



**SCOTTISHPOWER  
RENEWABLES**

# **East Anglia ONE North Offshore Windfarm**

## **Chapter 3**

### **Policy and Legislative Context**

Preliminary Environmental Information

Volume 1

Document Reference: EA1N-DEVWF-ENV-REP-IBR-  
000272

<b>Prepared by:</b>	<b>Checked by:</b>	<b>Approved by:</b>

#### Revision Summary

Rev	Date	Document Status	Prepared by	Checked by	Approved by
01	01/11/2019	For issue	Paolo Pizzolla	Ian Mackay	Helen Walker

#### Description of Revisions

Rev	Page	Section	Description
01	n/a	n/a	Final draft

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## Glossary of Acronyms

AONB	Area of Outstanding Natural Beauty
CBD	Convention on Biological Diversity
CCC	Committee on Climate Change
CFD	Contract for Difference
COP	Conference of Parties
DBEIS	Department of Business, Energy and Industrial Strategy
DCO	Development Consent Order
DECC	Department of Environment and Climate Change
DML	Deemed Marine Licence
DPD	Development Plan Documents
EC	European Commission
EIA	Environmental Impact Assessment
EPS	European Protected Species
EQI	Environmental Quality Indicators
ES	Environmental Statement
EU	European Union
GES	Good Environmental Status
HRA	Habitats Regulations Assessment
JNCC	Joint Nature Conservation Committee
LEC	Levelised Energy Cost
LDP	Local Development Plan
MCAA	Marine and Coastal Access Act
MCZ	Marine Conservation Zone
MMO	Marine Management Organisation
MPA	Marine Planning Area
MPS	Marine Policy Statement
MSFD	Marine Strategy Framework Directive
nm	Nautical miles
NNR	National Nature Reserve
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
PEIR	Preliminary Environmental Information Report
PRoW	Public Rights of Way
SAC	Special Area of Conservation
SPA	Special Protection Area
SPR	ScottishPower Renewables
SSSI	Site of Special Scientific Interest
TEU	Treaty on European Union
UK	United Kingdom
UN	United Nations
UNECE	United Nations Economic Commission for Europe
UNFCCC	United Nations Framework Convention on Climate Change
WFD	Water Framework Directive

## 3 Policy and Legislative Context

### 3.1 Introduction

1. This chapter of the Preliminary Environmental Information Report (PEIR) presents the international, national and local planning policy and legislative context which is of relevance to the development of the proposed East Anglia ONE North project. Policies specific to each Environmental Impact Assessment (EIA) topic are outlined in the relevant chapter (chapters 7 to 30).

#### 3.1.1 Requirement for an Environmental Impact Assessment

2. EIA is a tool for examining and assessing the potential impacts of a development on the physical, biological and human environment. This process allows management and mitigation measures to be identified to improve the environmental design of a project.
3. EIA was introduced under the European Union (EU) EIA Directive 85/337/EEC. The EIA Directive was amended a number of times and most recently codified by EIA Directive 2011/92/EU and then amended by EU Directive 2014/52/EU. The EU Directive (including the requirements of Directive 2014/52/EU) is transposed for Nationally Significant Infrastructure Projects (NSIPs) by The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations 2017).
4. Following the implementation of Directive 2014/52/EU some key features of the EIA Regulations are:
  - The requirement to consider how climate change, human health and natural resources will be affected by the development;
  - The requirement to consider potential major accidents and disasters;
  - An enhanced screening and scoping process to ensure EIAs are focused on developments that are likely to cause significant effects and that the EIA is targeted on those potentially significant effects;
  - Ensuring EIA quality by requiring that those who undertake the work have competent expertise to do so;
  - More detailed demonstration of the consideration of alternatives to the proposed development;
  - Further consideration of how to avoid, prevent, reduce and/or off-set significant adverse effects where possible and develop monitoring strategies;
  - The consideration of a scenario where the development is not implemented;

- Ensuring coordination between the EIA and Habitats Regulations Assessment (HRA);
- Ensuring that the environmental information is up to date at the time a decision is made; and
- Ensuring consideration of interrelationships between impacts.

## 3.2 National Planning and Legislative Context

### 3.2.1 The Planning Act (2008)

5. The Planning Act 2008 is the primary legislation that established the legal framework for applying for, examining and determining applications for NSIPs taking into account the guidance in National Policy Statements (NPSs).
6. NSIPs are usually large scale, nationally significant developments such as new ports, airports, major road and rail schemes or power generating stations. As NSIPs, they require development consent in the form of a Development Consent Order (DCO), under procedures governed by the Planning Act 2008. The 2008 Act sets out thresholds above which certain types of infrastructure development are considered to be nationally significant and require a DCO. For offshore energy developments in England the threshold is a generating capacity of over 100MW. The proposed East Anglia ONE North project will have a generating capacity of 800MW and is therefore a NSIP and a DCO application, supported by an ES, will be submitted by the Applicant.
7. As part of its application for a DCO, the Applicant will also seek other relevant permissions, consents and licences, including but not limited to:
  - Powers to compulsorily acquire land or rights over land, either permanently or temporarily;
  - Marine works under deemed Marine Licences (DML(s)); and
  - Powers to divert or stop up public rights of way (PRoW).
8. Secondary legislation and guidance relevant to DCO applications have also been taken into account in planning the approach to the proposed East Anglia ONE North project's EIA. A full list of relevant legislation and guidance can be found on the Planning Inspectorate website<sup>1</sup>.

#### 3.2.1.1 Localism Act 2011

9. Under the Localism Act 2011, the Planning Inspectorate became the agency responsible for operating the planning process for NSIPs. As discussed above,

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<sup>1</sup> <http://infrastructure.planningportal.gov.uk/legislation-and-advice/legislation/>

any developer wishing to construct a NSIP must obtain a DCO. For such projects, the Planning Inspectorate examines the application and will make a recommendation to the relevant Secretary of State, who will make the decision on whether to grant the DCO.

### 3.2.2 National Policy Statements (NPS)

10. 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.
11. NPSs are produced by the UK Government and set out national policy against which proposals for major infrastructure projects will be assessed and decided on by the Planning Inspectorate. Planning decisions will be taken within the clear policy framework set out in the NPSs, thus the decision making process is transparent. The Planning Inspectorate will have regard to NPSs in its examination of applications for development consent, and Ministers will also have regard to them when making decisions. NPSs include the UK Government's objectives for the development of nationally significant infrastructure in a particular sector and state 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.
12. There are twelve NPSs in total, of which six are relevant to energy and were produced by the former Department of Energy and Climate Change (DECC<sup>2</sup>). The three NPSs of relevance to the proposed East Anglia ONE North project are:
  - EN-1 Overarching Energy (DECC 2011a);
  - EN-3 Renewable Energy Infrastructure (DECC 2011b), which covers nationally significant renewable energy infrastructure (including offshore generating stations in excess of 100MW); and

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<sup>2</sup> DECC became part of Department for Business, Energy & Industrial Strategy (DBEIS) in 2016

- EN-5 Electricity Networks Infrastructure (DECC 2011c), which covers the electrical infrastructure associated with an NSIP.
13. In addition, the Marine Policy Statement (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.

### 3.2.2.1 Overarching National Policy Statement for Energy (EN-1)

14. Paragraph 3.7.1 of EN-1 explains that much of the new electricity infrastructure that is needed will be located in places where there is no existing network infrastructure. It acknowledges that this is likely to be the case for many windfarms, or where there may be technical reasons why existing network infrastructure is not suitable for connecting the new generation infrastructure.
15. In paragraph 3.7.10 of EN-1, UK Government explains that in the light of the urgent need for new electricity transmission and distribution infrastructure, the Infrastructure Planning Commission (now the Planning Inspectorate) should consider that the need for any given proposed new connection has been demonstrated to represent an efficient and economical means of connecting new generation to the transmission or distribution network.

