

Norfolk Vanguard Offshore Wind Farm

Chapter 3

Policy and Legislative Context

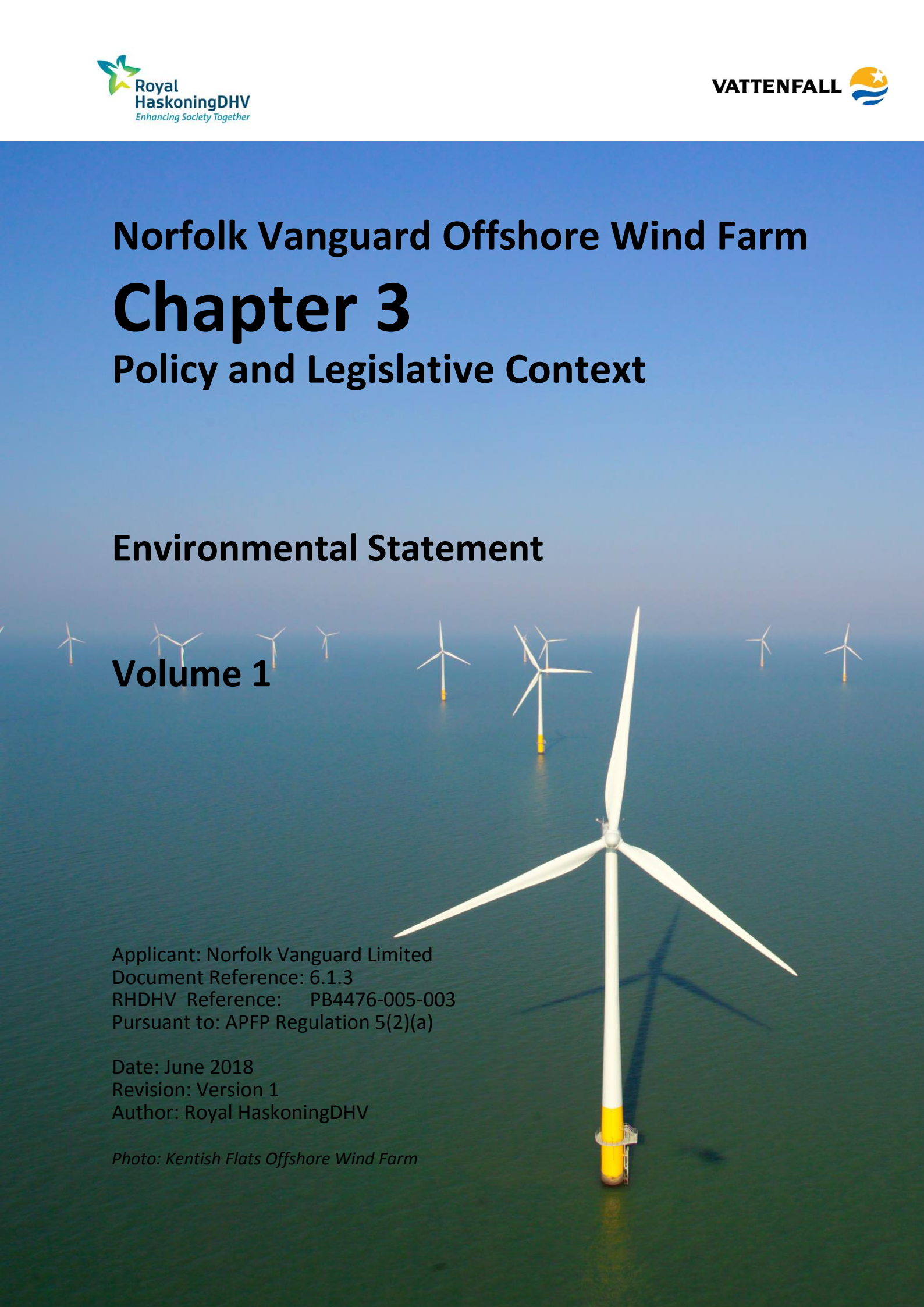
Environmental Statement

Volume 1

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Environmental Impact Assessment Environmental Statement

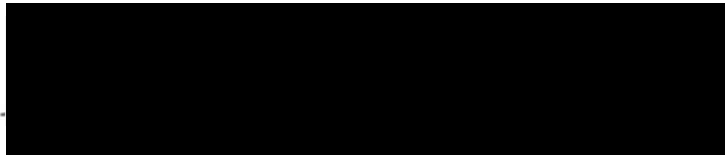
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June 2018

For and on behalf of Vattenfall Wind Power Limited

Approved by: Ruari Lean and Rebecca Sherwood

Signed: -



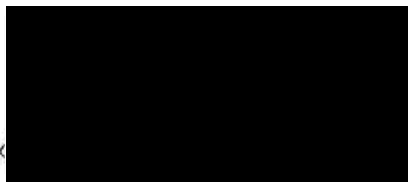
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Table of Contents

| | | |
|------------|--|-----------|
| 3 | Policy and Legislative Context | 1 |
| 3.1 | Introduction | 1 |
| 3.2 | Consideration of Interrelationships between Impacts - International Context | 2 |
| 3.3 | UK Context | 7 |
| 3.4 | Regional and Local Context | 16 |
| 3.5 | References | 25 |

Tables

| | |
|---|----|
| Table 3.1 Relevant policies from the Norfolk County Council (2011) Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026 | 16 |
| Table 3.2 Relevant policies from the North Norfolk District Council (2008) Core Strategy and Development Control Policies | 18 |
| Table 3.3 Relevant policies from the Broadland LDF | 21 |
| Table 3.4 Relevant policies from the Breckland Council (2009) Adopted Core Strategy and Development Control Policies DPD | 22 |

