



# Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

## Environmental Statement

### **Volume 1**

### Chapter 2 - Policy and Legislative Context

August 2022

Document Reference: 6.1.2

APFP Regulation: 5(2)(a)

Title:	
<b>Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects Environmental Statement Chapter 2: Policy and Legislative Context</b>	
PINS Document no.: 6.1.2	
Document no.: C282-RH-Z-GA-00022	
Date:	Classification
<b>August 2022</b>	<b>Final</b>
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<b>Sarah Chandler, Equinor</b>	August 2022

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## Glossary of Acronyms

AONB	Area of Outstanding Natural Beauty
AQMA	Air Quality Management Area
AR	Allocation Round
BEIS	Department for Business, Energy and Industrial Strategy
CBD	Convention on Biological Diversity
CCC	Committee on Climate Change
CfD	Contracts for Difference
COP	Conference of the Parties
CRoW	Countryside and Rights of Way
CSCB	Cromer Shoal Chalk Beds
DCO	Development Consent Order
DECC	Department of Energy and Climate Change
Defra	Department for Environment, Food and Rural Affairs
DEP	Dudgeon Offshore Wind Farm Extension Project
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
EPS	European Protected Species
EPP	Evidence Plan Process
ES	Environmental Statement
EU	European Union
GES	Good Environmental Status
GHG	Greenhouse Gas
GW	Gigawatts
HM	Her Majesty
HRA	Habitats Regulations Assessment
JCS	Joint Core Strategy
LCA	Landscape Character Assessment
LDF	Local Development Framework

LEC	Low-level Energy Cost
LSA	Landscape Sensitivity Assessment
MMO	Marine Management Organisation
MCAA	Marine and Coastal Access Act
MCZ	Marine Conservation Zone
MPA	Marine Protected Area
MPS	Marine Policy Statement
MSFD	Marine Strategy Framework Directive
MW	Megawatts
NDC	Nationally Determined Contribution
NERC	Natural Environment and Rural Communities
NPPF	National Planning Policy Framework
NNR	National Nature Reserves
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
OEP	Office for Environmental Protection
REZ	Renewable Energy Zone
RIAA	Report to Inform Appropriate Assessment
RSPB	Royal Society for the Protection of Birds
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
PRoW	Public Right of Way
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SEP	Sheringham Shoal Offshore Wind Farm Extension Project
SoS	Secretary of State
SPA	Special Protection Area
SPD	Supplementary Planning Documents
SSSI	Site of Special Scientific Interest
TCPA	Town and Country Planning
TEU	Treaty of the European Union

TWT	The Wildlife Trust
UK	United Kingdom
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNECE	United Nations Economic Commission for Europe
UNFCCC	United Nations Framework Convention on Climate Change
WFD	Water Framework Directive

## Glossary of Terms

Dudgeon Offshore Wind Farm Extension Project (DEP)	The Dudgeon Offshore Wind Farm Extension onshore and offshore sites including all onshore and offshore infrastructure.
DEP offshore site	The Dudgeon Offshore Wind Farm Extension consisting of the DEP wind farm site, interlink cable corridors and offshore export cable corridor (up to mean high water springs).
DEP onshore site	The Dudgeon Offshore Wind Farm Extension onshore area consisting of the DEP onshore substation site, onshore cable corridor, construction compounds, temporary working areas and onshore landfall area.
DEP wind farm site	The offshore area of DEP within which wind turbines, infield cables and offshore substation platform/s will be located and the adjacent Offshore Temporary Works Area. This is also the collective term for the DEP North and South array areas.
European site	Sites designated for nature conservation under the Habitats Directive and Birds Directive. This includes candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas, and is defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017.
Evidence Plan Process (EPP)	A voluntary consultation process with specialist stakeholders to agree the approach, and information to support, the EIA and HRA for certain topics.
PEIR boundary	The area subject to survey and preliminary impact assessment to inform the PEIR.
Sheringham Shoal Offshore Wind Farm Extension Project (SEP)	The Sheringham Shoal Offshore Wind Farm Extension onshore and offshore sites including all onshore and offshore infrastructure.
SEP offshore site	Sheringham Shoal Offshore Wind Farm Extension consisting of the SEP wind farm site and offshore export cable corridor (up to mean high water springs).
SEP onshore site	The Sheringham Shoal Wind Farm Extension onshore area consisting of the SEP onshore substation site, onshore cable corridor, construction compounds, temporary working areas and onshore landfall area.