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

16. Paragraph 2.6.15 of EN-3 recognises the need for 25 GW of new offshore wind-derived generating capacity in the UK Renewable Energy Zone (REZ) and the territorial waters of England and Wales. It also refers to the Offshore Energy Strategic Environmental Assessment (SEA) which concluded that there are no overriding environmental considerations preventing the plans for 33GW of offshore wind capacity, if mitigation measures are implemented.
17. The role of the Secretary of State in the offshore consenting process, including the power of the Secretary of State to grant deemed Marine Licences as part of a project's DCO is confirmed in paragraph 2.6.9 of EN-3. It also calls for flexibility in the application process for offshore wind NSIPs to allow for situations where full details of the project specification may be unknown at the time of submission (paragraph 2.6.43). EN-3 also highlights the use of the 'Rochdale Envelope' method in such circumstances, which allows for the maximum adverse case scenario (i.e., worst case) to be assessed in the Environmental Statement (ES) and a DCO granted on this basis (paragraph 2.6.43).
18. Paragraph 2.6.44 explains the need for flexibility with regards to necessary micro-siting of elements of the proposed windfarm during its construction where requested at the application stage. This allows for unforeseen events such as the



discovery of previously unknown marine archaeology that it would be preferable to leave in situ.

19. NPS EN-3 identifies certain environmental topic-specific policy considerations. Where appropriate, these are outlined within the relevant ES chapters.

### 3.2.2.3 National Policy Statement for Electricity Networks (EN-5)

20. Paragraph 1.8.2 EN-5 explains that subsea cables and underground cables, as well as associated infrastructure may be subject to the Planning Act 2008. In England this infrastructure can constitute associated development for which consent is sought through a DCO along with the main NSIP infrastructure, such as a generating station.
21. Paragraph 2.2.1 of EN-5 explains that, with regard to factors which influence site/route selection:
  - The choices which energy companies make in selecting sites reflect their assessment of risk that following the principles in 4.1.1 of EN-1, consent may not be granted in any given case.
22. Guidance in the NPSs specific to each EIA topic are outlined in each relevant ES chapter (Chapters 7 to 30) with information on how each item has been addressed in the ES.

### 3.2.3 National Planning Policy Framework

23. The NPPF was implemented with the intention of making the planning system less complex and more accessible (Ministry of Housing, Communities and Local Government 2018). The NPPF replaces the suite of Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs) which formerly provided national planning guidance to local planning authorities. A revised NPPF was published in July 2018 and sets out the UK Government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in March 2012.
24. 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.
25. 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.

26. The key principles of relevance to the proposed East Anglia ONE North project are listed below.

- **Promoting Sustainable Transport** – The NPPF advises that Transport Statements and/or Transport Assessments should be used to support proposals for developments that will generate significant vehicle movements.
- **Requiring Good Design** – The NPPF states that planning decisions should aim to ensure that developments: optimise the potential of the site to accommodate development; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; and are visually attractive through good architecture and appropriate landscaping.
- **Meeting the Challenge of Climate Change, Flooding and Coastal Change** – The NPPF advises that local authorities should plan for new development in locations and ways which reduce greenhouse gas emissions, and should adopt strategies to mitigate and adapt to climate change, flood risk, and coastal change. It further states that authorities should adopt a positive strategy to promote energy from renewable and low carbon sources, and should direct development away from areas at highest risk of flooding (but where development is necessary, making it safe without increasing flood risk elsewhere). Inappropriate development in vulnerable areas and Coastal Change Management Areas should also be avoided.
- **Conserving and Enhancing the Natural Environment** – The NPPF makes clear that the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, geological conservation interests and soils; and preventing new and existing development from contributing to or being at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. In relation to the development of agricultural land, consideration should be given in planning terms to the economic and other benefits of best and most versatile agricultural land, and where significant development is necessary, this should be directed to areas of poorer quality land. Further guidance is provided in respect of: protecting and enhancing areas of landscape, ecological and geological importance; and avoiding / mitigating noise impacts associated with new developments.
- **Conserving and Enhancing the Built Environment** – The NPPF states that applicants should describe the significance of any designated and non-designated heritage assets affected by their development proposals, including any contribution made by their setting. In addition, weight should be given to conserving and enhancing landscape and scenic beauty in Areas of

Outstanding Natural Beauty (AONB), which have the highest status of protection in relation to these issues.

### 3.2.4 National Infrastructure Advice Notes

27. The EIA process will take account of guidance provided by the Planning Inspectorate 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. Of particular relevance for the proposed East Anglia ONE North project are the following Advice Notes:

- Advice Note Three: EIA consultation and notification (the Planning Inspectorate, 2017a);
- Advice Note Seven: Environmental Impact Assessment, Preliminary Environmental Information, Screening and Scoping (the Planning Inspectorate, 2017b);
- Advice Note Nine: Rochdale Envelope (the Planning Inspectorate, 2018a);
- Advice Note Ten: Habitat Regulations Assessment (the Planning Inspectorate, 2017c);
- Advice Note Twelve: Transboundary Impacts (the Planning Inspectorate, 2018b); and
- Advice Note Seventeen: Cumulative Effects Assessment (the Planning Inspectorate, December 2015).

## 3.3 International Policy and Legislative Context

### 3.3.1 International Climate Change and Renewable Energy Policy and Legislation

28. In 2017 the UK triggered article 50 of the Treaty on European Union (TEU) and commenced the negotiation of a withdrawal agreement for the UK to leave the EU. In its white paper<sup>3</sup> considering the form and function of the EU (Withdrawal) Bill<sup>4</sup>, there is a general commitment by the UK Government to maintain the body of environmental commitments and legislation already made following the departure of the UK from the EU. The European Union (Withdrawal) Act 2018 makes savings for EU-derived domestic legislation and the incorporation of direct EU legislation (however not all of the provisions of the Act are yet in force). The vast majority of European environmental commitments have already been adopted by successive UK Governments and transposed into UK legislation.

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<sup>3</sup> <https://www.gov.uk/government/publications/the-repeal-bill-white-paper>

<sup>4</sup> Previously referred to as the Great Repeal Bill, The EU (Withdrawal) Bill was published on 13<sup>th</sup> July 2017 and can be found online at <https://publications.parliament.uk/pa/bills/cbill/2017-2019/0005/18005.pdf>

29. UK legislation relating to Climate Change and Renewable Energy Policy is underpinned by a number of international (e.g. EU and United Nations (UN)) agreements, which are outlined in this chapter.

### 3.3.2 United Nations Framework Convention on Climate Change

30. The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on Climate Change (UNFCCC), which commits its parties to setting internationally binding emission reduction targets as well as monitoring and reporting emissions. The Protocol was agreed in 1997 and was ratified by the UK in 2002.
31. A regular series of international meetings of the UNFCCC, called the Conference of the Parties (COP), have taken place since 1997 resulting in a number of important and binding agreements: the Copenhagen Accord (2009); the Doha Amendment (2012); and the Paris Agreement (2015). At the 22<sup>nd</sup> Climate Change COP in Marrakech in November 2016, the UK ratified the Paris Agreement to enable the UK to *“help to accelerate global action on climate change and deliver on our commitments to create a safer, more prosperous future”* (Department for Business, Energy and Industrial Strategy (DBEIS) 2016).
32. The Doha Amendment included a commitment by parties to reduce greenhouse gas emissions by at least 18% below 1990 levels in the eight-year period from 2013 to 2020. Under this second commitment period of the Kyoto protocol the EU committed to reduce greenhouse gas emissions by 20% on 1990 levels by 2020, with the option to increase this to 30%. The UK Climate Change Act 2008 commits the UK Government to reducing greenhouse gas emissions by at least 80% of 1990 levels by 2050 in line with international commitments. The Act requires the UK Government to set legally binding carbon budgets to achieve this goal. The Act has an interim 34% reduction target for 2020, which if achieved will allow the UK to meet and exceed its target set out within the Kyoto agreement.
33. During the COP in Paris in 2015 the following were key areas of agreement (UNFCCC 2016):
- Limit global temperature increase to below 2°C, while pursuing efforts to limit the increase to 1.5°C above the pre-industrial average temperature;
  - Parties aim to reach global peaking of greenhouse gas emissions as soon as possible in order to achieve the temperature goal;
  - Commitments by all Parties to prepare, communicate and maintain a Nationally Determined Contribution (NDC);
  - Contribute to the mitigation of greenhouse gas 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 the 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.
34. The UK is currently covered by the EU pledge to reduce emissions by at least 40% across all Member States by 2030. It is currently unclear whether the UK will submit its own pledge after it leaves the EU.

