



# East Anglia TWO Offshore Windfarm

## Chapter 3 Policy and Legislative Context

### Environmental Statement Volume 1

Applicant: East Anglia TWO Limited  
Document Reference: 6.1.3  
SPR Reference: EA2-DWF-ENV-REP-IBR-000895 Rev 01  
Pursuant to APFP Regulation: 5(2)(a)

Author: Royal HaskoningDHV  
Date: October 2019  
Revision: Version 1

Prepared by:	Checked by:	Approved by:

#### Revision Summary

Rev	Date	Prepared by	Checked by	Approved by
01	08/10/2019	Paolo Pizzolla	Julia Bolton	Helen Walker

#### Description of Revisions

Rev	Page	Section	Description
01	n/a	n/a	Final for Submission

# Table of Contents

<b>3</b>	<b>Policy and Legislative Context</b>	<b>1</b>
3.1	Introduction	1
3.2	Consultation	2
3.3	National Planning and Legislative Context	3
3.4	International Policy and Legislative Context	9
3.5	National Policy and Legislative Context	15
3.6	Regional and Local Context	23
3.7	References	48

## 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
EEA	European Economic Area
EIA	Environmental Impact Assessment
EIEOMP	East Inshore and East Offshore Marine Plans
EMF	Electromagnetic Fields
EPS	European Protected Species
EQI	Environmental Quality Indicators
ES	Environmental Statement
ESC	East Suffolk Council
EU	European Union
GES	Good Environmental Status
HRA	Habitats Regulations Assessment
JNCC	Joint Nature Conservation Committee
kV	Kilovolt
LEC	Levelised Energy Cost
LDF	Local Development Frameworks
LDP	Local Development Plan
LLFA	Lead Local Flood Authority
MCAA	Marine and Coastal Access Act
MCZ	Marine Conservation Zone
MMO	Marine Management Organisation
MPS	Marine Policy Statement
MSFD	Marine Strategy Framework Directive
NERC	Natural Environment and Rural Communities Act
nm	Nautical miles
NNR	National Nature Reserve
NPS	National Policy Statement
NPPF	National Planning Policy Framework
NSIP	Nationally Significant Infrastructure Project
OSPAR	Convention for the Protection of the Marine Environment of the North-East Atlantic
PEIR	Preliminary Environmental Information Report
PRoW	Public Rights of Way
PPG	Policy Guidance Note
PPS	Planning Policy Statement
REZ	Renewable Energy Zone
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SCC	Suffolk County Council

---

SCDC	Suffolk Coastal District Council
SCLP	Suffolk Coastal Local Plan
SEA	Strategic Environmental Assessment
SPA	Special Protection Area
SPR	ScottishPower Renewables
SSSI	Site of Special Scientific Interest
SUDS	Sustainable Urban and Rural Drainage Schemes
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
WDC	Waveney District Council
WFD	Water Framework Directive

## Glossary of Terminology

Applicant	East Anglia TWO Limited.
Development area	The area comprising the onshore development area and the offshore development area (described as the 'order limits' within the Development Consent Order).
East Anglia TWO project	The proposed project consisting of up to 75 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia TWO windfarm site	The offshore area within which wind turbines and offshore platforms will be located.

## 3 Policy and Legislative Context

### 3.1 Introduction

1. This chapter of the Environmental Statement (ES) presents the international, national and local planning policy and legislative context which is of relevance to the development of the proposed East Anglia TWO project. Policies specific to each Environmental Impact Assessment (EIA) topic are outlined in the relevant chapter (**Chapters 7 to 30**).
2. A full assessment of the proposed East Anglia TWO project in terms of compliance with planning policies is provided in the Development Consent and Planning Statement, which accompanies the DCO application (document reference 3.1).

#### 3.1.1 Requirement for an Environmental Impact Assessment

3. 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.
4. 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).
5. Following the implementation of Directive 2014/52/EU some key changes to 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 Consultation

6. Consultation is a key feature of the EIA process, and continues throughout the lifecycle of a project, from its initial stages through to consent and post-consent.
7. To date, consultation with regards to policy and legislation has been undertaken through the East Anglia TWO Scoping Report (SPR 2017) and the Preliminary Environmental Information Report (PEIR) (SPR 2019). Feedback received through this process has been considered in preparing the ES where appropriate and this chapter has been updated for the final assessment submitted with the Development Consent Order (DCO) application.
8. The responses received from stakeholders with regards to the Scoping Report and PEIR are summarised in **Table 3.1**, including details of how these have been taken account of within this chapter. It should be noted that comments regarding policy and legislation with respect to specific technical topics are addressed in each topic specific chapter (**Chapter 7-30**).

**Table 3.1 Consultation Responses**

Consultee	Date/ Document	Comment	Response / where addressed in the ES
Marine Management Organisation (MMO)	21/03/2019 Section 42 Response	The MMO notes that in chapter 3 section 3.4.2.8 paragraph 83 the applicant makes reference to the East Inshore and Offshore Marine Plan and how the development is in line with it. Although the statement wording is correct, it would be beneficial to mention the exact policy being mentioned, in this case "Policy WIND2" as the reference given is for the whole East inshore and Offshore Marine Plan and not the specific statement that the development quotes. This should be amended.	Noted, this paragraph has been amended and all policies from the East Inshore and Offshore Marine Plan are presented in <b>Table 3.2</b> .



Consultee	Date/ Document	Comment	Response / where addressed in the ES
MMO	21/03/2019 Section 42 Response	The MMO has attached an example template to use when considering the Marine Plans (See Appendix A). We would advise using something similar when you submit future documents in support of your application to demonstrate how you have considered the relevant marine plans and policies. These can be found using the MIS and policy information on the following website: <a href="http://mis.marinemanagement.org.uk">http://mis.marinemanagement.org.uk</a>	Noted, this template has been considered when preparing the Development Consent and Planning Statement which has been submitted with the final DCO application (document reference 8.2).

### 3.3 National Planning and Legislative Context

#### 3.3.1 The Planning Act 2008

9. 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).
10. NSIPs are usually large scale, nationally significant developments such as new ports, airports, major road and rail schemes or power generating stations. NSIPs 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 TWO project is over the 100MW threshold, and is therefore a NSIP, and as such a DCO application, supported by an ES, has been submitted by the Applicant.
11. Under the 2008 Act, the installation of an electric line above ground in England is an NSIP unless it falls within certain exclusions. For the proposed East Anglia TWO project, in order to connect to the national grid transmission system, a new national grid substation is required which will need to connect into the existing National Grid 400kV overhead lines. Overhead line realignment works are necessary to facilitate this connection and these overhead lines do not fall within any of the exclusions and are therefore considered to be an above ground electric line NSIP and are treated as such within the DCO.
12. As part of its application for a DCO, the Applicant has also sought 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).