Glossary

| | |
|------------------|---|
| AONB | Area of Outstanding Natural Beauty |
| BEIS | Department for Business, Energy & Industrial Strategy |
| CBD | Convention on Biological Diversity |
| CfD | Contract for Difference |
| CO ₂ | Carbon dioxide |
| DCO | Development Consent Order |
| DECC | Department for Energy and Climate Change (now BEIS) |
| Defra | Department for Environment, Food and Rural Affairs |
| DML | Deemed Marine Licence |
| DPD | Development Plan Document |
| EC | European Commission |
| EEA | European Economic Area |
| 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 |
| ICZM | Integrated Coastal Zone Management |
| IROPI | Imperative Reasons of Overriding Public Interest |
| JNCC | Joint Nature Conservation Committee |
| LDF | Local Development Framework |
| LEC | Levelised Energy Cost |
| MCAA | Marine and Coastal Access Act |
| MCZ | Marine Conservation Zone |
| MMO | Marine Management Organisation |
| MPA | Marine Protected Areas |
| MPS | Marine Policy Statement |
| MSFD | Marine Strategy Framework Directive |
| NDC | Nationally Determined Contribution |
| NERC | Natural Environment and Rural Communities |
| nm | Nautical Mile |
| NNR | National Nature Reserve |
| NPS | National Policy Statement |
| NSIP | Nationally Significant Infrastructure Project |
| OSPAR Convention | Oslo/Paris Convention for the Protection of the Marine Environment of the North-East Atlantic |
| PEIR | Preliminary Environmental Information Report |
| RSPB | Royal Society for the Protection of Birds |
| SAC | Special Area of Conservation |
| SCI | Site of Community Importance |
| SPA | Special Protection Area |
| SSSI | Site of Special Scientific Interest |

| | |
|--------|---|
| TEU | Treaty on European Union |
| UN | United Nations |
| UNECE | United Nations Economic Commission for Europe |
| UNFCCC | United Nations Framework Convention on Climate Change |
| WFD | Water Framework Directive |

Terminology

| | |
|------------------------------------|---|
| The Applicant | Norfolk Vanguard Limited |
| The Offshore Wind Farm (OWF) sites | The two distinct offshore wind farm areas, Norfolk Vanguard East and Norfolk Vanguard West. |
| The project | Norfolk Vanguard Offshore Wind Farm, including the onshore and offshore infrastructure. |

3 POLICY AND LEGISLATIVE CONTEXT

3.1 Introduction

1. This chapter of the Environmental Statement (ES) presents a review of the international, national and local planning policy and legislative context which is of relevance to the development of the Norfolk Vanguard Offshore Wind Farm (herein 'Norfolk Vanguard' or 'the project'). Policies specific to each Environmental Impact Assessment (EIA) topic are outlined in the relevant chapter (Chapters 8 to 31).

3.1.1 Requirement for Environmental Impact Assessment (EIA)

2. EIA is a tool for systematically examining and assessing the impacts of a development on the physical, biological and human environment. This process allows management and mitigation measures to be identified to ensure the development is sustainable.
3. EIA was introduced under the European Union (EU) EIA Directive 85/337/EEC (as amended by Directives 97/11/EC, 2003/35/EC and 2009/31/EC). The EIA Directive is transposed into English law for Nationally Significant Infrastructure Projects (NSIPs) by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations). In 2011, the original EIA Directive and amendments were translated into EIA Directive 2011/92/EU.
4. Directive 2014/52/EU amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment was published in the European Union's Official Journal in April 2014. The requirements of Directive 2014/52/EU have been formally implemented in England insofar as relevant to NSIPs in the form of a revised set of regulations entitled 'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017' (the EIA Regulations 2017).
5. Under Article 3(2) of the Directive, transposed by Regulation 37 of the EIA Regulations 2017, where an ES is submitted or where a scoping opinion has been sought before 16 May 2017, the project can benefit from transitional provisions to continue under the provisions of the EIA Regulations 2009. Whilst it is considered that the project benefits from the transitional arrangements, in order to ensure the EIA is of high quality and undertaken in accordance with best practice, Norfolk Vanguard Limited has applied the EIA Regulations 2017 in the preparation of this ES.
6. Key additional requirements of the EIA Regulations 2017 relate to:
 - Requirement to consider how climate change, human health and natural resources will be affected by the development;
 - 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;
- Consideration of a scenario where the development is not implemented;
- Ensuring coordination between the EIA and Habitats Regulations Assessment (HRA); and
- Ensuring that the environmental information is up to date at the time a decision is made.

3.2 Consideration of Interrelationships between Impacts - International Context

3.2.1 International Climate Change and Renewable Energy Policy and Legislation

7. In 2017 the UK triggered article 50 of the Treaty on European Union (TEU) and, at the time of submission, is in a two year process of negotiating a withdrawal agreement for the UK to leave the EU. In its white paper¹ considering the form and function of the EU (Withdrawal) Bill², 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 vast majority of European environmental commitments have already been adopted by successive UK governments and transposed into UK legislation.
8. UK legislation relating to Climate Change and Renewable Energy Policy is underpinned by a number of domestic and international (e.g. EU and United Nations (UN)) laws and agreements, of which the relevant agreements are outlined in this chapter. The Climate Change Act 2008 commits the government to reducing emissions by at least 80% of 1990 levels by 2050 in line with international commitments.

3.2.2 United Nations Framework Convention on Climate Change

9. The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on Climate Change (UNFCCC), which commits its parties to set internationally binding greenhouse gas emission reduction targets as well as

¹ <https://www.gov.uk/government/publications/the-repeal-bill-white-paper>

² Previously referred to as the Great Repeal Bill, The EU (Withdrawal) Bill was published on 13 July 2017 and can be found online at <https://publications.parliament.uk/pa/bills/cbill/2017-2019/0005/18005.pdf>

monitoring and reporting such emissions. The Protocol was agreed in 1997 and was ratified by the UK in 2002.