### 3.3.3 European Union Renewables Directive / Renewable Energy Directive

35. In September 2001, the EU adopted its first renewable energy Directive (2001/77/EC) on the 'Promotion of Electricity Produced from Renewable Energy Sources in the Internal Electricity Market'.
36. In April 2009, this was revoked and replaced with the Renewables Directive (2009/28/EC). The two key targets that this Directive sought to achieve were:
- A reduction of 20% in greenhouse gases by 2020 (below 1990 levels); and
  - 20% of the total EU energy (electricity, heat and fuel) consumption to come from renewable sources by 2020.
37. In 2007, the European Commission (EC) proposed an 'Energy Policy for Europe' (EC 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.
38. 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 greenhouse gas emissions compared to 1990 levels;
  - At least a 27% share of renewable 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%).

39. In November 2016 (with amendments in February 2017), the EC published a Proposal for a Directive of the European Parliament and of the Council on the Promotion of 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 at least a 27% share of renewable energy consumption in the EU by 2030 is met.
40. Despite the UK's decision to leave the EU following the EU Referendum in June 2016 (Brexit), the understanding is that most EU law is expected to continue to be in place following Brexit; however, it is difficult to make assumptions regarding the longer term continuation or enforcement of EU legislation.

### 3.3.4 International Environmental and Nature Conservation Legislation and Treaties

#### 3.3.4.1 Marine Strategy Framework Directive (MSFD)

41. The MSFD (European Council Directive 2008/56/EC) 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.
42. The MSFD aims to be complementary to, and provide the overarching framework for a number of other key Directives and legislation at the European level, such as the Habitats Directive, the Birds Directive, the Water Framework Directive (WFD) and the Common Fisheries.

#### 3.3.4.2 Water Framework Directive (WFD)

43. The WFD (2000/60/EEC) addresses the quality of inland, estuarine and groundwater bodies including coastal surface waters up to an offshore limit of one nautical mile. 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' of all surface water bodies (Noges et al 2009). Within the Directive, chemical and biological Environmental Quality Indicators (EQI) are used, and a programme of measures is implemented, in order to improve surface waters that do not meet the required status.

#### 3.3.4.3 Habitats and Birds Directives

44. EC Directive 92/43/EEC 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) and is known as the Habitats Directive. The 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.

45. 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 Special Areas of Conservation (SAC).
46. 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 also resulted in the establishment, under Article 4, of a network of Special Protection Areas (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 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.
47. Natura 2000 is an umbrella name for the network of protected sites that include SPA and SAC sites designated across the EU. This network of important high-quality conservation sites are intended to significantly contribute to the conservation of habitats and species listed in the Birds and Habitats Directives.
48. 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.

#### 3.3.4.4 The Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention)

49. Ramsar Sites are designated under the Convention on Wetlands of International Importance, agreed 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 SPAs and SACs. 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).

#### 3.3.4.5 OSPAR Convention

50. International cooperation to protect the marine environment (including biodiversity) of the north east Atlantic is achieved through the OSPAR Convention.
51. A key part of OSPAR's biodiversity strategy is to establish a network of Marine Protected Areas (MPAs). The UK has currently identified 283 OSPAR MPAs, many

of which are Natura 2000 sites (see **section 3.3.4.3**) that also meet the relevant OSPAR selection criteria (OSPAR, 2006).

#### 3.3.4.6 The Convention on Biological Diversity

52. The Convention on Biological Diversity (CBD) is a legally binding treaty, which came into force in December 1993 with 168 signatories, of which the UK is one. 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 out of the utilisation of genetic resources.

53. 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.

54. 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.

#### 3.3.4.7 Transboundary Considerations – Espoo Convention

55. The United Nations Economic Commission for Europe (UNECE) convention (the 'Espoo Convention') sets out the obligations of States to notify and consult each other on all major projects under consideration that are likely to have a significant adverse environmental effect across international boundaries (transboundary effects). The Espoo Convention has been implemented by the EC Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (known as the EIA Directive) and as amended by Directives 97/11/EC, 2003/35/EC and 2009/31/EC. It is transposed into UK law for NSIPs the EIA Regulations, specifically under Regulation 32. This requires that, where the application is for EIA development, and where the Secretary of State is of a view that the development will have significant effects on the environment of another member state or receives a request for involvement from another European Economic Area (EEA)<sup>5</sup> member state, the Secretary of State must undertake a prescribed process of consultation and notification.

56. Advice Note Twelve: Development with significant transboundary impacts consultation (The Planning Inspectorate 2018b) sets out the procedures for

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<sup>5</sup> The EEA comprises the countries of the European Union (EU) plus Iceland, Liechtenstein and Norway



consultation in association with an application for a DCO to the Planning Inspectorate, where such development may have significant transboundary impacts. The Advice Note sets out the roles of the Planning Inspectorate, 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.

### 3.4 National Policy and Legislative Context

57. For information regarding planning legislation in the UK please see **section 3.2**.

#### 3.4.1 UK Climate Change and Renewable Energy Policy

58. The 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.

59. There are a number of overarching UK environmental targets/goals, which set the national framework for tackling climate change and renewable energy production (**section 3.4.1.1**). The most relevant of these is the legally binding target (implemented through the Climate Change Act 2008) to cut carbon and greenhouse gas emissions by 80% by 2050, compared to 1990 levels, as laid down in the Carbon Budget Order (HM Government 2011).

60. In order for the UK to achieve the reduction in emissions required by the EU (as stated in **section 3.3.2**) the UK Government set a target to produce 15% of UK energy from renewable sources by 2020 (DECC 2011). This includes a sub-target of 30% of electricity from renewable sources. For offshore wind, the UK is world leading with almost 9GW of generating capacity online at the time of writing (autumn 2018) and projected generating capacity growing to between 18GW (under the low capacity scenario) and 30GW (under the high capacity scenario) by 2030 (Wind Europe 2017).

##### 3.4.1.1 The Climate Change Act (2008)

61. The Climate Change Act sets the framework for the UK to transition to a low-carbon economy and exceeds the targets set out in the Renewables Directives with the following objectives:

- A reduction of 34% in greenhouse gases (below 1990 levels); by 2020 and
- A reduction of 80% in greenhouse gases (below 1990 levels); by 2050.

62. The UK's fifth carbon budget was approved by the UK Government in July 2016. This provides a commitment to reducing emissions by 57% by 2030 and to work towards achieving the 80% target by 2050, as detailed in the Climate Change Act

(2008). Offshore wind represents an important contribution to these targets by providing low-carbon energy generation (Committee on Climate Change (CCC) 2015).

63. In its recent Clean Growth Strategy (DBEIS 2017), DBEIS 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. The Clean Growth Strategy gives a strong commitment from UK Government to achieving the UK's already agreed climate change goals as detailed in the Climate Change Act (2008). With reference to offshore wind the Strategy notes the rapid cost reductions in the cost of energy from offshore wind and has committed to fund £557million of Contract for Difference (CfD) support with an auction scheduled for spring 2019 (DBEIS 2017). The next CfD allocation round for less established technologies (such as offshore wind) is expected to open by May 2019 with another allocation round expected to be held in 2021 and auctions expected every two years thereafter. This show the UK Government's ongoing support for offshore wind development. Furthermore, the Clean Growth strategy also commits to a Sector Deal for offshore wind aimed at encouraging the development and deployment of a further 10GW of offshore wind development in UK waters in the 2020's (DBEIS 2017).

#### 3.4.1.2 The UK Energy Act (2013)

64. The Electricity Market Reform policy and Energy Act 2013 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 Levelised Energy Cost (LEC), thereby reducing the subsidy required with the aim of ultimately lowering the cost to the consumer. The UK Government has committed to funding a further 10GW of offshore wind in the 2020s, if industry continues to achieve significant cost reductions (DECC 2016). UK Government has capped CfD strike prices (a pre-agreed price for electricity) at £105/MWh for projects commissioning in 2021-22, falling to £85/MWh for projects commissioning in 2026 (UK Parliament 2016). The second CfD allocation was held on 11 September 2017, where CfDs were awarded to three offshore wind farms. The strike prices of two of these windfarms were awarded at £57.50/MWh. This represents an auction price reduction of almost 50% in two years and reflects similar price reductions seen in other European offshore wind auctions. This significant reduction also demonstrates the offshore wind industry's success in reducing the cost of developing offshore wind projects which will be to the benefit of the consumer.