13. Secondary legislation and guidance relevant to DCO applications have also been taken into account in planning the approach to the proposed East Anglia TWO project's EIA. A full list of relevant legislation and guidance can be found on the Planning Inspectorate website<sup>1</sup>.

#### 3.3.1.1 Localism Act 2011

14. 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.

#### 3.3.2 National Policy Statements (NPS)

15. 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.

16. NPSs are produced by the UK Government and set out national policy against which proposals for major infrastructure projects will be assessed by the Planning Inspectorate and Determined by the Secretary of State. 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;

---

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

- 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.
17. 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). The three NPSs of relevance to the proposed East Anglia TWO 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
  - EN-5 Electricity Networks Infrastructure (DECC 2011c), which covers the electrical infrastructure associated with an NSIP.
18. 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.

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

19. 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.
20. 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.

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

21. Paragraph 2.6.15 of EN-3 recognises the need for 25GW 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.

22. 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).
23. 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.
24. NPS EN-3 identifies certain environmental topic-specific policy considerations. Where appropriate, these are outlined within the relevant ES chapters.

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

25. 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.
26. 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.
27. EN-5 states that “*when considering impacts for electricity networks infrastructure, all of the generic impacts covered in EN-1 are likely to be relevant, even if they only apply during one phase of the development such as construction or only apply to one part of the development such as a substation.*” However, the NPS also sets out additional technology-specific considerations on the following generic impacts considered in EN-1:

- Biodiversity and geological conservation;
  - Landscape and visual; and
  - Noise and vibration.
28. In addition, EN-5 sets out technology-specific considerations for Electromagnetic Fields (EMF), which is not an impact considered in EN-1. The advice given in EN-5 regarding environmental assessment has been taken into account in the relevant ES Chapters. The need to apply the policies relevant to new overhead lines and associated infrastructure has been taken into account in preparing this ES.
29. 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.

### 3.3.3 National Planning Policy Framework

30. The National Planning Policy Framework (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 February 2019 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 and July 2018.
31. 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.
32. 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.
33. The key principles of relevance to the proposed East Anglia TWO project are listed below.
- **Promoting sustainable transport** – The NPPF advises that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment.
  - **Achieving well designed places** – The NPPF states that planning decisions should aim to ensure that developments: are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Are

sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

- **Meeting the challenge of climate change, flooding and coastal change** – The NPPF advises that new developments should be planned in ways that avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure risks can be managed through suitable adaptation measures, including through the planning of green infrastructure. It further states that to increase the use and supply of renewable and low carbon energy, plans should provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).
- Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast. 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, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan). Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Maintaining the character of the undeveloped coast, while improving public access to it where appropriate; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans. Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- **Conserving and enhancing the historic environment** – The NPPF states that when considering the impact of a proposed development on the

significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

### 3.3.4 National Infrastructure Advice Notes

34. 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 TWO 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 2018);
- Advice Note Ten: Habitat Regulations Assessment (the Planning Inspectorate 2017c);
- Advice Note Twelve: Transboundary Impacts (the Planning Inspectorate 2018a); and
- Advice Note Seventeen: Cumulative Effects Assessment (the Planning Inspectorate 2015).

## 3.4 International Policy and Legislative Context

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

35. 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>2</sup> considering the form and function of the EU (Withdrawal) Bill<sup>3</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

---

<sup>2</sup> <https://www.gov.uk/government/publications/the-repeal-bill-white-paper>

<sup>3</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>

UK Governments and transposed into UK legislation, negotiations are ongoing at the time of writing. The detail of how existing UK environmental legislation may be amended and in particular the impact of the removal of European reporting and governing bodies is a material part of the negotiations regarding the UK's withdrawal from the EU.

36. The European Union (Withdrawal) Act is designed to ensure the following:

- Keep in place all 'EU-derived domestic legislation', such as the many statutory instruments that implement EU environmental directives (section 2);
- Incorporate 'direct EU legislation' such as EU environmental regulations into our domestic law (section 3).

37. 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.

#### 3.4.2 United Nations Framework Convention on Climate Change

38. 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 greenhouse gas emission reduction targets as well as monitoring and reporting such emissions. The Protocol was agreed in 1997 and was ratified by the UK in 2002.

39. 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 Conference of the Parties 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).

40. 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.



41. 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;
- 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.

42. The UK is currently covered by the EU pledge to reduce emissions by at least 40% across all Member States by 2030. At the recent COP24, held in December 2018, a set of rules for the Paris climate process were agreed. It is currently unclear whether the UK will submit its own pledge after it leaves the EU.

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

43. 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'.

44. 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.

45. 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.
46. 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%).
47. 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.
48. 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.

### **3.4.4 International Environmental and Nature Conservation Legislation and Treaties**

#### **3.4.4.1 Marine Strategy Framework Directive (MSFD)**

49. 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.
50. 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 Policy.

#### **3.4.4.2 Water Framework Directive (WFD)**

51. 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.

#### 3.4.4.3 Habitats and Birds Directives

52. 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.
53. 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).
54. 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 requires 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.
55. 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.
56. 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.

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

57. 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).

#### 3.4.4.5 OSPAR Convention

58. International cooperation to protect the marine environment (including biodiversity) of the north east Atlantic is achieved through the OSPAR Convention.
59. 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 3.4.4.3**) that also meet the relevant OSPAR selection criteria (OSPAR 2006).

#### 3.4.4.6 The Convention on Biological Diversity

60. 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.
61. 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.
62. 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.

#### 3.4.4.7 Transboundary Considerations – Espoo Convention

63. 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 EIA Directive. It is transposed into UK law for NSIPs by 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>4</sup> member state, the Secretary of State must undertake a prescribed process of consultation and notification.
64. Advice Note Twelve: Development with significant transboundary impacts consultation (The Planning Inspectorate 2018) sets out the procedures for 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.