10. A regular series of international meetings of the UNFCCC 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 22nd climate change Conference of the Parties (COP22) 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”* (BEIS, 2016).
11. 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 emissions by 20% on 1990 levels by 2020, with the option to increase this to 30%. The UK Climate Change Act 2008 (see section 3.3.1.1) has an interim 34% reduction target for 2020, which if achieved will allow the UK to meet and exceed its Kyoto agreement target.
12. During the United Nations Climate Change Conference in Paris in 2015 (known as ‘COP21’) 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 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.

13. The UK ratified the Paris Agreement in November 2016. The UK is currently covered by the EU pledge to reduce emissions by at least 40% across all Member States by 2030. It is not yet clear whether the UK will submit its own pledge after it leaves the EU.

3.2.2.1 European Union Renewables Directive/Renewable Energy Directive

14. The EU Renewables Directive (2009/28/EC) has two key targets:
 - 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.
15. In 2014 these targets were updated by the EC (European Commission, 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%).
16. On 30 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 (European Commission, 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.
17. 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 EU legislation being transposed into UK law due to the many uncertainties surrounding the Brexit process.

3.2.3 International Environmental and Nature Conservation Legislation and Treaties

3.2.3.1 Marine Strategy Framework Directive (MSFD)

18. 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.
19. The MSFD aims to be complementary to, and provide the overarching framework for a number of other key Directives and legislation at the European and UK level, such

as the Habitats Directive, the Birds Directive, the Water Framework Directive (WFD), the Common Fisheries Policy and the UK Marine and Coastal Access Act (MCAA).

3.2.3.2 Water Framework Directive

20. 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 with a view to ensuring a 'good ecological status' of all surface water bodies. The Directive employs chemical and biological Environmental Quality Indicators (EQI) and a programme of measures is implemented in order to improve surface waters that do not meet the required status.

3.2.3.3 Habitats and Birds Directives

21. 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.
22. 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).
23. 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. 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.
24. Natura 2000 is an EC term that incorporates the network of both SPA and SAC designated sites across the European Union. SACs and SPAs form the European Natura 2000 network of important high-quality conservation sites that are intended to significantly contribute to the conservation of habitats and species listed in the EU Birds and Habitats Directives.
25. European Protected Species (EPS) are those listed in Annexes II and IV of the Habitats Directive. These species include both animals and plants in marine and terrestrial environments.

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

26. 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).

3.2.3.5 OSPAR Convention

27. International cooperation to protect the marine environment (including biodiversity) of the north east Atlantic is achieved through the OSPAR Convention.
28. A key part of OSPAR's biodiversity strategy is to establish a network of Marine Protected Areas (MPAs). The UK has currently identified 244 OSPAR MPAs, many of which are Natura 2000 sites (see section 3.3.2.1) that also meet the relevant OSPAR selection criteria (OSPAR, 2006).

3.2.3.6 The Convention on Biological Diversity

29. 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.
30. 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.
31. 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.

3.2.3.7 Transboundary considerations - Espoo Convention

32. 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 by The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), specifically under Regulation 32. This requires that, where the application is for EIA development, and where the Planning Inspectorate 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)³ Member State, it must undertake a prescribed process of consultation and notification.
33. The Planning Inspectorate published Advice Note Twelve: Transboundary Impacts and Process (The Planning Inspectorate, March 2018) sets out the procedures for consultation in association with an application for a Development Consent Order (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.

3.3 UK Context

3.3.1 UK Climate Change and Renewable Energy Policy and Legislation

34. The Renewable Energy Directive and associated targets (section 3.2.2.1) have primarily been transposed into UK law through The Promotion of the Use of Energy from Renewable Sources Regulations 2011.
35. There are a number of overarching UK environmental targets/goals, which set the national framework for tackling climate change and renewable energy production (section 3.3.1.1 and 3.3.1.2). The most relevant of these is the world's first 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).

³ The EEA comprises the countries of the European Union (EU) plus Iceland, Liechtenstein and Norway

36. In order for the UK to achieve the reduction in emissions required by the EU (as stated in section 3.2.2) there is a target to produce 15% of UK energy from renewables by 2020 (Department for Energy and Climate Change (DECC)⁴, 2011). This includes a sub-target of 30% of electricity from renewable sources. For offshore wind the UK is leading the world with almost 7GW of generating capacity on line by the end of 2017 and projected generating capacity growing to 18GW and 30GW by 2030 (Wind Europe, 2018)

3.3.1.1 The UK Climate Change Act (2008)

37. 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 EU 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.
38. 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 to work towards achieving the 80% target by 2050
39. In its recent Clean Growth Strategy, BEIS outlines the 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 government to achieving the UK's already agreed climate change goals. With reference to offshore wind the Strategy notes the rapid cost reductions in the cost of energy from offshore wind and commits to £557million of Contract for Difference support with an auction scheduled for spring 2019. 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 (BEIS, 2017).

3.3.1.2 The UK Energy Act (2013)

40. The Electricity Market Reform policy and Energy Act 2013 introduced the Contracts for Difference (CFD) auction framework with the aim of providing long term revenue stabilisation for new low carbon energy initiatives, replacing the previous Renewables Obligation system. The auction framework drives developers to deliver competitive projects at a low Levelised Energy Cost (LEC), thereby reducing the support payment required with the aim of ultimately lowering the cost to the consumer. The UK Government has committed to funding a further 10GW of

⁴ DECC became part of Department for Business, Energy & Industrial Strategy (BEIS) in 2016

offshore wind in the 2020s, if industry continues to deliver cost reductions. Government capped CFD strike prices (a pre-agreed price for electricity) at £105MWh for projects commissioning in 2021-22, falling to £85MWh for projects commissioning in 2026. 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 wind farms were awarded at £57.50MWh for projects that are planned to begin generating in 2022/23. This represents an auction price reduction of almost 50% in 2 years and reflects similar price reductions seen in other European offshore wind auctions.