### 3.4.2 UK Environmental and Conservation Legislation

#### 3.4.2.1 The Conservation of Habitats and Species Regulations 2017 and Conservation of Offshore Marine Habitats and Species Regulations 2017

65. In England and Wales, the Habitats Directive and elements of EU Wild Birds Directive (see **section 3.3.4.3**) 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 Conservation of Offshore Marine Habitats and Species Regulations 2017 (the 'Offshore Marine Regulations').
66. The provisions of the Birds Directive are primarily implemented through the Wildlife and Countryside Act 1981, the Habitats Regulations and the Offshore Marine Regulations.
67. 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 Marine Management Organisation (MMO) beyond 12nm and for action up to 12nm licences can be obtained from Natural England.
68. 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 Natura 2000 site and is not directly connected with or necessary for the management of the site. If an appropriate assessment is required, the Secretary of State must consider whether the plan or project will adversely affect the integrity of the site.
69. The appropriate assessment is Step 2 of a process known as a Habitats Regulations Assessment (HRA). HRA generally follows a four stage process set out in UK Government guidance (Defra, 2010):
  - Stage 1: Screening to identify likely impacts on a Natura 2000 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.
70. Further details on the HRA process can be found in the draft Report to Inform the HRA which accompanies this PEIR.
71. In England, Natural England is responsible for identifying sites suitable for SPA or SAC designation and for conducting public consultation on those sites in English inshore waters (up to 12 nm). The Joint Nature Conservation Committee (JNCC) leads on the selection of SPAs and SACs within the UK offshore area (i.e. those beyond 12nm). Sites that span inshore and offshore waters are progressed jointly by Natural England and JNCC.

#### 3.4.2.2 Wildlife and Countryside Act 1981

72. The Wildlife and Countryside Act 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 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 boundary classification. Natural England has overall responsibility for the management of the SSSI network in England.
73. 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 RSPB, local Wildlife Trusts, and Local Authorities.
74. 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.

#### 3.4.2.3 Countryside and Rights of Way Act 2000

75. Under the Countryside and Rights of Way Act 2000, Natural England has the power to designate 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.

#### 3.4.2.4 The Protection of Badgers Act 1992

76. 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.

#### 3.4.2.5 Natural Environment and Rural Communities Act 2006 (NERC)

77. Section 41 of the Act requires the relevant Secretary of State 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.

#### 3.4.2.6 The Hedgerow Regulations 1997

78. 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.

#### 3.4.2.7 The Commons Act 2006

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

#### 3.4.2.8 Marine and Coastal Access Act 2009

80. The Marine And Coastal Access Act (MCAA) 2009 sets out improved management and protection of the marine and coastal environment. The MCAA established the MMO, the authority tasked with ensuring the delivery of sustainable development in the marine area.

81. The MCAA also added a new section to the Planning Act 2008, enabling a DCO applicant to apply for a DML as part of the DCO process.

82. Through the MCAA, the UK Government introduced a marine planning system. 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.

83. The East Inshore and Offshore Marine Plans encompass the East Anglia TWO offshore project area and state “Proposals for Offshore Wind Farms inside Round 3 zones, including relevant supporting projects and infrastructure, should be supported” (HM Government 2014).
84. 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 primary aim of MCZs is to deliver the UK Government’s vision for an 'ecologically coherent network of MPAs' across the UK and to ensure the health of the wider UK marine environment. These sites are intended to protect habitats and species not necessarily covered by existing mechanisms and which complement the existing MPA network.
85. The Act includes 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.

### 3.5 Regional and Local Context

86. The East of England Plan (Government Office for the East of England 2008) provides a regional spatial strategy for the East of England. It contains targets that 44% of total electricity produced in the East of England shall be from renewable energy by 2020, of which 27% should be from offshore wind.
87. Local authorities are required to prepare and maintain up to date Local Development Plans which set out their objectives for the use and land development within their jurisdiction, and general policies for implementation.
88. Prior to the Planning and Compulsory Purchase Act 2004, local planning policy was set out in a single document, the Local Plan. Local plans are now being replaced by Local Development Frameworks (LDFs) which comprise a suite of Development Plan Documents (DPD) including a Core Strategy DPD, Site Allocation DPD, Area Action Plans and a Proposals Map. For the majority of local planning authorities these documents are still in development but where drafts are available, these have been considered by the project.
89. The onshore development area falls under the jurisdiction of Suffolk County Council (SCC) and the Suffolk Coastal District Council (SCDC). SCDC are in the

process of merging with Waveney District Council (WDC) into an East Suffolk Council (ESC) to take effect from 1<sup>st</sup> April 2019. At the time of writing the council have not yet merged, however to ensure a robust assessment has been undertaken, the local plans for WDC and SCDC have been considered in this PEIR.

90. Relevant Development Plans have been considered during the onshore site selection for the proposed East Anglia ONE North project.

### 3.5.1 Suffolk County Council

91. Suffolk County Council's Priorities for 2017 – 2021 (SCC 2017) which are relevant to the proposed East Anglia TWO project include:

- *Champion the protection and enhancement of Suffolk's natural and historic environment and adaption to climate change, to ensure benefits the environment will deliver are maximised, to economic growth and health and wellbeing now and for future generation; and*
- *Build on relationships with the Local Enterprise Partnership (LEP), to support business growth and unlock potential for greater growth in Suffolk.*

92. In addition to these key priorities, **Table 3.1** presents relevant policies and objectives from the Suffolk County Council Nature Strategy (SCC 2015) and Suffolk Local Flood Risk Management Strategy (SCC 2016).

**Table 3.1 Relevant Policies from SCC's Key Plans and Strategies**

Policy	Summary
<b>Nature Strategy</b>	
Protected wildlife sites – Recommendation 1	By 2020 at least 50% of Suffolk's SSSIs will be in favourable condition, whilst maintaining at least 95% in favourable or recovering condition.
Protected landscapes – Recommendation 2	The active partnerships in our protected landscapes should seek to ensure these areas are exemplars of landscape scale conservation. Where development is proposed in these areas, such as Sizewell C in the Suffolk Coast and Heaths AONB, they should work to ensure they are of the highest quality as 'environmental exemplars'.
Priority habitats and species – Recommendation 3	Public bodies and statutory undertakers should ensure that, in exercising their functions, they have access and pay due regard to appropriate ecological evidence and advice so as to ensure that their duties under the relevant legislation are met.
Urban green space – Recommendation 5	In line with the NPPF, developers should include design elements that protect and enhance wildlife within new developments. Plans should complement and enhance wider ecological networks, such as actively supporting the management and design of existing and new green spaces.
Woodland and forestry – Recommendation 8	New woodland planting should be of the right trees in the right places, particularly where they can buffer and expand designated sites, enhance landscape character or improve the extent of natural green space close to where people live.
Suffolk's changing climate - Recommendation 10	A further 500 hectares of priority habitat should be created in Suffolk by 2020 within natural environment priority areas
Marine – Recommendation 12	The implementation of the East Area Marine Plan must take a balanced approach to the use of our seas, particularly in terms of our marine environment and seascapes.
Energy infrastructure – Recommendation 15	New energy infrastructure should be sensitive to place. Relevant policies as well as national and local guidance, appropriate biological data and Suffolk's Landscape Character Assessment should be used to assess suitability of new energy infrastructures, and other developments, to particular places. A Strategic Renewable Energy Strategy, produced by 2018, will help ensure that all new energy infrastructures are appropriately sited.