### 3.5 National Policy and Legislative Context

65. For information regarding planning legislation please see **section 3.3**.

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

66. The Renewable Energy Directive and associated targets (**section 3.3.2.2**) have primarily been transposed into UK law through The Promotion of the Use of Energy from Renewable Sources Regulations 2011.
67. There are a number of overarching UK environmental targets / goals, which set the national framework for tackling climate change and renewable energy production (**section 3.5.1.1**). 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 Orders (HM Government 2011).
68. In order for the UK to achieve the reduction in emissions required by the EU (as stated in **section 3.4.2**) the UK Government set a target to produce 15% of UK energy from renewable sources by 2020 (DECC 2011). This includes a sub-target

---

<sup>4</sup> The EEA comprises the countries of the European Union (EU) plus Iceland, Liechtenstein and Norway

of 30% of electricity from renewable sources. For offshore wind, the UK is world leading with 7.9GW of operational capacity by December 2018 (the Crown Estate 2019) 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).

69. The 2018 Digest of UK Energy Statistics (BEIS 2018) reports that “*Renewable sources provided 29.3 per cent of the electricity generated in the UK in 2017*” with offshore wind contributing to 21% of the renewable energy. Offshore wind provided 8% of the UK’s total electricity generation in 2017 (the Crown Estate 2019). In the Crown Estate’s Offshore wind operational report for 2018 it is predicted that 30GW of offshore wind will be delivered by 2030 (the Crown Estate 2019).

### 3.5.1.1 The Climate Change Act 2008

70. 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.
71. 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).
72. Furthermore, the CCC recommended to the UK Government that greenhouse gas emissions should be reduced to zero by 2050 (CCC 2019). Achieving this ambitious target would require 75GW of offshore wind by 2050, compared to the currently deployed 8GW and 30GW targeted by the UK Government’s sector deal by 2030 (CCC 2019).
73. 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).

74. The next CfD allocation round for less established technologies (such as offshore wind) was opened in May 2019 with another allocation round expected to be held in 2021 and auctions expected every two years thereafter. This shows 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).

### 3.5.1.2 The UK Energy Act 2013

75. 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 windfarms. 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.

## 3.5.2 UK Environmental and Conservation Legislation

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

76. In England and Wales, the Habitats Directive and elements of EU Wild Birds Directive (see **section 3.4.4.3**) 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').

- 
77. The provisions of the Birds Directive are primarily implemented through the Wildlife and Countryside Act 1981, the Habitats Regulations and the Offshore Marine Regulations.
78. The Habitats Regulations and the Offshore Marine Regulations make it an offence to kill, injure, capture or disturb a EPS. Where appropriate, licences can be obtained to allow persons to carry out activities that would otherwise be prohibited, without committing an offence. In England, licences for actions which may affect marine EPS are issued by the MMO beyond 12nm and for action up to 12nm licences can be obtained from Natural England.
79. 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.
80. 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.
81. Further details on the HRA process can be found in the Information to Support Appropriate Assessment (document reference 5.3).
82. 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 nautical miles (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.



### 3.5.2.2 Wildlife and Countryside Act 1981

83. 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.
84. The Wildlife and Countryside Act also enables Statutory Nature Conservation Bodies to declare sites which are considered to be of national importance as National Nature Reserves (NNRs). NNRs also provide additional statutory protection to the finest SSSIs in England and Wales. Natural England is the body responsible for the designation of NNRs in England under the legislation as described for SSSIs. All NNRs must be within a designated SSSI. Natural England manages the majority of English NNRs, with the remaining sites managed by other approved organisations such as the National Trust, the Forestry Commission, the Royal Society for the Protection of Birds (RSPB), local Wildlife Trusts, and Local Authorities.
85. 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.

### 3.5.2.3 Countryside and Rights of Way Act 2000

86. Under the Countryside and Rights of Way Act 2000, Natural England has the power to designate Areas of Natural Beauty (AONB) 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.

### 3.5.2.4 The Protection of Badgers Act 1992

87. 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.

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

88. 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.

### 3.5.2.6 The Hedgerows Regulations 1997

89. 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.

### 3.5.2.7 The Commons Act 2006

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

### 3.5.2.8 Marine and Coastal Access Act 2009

91. The Marine and Coastal Access Act (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.

92. 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.

93. 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.

94. The East Inshore and Offshore Marine Plans (EIEOMP) (HM Government 2014) encompass the offshore development area. The plans do not establish new requirements or policies; however, they do clarify the intent of national policy to the marine plan areas. The EIEOMP make specific reference to the development of offshore wind:

*“By 2033 the East Inshore and East Offshore marine areas are providing a substantial part of the electricity generated from offshore wind in the UK as a*

*result of collaboration and integration between sectors. Sustainable, effective and efficient use of our marine area has been achieved, resulting in economic development whilst protecting the marine ecosystem, and offering local communities new jobs, wealth, improved health and well-being”.*

95. Further detail on the objectives and policies in the EIEOMP relevant to the proposed East Anglia TWO project are outlined in **Table 3.2**. The proposed East Anglia TWO project’s compliance in relation to these is outlined in the Development Consent and Planning Statement (document reference 8.2) and additional references can be found in **Chapters 7 to 17** of this ES.
96. 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.
97. 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. **Table 3.2** lists some key relevant policies associated with MCAA in relation to the proposed East Anglia TWO project

**Table 3.2 Relevant Policies Related to the Marine and Coastal Access Act 2009**

Policy / Plan	Relevant Section
Marine and Coastal Access Act 2009	<p><b>Section 115(2)</b></p> <p>“In this Part any reference to the environment includes a reference to any site (including any site comprising, or comprising the remains of, any vessel, aircraft or marine structure) which is of historic or archaeological interest.”</p>
	<p><b>Section 116(1)</b></p> <p>“Marine conservation zones</p> <p>The appropriate authority may by order designate any area falling within subsection (2) as a marine conservation zone (an “MCZ”).”</p> <p><b>Section 117(2)</b> outlines the Grounds for designation of MCZs</p> <p>“The order must state—</p> <p>(a) the protected feature or features;</p> <p>(b) the conservation objectives for the MCZ.”</p>
East Inshore and Offshore Marine Plans	<p>Objective 1 states:</p> <p>“To promote the sustainable development of economically productive activities, taking account of spatial requirements of other activities of importance to the East marine plan areas.”</p>
	<p><b>Policy Wind2</b> in support of Objective 1 of the EIEOMP states:</p> <p>“Proposals for Offshore Wind Farms inside Round 3 zones, including relevant supporting projects and infrastructure, should be supported.”</p>
	<p>Objective 2 states:</p> <p>“To support activities that create employment at all skill levels, taking account of the spatial and other requirements of activities in the East marine plan areas”.</p>
	<p><b>Policy EC2</b> in support of Objective 2 of the EIEOMP states:</p> <p>“Proposals that provide additional employment benefits should be supported, particularly where these benefits have the potential to meet employment needs in localities close to the marine plan areas.”</p>
	<p>Objective 3 states:</p> <p>“To realise sustainably the potential of renewable energy, particularly offshore wind farms, which is likely to be the most significant transformational economic activity over the next 20 years in the East marine plan areas, helping to achieve the United Kingdom’s (UK) energy security and carbon reduction objectives”.</p>
	<p><b>Policy EC3</b> in support of Objective 3 of the EIEOMP states:</p> <p>“Proposals that will help the East marine plan areas to contribute to offshore wind energy generation should be supported.”</p> <p>Objective 5 states:</p>