41. Norfolk Vanguard Ltd is focusing on delivering Norfolk Vanguard to ensure it is competitive in future CFD auctions.

3.3.2 UK Environmental and Conservation Legislation

3.3.2.1 The Conservation of Habitats and Species Regulations (2017)

42. The Conservation of Habitats and Species Regulations 2017 combine the 2010 regulations with subsequent amendments (JNCC, 2018). ‘The Habitats Regulations’ transposed the Habitats Directive and elements of EU Wild Birds Directive (see section 3.2.3.3) in to UK law.
43. Under the Habitats and Species Regulations (2017) the relevant Secretary of State must consider whether a plan or project has the potential to have an adverse effect on the integrity and features of a Natura 2000 site. This process is known as Habitat Regulations Assessment (HRA). Under Regulation 63 of the Habitats and Species Regulations, appropriate assessment is required for 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.
44. Details on the HRA process can be found on the Offshore and Onshore HRA screening reports (document reference: 5.3.5.1 and 5.3.5.2 respectively). A Report to inform the HRA (document reference 5.3) will be submitted along with the DCO application to help inform the HRA process which will be undertaken by the Secretary of State as the competent authority.

3.3.2.2 Countryside and Rights of Way Act 2000

45. Under the Countryside and Rights of Way Act 2000, Natural England has the power to designate Areas of Outstanding Natural Beauty (AONBs) in England for areas that are outside national parks and that are considered to have significant landscape value. The Act amends the law relating to public rights of way including making

provision for public access on foot to certain types of land. Amendments are made in relation to SSSIs to improve their management and protection, as well as to the Wildlife and Countryside Act 1981, to strengthen the legal protection for threatened species. Provision is also made for AONBs to improve their management.

3.3.2.3 The Protection of Badgers Act 1992

46. 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.

3.3.2.4 Natural Environment and Rural Communities Act 2006 (NERC)

47. 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 (herein 'S41 species'). Decision makers of public bodies, in the execution of their duties, must have regard for the conservation of biodiversity in England, and the list is intended to guide them.

3.3.2.5 The Hedgerow Regulations 1997

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

3.3.2.6 The Commons Act 2006

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

3.3.2.7 Marine and Coastal Access Act 2009

49. The MCAA 2009 sets out improved management and protection of the marine and coastal environment. The MCAA established the Marine Management Organisation (MMO), the authority tasked with ensuring the delivery of sustainable development in the marine area.
50. The MCAA also added a new section to the Planning Act 2008, enabling a DCO applicant to apply for a Deemed Marine Licence (DML) as part of the DCO process.
51. 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.

52. The East Inshore and Offshore Marine Plans encompass the Norfolk Vanguard 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).
53. 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 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.
54. The Act includes provisions for the coastal environment, including improving access to the coast and undertaking Integrated Coastal Zone Management (ICZM), which brings policy makers, decision makers and stakeholders together to manage coastal and estuarine areas.

3.3.2.8 Wildlife and Countryside Act, Habitats Regulations and Offshore Marine Conservation Regulations

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

57. 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.
58. In England and Wales the Habitats Directive is implemented under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'). 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').
59. 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. Licences for actions which may affect marine EPS are issued by the MMO beyond 12 nautical miles (nm) and for action up to 12nm licences can be obtained from Natural England
60. The provisions of the Birds Directive are implemented through the Wildlife and Countryside Act 1981 (as amended), the Habitats Regulations (2017) as well as other legislation related to the use of land and sea.
61. 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 (0-12 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.

3.3.3 UK Planning Legislation

3.3.3.1 The Planning Act 2008

62. The Planning Act 2008 (as amended by the MCAA 2009, the Localism Act 2011, the Growth and Infrastructure Act 2013, and the Infrastructure Act 2015) 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).

63. 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 permission to construct and operate known as a 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 the threshold is a generating capacity of over 100MW. Norfolk Vanguard may have a generating capacity of up to 1,800MW and is therefore a NSIP and a DCO application, supported by an ES, will be the project consenting route followed by the Applicant.
64. 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, either permanently or temporarily;
 - Marine works under a DML; and
 - Powers to divert or stop up public rights of way.
65. Secondary legislation and guidance relevant to DCO applications have also been taken into account in planning the approach to the Norfolk Vanguard EIA. A full list of relevant legislation and guidance can be found on the Planning Inspectorate website⁵.

3.3.3.2 Localism Act 2011

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

3.3.3.3 National Policy Statements

67. The Planning Act 2008 makes provision for NPSs. NPSs are designed to set the policy framework for determination of NSIP applications. They integrate the 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.

⁵ <http://infrastructure.planningportal.gov.uk/legislation-and-advice/legislation/>

68. 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, making these decisions as transparent as possible. 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 Government's objectives for the development of nationally significant infrastructure in a particular sector and set out:

- How these objectives will contribute to sustainable development;
- How these objectives have been integrated with other 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.

69. There are twelve NPSs in total, of which six are relevant to energy and were produced by the former DECC. The energy NPSs received designation by the former Secretary of State for Energy and Climate Change on 19 July 2011. The three NPSs of relevance to Norfolk Vanguard are:

- EN-1 Overarching Energy;
- EN-3 Renewable Energy Infrastructure, which identifies the construction of offshore generating stations in excess of 100MW as NSIPs; and
- EN-5 Electricity Networks, which covers the electrical infrastructure in conjunction with EN-1.

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

70. Paragraph 3.7.1 of the Overarching National Policy Statement for Energy (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 wind farms, or where there may be technical reasons why existing network infrastructure is not suitable for connecting the new generation infrastructure.

3.3.3.3.2 National Policy Statement EN-5 – Electricity Networks

71. Paragraph 1.8.2 of National Policy Statement EN-5 – Electricity Networks explains that subsea cables and underground cables may be subject to the Planning Act 2008. In England this constitutes associated development for which consent may be sought through a DCO along with the main NSIP infrastructure, such as a generating station.