Policy	Summary
Water management and water resources – Recommendation 20	Where possible, Sustainable Urban and Rural Drainage schemes (SuDS) should be designed to maximise wildlife and landscape potential.
Biodiversity offsetting – Recommendation 22	Biodiversity offsetting must follow Government guidelines and the mitigation hierarchy, set out in the NPPF. Offsetting should only occur when all steps to avoid and mitigate impacts have been exhausted and should not be seen as a licence to damage sites where less damaging alternatives exist. Offsetting should not apply to internationally or nationally designated sites.
<b>Flood Risk Management Strategy</b>	
Objective 3: To prevent an increase in flood risk as a result of development by preventing additional water entering existing drainage systems wherever possible.	Promote the local SuDS guidance which will emphasise that there should be no increase in surface water flow from future development. Ensure that planning decisions are based on up-to-date information about all flood risks and that there is a consistent approach to surface water management in new development as a result of Planning Authorities consulting with the LLFA on surface water drainage matters.
Objective 4: Take a sustainable and holistic approach to flood and coastal management, seeking to deliver wider economic, environmental and social benefits, climate change mitigation and improvements under the Water Framework Directive.	Link all flood and coastal risk management with the River Basin Management Plan and thus deliver improvements in water body status (water quality, quantity and aquatic ecology) wherever possible.

### 3.5.2 Suffolk Coastal District Council

93. SCDC is reviewing their current Local Plan, a First Draft Local Plan has been published for public consultation (period of consultation from 20<sup>th</sup> July to 14<sup>th</sup> September 2018) (SCDC 2018).
94. **Table 3.2** presents the relevant policies from the current Suffolk Coastal District Council Core Strategy and Development Management Policies and First Draft Local Plan (SCDC 2013; 2018). The overarching vision of Suffolk Coastal District in 2036 is:
- *Maintain and sustainably improve the quality of life for everyone growing up in, living in, working in and visiting East Suffolk.*

**Table 3.2 Relevant Policies from the SCDC Core Strategy and Development Management Policy and First Draft Local Plan**

Policy	Summary
<b>Core Strategy and Development Management Policy</b>	
Strategic Policy SP1 – Sustainable Development	<p>Central to the Core Strategy for the future of the Suffolk Coastal District is the achievement of sustainable development. The Strategy in this respect will be to:</p> <ul style="list-style-type: none"> <li>• Mitigate against and adapt to the effects of climate change;</li> <li>• Achieve a local balance between employment opportunities, housing growth and environmental capacity;</li> <li>• Ensure the provision of the appropriate infrastructure in order to support existing and proposed communities;</li> <li>• Give priority to re-using previously developed land and buildings in and around built-up areas, where possible ahead of greenfield sites;</li> <li>• Promote the use of sustainable methods of construction, including materials, energy efficiency, water recycling, aspect etc; and</li> <li>• Conserve and enhance the areas natural historic and built environment.</li> </ul>
Strategic Policy SP1A – Presumption in Favour of Sustainable Development	<p>When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</p>
Strategic Policy SP12 – Climate Change	<p>The District Council will contribute towards the mitigation of the effects of new development on climate change by:</p> <ul style="list-style-type: none"> <li>• Ensuring development minimises the use of natural resources by utilising recycled materials where appropriate, minimises greenhouse gas emissions, incorporates energy efficiency, encourages the use of public transport, helps to reduce waste and minimises the risk of pollution;</li> <li>• Encouraging and promoting schemes which create renewable energy where consistent with the need to safeguard residential amenity, the environment and the landscape;</li> <li>• Minimising the risk of flooding and ensuring appropriate management of land within flood plains; and</li> </ul>

Policy	Summary
	<ul style="list-style-type: none"> <li>Improving the process of estuary and coastal management, incorporating and integrating social, recreational, economic, physical and environmental issues and actions.</li> </ul>
<p>Strategic Policy SP14 – Biodiversity and Geodiversity</p>	<p>Biodiversity and geodiversity will be protected and enhanced using a framework based on a network of:</p> <ul style="list-style-type: none"> <li>Designated sites;</li> <li>Wildlife corridors and links;</li> <li>The rivers, estuaries and coast;</li> <li>Identified habitats and geodiversity features;</li> <li>Landscape character areas; and</li> <li>Protected species.</li> </ul> <p>Sites of European importance, which include SACs and SPAs are statutorily protected under the Conservation of Habitats and Species Regulations 2010 (based on EU directives), and wetlands of global importance (Ramsar sites) are protected by Government policy to apply the same level of protection as to European sites.</p> <p>More generally, the policy approach to development on sites designated for their biodiversity or geodiversity interest is set out in Policy DM27.</p> <p>The Suffolk Biodiversity Action Plan and Suffolk Local Geodiversity Action Plan will be implemented. The Strategy will also be to contribute to county targets through the restoration, creation and on-going management of new priority habitats as identified in those documents.</p>
<p>Strategic Policy SP15 – Landscape and Townscape</p>	<p>The policy of the Council will be to protect and enhance the various landscape character areas within the district either through opportunities linked to development or through other strategies.</p> <p>In addition to the protected landscape of the AONB, the valleys and tributaries of the Rivers Alde, Blyth, Deben, Fynn, Hundred, Mill, Minsmere, Ore, Orwell and Yox, and the designated Parks and Gardens of Historic or Landscape Interest are considered to be particularly significant.</p>

Policy	Summary
<p>Strategic Policy SP30 – The Coastal Zone</p>	<p>This Core Strategy recognises the need for a sustainable approach to addressing climate change and coastal processes.</p> <p>The local authorities, Environment Agency, Natural England, the Marine Management Organisation, Suffolk Coast and Heaths AONB, other local partnerships and members of the Suffolk Coastal Forum are committed to developing an integrated approach to the management of the coastal areas of Suffolk.</p> <p>Within Suffolk Coastal specifically, the District Council will promote with partners ‘Integrated Coastal Zone Management’, including the preparation of a comprehensive management plan for the coast and estuarine areas, supported by plans for specific areas. These will take account of their economic, community and environmental needs as well as predicted changes in circumstances (including the consequences of climate change). Consideration must also be given to the guidance provided within the NPPF including where appropriate the development of Coastal Change Management Areas. Where it is consistent with those plans the following will be supported and promoted:</p> <ul style="list-style-type: none"> <li>• Development that contributes towards the sustainable future of coastal and estuarine areas; and</li> <li>• Investment and resources from individual, private and third sector for coastal defence and adaptation measures to mitigate against future erosion and flooding risks where it also meets the wider community objectives and/or enables the area and pattern of development to adapt to change.</li> </ul> <p>Until they have been prepared, development will be resisted where it conflicts with the adopted Strategic Flood Risk Assessment, the Shoreline Management Plan and Estuarine Plans as endorsed by the Council.</p> <p>In order to optimise the resources available to defend or adapt to flooding/erosion, individual investments will not be supported where there is the opportunity, in a particular locality, to link more than one development to achieve a comprehensive scheme that better meets the objectives for that area.</p>
<p>Development Management Policy DM20 – Travel Plans</p>	<p>Proposals for new development that would have significant transport implications should be accompanied by a ‘green travel plan’. It is not necessarily the size of the development that would trigger the need for such a plan but more the nature of the use and would include:</p> <ul style="list-style-type: none"> <li>• New employment sites employing over 10 people;</li> <li>• The travel plans should seek to reduce the use of private cars by:</li> </ul>