Policy / Plan	Relevant Section
	<p>“To conserve heritage assets, nationally protected landscapes and ensure that decisions consider the seascape of the local area.”</p> <p>Objective 7 states: “To protect, conserve and, where appropriate, recover biodiversity that is in or dependent upon the East marine plan areas.”</p> <p>Objective 9 states: “To facilitate action on climate change adaptation and mitigation in the East marine plan areas.”</p> <p><b>Policy ECO1</b> of the planning policies states: “Cumulative impacts affecting the ecosystem of the East marine plans and adjacent areas (marine, terrestrial) should be addressed in decision-making and plan implementation.”</p> <p><b>Policy ECO2</b> of the planning policies states: “The risk of release of hazardous substances as a secondary effect due to any increased collision risk should be taken account of in proposals that require an authorisation.”</p>
Marine Policy Statement	<p><b>Section 3.1.6</b> Issues for consideration, it is outlined that Marine Plans must incorporate; “the areas and features of importance for nature conservation and state policies for or in connection with the sustainable development of the area. These should inform identification of policies and locations for marine activities and developments. Activities or developments that may result in unacceptable adverse impacts on biodiversity should be designed or located to avoid such impacts (as discussed in section 2.6.1)”</p> <p><b>Section 2.6.1.3</b> outlines: “As a general principle, development should aim to avoid harm to marine ecology, biodiversity and geological conservation interests (including geological and morphological features), including through location, mitigation and consideration of reasonable alternatives. Where significant harm cannot be avoided, then appropriate compensatory measures should be sought. Additional requirements apply in relation to developments affecting Natura 2000 sites.”</p>

### 3.6 Regional and Local Context

98. Local authorities are required to prepare and maintain up to date Local Development Plans (LDP) which set out their objectives for the use and land development within their jurisdiction, and general policies for implementation.
99. 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.

100. The onshore development area falls under the administrative area of Suffolk County Council (SCC) and the East Suffolk Council (ESC). On 1<sup>st</sup> April 2019 Suffolk Coastal District Council (SCDC) merged with Waveney District Council (WDC) into ESC. The local plan for ESC encapsulates the local plans for WDC and SCDC, both of which have been considered in this ES and are discussed in **sections 3.6.2** and **3.6.3** below.

101. Relevant Development Plans have been considered during the onshore site selection for the proposed East Anglia TWO project.

### 3.6.1 Suffolk County Council

102. 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.*

103. In addition to these key priorities, **Table 3.3** presents relevant policies and objectives from the Suffolk County Council Nature Strategy (SCC 2015) and Suffolk Local Flood Risk Management Strategy (SCC 2016).

**Table 3.3 Relevant Polices 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

Policy	Summary
	Renewable Energy Strategy, produced by 2018, will help ensure that all new energy infrastructures are appropriately sited.
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 Lead Local Flooding Authority (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.



### 3.6.2 East Suffolk Council (Suffolk Coastal Local Plan)

104. SCDC's current Local Plan was adopted on 5 July 2013 and continues to apply in the area of the onshore development.
105. The new ESC continues to promote two development plans, one for the Suffolk Coastal and the other for the Waveney area of the new District. At the formation of the new Council, SCDC had been reviewing their current Local Plan. A Final Draft Local Plan was published for public consultation early in 2019 (period of consultation from 14 January to 25 February 2019) and was submitted for independent examination to the Secretary of State on 29 March 2019. As of June 2019, the Inspector appointed by the Secretary of State is conducting their examination, with a view to making a report and recommendation to the Council for adoption or otherwise of the new Local Plan.
106. Given that the new Local Plan is in the final stages of its examination and ultimate adoption, it is principally the policies with the Suffolk Coastal Final Draft Local Plan of January 2019 that may be considered important and relevant to the proposed East Anglia TWO project.
107. **Table 3.4** presents the relevant policies from the Final Draft Local Plan (SCDC 2013; 2019). 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 3.4 Relevant Policies from the Suffolk Coastal Final Draft Local Plan**

Policy	Summary
<b>Final Draft Local Plan</b>	
<p>Policy SCLP3.4 - Proposals for Major Energy infrastructure Projects</p>	<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 throughout their lifetime, including decommissioning.</p> <p>The Council will work in partnership with the scheme promoter, local communities, National Grid, Government, New Anglia Local Enterprise Partnership, service providers, public bodies 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> <p>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:</p> <ul style="list-style-type: none"> <li>a) Relevant Neighbourhood Plan policies, strategies and visions;</li> <li>b) 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>c) Community safety and cohesion impacts;</li> <li>d) Requirement for a robust Environmental Impact Assessment</li> <li>e) Requirement for a robust Habitats Regulations Assessment;</li> <li>f) Requirement for robust assessment of the potential impacts on the Suffolk Coast and Heaths Area of Outstanding Natural Beauty;</li> <li>g) 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>h) 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> </ul>

