that:</p>
7.8 – Habitats Regulations Assessment	<p><i>"In making a decision, the Secretary of State must take into account any measures in relation to other plans or projects which are (i) located within the marine area and (ii) have been used or are identified for use to deliver:</i></p>

	<ul style="list-style-type: none"> • <i>compensatory measures for adverse effects on Special Protection Areas and Special Areas of Conservation; or</i> • <i>measures of equivalent environmental benefit for damage to MCZs.</i> <p><i>Any impact which negatively impacts the efficacy of the measure will need to be offset to ensure the original compensation requirement is satisfied.”</i></p> <p>Paragraph 2.10.82 of the updated NPS EN-3 (formerly paragraph 2.10.90 of the 2024 NPS EN-3) has been updated to strengthen the requirement on applicants to “<i>consider reasonable opportunities to maximise restoration, creation, and enhancement of wider biodiversity</i>” and introduces Local Nature Recovery Strategy Strategies as a means of identifying opportunities.</p> <p>Applicant’s Position:</p> <p>In relation to paragraph 5.4.50, the Proposed Development is not in a Marine Area and the mitigation proposals for the Proposed Development do not interact with existing mitigation for a Marine Conservation Zone.</p> <p>In relation to paragraph 2.10.82, the Applicant has considered opportunities to maximise wider biodiversity benefits and people’s access to nature, as set out in the Design Approach Document (APP-130).</p> <p>The above policy updates are therefore not a material change of relevance to the Proposed Development to affect the determination of the Proposed Development.</p>
7.9 – Biodiversity and Environmental Net Gain	<p>There are no material policy changes in the updated NPSs that are of relevance to the Proposed Development.</p>
7.10 – Ground Conditions	<p>Relevant Policy Changes:</p> <p>Paragraph 2.10.26 of the updated 2025 NPS EN-3 (formerly paragraph 2.10.34 of the 2024 NPS EN-3) has been updated to note that where peat soils are present on a site, then an applicant’s Soil Management Plan should include consideration of mitigation against impacts to peat soils.</p> <p>Paragraph 2.10.84 of the updated 2025 NPS EN-3 (formerly paragraph 2.10.92 of the 2024 NPS EN-3) has also been amended to say that applicants should consider whether they need to provide geotechnical and hydrological information such as identifying the presence of peat “<i>according to country-specific definitions</i>” at each site.</p> <p>Applicant’s Position:</p> <p>The above policy updates are not material changes for the determination of the Proposed Development as</p>

	<p>they relate to information to be provided by the Applicant as part of a Soil Management Plan or via geotechnical surveys, rather than decision-making considerations for the Secretary of State.</p> <p>The Applicant has undertaken an appropriate and proportionate approach to identifying peat across the Site, and concluded that based on ground investigations undertaken to date, there will be no, or only very limited potential for localised peat disturbance as a result of the Proposed Development, as set out in item CWACC8.1 of the Applicant's Response to CWCC's Relevant Representation (PD2-027).</p> <p>The Applicant has committed within the outline Construction Environmental Management Plan (PD2-015) to undertaking further geoarchaeological and ground investigation prior to construction of the Proposed Development.</p> <p>The Applicant has also updated the outline Soil Management Plan (updated alongside this submission) to set out that should the results of the further ground investigation identify surface-level peat (or other peat) that has the potential to be impacted by the Proposed Development, a Peat Management Plan will be prepared for approval by CWaCC prior to commencing the relevant phase of the Proposed Development.</p>
7.11 – Agricultural Land	There are no material policy changes in the updated NPSs that are of relevance to the Proposed Development.
7.12 – Flood Risk and Drainage	There are no material policy changes in the updated NPSs that are of relevance to the Proposed Development.
7.13 – Water Quality and Resources	There are no material policy changes in the updated NPSs that are of relevance to the Proposed Development.
7.14 – Traffic and Transport	<p>Relevant Policy Changes:</p> <p>Paragraph 5.14.7 of the updated 2025 NPS EN-1 (formerly paragraph 5.14.6 of the 2024 NPS EN-1) has been updated to note that applicants should consult with National Highways and Highways Authorities on the assessment of transport impacts <i>"including any reasonable future tested scenarios"</i>.</p> <p>Paragraph 5.14.8 of the updated 2025 NPS EN-1 (formerly paragraph 5.14.7 of the 2024 NPS EN-1) has also been updated to require that applicants prepare a travel plan <i>"adopting a vision-led approach to identify demand management and monitoring and fall-back measures that proactively mitigate transport impacts [the underlined text being the new text inserted in 2025 NPS]"</i>.</p>