Policy	Summary
	<ul style="list-style-type: none"> <li>○ Encouraging car sharing;</li> <li>○ Provide links to enable the use of public transport;</li> <li>○ Improve road safety for pedestrians and cyclists; and</li> <li>○ Identify any mitigation works to be funded by the developer in conjunction with the proposal, such as improvements of facilities at the nearest transport interchanges.</li> </ul> <p>A condition or a legal agreement will be imposed to ensure implementation of the travel plan.</p>
<p>Development Management Policy DM21 – Design-Aesthetics</p>	<p>Development will be permitted where the following criteria are met:</p> <ul style="list-style-type: none"> <li>● Layouts should incorporate and protect existing site features of landscape, ecological, heritage or amenity value as well as enhance such features e.g. habitat creation; and</li> <li>● Attention must be given to the form, scale, use, and landscape of the spaces between buildings and the boundary treatment of individual sites, particularly on the edge of settlements.</li> </ul>
<p>Development Management Policy DM26 - Lighting</p>	<p>The District Council will seek to minimise light pollution. Applications for development requiring or likely to require external lighting should include details of lighting schemes. This should include position, height, aiming points, lighting levels and a polar luminance diagram. Applicants will need to satisfy the District Council that:</p> <ul style="list-style-type: none"> <li>● The proposed lighting scheme is the minimum needed for security, working purposes, recreational or other use of the land;</li> <li>● It is designed so as to minimise pollution from glare and light spillage, particularly to residential and commercial areas, areas of nature conservation importance, and areas whose open and landscape qualities would be affected; and</li> <li>● There will be no glare or light spillage onto highways which could dazzle, distract or disorientate road users using them.</li> </ul> <p>In order to prevent unnecessary intrusion into the countryside, or the effect on residential amenity, the District Council may seek to control the days and times of use of lighting (excluding street lighting).</p>
<p>Development Management Policy</p>	<p>All development proposals should:</p> <ul style="list-style-type: none"> <li>● Protect the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats;</li> </ul>

Policy	Summary
DM27 – Biodiversity and Geodiversity	<ul style="list-style-type: none"> <li>• Maximise opportunities for restoration, enhancement and connection of natural habitats; and</li> <li>• Incorporate beneficial biodiversity conservation features where appropriate.</li> </ul> <p>Development proposals that would cause a direct or indirect adverse effect (alone or combined with other plans or projects) to the integrity of internationally and nationally designated environmental sites or other designated areas, priority habitats or protected/priority species will not be permitted unless:</p> <ul style="list-style-type: none"> <li>• Prevention, mitigation and, where appropriate, compensation measures are provided such that net impacts are reduced to a level below which the impacts no longer outweigh the benefits of the development; or</li> <li>• With regard to internationally designated sites that the exceptional requirements of Reg. 62 of the Conservation of Habitats and Species Regulations 2010 (as amended) relating to the absence of alternative solutions and Imperative Reasons of Overriding Public Interest have been met.</li> </ul> <p>Improved site management and increased public access to sites will be encouraged where appropriate.</p>
Development Management Policy DM28 -Flood Risk	<p>Proposals for new development, or the intensification of existing development, will not be permitted in areas at high risk from flooding, i.e. Flood Zones 2 and 3, unless the applicant has satisfied the safety requirements in the Technical Guidance to the National Planning Policy Framework (and any successor). These include the ‘sequential test’; where needed the ‘exception test’ and also a site specific flood risk assessment that addresses the characteristics of flooding and has tested an appropriate range of flood event scenarios.</p>
<b>First Draft Local Plan</b>	
Policy SCLP3.5 - Proposals for Major Energy infrastructure Projects	<p>In its role either as determining authority for development under the Town and Country Planning Act, or as consultee on Nationally Significant Infrastructure Projects, the Council will take into consideration the nature, scale, extent and potential impact of proposals for Major Energy Infrastructure Projects, including cumulative impacts.</p> <p>The Council will work in partnership with the scheme promoter, local communities, National Grid, Government, New Anglia Local Enterprise Partnership and relevant local authorities to ensure significant local community benefits and an ongoing legacy of the development is achieved as part of any major infrastructure projects.</p>

Policy	Summary
	<ul style="list-style-type: none"> <li>• Proposals for Major Infrastructure Projects across the District and the need to mitigate the impacts arising from these will be considered against the following policy requirements:</li> <li>• Relevant Neighbourhood Plan policies, strategies and visions;</li> <li>• Appropriate packages of local community benefit to be provided by the developer to offset and compensate the burden and disturbance experienced by the local community for hosting major infrastructure projects;</li> <li>• Requirement for a robust Environmental Impact Assessment and Habitats Regulations Assessment;</li> <li>• Appropriate flood and erosion defences, including the effects of climate change are incorporated into the project to protect the site during the construction, operational and decommissioning stages;</li> <li>• Appropriate road and highway measures are introduced (including diversion routes) for construction, operational and commercial traffic to reduce the pressure on the local communities;</li> <li>• The development and associated infrastructure proposals to deliver positive outcomes for the local community and surrounding environment;</li> <li>• Economic and community benefits where feasible are maximised through agreement of strategies in relation to employment, education and training opportunities for the local community;</li> <li>• Measures to ensure the successful decommissioning and restoration of the site through appropriate landscaping is delivered to minimise and mitigate the environmental and social harm caused during operational stages of projects;</li> <li>• Cumulative impacts of projects are taken into account and do not cause significant adverse impacts; and</li> <li>• Appropriate monitoring measures during construction, operating and decommissioning phases to ensure mitigation measures remain relevant and effective.</li> </ul>
Policy SCLP3.6 - Infrastructure Provision	Developers must consider the infrastructure requirements needed to support and service the proposed development. All development will be expected to contribute towards infrastructure provision to meet the needs generated.
Policy SCLP4.5 - Economic	Proposals that grow and diversify the rural economy, particularly where this will secure employment locally, will be supported. Proposals will be supported where:



Policy	Summary
Development in Rural Areas	<ul style="list-style-type: none"> <li>The design and construction do not have an adverse impact on the character of the surrounding area and landscape or harm the natural environment; and</li> <li>The proposal delivers additional community, cultural or tourism benefits.</li> </ul>
Policy SCLP7.1 - Sustainable Transport	<p>Development will be supported where:</p> <ul style="list-style-type: none"> <li>It is proportionate in scale to the existing transport network;</li> <li>The cumulative impact of new development will not create significant adverse impacts on the existing transport network.</li> </ul> <p>Proposals for new development that would have significant transport implications should be accompanied by a Travel Plan. A Travel Plan will be required for proposals for:</p> <ul style="list-style-type: none"> <li>A development that when considered cumulatively with other developments, is likely to have an adverse impact on the local community or local road network.</li> </ul>
Policy SCLP9.1 – Low Carbon and Renewable Energy	<p>Council will support low carbon and renewable energy developments where they are within an area identified as suitable for renewable or low carbon energy or satisfy the following criteria:</p> <ul style="list-style-type: none"> <li>They can evidence a sustainable and, ideally, local source of fuel;</li> <li>They can facilitate the necessary infrastructure and power connections required for functional purposes;</li> <li>Provide benefits to the surrounding community; and</li> <li>Are complementary of the existing environment without causing any significant adverse impacts, particularly relating to the residential amenity, landscape and visual impact, transport, flora and fauna, noise and air quality, unless those impacts can be appropriately mitigated.</li> </ul> <p>For wind energy, the proposed development must also have the backing of the local community.</p> <p>When the technology is no longer operational there is a requirement to decommission, remove the facility and complete a restoration of the site to its original condition.</p>
Policy SCLP9.3 – Coastal Change Management Area	<p>The Coastal Change Management Area is identified on the Policies Map. Reputable and scientifically robust evidence that emerges over the lifetime of this plan which effects the delineation of the Coastal Change Management Area should be considered when applying this policy.</p>

Policy	Summary
	<p>Planning applications for all development within and 30 metres landward of the Coastal Change Management Area and within and 30 metres landward of areas where the intent of management is to Hold the Line, identified on the Policies Map must be accompanied by a Coastal Erosion Vulnerability Assessment.</p> <p>In areas of soft cliff located up to 60 metres landward of coastal defences where known geological information indicates that the capacity of coastal defences are likely to be adversely affected by development, a Coastal Erosion Vulnerability Assessment should be considered.</p> <p>In parts of the Coastal Change Management Area expected to be at risk from change within a 20 year time horizon, only temporary development directly related to the coast, for example beach huts, cafes, car parks and sites used for touring caravan and camping will be permitted.</p> <p>In parts of the Coastal Change Management Area expected to be at risk from change beyond a 20 year time horizon, other commercial and community uses will be permitted providing they require a coastal location and provide economic and social benefits to the local community.</p> <p>Essential infrastructure, including transport infrastructure, utility infrastructure and wind turbines will only be permitted in the Coastal Change Management Area where no other sites outside of the Area are feasible and there is a management plan in place to manage the impact of coastal change including their future removal and replacement.</p> <p>Planning permission for all development within the Coastal Change Management Area will be time-limited according to the risk identified in the Coastal Erosion Vulnerability Assessment.</p>
<p>Policy SCLP9.5 – Flood Risk</p>	<p>The Strategic Flood Risk Assessment should be the starting point in assessing whether a proposal is at risk from flooding.</p> <p>Proposals for new development, or the intensification of existing development, will not be permitted in areas at high risk from flooding, i.e. Flood Zones 2 and 3, unless the applicant has satisfied the safety requirements in the Flood Risk National Planning Policy Guidance (and any successor). These include the ‘sequential test’; where needed the ‘exception test’ and also a site specific flood risk assessment that addresses the characteristics of flooding and has tested an appropriate range of flood event scenarios (taking climate change into consideration). This should address as a minimum: finished floor levels; safe access and egress; an emergency flood plan; flood resilience/resistance measures; any increase in built or surfaced area; and any impact on flooding elsewhere.</p>