Policy	Summary
	<p>i) The development and associated infrastructure proposals are to deliver positive outcomes for the local community and surrounding environment;</p> <p>j) Economic and community benefits where feasible are maximised through agreement of strategies in relation to employment, education and training opportunities for the local community;</p> <p>k) 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;</p> <p>l) Cumulative impacts of projects are taken into account and do not cause significant adverse impacts; and</p> <p>m) Appropriate monitoring measures during construction, operating and decommissioning phases to ensure mitigation measures remain relevant and effective.</p>
<p>Policy SCLP3.5 - Infrastructure Provision</p>	<p>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.</p> <p>On-site infrastructure will generally be secured and funded through section 106 planning obligations.</p>
<p>Policy SCLP4.5 - Economic Development in Rural Areas</p>	<p>Proposals that grow and diversify the rural economy, particularly where this will secure employment locally, enable agricultural diversification and other land based rural businesses, will be supported. Proposals will be supported where:</p> <p>a) They accord with the vision of any relevant Neighbourhood Plan in the area;</p> <p>b) The scale of the enterprises accords with the Settlement Hierarchy;</p> <p>c) The design and construction do not have an adverse impact on the character of the surrounding area and landscape, the AONB and its setting or harm the natural or historic environment;</p> <p>d) Small scale agricultural diversification schemes make good use of previously developed land;</p> <p>e) The proposed use is compatible with the surrounding employment uses in terms of car parking, access, noise, odour and other amenity concerns; and</p> <p>f) The proposal delivers additional community, cultural or tourism benefits</p>
<p>Policy SCLP7.1 - Sustainable Transport</p>	<p>Development proposals should be designed from the outset to incorporate measures that will encourage people to travel using non-car modes to access home, school, employment, services and facilities.</p>

Policy	Summary
	<p>Development will be supported where:</p> <ul style="list-style-type: none"> <li>a) It is proportionate in scale to the existing transport network;</li> <li>b) It is located close to, and provides safe pedestrian and cycle access to services and facilities;</li> <li>c) It is well integrated into and enhances the existing cycle network including the safe design and layout of new cycle routes and provision of covered, secure cycle parking;</li> <li>d) It is well integrated into, protects and enhances the existing pedestrian routes and the public rights of way network;</li> <li>e) It reduces conflict between users of the transport network including pedestrians, cyclists, users of mobility vehicles and drivers and does not reduce road safety;</li> <li>f) It will improve public transport in the rural areas of the District; and</li> <li>g) The cumulative impact of new development will not create severe 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>h) New large scale employment sites;</li> <li>i) Residential development of 80 or more dwellings; and</li> <li>j) A development that when considered cumulatively with other developments, is likely to have a severe impact on the local community or local road network.</li> </ul> <p>In consultation with the Highway Authority, the scale, location and nature of development will be considered in determining how the transport impacts of development should be assessed. As indicative thresholds a Transport Statement will be required for development of 50 -80 dwellings and a Transport Assessment and Travel Plan will be required for developments of over 80 dwellings. Non residential development will be considered on a case by case basis dependent on the volume of movements anticipated with the use proposed.</p>
<p>Policy SCLP9.1 – Low Carbon and Renewable Energy</p>	<p>The Council will support low carbon and renewable energy developments, with the exception of [onshore] wind energy schemes, 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>a) They can evidence a sustainable and, ideally, local source of fuel;</li> <li>b) They can facilitate the necessary infrastructure and power connections required for functional purposes;</li> </ul>

Policy	Summary
	<p>c) They provide benefits to the surrounding community; and</p> <p>d) They are complementary to 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.</p> <p>[Onshore] Wind energy schemes must be located in an area identified as suitable for renewable or low carbon energy in a Neighbourhood Plan. The Council will support Neighbourhood Plans in identifying suitable areas for renewable and low carbon energy development, particularly where they relate to developments that are community-led. In identifying suitable areas, consideration should be given to the criteria listed above.</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>
<p>Policy SCLP9.3 – Coastal Change Management Area</p>	<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> <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>

Policy	Summary
	<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> <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>

Policy	Summary
<p>Policy SCLP9.6 - Sustainable Urban Drainage Systems</p>	<p>Developments should use sustainable drainage systems to drain surface water. 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>
<p>Policy SCLP9.7 – Holistic Water Management</p>	<p>All development will be expected to demonstrate that water can be made available to support the development and that adequate foul water treatment and disposal already exists or can be provided in time to serve the development. Development will be phased to allow water and water recycling infrastructure to be in place where needed.</p> <p>All new developments will be expected to incorporate water efficiency and re-use measures to maximise the opportunities to reduce water use. This includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>a) Grey water recycling;</li> <li>b) Rainwater harvesting; or</li> <li>c) Water use minimisation technologies;</li> </ul> <p>Infrastructure that leads to a reduction in the amount of water released to the sewer system and allows for natural infiltration into groundwater tables will be favoured in this instance.</p>
<p>Policy SCLP10.1 – Biodiversity and Geodiversity</p>	<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’. All development should follow a hierarchy of seeking firstly to avoid impacts, mitigate for impacts so as to make them insignificant</p>

Policy	Summary
	<p>for biodiversity, or as a last resort compensate for losses that cannot be avoided or mitigated for. Adherence to the hierarchy should be demonstrated.</p> <p>Proposals that will have a direct or indirect adverse impact (along or in combination 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 t with comprehensive evidence that the benefits of the proposal, in its particular location, outweighs the biodiversity loss .</p> <p>New development should provide environmental net gains in terms of both green infrastructure and biodiversity. Proposals should demonstrate how the development would contribute towards new green infrastructure opportunities or enhance the existing green infrastructure network as part of the development. New development must also secure ecological enhancements as part of its design and implementation and should provide a biodiversity net gain that is proportionate to the scale and nature of the proposal.</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 UK or Suffolk Priority species or habitat, applications should be supported by an ecological survey and assessment of appropriate scope undertaken by a suitably qualified person. If present, the proposal must follow the mitigation hierarchy in order to be considered favourably. Any proposal that adversely affects a European site, or causes significant harm to a Site of Special Scientific Interest, will not normally be granted permission</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>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. A Supplementary Planning Document will be prepared to implement a strategic Recreational Avoidance and Mitigation Strategy in order to mitigate for potential adverse effects arising from new growth on Special Protection Areas, Ramsar Sites and Special Areas of Conservation. The Council will work with neighbouring authorities and Natural England to develop and implement this strategy. The strategy will include a requirement for developers to make financial contributions towards the provision of strategic mitigation within defined zones</p>



Policy	Summary
<p>Policy SCLP 10.3 Environmental Quality</p>	<p>Development proposals will be expected to protect the quality of the environment and to minimise and, where possible, reduce all forms of pollution and contamination.</p> <p>Development proposals will be considered in relation to impacts on;</p> <ul style="list-style-type: none"> <li>a) Air quality, and the impact on receptors in Air Quality Management Areas;</li> <li>b) Soils and the loss of agricultural land;</li> <li>c) Land contamination and its effects on sensitive land uses;</li> <li>d) Water quality and the achievement of Water Framework Directive objectives;</li> <li>e) Light pollution; and</li> <li>f) Noise pollution.</li> </ul> <p>Proposals should seek to secure improvements in relation to the above where possible. The cumulative effect of development, in this regard, will be considered.</p>
<p>Policy SCLP10.4 – 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 enhance:</p> <ul style="list-style-type: none"> <li>a) The special qualities and features of the area;</li> <li>b) The visual relationship and environment around settlements and their landscape settings;</li> <li>c) Distinctive landscape elements including but not limited to watercourses, commons, woodland trees, hedgerows and field boundaries, and their function as ecological corridors;</li> <li>d) Visually sensitive skylines, seascapes, river valleys and significant views towards key landscapes and cultural features; and</li> <li>e) The growing network of green infrastructure supporting health, wellbeing and social interaction.</li> </ul>