72. Paragraph 2.2.1 of EN-5 explains that, with regard to factors which influence site/route selection:
- i. 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; and
 - ii. Electricity network companies are regulated monopolies which must respond to demand from generators and consumers of electricity by developing and maintaining economical and efficient networks whilst having regard to various non-financial considerations.
73. Paragraph 2.2.6 of EN-5 states that developers of new electricity networks infrastructure should *“have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and ... do what [they] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects”*.
74. Guidance in the NPSs specific to each EIA topic are outlined in within the relevant ES chapters (Chapters 8 to 31) with information on how each item has been addressed in the ES.

3.3.3.4 National Infrastructure Advice Notes

75. 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. Although in many cases they include recommendations from the Planning Inspectorate about the approach to particular matters of process, which developers and others are encouraged to consider carefully. Of particular relevance for Norfolk Vanguard are the following Advice Notes:
- Advice Note Three: EIA consultation and notification (the Planning Inspectorate, August 2017a);
 - Advice Note Seven: Environmental Impact Assessment, Preliminary Environmental Information, Screening and Scoping (the Planning Inspectorate, December 2017b);
 - Advice Note Nine: Rochdale Envelope (the Planning Inspectorate, 2012);
 - Advice Note Ten: Habitat Regulations Assessment relevant to Nationally Significant Infrastructure Projects (the Planning Inspectorate, November 2017c);

- Advice Note Twelve: Transboundary Impacts and Process (the Planning Inspectorate, March 2018); and
- Advice Note Seventeen: Cumulative Effects Assessment (the Planning Inspectorate, December 2015)

3.4 Regional and Local Context

76. The East of England Plan contains targets that 44% of total electricity consumption in the East of England shall be from renewable energy by 2020, of which 27% should be from offshore wind.
77. Local authorities are required to prepare and maintain up to date Local Development Plans which set out their objectives for the use of land and development within their jurisdiction, and general policies for implementation.
78. 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. Taken together, the LDF can be thought of as the 'new' Local Plan. For the majority of local planning authorities these documents are still in development but where drafts are available, these have been considered by the project.
79. The onshore cable route falls under the jurisdiction of Norfolk County Council and the following local planning authorities:
 - North Norfolk District Council;
 - Broadland District Council; and
 - Breckland Council.
80. Relevant Development Plans have been considered during the onshore site selection for the project to avoid wherever possible, conflict with site specific planning allocations.

3.4.1 Norfolk County Council

81. Table 3.1 presents the relevant policies from the Norfolk County Council Core Strategy.

Table 3.1 Relevant policies from the Norfolk County Council (2011) Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026

| Policy | Summary |
|-------------------------|--|
| DM1 Nature Conservation | Development will only be permitted if it can be demonstrated that sufficient measures to mitigate harm to the site, habitat(s) and/or species can be put in place, preferably in advance |

| Policy | Summary |
|---|---|
| | of development. If appropriate mitigation measures cannot practicably be implemented, compensatory habits or geological exposure of at least an equivalent standard at a suitable alternative location should be provided. Potential adverse impacts off-site, caused by water contamination, changes to hydrology and/or air pollution, will also need to be considered. |
| DM2 Core River Valleys | <p>Development will only be permitted in Core River Valleys where it can be demonstrated to enhance the local landscape and/or biodiversity (either immediately or on restoration) and not impede floodplain functionality.</p> <p>Applicants will be expected to demonstrate that proposals will enhance the form, local character and distinctiveness of the landscape and natural environment of a river valley</p> |
| DM3 Groundwater and surface water | Applicants will need to give due regard to the policies within the Environment Agency's document 'Groundwater Protection: Policy and Practice (GP3)' and demonstrate that proposed developments would not adversely impact upon groundwater quality or resources and surface water quality or resources. A hydrological/hydrogeological risk assessment must be submitted, where applicable, to demonstrate this to the satisfaction of the County Planning Authority as advised by the Environment Agency. |
| DM4 Flood Risk | A Flood Risk Assessment is required for all development in Flood Zones 2 and 3, and for sites greater than 1 hectare. |
| DM8 Design, local landscape and townscape character | <p>Development will be permitted if it will not harm the conservation of, or prevent the enhancement of, key characteristics of its surroundings with regard to the character of the landscape and townscape, including consideration of its historic character and settlement pattern, taking into account any appropriate mitigation measures.</p> <p>Development will only be permitted where it would be within, or could affect the setting of, nationally or locally registered Historic Parks or Gardens, registered battlefields, conservation areas, listed buildings or the North Norfolk Heritage Coast, where the applicant can demonstrate that the development would not adversely impact on the historic form, character and/or setting of these locations, taking into account any mitigation measures.</p> |
| DM 9 Archaeological sites | <p>Applicants whose proposals could potentially affect heritage assets, or which are in areas with high potential for archaeological interest, will be required to prepare and submit an appropriate desk-based assessment and, where necessary, a field evaluation with their application to the County Council.</p> <p>Development will only be permitted where it would not adversely affect the significance of heritage assets (and their settings) of national and/or regional importance, whether scheduled or not. Where proposals for mineral extraction or waste management facilities would affect Scheduled Monuments and/or other assets of national and/or regional importance (including their settings), there will be a presumption in favour of their preservation <i>in situ</i>.</p> <p>Following the results of a site evaluation, development which would potentially affect other heritage assets (not of national or regional importance) could be acceptable if subject to appropriate mitigation measures – such as physical preservation of the archaeology <i>in situ</i>, or preservation by record (including appropriate publication and archiving).</p> |
| DM10 Transport | <p>Proposals that generate an increase in traffic movements or traffic impact, must be accompanied by a Transport Statement that demonstrates:</p> <ul style="list-style-type: none"> • Suitable highway access and egress in accordance with published highway design guidance; • A suitable route to the nearest major road (trunk road or principal road or main distributor road), which may need to be incorporated in a formal Routing Agreement; • Consideration of other road users, including cyclists, horse riders and pedestrians; • Consideration of sustainable drainage and pollution control measures; and |

| Policy | Summary |
|--------------------|--|
| | <ul style="list-style-type: none"> Measures to reduce car travel to the site by workers and visitors and encourage walking, cycling and use of public transport. |
| DM13 – Air quality | <p>Applicants for planning permission will be required to submit information to demonstrate that proposals effectively minimise harmful emissions to air and would not impact negatively on existing Air Quality Management Areas, nor lead to the declaration of a new AQMA.</p> <p>Development will be permitted if adequate measures can be agreed through planning conditions to mitigate potentially harmful air quality impacts to human health.</p> |
| DM16 – Soils | <p>Development proposals affecting Grade 1 agricultural land will only be permitted in exceptional circumstances, where it is demonstrated that there are no alternative locations for the development.</p> |