SEP wind farm site	The offshore area of SEP within which wind turbines, infield cables and offshore substation platform/s will be located and the adjacent Offshore Temporary Works Area.
Study area	Area where potential impacts from the project could occur, as defined for each individual Environmental Impact Assessment (EIA) topic.
The Applicant	Equinor New Energy Limited



## 2 POLICY AND LEGISLATIVE CONTEXT

### 2.1 Introduction

1. This chapter of the Environmental Statement (ES) presents the international, national, regional and local planning policy and legislative context that is relevant to the impact assessment of the proposed Sheringham Shoal Offshore Wind Farm Extension Project (SEP) and Dudgeon Offshore Wind Farm Extension Project (DEP). Policy and legislation specific to each Environmental Impact Assessment (EIA) topic are also outlined in the relevant chapters.
2. This chapter should be read in conjunction with the **Planning Statement** (document reference 9.1), which provides an assessment of SEP and DEP in relation to compliance with relevant policy and the **Consultation Report** (document reference 5.1), which provides full details of the consultation process undertaken in compliance with the relevant legislative requirements.

#### 2.1.1 Requirement for EIA

3. Offshore wind farms are listed in Annex II of the EIA Directive (85/337/EEC) as “*installations for the harnessing of wind power for energy production (wind farms)*”. Section 15 of The Planning Act 2008 identifies offshore electricity generating stations as Nationally Significant Infrastructure Projects (NSIPs) (further details in **Section 2.3.2.1**).
4. The EIA process provides a systematic tool for assessing the potentially significant impacts of a development on the physical, biological and human environment. It enables the identification of mitigation and management measures, where required, to ensure that development is sustainable and allows for opportunities for beneficial impacts to be identified.
5. The EIA framework is set out within European Union (EU) Directive 2011/92/EU (as amended by Directive 2014/52/EU) (the EIA Directive). Whilst EU Directives no longer form part of legislation in the UK, the EIA Directive was transposed into UK law for NSIPs through The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), which remain in force and set out the requirements for EIA. Key requirements of the EIA Regulations are detailed in **Chapter 5 EIA Methodology**.
6. The EIA Regulations set out the statutory process and minimum requirements for an EIA to be acceptable by law, including the provision of adequate environmental information and the carrying out of consultation, publication and notification.
7. An EIA Scoping Report for SEP and DEP was submitted to the Planning Inspectorate on 8<sup>th</sup> October 2019 (Royal HaskoningDHV, 2019). A **Scoping Opinion** (document reference 6.4) was adopted by the Secretary of State on 18<sup>th</sup> November 2019 (The Planning Inspectorate, 2019), which has informed the development of the ES.
8. A Preliminary Environmental Information Report (PEIR) for SEP and DEP was published for consultation in April 2021 under Sections 42, 47 and 48 of the Planning Act 2008.

## 2.1.2 Consultation

9. Consultation with regard to Policy and Legislative Context has been undertaken in line with the general process described in **Chapter 5 EIA Methodology** and the **Consultation Report** (document reference 5.1). The key elements to date have included scoping, the ongoing Evidence Plan Process (EPP) and the PEIR.
10. The feedback received throughout this process has been considered in preparing the ES. This chapter has been updated following consultation, in order to be submitted within the Development Consent Order (DCO) application. **Table 2.1** provides a summary of the consultation responses received to date relevant to this chapter, and details how the Project team has had regard to the comment and how these have been addressed.
11. The consultation process is described further in **Chapter 5 EIA Methodology**. Full details of the consultation process are presented in the **Consultation Report** (document reference 5.1), which has been submitted as part of the DCO application.