Policy	Summary
	<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 and other very sensitive landscapes. Conserving and enhancing the landscape and scenic beauty of the AONB is of particular importance. 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. Development proposals which have the potential to impact upon the AONB or other sensitive landscapes should be informed by landscape appraisal, landscape and visual impact assessment and landscape mitigation.</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>
<p>Policy SCLP11.1 - Design Quality</p>	<p>The Council will support locally distinctive and high quality design that clearly demonstrates an understanding of the key features of local character and seeks to enhance these features through innovative and creative means 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 through both robust evidence, informed sources and site specific context and analysis;</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> </ul> <p>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 that encourage the use of pedestrian, cycle and other sustainable modes as the most attractive modes of sustainable travel; and</p> <ul style="list-style-type: none"> <li>• Include hard and soft landscaping schemes to aid the integration of the development into its surroundings.</li> </ul>

Policy	Summary
<p>Policy SCLP11.2 Residential Amenity</p>	<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>a) Privacy/overlooking;</li> <li>b) Outlook;</li> <li>c) Access to daylight and sunlight;</li> <li>d) Noise and disturbance;</li> <li>e) The resulting physical relationship with other properties;</li> <li>f) Light spillage;</li> <li>g) Air quality and other forms of pollution; and</li> <li>h) Safety and security.</li> </ul> <p>Development will not cause an unacceptable loss of amenity to neighbouring or future occupiers of development in the vicinity.</p>
<p>Policy SCLP 11.3 – Historic Environment</p>	<p>The Council will work with partners, developers and the community to conserve and enhance the historic environment and to ensure that where possible development makes a positive contribution to the historic environment.</p> <p>The policies of the National Planning Policy Framework will be applied in respect of designated and nondesignated heritage assets.</p> <p>All development proposals which have the potential to impact on historic assets or their settings should be supported by a Heritage Impact Assessment and/or an Archaeological 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 Assessment or Archaeological 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>Policy SCLP 11.4 – Listed Buildings</p>	<p>Proposals to alter, extend or change the use of a listed building (including curtilage listed structures) or development affecting its setting will be supported where they:</p> <ul style="list-style-type: none"> <li>a) Demonstrate a clear understanding of the significance of the building and/or its setting alongside an assessment of the potential impact of the proposal on that significance;</li> </ul>

Policy	Summary
	<ul style="list-style-type: none"> <li>b) Do not harm the character of the building or any architectural, artistic, historic, or archaeological features that contribute towards its special interest;</li> <li>c) Are of an appropriate design, scale, form, height, massing and position which complement the existing building;</li> <li>d) Use high quality materials and methods of construction which complement the character of the building;</li> <li>e) Retain the historic internal layout of the building; and</li> <li>f) Remove existing features that detract from the building to enhance or better reveal its significance.</li> </ul>
<p>Policy SCLP 11.5 – Conservation Areas</p>	<p>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. Proposals for development within a Conservation Area should:</p> <ul style="list-style-type: none"> <li>a) Demonstrate a clear understanding of the significance of the conservation area alongside an assessment of the potential impact of the proposal on that significance;</li> <li>b) Preserve or enhance the character or appearance of the conservation area;</li> <li>c) Be of an appropriate design, scale, form, height, massing and position;</li> <li>d) Retain features important to settlement form and pattern such as open spaces, plot divisions, position of dwellings, hierarchy of routes, hierarchy of buildings, and their uses, boundary treatments and gardens; and</li> <li>e) Use high quality materials and methods of construction which complement the character of the area.</li> </ul>

Policy	Summary
<p>Policy SCLP 11.6 – Archaeology</p>	<p>Proposals for the re-use of Non-Designated Heritage Assets will be supported if compatible with the elements of the fabric and setting of the building which contribute to its significance. New uses which result in harm to a Non-Designated Heritage Asset or its setting will be considered based on the wider balance of the scale of any harm or loss.</p> <p>In considering proposals which involve the loss of a non-designated heritage asset, consideration will be given to:</p> <ul style="list-style-type: none"> <li>a) Whether the asset is structurally unsound and beyond technically feasible and economically viable repair (for reasons other than deliberate damage or neglect); or</li> <li>b) Which measures to sustain the existing use, or find an alternative use/user, have been fully investigated.</li> </ul> <p>Neighbourhood Plans can identify Non-Designated Heritage Assets. However, the protection afforded to these should be no more than that provided to Non-Designated Heritage Assets protected by this policy. Heritage assets identified should at least meet the Council’s criteria for identifying Non-Designated Heritage Assets.</p>

### 3.6.3 East Suffolk Council (Waveney Local Plan)

108. The Waveney Local Plan was adopted on 20 March 2019. It applies to the part of East Suffolk formerly covered by the Waveney local planning authority area.

109. **Table 3.5** presents the relevant policies from the Waveney Local Plan (ESC 2019). Key priorities and objectives of the new Local Plan relevant to the proposed East Anglia TWO 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 3.5 Relevant Policies from the Waveney Local Plan**

Policy	Summary
WLP1.3 Infrastructure	<p>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.</p> <p>On-site infrastructure will generally be secured and funded through section 106 planning obligations.</p> <p>Development will not be permitted where it would have a significant effect on the capacity of existing infrastructure, and therefore potential risks to the natural environment which cannot be mitigated.</p> <p>Specifically, developers should provide evidence to ensure there is capacity in the water recycling centre and the wastewater network in time to serve the development. Where there is no capacity in the water recycling centre, development may need to be phased in order to allow improvement works to take place.</p>
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. Proposals at risk of flooding (taking in to account impacts from climate change) should only be granted planning permission if it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>• There are no available sites suitable for the proposed use in areas with a lower probability of flooding;</li> </ul>