3.4.2 North Norfolk District Council

82. Table 3.2 presents the relevant policies from the North Norfolk District Council Core Strategy and Development Control Policies for up to 2021. The Strategy has the following relevant core aims:

- To provide for sustainable development and mitigate and adapt to climate change (Core Aim 2);
- To protect the built and natural environment and local distinctive identity of North Norfolk, and enable people's enjoyment of this resource (Core Aim 3); and
- To develop a strong, high value economy to provide better job, career and training opportunities (Core Aim 5).

Table 3.2 Relevant policies from the North Norfolk District Council (2008) Core Strategy and Development Control Policies

| Policy | Summary |
|--|--|
| Policy SS2 Development in the Countryside | <p>In areas designated as Countryside development will be limited to that which requires a rural location and is for one or more of the following; renewable energy projects.</p> |
| Policy SS4 Environment | <p>All development proposals will contribute to the delivery of sustainable development, ensure protection and enhancement of natural and built environmental assets and geodiversity and be located and designed so as to reduce carbon emissions and mitigate and adapt to future climate change.</p> <p>Renewable energy proposals will be supported where impacts on amenity, wildlife and landscape are acceptable.</p> <p>Opportunities to improve river water quality and minimise air, land and water pollution will be taken where possible. Open spaces and areas of biodiversity interest will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged.</p> <p>New development will incorporate open space and high quality landscaping to provide attractive, beneficial environments for occupants and wildlife and contribute to a network of green spaces. Where there is no conflict with biodiversity interests, the quiet enjoyment and use of the natural environment will be encouraged and all proposals should seek to increase</p> |

| Policy | Summary |
|---|---|
| | <p>public access to the countryside.</p> <p>The Built Environment and designated Public Realm areas will be conserved and enhanced through the protection of buildings and structures which contribute to their surroundings, the encouragement of high quality maintenance and repair and enhancement of public spaces. Innovative and locally distinctive design will be encouraged in all new development.</p> |
| Policy EN 2 Protection and Enhancement of Landscape and Settlement Character | <p>Proposals for development should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies.</p> <p>Development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance:</p> <ul style="list-style-type: none"> • The special qualities and local distinctiveness of the area (including its historical, biodiversity and cultural character); • Gaps between settlements, and their landscape setting; • Distinctive settlement character; • The pattern of distinctive landscape features, such as watercourses, woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife; • Visually sensitive skylines, hillsides, seascapes, valley sides and geological features; • Nocturnal character; • The setting of, and views from, conservation areas and historic parks and gardens; and • The defined setting of Sheringham Park, as shown on the Proposals Map. |
| Policy EN3 Undeveloped Coast | <p>In the Undeveloped Coast only development that can be demonstrated to require a coastal location and that will not be significantly detrimental to the open coastal character will be permitted.</p> |
| Policy EN4 Design | <p>All development will be designed to a high quality, reinforcing local distinctiveness. Innovative and energy efficient design will be particularly encouraged. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.</p> <p>Proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and new dwellings should provide acceptable residential amenity.</p> |
| Policy EN7 Renewable Energy | <p>Renewable energy proposals will be supported and considered in the context of sustainable development and climate change, taking account of the wide environmental, social and economic benefits of renewable energy gain and their contribution to overcoming energy supply problems in parts of the District.</p> <p>Proposals for renewable energy technology, associated infrastructure and integration of renewable technology on existing or proposed structures will be permitted where individually, or cumulatively, there are no significant adverse effects on;</p> <ul style="list-style-type: none"> • The surrounding landscape, townscape and historical features / areas; • Residential amenity (noise, fumes, odour, shadow flicker, traffic, broadcast interference); and • Specific highway safety, designated nature conservation or biodiversity considerations. <p>In areas of national importance large scale renewable energy infrastructure will not be permitted unless it can be demonstrated that the objectives of the designation are not compromised. Small-scale developments will be permitted where they are sympathetically designed and located, include any necessary mitigation measures and meet the criteria above.</p> |