Table 2.1: Consultation Responses

Consultee	Date/ Document	Comment	Project Response
Section 42 Responses			
North Norfolk District Council	Section 42 response, 2021	<p>Chapter 3 - Policy and Legislative Context</p> <p>The contents of this chapter are noted including national and local policies. In respect of local context and relevant policies and documents for North Norfolk, reference at paragraphs 106 and 107 to a draft Landscape Character Assessment (LCA) and Landscape Sensitivity Assessment (LSA) need to be updated to reflect that these documents are now adopted as Supplementary Planning Documents (SPD) – Jan 2021.</p> <p>I have attached relevant links to these documents and pages on the Council's website.</p> <p>Home   Landscape character assessment (north-norfolk.gov.uk)</p>	<p>Comment noted and reference to the Landscape Character Assessment (LCA) and Landscape Sensitivity Assessment (LSA) has been updated in <b>Section 2.5.2</b>.</p>
The Wildlife Trust	Section 42 response, 2021	<p>Chapter 3: Policy and legislative context</p> <p>Paragraph 93</p> <p>East Marine Plan</p> <p>Information must be provided on how the project will impact Objective 6, 7 and 8 and Policy BIO1 and BIO2 of the East Marine Plan to allow the Secretary of State to consider in his assessment. TWT would welcome a discussion on how Policy BIO2 could be implemented</p>	<p>Relevant sections of The East Inshore and East Offshore Marine Plan to SEP and DEP can be found in <b>Section 2.3.3.1.1</b>.</p>

Consultee	Date/ Document	Comment	Project Response
		as part of the project: “Where appropriate, proposals for development should incorporate features that enhance biodiversity and geological interests.”	

## 2.2 International Context

### 2.2.1 Brexit and Post-Brexit Bills

12. In 2017, the UK government triggered article 50 of the Treaty of the European Union (TEU) with the UK formally withdrawing from the EU on 31<sup>st</sup> January 2020. This was followed by a transition period until the end of 2020 while the UK and the EU negotiated additional arrangements.
13. Fundamentally, the European Union (Withdrawal) Bill (leading to the European Union (Withdrawal Agreement) Act 2020) was designed to keep in place all EU-derived domestic legislation (such as the many statutory instruments that implement EU environmental directives) and to incorporate direct EU legislation such as EU environmental regulations into domestic law.
14. In November 2021 the government passed the Environment Act. The Environment Act makes provisions for a range of matters, including (inter alia): provision for targets, plans and policies for improving the natural environment; creation of the Office for Environmental Protection; and a range of measures in relation to nature and biodiversity, water, and air quality.
15. Notably, the UK legislation relating to Climate Change and Renewable Energy Policy is underpinned by a number of international agreements (e.g. EU and United Nations (UN)), as outlined in the sections below. Where relevant, the implications of Brexit on the key items of EU legislation transposed into UK law are discussed in [Section 2.3](#).

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

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

16. The United Nations Framework Convention on Climate Change (UNFCCC) came into force in March 1994 and is an intergovernmental environmental treaty. The framework sets out non-binding greenhouse gas (GHG) emission reduction limits and guidance on how specific treaties may be negotiated to bring further action towards UNFCCC objectives. The main objective is the “*stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.*”
17. The UK is a signatory to the Kyoto Protocol which is linked to the UNFCCC and provides commitments for the State parties to reduce GHG emissions. The Kyoto Protocol was ratified by the UK Government in 2002 and its commitments were transposed into UK law by the Climate Change Act 2008 ([Section 2.3.1.1](#)).
18. Since 1997, regular international meetings of the UNFCCC have been held resulting in further agreements, in particular the Doha Amendment (2012) and the Paris Agreement (2015). The Doha Amendment (2012) included a commitment by parties to reduce GHG emissions by at least 18% below 1990 levels in the eight-year period from 2013 to 2020. The EU committed to reduce emissions by 20% under 1990 levels by 2020 under this amendment. As part of the European Green Deal, the Commission proposed in September 2020 to raise the 2030 greenhouse gas emission reduction target, including emissions and removals, to at least 55% compared to 1990.