Policy	Summary
	<ul style="list-style-type: none"> <li>• The development provides sustainability benefits which outweigh flood risk; and</li> <li>• A site specific flood risk assessment has been submitted which demonstrates that the flood risk can be satisfactorily mitigated over the lifetime of the development. 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 including on the natural environment.</li> </ul> <p>New residential development on sites not allocated in this Local Plan or a Neighbourhood Plan will not be permitted on sites at risk from flooding.</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> <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 (this applies to new developments and redevelopments). Foul and surface water flows should also be separated where possible.</p> <p>The Strategic Flood Risk Assessment should be the starting point in assessing whether a proposal is at risk from flooding.</p>
<p>Policy WLP8.25 Coastal Change Management</p>	<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> <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, such as beach huts, cafés, car parks and sites used for touring caravan and camping will be permitted.</p>



Policy	Summary
	<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>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>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>Proposals for new or replacement coastal defence schemes will only be permitted where it can be demonstrated that the works are consistent with the management approach for the frontage presented in the relevant Shoreline Management Plan and there will be no material adverse impact on the environment.</p>
<p>Policy WLP8.27 Renewable and Low Carbon Energy</p>	<p>The Council will support Neighbourhood Plans in identifying suitable areas for renewable and low carbon energy development.</p> <p>Renewable and low carbon energy schemes, including wind energy schemes, will be permitted where the proposal is in a suitable area for renewable and low carbon energy as identified in a Neighbourhood Plan.</p> <p>Renewable and low carbon energy schemes, with the exception of wind energy schemes, will also be permitted where 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.</p> <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>

Policy	Summary
	<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>
<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, historic and natural environment and use this understanding to complement local character and distinctiveness;</li> <li>• Respond to local context and the form of surrounding buildings in relation to: <ul style="list-style-type: none"> <li>○ the overall scale and character</li> <li>○ layout</li> <li>○ site coverage</li> <li>○ height and massing of existing buildings</li> <li>○ the relationship between buildings and spaces and the wider street scene or townscape</li> <li>○ and by making use of materials and detailing appropriate to the local vernacular;</li> </ul> </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>• Protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development;</li> <li>• Take into account the need to promote public safety and deter crime and disorder;</li> <li>• Create permeable and legible developments which are easily accessed and used by all, regardless of age, mobility and disability;</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;</li> <li>• Include hard and soft landscaping schemes to aid the integration of the development into its surroundings; and</li> </ul>

Policy	Summary
	<ul style="list-style-type: none"> <li>Ensure that the layout and design incorporates adequate provision for the storage and collection of waste and recycling bins.</li> </ul> <p>Development proposals which fail to meet the above criteria will be refused planning permission.</p> <p>Major residential development proposals will be supported where they perform positively when assessed against Building for Life 12 guidelines. Developments should avoid red outcomes unless there are exceptional circumstances.</p> <p>Innovative design will be strongly supported where it meets the above criteria. Neighbourhood Plans can, and are encouraged to, set out design policies which respond to their own local circumstances</p>
<p>Policy WLP8.34 Biodiversity and Geodiversity</p>	<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 through the creation of new green infrastructure and improvement to linkages between habitats. Regard should be had to the Waveney Green Infrastructure Strategy (2015).</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, 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 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 impacts on Special Protection Areas and Special Areas for</p>

Policy	Summary
	<p>Conservation. The Council will 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 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) and the most current Suffolk Coast and Heath's Area of Outstanding Natural Beauty Management Plan.</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;</li> <li>• Visually sensitive skylines, seascapes and significant views towards key landscapes and cultural features;</li> <li>• The distinctive landscapes of the Suffolk Heritage Coast;</li> <li>• The natural beauty and special qualities of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty; and the unique landscape and characteristics of the Broads.</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>Development will not be permitted where it will have a significant adverse impact on:</p> <ul style="list-style-type: none"> <li>• The landscape and scenic beauty of the protected landscapes and the settings of the designated areas of the Broads or the Suffolk Coast and Heaths Area of Outstanding Natural Beauty; or</li> <li>• Locally sensitive and valued landscapes including Rural River Valleys and Tributary Valley Farmland character areas.</li> </ul>

Policy	Summary
	<p>Development within the settings of the Broads and Area of Outstanding Natural Beauty or within the Area of Outstanding Natural Beauty itself will be informed by a Landscape and Visual Impact Assessment to assess and identify potential impacts and to identify suitable measures to avoid or mitigate these impacts.</p> <p>Proposals for development should protect and enhance the tranquillity and dark skies of both the Waveney District and Broads Authority areas.</p>
<p>Policy WLP8.37 Historic Environment</p>	<p>The Council will work with partners, developers and the community to protect and enhance the District's historic environment.</p> <p>Proposals for development should seek to 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. Preapplication consultation with the Council is encouraged to ensure the scope and detail of a Heritage Impact 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>
<p>Policy WLP8.40 Archaeology</p>	<p>An 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 appropriate to the significance of the remains unless it can be shown that recording of remains, assessment, analysis reporting, dissemination and deposition of archives for access and curation is more appropriate.</p> <p>Archaeological conditions or planning obligations will be imposed on consents as appropriate, considering the level of significance. Measures to disseminate and promote information about archaeological assets to the public will be supported</p>

### 3.7 References

Committee on Climate Change (CCC) (2015). Reducing emissions and preparing for climate change: 2015 Progress Report to Parliament. [Online]. Available at: <https://www.theccc.org.uk/publication/reducing-emissions-and-preparing-for-climate-change-2015-progress-report-to-parliament/>. [Accessed 10/07/18].

Committee on Climate Change (2019) Net Zero. The UK's contribution to stopping global warming. May 2019. [Online]. Available at: <https://www.theccc.org.uk/wp-content/uploads/2019/05/Net-Zero-The-UKs-contribution-to-stopping-global-warming.pdf> [Accessed 07/05/2019].

Department for Business, Energy and Industrial Strategy (DBEIS) (2016). UK Ratifies the Paris Agreement. Climate change international action. [Online]. Available at: <https://www.gov.uk/government/news/uk-ratifies-the-paris-agreement> [Accessed 18/07/18].

Department for Business, Energy and Industrial Strategy (DBEIS) (2017) Clean Growth Strategy. [Online]. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/700496/clean-growth-strategy-correction-april-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700496/clean-growth-strategy-correction-april-2018.pdf) [Accessed 18/07/18].

Department for Business, Energy and Industrial Strategy (BEIS) (2018). Delivering Clean Growth. [Online]. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/748296/delivering-clean-growth.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/748296/delivering-clean-growth.pdf). [Accessed 15/04/2019].