| Policy | Summary |
|---|---|
| | Large scale renewable energy proposals should deliver economic, social, environmental or community benefits that are directly related to the proposed development and are of reasonable scale and kind to the local area. |
| Policy EN8 Protecting and Enhancing the Historic Environment | Where required, development proposals affecting sites of known archaeological interest will include an assessment of their implications and ensure that provision is made for the preservation of important archaeological remains. The character and appearance of Conservation Areas will be preserved, and where possible enhanced, and, in consultation with all relevant stakeholders, area appraisals and management plans will be prepared and used to assist this aim and to encourage the highest quality building design, townscape creation and landscaping in keeping with the defined areas. |
| Policy EN 9 Biodiversity & Geology | All development proposals should: <ul style="list-style-type: none"> • Protect the biodiversity value of land and buildings and minimise fragmentation of habitats; • Maximise opportunities for restoration, enhancement and connection of natural habitats; and • Incorporate beneficial biodiversity conservation features where appropriate. |
| Policy EN10 Development and Flood Risk | <p>The sequential test will be applied rigorously across North Norfolk and most new development should be located in Flood Risk Zone 1. New development in Flood Risk Zones 2 and 3a will be restricted to the following categories:</p> <ul style="list-style-type: none"> • Water compatible uses; • Minor development; • Changes of use (to an equal or lower risk category in the flood risk vulnerability classification) where there is no operational development (xl); and • 'Less vulnerable' uses where the sequential test has been passed. <p>New development in Flood Zone 3b will be restricted to water compatible uses only. The Strategic Flood Risk Assessment defines zones 2, 3a and 3b in parts of North Norfolk and this will be used to inform the application of the sequential test. Where this information is not available, the Environment Agency Flood Risk Zones and a site specific Flood Risk Assessment will be used to apply the sequential test.</p> <p>A site-specific Flood Risk Assessment which takes account of future climate change must be submitted with appropriate planning applications in Flood Zones 2, 3a and 3b and for development proposals of 1 hectare or greater in Flood Zone 1.</p> <p>Land in Flood Zone 1 that is surrounded by areas of Flood Zones 2 or 3 will be treated as if it is in the higher risk zone and a Flood Risk Assessment will be required to prove that safe access / egress exists for the development or that the land will be sustainable for the duration of the flood period.</p> <p>Appropriate surface water drainage arrangements for dealing with surface water runoff from new development will be required. The use of Sustainable Drainage Systems will be the preference unless, following an adequate assessment, soil conditions and / or engineering feasibility dictates otherwise.</p> |
| Policy EN 11 Coastal Erosion | In the Coastal Erosion Constraint Area new development, or the intensification of existing development or land uses, will not be permitted, except where it can be demonstrated that it will result in no increased risk to life or significant increase in risk to property. In any location, development proposals that are likely to increase coastal erosion as a result of changes in surface water run-off will not be permitted. |

| Policy | Summary |
|--|--|
| Policy EN 13 Pollution and Hazard Prevention and Minimisation | All development proposals should minimise, and where possible reduce, all emissions and other forms of pollution, including light and noise pollution, and ensure no deterioration in water quality. |

3.4.3 Broadland District Council

83. Table 3.3 presents the relevant policies from the Greater Norwich Development Partnership (2014) Joint Core Strategy for Broadland, Norwich and South Norfolk and Broadland District Council (2015) Development Management DPD.

Table 3.3 Relevant policies from the Broadland LDF

| Policy | Summary |
|--|--|
| Joint Core Strategy Policy 1: Addressing climate change and protecting environmental assets | To address climate change and promote sustainability, all development will be located and designed to use resources efficiently, minimise greenhouse gas emissions and be adapted to a changing climate and more extreme weather. |
| Joint Core Strategy Policy 3: Energy and Water | Development in the area will, where possible, aim to minimise reliance on non-renewable high-carbon energy sources and maximise the use of decentralised and renewable or low-carbon energy sources and sustainable construction technologies. |
| Joint Core Strategy Policy 5: The economy | The local economy will be developed in a sustainable way to support jobs and economic growth both in urban and rural locations |
| DPD Policy GC1 – Presumption in favour of sustainable development | 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. |
| DPD Policy GC2 – Location of new development | New development will be accommodated within the settlement limits defined on the policies map. Outside of these limits development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the development plan. |
| DPD Policy GC4 - Design | Development will be expected to achieve a high standard of design and avoid any significant detrimental impact. Schemes which are of an innovative nature or which reduce reliance on centralised, non-renewable energy sources will be particularly encouraged. |
| DPD Policy GC5 – Renewable Energy | Proposals for renewable energy technology, associated infrastructure and integration of renewable technology will be encouraged where its impacts are (or can be made) acceptable |
| DPD EN1 – Biodiversity and Habitats | Development proposals will be expected to protect and enhance the biodiversity of the district, avoid fragmentation of habitats, and support the delivery of a co-ordinated green infrastructure network throughout the district. |
| DPD EN 2 Landscape | In order to protect the character of the area, development proposals should have regard to the Landscape Character Assessment |
| DPD EN3 – Green Infrastructure | All development will be expected to maximise opportunities for the creation of a well-managed network. |

| Policy | Summary |
|---------------------|---|
| DPD EN4 - Pollution | Development proposals will be expected to include an assessment of the extent of potential pollution. |

3.4.4 Breckland Council

84. Table 3.4 presents the policies from the Breckland Council (2009) Adopted Core Strategy and Development Control Policies DPD which are of relevance to Norfolk Vanguard. Breckland Council are in the process of developing a new Local Plan which will replace the Core Strategy. A pre-submission document was released in August 2017 but it is noted that the policies listed in this document may be subject to change and no adoption timeframe has been provided.

Table 3.4 Relevant policies from the Breckland Council (2009) Adopted Core Strategy and Development Control Policies DPD

| Policy | Summary |
|---------------------------------------|---|
| Policy CP8 Natural Resources | <p>All development must be consistent with the principles of the proper management of natural resources. Development will only be supported where it will enhance, or protect against the non-essential loss of the natural resources of the District. Whilst mechanisms are in place to ensure that the development needs of the District are met, development should nevertheless avoid the unnecessary loss of high-grade agricultural land which is a finite resource and is important to the rurality of Breckland.</p> <p>Development must not cause deterioration in water quality or air quality.</p> <p>All new development will be located in such a way as to minimise its own risk of flooding and new development should not materially increase the flood risk to other areas or increase the risk of flooding to European Habitats which are water sensitive. This will be minimised through the installation of infiltration and attenuation measures to dispose of surface water (Sustainable Drainage System (SuDS)). In considering proposals for development regard will be had to national Planning Policy and the Development Control Policy on Flood Risk.</p> |
| Policy CP9 Pollution and Waste | <p>The high quality management of the District's environment will be encouraged and supported through the careful appraisal of development proposals to ensure that they do not damage the environment. Management of the environment will require the emission of pollutants in terms of noise, odour, light or other waste materials or by-products to be minimised. Appropriate construction technologies and design principles are required to minimise waste generation.</p> |
| Policy CP10 Natural Environment | <p>There is an expectation that development will incorporate biodiversity or geological features where opportunities exist.</p> <p>Open spaces and areas of biodiversity interest will be protected from harm.</p> <p>Development that may have an adverse impact upon a Site of Special Scientific Interest (SSSI), either directly or indirectly, will need to be accompanied by a suitable environmental assessment which identifies the impact of the development on the SSSI and potential mitigation measures that may be incorporated to assuage any impact.</p> <p>A full environmental appraisal will be required for development that may have a direct or indirect impact upon any site of regional or local biodiversity, or geological interest identified on the Proposals Map.</p> <p>The Council will require that an appropriate assessment is undertaken of all proposals for development that are likely to have a significant effect on the Breckland Special Protection</p> |