Policy	Summary
	<p>Developments should exhibit the three main principles of flood risk, in that, they should be safe, resilient and should not increase flood risk elsewhere. In this respect, single storey residential developments will not be permitted in areas of high risk of flooding within or outside Settlement Boundaries.</p> <p>Developments are encouraged to include natural flood management measures that complement existing flood defences if pre-existing flood defences are in place, in the interests of integrated flood management.</p> <p>Any new flood risk measures that result in significant depreciation of natural capital will be required to create compensatory natural capital.</p> <p>Neighbourhood Plans can allocate land for development, including residential development, in areas at risk of flooding providing it can be demonstrated:</p> <ul style="list-style-type: none"> <li>• There are no alternative available sites appropriate for the proposed use within the Neighbourhood Area;</li> <li>• The development provides sustainability benefits which outweigh flood risk; and</li> <li>• Evidence is provided that it is possible for flood risk to be mitigated to ensure development is safe for its lifetime.</li> </ul>
<p>Policy SCLP9.6 - Sustainable Urban Drainage Systems</p>	<p>Developments should use sustainable drainage systems to drain surface water, where possible. Sustainable drainage systems should:</p> <ul style="list-style-type: none"> <li>• Be integrated into the landscaping scheme and green infrastructure provision of the development;</li> <li>• Not detract from the design quality of the scheme; and</li> <li>• Deliver water quality and aquatic biodiversity improvements, wherever possible.</li> </ul> <p>Runoff rates from new development must be restricted to greenfield runoff rates wherever possible. Where a site is previously developed, the proposed runoff rates should be restricted as close to the greenfield rates, or at the very minimum a betterment of at least 30% should be considered over the brownfield runoff rates.</p> <p>No surface water connections should be made to the foul system and connections to the combined or surface water system should only be made in exceptional circumstances where there are no feasible alternatives. Foul and surface water flows should also be separated.</p>

Policy	Summary
Policy SCLP9.7 – Holistic Water Management	<p>Developments of 10 dwellings or more or non-residential developments upwards of 1,000 sqm or that equates to 1 hectare or more will be required to be phased to allow water and wastewater infrastructure to be in place when needed. This includes:</p> <ul style="list-style-type: none"> <li>• Grey water recycling;</li> <li>• Rainwater harvesting;</li> <li>• Water use minimisation technologies; or</li> <li>• Other more traditional forms of water and wastewater infrastructure.</li> </ul> <p>Infrastructure that leads to a reduction in the amount of water released to the sewer system will be favoured.</p>
Policy SCLP10.1 – Biodiversity and Geodiversity	<p>Development will be supported where it can be demonstrated that it maintains, restores or enhances the existing green infrastructure network and positively contributes towards biodiversity and/or geodiversity through the creation of new green infrastructure and improvement to linkages between habitats, such as wildlife corridors and habitat ‘stepping stones’.</p> <p>Proposals that will have a direct or indirect adverse impact (along or combined with other plans or projects) on locally recognised sites of biodiversity or geodiversity importance, including County Wildlife Sites, priority habitats and species, will not be supported unless it can be demonstrated that new opportunities to enhance the green infrastructure network will be provided as part of the development that will mitigate or compensate for this loss.</p> <p>Where compensatory habitat is created, it should be of equal or greater size than the area lost as a result of the development, be well located to positively contribute towards the green infrastructure network, and biodiversity and/or geodiversity and be supported with a management plan.</p> <p>Where there is reason to suspect the presence of protected species or habitat, applications should be supported by an ecological survey undertaken by a suitably qualified person. If present, the proposal must be sensitive to, and make provision for their needs.</p> <p>Any development with the potential to impact on a Special Protection Area or Special Area for Conservation within or outside of the District will need to be supported by information to inform a Habitat Regulations Assessment.</p> <p>A Supplementary Planning Document will be prepared to implement a Recreational Avoidance and Mitigation Strategy in order to mitigate any potential significant adverse effects on Special Protection Areas and Special Areas for Conservation. The Council will</p>

Policy	Summary
	<p>work with neighbouring authorities and Natural England to develop this strategy. The strategy will include a requirement for developers to make financial contributions towards the provision of strategic mitigation within defined zones.</p>
<p>Policy SCLP10.3 – Landscape Character</p>	<p>Proposals for development should be informed by, and sympathetic to, the special qualities and features as described in the Suffolk Coastal Landscape Character Assessment (2018), the Settlement Sensitivity Assessment (2018), or successor and updated landscape evidence.</p> <p>Development proposals will be expected to demonstrate their location, scale, form, design and materials will protect and where possible enhance:</p> <ul style="list-style-type: none"> <li>• The special qualities and features of the area;</li> <li>• The visual relationship and environment around settlements and their landscape settings;</li> <li>• Distinctive landscape elements including but not limited to watercourses, commons, woodland trees, hedgerows and field boundaries, and their function as ecological corridors;</li> <li>• Visually sensitive skylines, seascapes, river valleys and significant views towards key landscapes and cultural features; and</li> <li>• The growing network of green infrastructure supporting health, wellbeing and social interaction.</li> </ul> <p>Development will not be permitted where it will have a significant adverse impact on rural river valleys, historic park and gardens, coastal, estuary, heathland, AONB and other very sensitive landscapes. Proposals for development will be required to secure the preservation and appropriate restoration or enhancement of natural, historic or man made features across the District as identified in the Landscape Character Assessment, Settlement Sensitivity Assessment and successor landscape evidence.</p> <p>Proposals should include measures that enable a scheme to be well integrated into the landscape and enhance connectivity to the surrounding green infrastructure and Public Rights of Way network.</p> <p>Proposals for development should protect and enhance the tranquillity and dark skies across the District. Exterior lighting in development should be appropriate and sensitive to protecting the intrinsic darkness of rural and tranquil estuary, heathland and river valley landscape character.</p> <p>Neighbourhood Plans may include local policies related to protecting and enhancing landscape character and protecting and enhancing tranquillity and dark skies.</p>

Policy	Summary
Policy SCLP11.1 - Design Quality	<p>The Council supports design which is innovative and which promotes inclusivity across the District. Development proposals will be expected to demonstrate high quality design which reflects local distinctiveness and character.</p> <p>In so doing, permission will be granted where proposals:</p> <ul style="list-style-type: none"> <li>• Demonstrate a clear understanding of the form and character of the built and natural environment and use this understanding to complement local character and distinctiveness;</li> <li>• Take account of any important landscape or topographical features and retain and/or enhance existing landscaping and natural and semi-natural features on site;</li> <li>• Provide highway layouts with well-integrated car parking and landscaping which create a high quality public realm, avoiding the perception of a car dominated environment; and</li> <li>• Include hard and soft landscaping schemes to aid the integration of the development into its surroundings.</li> </ul>
Policy SCLP11.2 Residential Amenity	<p>When considering the impact of development on residential amenity, the Council will have regard to the following:</p> <ul style="list-style-type: none"> <li>• Privacy/overlooking;</li> <li>• Outlook;</li> <li>• Noise and disturbance;</li> <li>• Light spillage, air quality and other forms of pollution; and</li> <li>• Safety and security.</li> </ul> <p>Development will be acceptable where it would not cause an unacceptable loss of amenity to adjoining or future occupiers of development.</p>
Policy SCLP 11.3 – Historic Environment	<p>The Council will work with partners, developers and the community to conserve and enhance the historic environment by:</p> <ul style="list-style-type: none"> <li>• Requiring development proposals to conserve and enhance the historic environment, including through the removal of existing features that detract from the historic environment and through the provision of interpretation where appropriate; and</li> <li>• Applying the policies of the National Planning Policy Framework in respect of designated and non-designated heritage assets.</li> </ul>