Department for Environment, Food and Rural Affairs (Defra) (2010). UK Marine Policy Statement: Habitats Regulations Assessment. Defra Publications.

Department of Energy and Climate Change (DECC) (2011) UK Renewables Energy Roadmap. [Online]. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/48128/2167-uk-renewable-energy-roadmap.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/48128/2167-uk-renewable-energy-roadmap.pdf) [Accessed 13/09/18].

Department of Energy and Climate Change (DECC) (2011a). National Policy Statement for Energy (EN-1) DECC Publications.

Department of Energy and Climate Change (DECC) (2011b). National Policy Statement for Renewable Energy Infrastructure (EN-3) DECC Publications.

Department of Energy and Climate Change (DECC) (2011c). National Policy Statement for Electricity Networks Infrastructure (EN-5) DECC Publications.

Department for Energy and Climate Change (2016) Single departmental plan 2015 to 2020. [Online]. Available at: <https://www.gov.uk/government/publications/decc-single->

[departmental-plan-2015-to-2020/single-departmental-plan-2015-to-2020](#) [Accessed 30/10/2018].

East Suffolk Council (2019) Waveney Local Plan. [Online]. Available at: <https://www.eastsuffolk.gov.uk/planning/local-plans/waveney-local-plan/> [Accessed 07/05/19].

European Commission (2007). An Energy Policy for Europe. [Online]. Available at: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52007DC0001> [Accessed 18/07/18].

European Commission (2015). 2030 Framework for climate and energy policies. [Online]. Available at: [http://ec.europa.eu/clima/policies/2030/index\\_en.htm](http://ec.europa.eu/clima/policies/2030/index_en.htm). [Accessed 18/07/18].

European Commission (2017). Directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources (recast). Explanatory Memorandum. [Online]. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52016PC0767R%2801%29>. [Accessed 10/07/18].

Government Office for the East of England (2008) East of England Plan. [Online]. Available at: [https://www.milton-keynes.gov.uk/planning-policy/documents/RSS\\_East\\_of\\_England\\_Plan.pdf](https://www.milton-keynes.gov.uk/planning-policy/documents/RSS_East_of_England_Plan.pdf) [Accessed 19/07/18].

HM Government (2011). The Carbon Plan; Delivering our low carbon future.

HM Government (2014). East Inshore and East Offshore Marine Plans.

House of Commons (2016). Energy and Climate Change Committee 2020 renewable heat and transport targets: Second Report of Session 2016-2017. September 2016.

Joint Nature Conservation Committee (JNCC) (2018). The Conservation of Habitats and Species Regulations 2017. [Online]. Available at: <http://jncc.defra.gov.uk/page-1379> [Accessed 18/07/18].

Ministry of Housing (2019) [Online]. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/779764/NPPF\\_Feb\\_2019\\_web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf) [Accessed 18/07/18].

Noges, P., van de Bund, W., Cardoso, A.C., Solimini, A.G., and Heiskanen, A-S. (2009) Assessment of the ecological status of European surface waters: a work in progress. *Hydrobiologia*, Volume 633, Issue 1, pp 197-211.

OSPAR (2006). Guidance on Developing an Ecologically Coherent Network of OSPAR Marine Protected Areas.

ScottishPower Renewables (2017) East Anglia TWO Scoping Report.

ScottishPower Renewables (2019) East Anglia TWO Preliminary Environmental Information Report.

Suffolk Coastal District Council (2013) Suffolk Coastal District Local Plan. [Online]. Available at: <http://www.eastsuffolk.gov.uk/assets/Planning/Suffolk-Coastal-Local-Plan/Core-Strategy-and-DMP/SCDC-Local-Plan-July-2013.pdf> [Accessed 22/06/218].

Suffolk Coastal District Council (2018) Suffolk Coastal First Draft Local Plan. [Online]. Available at: <http://consult.suffolkcoastal.gov.uk/consult.ti/LPRPO2018/viewCompoundDoc?docid=10262676> [Accessed 30/07/18].

Suffolk County Council (2015) Suffolk's Nature Strategy 2015. [Online]. Available at: <https://www.suffolk.gov.uk/assets/planning-waste-and-environment/suffolks-countryside-and-wildlife/Suffolks-Nature-Strategy-2015.pdf> [Accessed 22/06/18].

Suffolk Country Council (2016) Suffolk Local Flood Risk Management Strategy. [Online]. Available at: <http://www.greensuffolk.org/assets/Greenest-County/Water--Coast/Suffolk-Flood-Partnership/19431A-Flood-Risk-Management-Strategy-v12.pdf> [Accessed 12/09/18].

Suffolk County Council (2017) Our Priorities 2017 – 2021. [Online]. Available at: <https://www.suffolk.gov.uk/assets/council-and-democracy/our-aims-and-transformation-programmes/Suffolk-County-Council-Priorities.pdf> [Accessed 22/06/18].

The Crown Estate (2019) Offshore wind operational report. [Online]. Available at: <https://www.thecrownestate.co.uk/media/2950/offshore-wind-operational-report-2018.pdf> [Accessed 31/05/2019].

The Planning Inspectorate (2017a). Advice Note Three: EIA consultation and notification.

The Planning Inspectorate (2017b). Advice Note Seven: Environmental Impact Assessment, Preliminary Environmental Information, Screening and Scoping.

The Planning Inspectorate (2017c). Advice Note Ten: Habitat Regulations Assessment.

The Planning Inspectorate (2018). Advice Note Nine: Using the Rochdale Envelope.

The Planning Inspectorate (2018a). Advice Note Twelve: Transboundary Impacts.

UK Parliament (2016) The energy revolution and future challenges for UK energy and climate change policy. [Online]. Available at: <https://publications.parliament.uk/pa/cm201617/cmselect/cmenergy/705/70511.html> [Accessed 30/10/18].



United Nations Framework Convention on Climate Change (2015). The Paris Agreement. [Online]. Available at: [http://unfccc.int/paris\\_agreement/items/9485.php](http://unfccc.int/paris_agreement/items/9485.php) [Accessed 24/08/2017].

Waveney District Council (2018) Waveney Local Plan – Final Draft. [Accessed 22/06/18].

Wind Europe (2017) Wind Energy in Europe: Scenarios for 2030. [Online]. Available at: <https://windeurope.org/wp-content/uploads/files/about-wind/reports/Wind-energy-in-Europe-Scenarios-for-2030.pdf> [Accessed 30/07/18].

**This page is intentionally blank.**