| Policy | Summary |
|--|---|
| | <p>Area (SPA) and will only permit development that will not adversely affect the integrity of the SPA</p> <p>Where development is likely to have an impact upon a species that is not protected by other legislation, and in particular where that species is identified in the Norfolk and UK Biodiversity Action Plan, there will be an expectation that the development proposal will be accompanied by an impact study commensurate with the scale of the impact and the importance of the species.</p> <p>Wherever a proposed development may have a detrimental impact upon a designated site or protected species, conditions and/or planning obligations will be used to ensure that appropriate mitigation measures are utilised, where appropriate.</p> |
| Policy CP11 Protection and Enhancement of the Landscape | Development should have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, including a consideration of individual or groups of natural features such as trees, hedges and woodland or rivers, streams or other topographical features. |
| Policy CP12 Energy | Commercial scale renewable energy generation developments will be supported throughout the District. Large scale developments of this type will be subject to a comprehensive environmental assessment which will be based on the individual and unique circumstances of the case. When considering such assessments, regard will be given to the wider environmental benefits of providing energy from renewable sources as well as effects on amenities and the local environment. |
| Policy DC1 Protection of Amenity | For all new development consideration will need to be given to the impact upon amenity. Development will not be permitted where there are unacceptable effects on the amenities of the area or the residential amenity of neighbouring occupants, or future occupants of the development site |
| Policy DC12 Trees and Landscape | <p>Any development that would result in the loss of, or the deterioration in the quality of, an important natural feature(s), including protected trees and hedgerows will not normally be permitted. In exceptional circumstances where the benefit of development is considered to outweigh the benefit of preserving natural features, development will be permitted subject to adequate compensatory provision being made. The retention of trees, hedgerows and other natural features in situ will always be preferable. Where the loss of such features is unavoidable, replacement provision should be of a commensurate value to that which is lost.</p> <p>Appropriate landscaping schemes to mitigate against the landscape impact of and complement the design of new development will be required, where appropriate.</p> <p>Conditions and/or planning obligations will be used to secure landscaping schemes and the replacement of trees, hedgerows or other natural features or their protection during the course of development. Where necessary maintenance payments for new landscaping may be sought via planning obligation.</p> |
| Policy DC13 Flood Risk | <p>New development should be located in areas at least risk of flooding. New development will be expected to minimise flood risk to people, property and places.</p> <p>New development will only be permitted in Environment Agency Flood Zones 2 & 3 and those areas deemed at risk from flooding by the District's Strategic Flood Risk Assessment, where subject to the successful application of the sequential test:</p> <ul style="list-style-type: none"> • In Zone2- Uses are water compatible, less vulnerable, more vulnerable and essential infrastructure • In Zone 3a - Uses are water compatible, or less vulnerable • In Zone 3b - Uses are water compatible only. <p>All development proposals in areas at risk of flooding will be expected to provide a Flood</p> |

| Policy | Summary |
|--|---|
| | Risk Assessment commensurate with the scale of the flood risk and recognising all likely sources of flooding. |
| Policy DC15 Renewable Energy | <p>Proposals for renewable energy development will be supported in principle. Permission will be granted for these developments unless it, or any related infrastructure such as power lines or access roads etc., has a significant detrimental impact or a cumulative detrimental impact upon:</p> <ul style="list-style-type: none"> • Sites of international, national or local nature and heritage conservation importance; • The surrounding landscape and townscape; • Local amenity as a result of noise, fumes, electronic interference or outlook through unacceptable visual intrusion; • Highway safety. <p>Where development is permitted, mitigation measures will be required as appropriate to minimise any environmental impacts, such measures will be secured via condition or legal agreement. All development proposals for a renewable energy generation scheme should, as far as is practicable, provide for the site to be reinstated to its former condition should the development cease to be operational.</p> |
| Policy DC16 Design | <p>All new development should achieve the highest standards of design.</p> <p>Local Character: All design proposals must preserve or enhance the existing character of an area.</p> <p>Form and Character: Development should complement the natural landscape, natural features and built form that surround it.</p> <p>Density, Height, Massing and Scale: In considering new development, consideration will be given to the density of buildings in a particular area and the landscape/townscape effect of any increased density. The real or perceived heights and scales of buildings relative to each other and their surround will be a key consideration as will the relationship of the density, scale and height.</p> <p>Landscaping, Boundary Treatments and Enclosure: For all new developments consideration will be given to the, incorporation, preservation and enhancement of natural features on a site.</p> <p>Building Detailing and Materials: Detailing and materials should be a key part of the building design, stemming directly from functional needs of the building.</p> |
| Policy DC17 Historic Environment | <p>New development will be expected to preserve and enhance the character, appearance and setting of Conservation Areas, Scheduled Monuments, Historic Parks and Gardens and other areas of historic interest. Where a proposed development will affect the character or setting of a Listed Building, particular regard will need to be given to the protection, preservation and enhancement of any features of historic or architectural interest.</p> <p>Sites of archaeological interest and their setting will be protected, enhanced and preserved; development which has an unacceptable impact upon a site of archaeological interest will not be permitted. Where it is considered appropriate in cases where development coincides with the location of a known or suspected archaeological interest an archaeological field evaluation will be required. Where the benefits of a particular development are considered to outweigh the importance of retaining archaeological remains <i>in situ</i> satisfactory excavation and recording of remains will be required before development is begun.</p> |

3.5 References

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