Policy	Summary
Policy SCLP 11.5 – Conservation Areas	Development within Conservation Areas will be assessed against the relevant Conservation Area Appraisals and Management Plans and any subsequent additions or alterations. Developments should be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area.
Policy SCLP 11.6 – Archaeology	<p>A full Archaeological Assessment must be included with any planning application affecting areas of known or suspected archaeological importance to ensure that provision is made for the preservation of important archaeological remains.</p> <p>Where proposals affect archaeological sites, preference will be given to preservation in situ unless it can be shown that recording of remains, assessment, analysis report and/or deposition of archive is more appropriate.</p>

### 3.5.3 Waveney District Council

95. WDC is in the process of updating their Local Plan. Once accepted by the Planning Inspectorate and adopted by the Council, the Local Plan will replace the Core Strategy (2009), Development Management Policies (2011), Site Allocations (2011) and Lake Lothing and Outer Harbour Area Action Plan (2012) in their entirety. The draft new local plan was submitted to the Secretary of State for independent examination in the summer of 2018.
96. **Table 3.3** presents the relevant policies from the WDC new Local Plan (WDC 2018). Key priorities and objectives of the new Local Plan relevant to the proposed East Anglia ONE North project include:
- *Enhance and protect the natural, built and historic environment;*
  - *Reduce contributions to climate change and mitigate the effects and conserve natural resources;*
  - *Achieve sustained and resilient economic growth in towns and rural areas in order to support, 5,000 new jobs in the District; and*
  - *Improve the quality and provision of all types of infrastructure.*



**Table 3.3 Relevant Policies from the WDC New Local Plan**

Policy	Summary
WLP1.4 Infrastructure	Developers must consider the infrastructure requirements needed to support and service the proposed development. All development will be expected to contribute towards infrastructure provision to meet the needs generated.
WLP8.23 Protection of Open Space	<p>There will be a presumption against any development that involves the loss of open space or community sport and recreation facilities.</p> <p>Open spaces are identified on the Policies Map.</p> <p>Proposals for the development of open spaces will only be permitted in exceptional circumstances where:</p> <ul style="list-style-type: none"> <li>• The proposal is ancillary to the open nature of the area and will enhance local character, increase local amenity and be of greater community or wildlife benefit;</li> <li>• An open space assessment demonstrates the site is surplus to requirements including its ability to be used for alternative open space uses; or</li> <li>• The loss resulting from the proposed development will be replaced by equivalent or better provision in terms of quantity, quality and in a location that is equally or more accessible to the community.</li> </ul>
WLP8.24 Flood Risk	<p>Development proposals should consider flooding from all sources and take in to account climate change.</p> <p>Developments should use sustainable drainage systems to drain surface water. Sustainable drainage systems should be integrated into the landscaping scheme and the green infrastructure provision of the development and not detract from the design quality of the scheme. They should deliver water quality and aquatic biodiversity improvements wherever possible.</p>
Policy WLP8.25 Coastal Change Management	Essential infrastructure, including transport infrastructure, utility infrastructure and wind turbines will only be permitted in the Coastal Change Management Area where no other sites outside of the Area are feasible and there is a management plan in place to manage the impact of coastal change including their future removal and replacement.

Policy	Summary
	<p>All planning applications for development within the Coastal Change Management Area and 30 metres inland should be accompanied by a Coastal Erosion Vulnerability Assessment which demonstrates that the development will not result in an increased risk to life or property.</p>
<p>Policy WLP8.27 Renewables and Low Carbon energy</p>	<p>Renewable and low carbon energy schemes will be permitted where:</p> <ul style="list-style-type: none"> <li>• There are no significant adverse effects on the amenities of nearby properties or businesses, there are no adverse safety impacts and no significant adverse effects on the transport network; or</li> <li>• The proposal is in a suitable area for renewable and low carbon energy as identified in a Neighbourhood Plan. For wind energy, the proposed development must also have the backing of the community.</li> </ul> <p>Cumulative effects and the impact of ancillary infrastructure will form part of the assessment for planning applications for renewable and low carbon energy developments.</p>
<p>Policy WLP8.29 Design</p>	<p>Development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. In so doing proposals should:</p> <ul style="list-style-type: none"> <li>• Demonstrate a clear understanding of the form and character of the built and natural environment and use this understanding to complement local character and distinctiveness;</li> <li>• Take account of any important landscape or topographical features and retain and/or enhance existing landscaping and natural and semi-natural features on site; and</li> <li>• Include hard and soft landscaping schemes to aid the integration of the development into its surroundings.</li> </ul>
<p>Policy WLP8.34 Biodiversity and Geodiversity</p>	<p>Proposals that will have a direct or indirect adverse impact on locally recognised sites of biodiversity or geodiversity importance, including County Wildlife Sites, Biodiversity Action Plan habitats and species, must demonstrate that new opportunities to enhance the green infrastructure network will be provided as part of the development that will mitigate or compensate for this loss.</p> <p>Where compensatory habitat is created, it should be of equal or greater size than the area lost as a result of the development, be well located to positively contribute towards the green infrastructure network and biodiversity and be supported with a management plan.</p>

Policy	Summary
	<p>Where there is reason to suspect the presence of protected species or habitat, applications should be supported by an ecological survey undertaken by a suitably qualified person. If present the proposal must be sensitive to, and make provision for their needs.</p> <p>Any development with the potential to impact on a Special Protection Area or Special Area for Conservation within or outside of the District will need to be supported by information to inform a Habitat Regulations Assessment.</p>
<p>Policy WLP8.35 Landscape Character</p>	<p>Proposals for development should be informed by, and be sympathetic to, the distinctive character areas, strategic objectives and considerations identified in the Waveney District Landscape Character Assessment (2008), the Settlement Fringe Landscape Sensitivity Study (2016), the Broads Landscape Character Assessment (2016) and the Broads Landscape Sensitivity Study for Renewables and Infrastructure (2012).</p> <p>Development proposals will be expected to demonstrate their location, scale, form, design and materials will protect and where possible enhance:</p> <ul style="list-style-type: none"> <li>• The special qualities and local distinctiveness of the area;</li> <li>• The visual and historical relationship between settlements and their landscape settings;</li> <li>• The pattern of distinctive landscape elements such as watercourses, commons, woodland trees, (especially hedgerow trees) and field boundaries, and their function as ecological corridors; and</li> <li>• Visually sensitive skylines, seascapes and significant views towards key landscapes and cultural features.</li> </ul> <p>Proposals should include measures that enable a scheme to be well integrated into the landscape and enhance connectivity to the surrounding green infrastructure and Public Rights of Way network.</p>
<p>Policy WLP8.37 Historic Environment</p>	<p>Proposals for development should conserve or enhance Heritage Assets and their settings.</p> <p>All development proposals which have the potential to impact on Heritage Assets or their settings should be supported by a Heritage Impact Assessment prepared by an individual with relevant expertise. Pre-application consultation with the Council is encouraged to ensure the scope and detail of a Heritage Impact</p>

Policy	Summary
	<p>Assessment is sufficient. The level of detail of a Heritage Impact Assessment should be proportionate to the scheme proposed and the number and significance of heritage assets affected.</p> <p>Proposals should take into account guidance included in the Built Heritage and Design Supplementary Planning Document.</p>
Policy WLP8.40 Archaeology	<p>Full archaeological assessment must be included with any planning application affecting areas of known or suspected archaeological importance to ensure that provision is made for the preservation of important archaeological remains.</p> <p>Development should preserve and record archaeological remains. Where proposals affect archaeological sites, preference will be given to preservation in situ unless it can be shown that recording of remains, assessment, analysis report and deposition of archive is more appropriate.</p>

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