	<p>Applicant's Position:</p> <p>The Applicant has consulted with National Highways and the local highway authority (CWCC) during the pre-application phase, and considered the potential impacts of the Proposed Development against an appropriate future baseline scenario.</p> <p>The Applicant has prepared an outline Construction Traffic Management Plan (PD2-013) that sets out how traffic will be managed across the construction phase.</p> <p>The above policy updates are not material changes for the determination of the Proposed Development as the Applicant has already satisfied these requirements.</p>
7.15 – Tourism and Recreation	There are no material policy changes in the updated NPSs that are of relevance to the Proposed Development.
7.16 – Noise and Vibration	There are no material policy changes in the updated NPSs that are of relevance to the Proposed Development.
7.17 – Climate Change and Greenhouse Gas Emissions	There are no material policy changes in the updated NPSs that are of relevance to the Proposed Development.
7.18 – Air Quality and Emissions	There are no material policy changes in the updated NPSs that are of relevance to the Proposed Development.
7.19 – Resource and Waste Management	<p>Relevant Policy Changes:</p> <p>Paragraph 5.15.9 of the updated 2025 NPS EN-1 (formerly paragraph 5.15.10 of the 2024 NPS EN-1) has been updated to set out that applicants “<i>must consider the Circular Economy and how to ensure that their project aligns with the government’s circular economy ambitions</i>”.</p> <p>Paragraph 5.15.12 of the updated 2025 NPS EN-1 (formerly paragraph 5.15.13 of the 2024 NPS EN-1) has also been amended to set out that applicants are “<i>encouraged to prepare a construction materials management plan to inform the use of construction best practices in relation to storing materials in an adequate and protected place on site to prevent waste, or degeneration of valuable materials, for example, from accidental damage or excessive weathering</i> [the underlined text indicates text inserted by 2025 NPS]”.</p> <p>Applicant's Position:</p> <p>The Applicant understands that Government is expecting to bring forward a Circular Economy Strategy in the near future, but as yet has not consulted on this strategy. The Applicant has set out measures proposed to follow the waste hierarchy and manage waste</p>

	<p>appropriately within the outline Construction Environmental Management Plan (PD2-015), outline Operational Environmental Management Plan (PD2-017), and outline Decommissioning Environmental Management Plan (PD2-019).</p> <p>The Applicant is committed to producing a Materials Management Plan prior to construction of the Proposed Development, and this is secured via the outline Soil Management Plan (APP-141) and the outline Construction Environmental Management Plan (PD2-015).</p> <p>The above policy updates are not material changes for the determination of the Proposed Development as the Applicant's proposed approach to mitigation through the above management plans already satisfies the policy requirements.</p>
7.20 – Socio Economic Impacts	There are no material policy changes in the updated NPSs that are of relevance to the Proposed Development.
7.21 – Human Health	There are no material policy changes in the updated NPSs that are of relevance to the Proposed Development.
7.22 – Safety and Security Considerations	There are no material policy changes in the updated NPSs that are of relevance to the Proposed Development.
7.23 – Glint and Glare	There are no material policy changes in the updated NPSs that are of relevance to the Proposed Development.
7.24 – Other Matters	No material policy changes of relevance to the Proposed Development.

4.0 CONCLUSION

- 4.1.1 In conclusion, the Proposed Development should be determined in accordance with the 2024 NPSs (as per the transitional provisions set out in paragraphs 1.6.2 and 1.6.3 of the 2025 NPSs) as the application was accepted for examination prior to publication of the updated 2025 NPSs. The 2025 NPSs may therefore be considered to be an important and relevant consideration for the Secretary of State, but they are not the primary reference for decision-making.
- 4.1.2 The changes introduced by the updated 2025 NPSs reinforce the Government's focus on the need for new renewable and low carbon energy infrastructure to achieve the Clean Power 2030 Mission. Consequently, these updates and amendments to the NPSs would have little material impact on the Secretary of State's decision-making given the nature of the Proposed Development as a renewable and low carbon energy infrastructure project.