19. The United Nations Climate Change Conference in Paris, 2015 (COP21), gave rise to the following key areas of agreement (UNFCCC, 2016a):
  - Limit global temperature increase to below 2°C, while pursuing efforts to limit the increase to 1.5°C above pre-industrial average temperature;
  - Parties aim to reach global peaking of GHG emissions as soon as possible to achieve this temperature goal with commitments from all Parties to prepare, communicate and maintain a Nationally Determined Contribution;
  - Contribute to the mitigation of GHG emissions and support of sustainable development;
  - Enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change;
  - Help vulnerable countries cope with the adverse effects of climate change, including extreme weather events and slow-onset events such as sea-level rise;
  - Support efforts of developing countries to build clean, climate-resilient futures;
  - Transparent reporting of information on mitigation, adaptation and support which undergoes international review; and
  - In 2023 and every 5 years thereafter, a global stocktake will assess collective progress toward meeting the purpose of the Agreement.
20. The UK ratified the 2015 Paris Agreement during the 22<sup>nd</sup> Climate Change Conference of the Parties (COP22) in November 2016 (UNFCCC, 2016b) and is currently committed to the EU pledge to reduce emissions by at least 40% across all Member States by 2030 relative 1990 levels.
21. During United Nations Climate Change Conference talks in Bonn, Germany in 2017 (COP23), finer details on the implementation of the Paris Agreement from 2020 onwards were discussed (UNFCCC, 2017). Key agreements included:
  - Overseeing and accelerating the completion of the work programme under the Paris Agreement by its twenty-fourth session (December 2018); and
  - To convene a facilitative dialogue among Parties in 2018 to take stock of the collective efforts of the Parties (Talanoa dialogue).
22. COP24 (Poland) resulted in a rulebook providing a set of guidelines for delivering the Paris Agreement, with discussions continuing at COP25 (Madrid) and COP 26 (Glasgow). COP26 led to the signing of the Glasgow Climate Pact, which sets out a series of decisions and resolutions on coordinated international action to tackle climate change. During COP26, the finalised Paris Rulebook was also agreed.

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

23. The first EU Renewable Energy Directive (2001/77/EC) on the 'Promotion of electricity produced from renewable energy sources in the internal electricity market' was adopted in 2001. This was replaced with the Renewables Directive (2009/28/EC) which has the following two key targets:
  - A reduction of 20% in 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.
24. The European Commission (EC) proposed an ‘Energy Policy for Europe’ (EC, 2007) in 2007 as a first step towards becoming a low carbon economy. This policy recognises that the use of renewable energy contributes significantly to limiting climate change and plays a part in securing energy supply and creating employment in Europe.
25. 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%).
26. In November 2016 (with amendments in February 2017), the EC published a proposal for a Directive on the Use of Energy from Renewable Sources (EC, 2017) with the aim of making the EU a global leader in renewable energy and to ensure that the target of the 2030 EU Climate and Energy Framework of a 27% share of renewable energy consumption in the EU by 2030 is met. The revised Renewable Energy Directive 2018/2001 subsequently established a number of key targets for member states. Along with sister Directives on Energy Efficiency it revised the EU 2030 Climate and Energy Framework to ensure the following:
- At least a 32% share of renewable energy consumption within the EU;
  - A headline target of at least a 32.5% improvement in energy efficiency; and
  - Member states of the EU to review their contribution to this target as part of their national energy and climate plans under Regulation (EU) 2018/1999 of the European Parliament and of the Council.
27. Both 2020 and 2030 frameworks underpin the environmental and energy policy objectives of the EU. If the most recent proposed energy target is not met at a Union level, the EC may take measures to ensure the target is achieved under Regulation (EU) 2018/1999.
28. As described above, as of 31<sup>st</sup> January 2020, the UK has withdrawn as a Member State of the EU and some uncertainties on the level of EU legislation that will be transposed into UK law remain. However, the UK's commitments to reducing GHG emissions are included in the Climate Change Act 2008 (as amended) (see [Section 2.3.1.1](#)).



## 2.2.3 International Environmental and Nature Conservation Legislation and Treaties

### 2.2.3.1 The Convention on Biological Diversity

29. The Convention on Biological Diversity (CBD) is a legally binding treaty to which the UK is one of 168 signatories, and came into force in December 1993. It has three main objectives:
- The conservation of biological diversity;
  - The sustainable use of the components of biological diversity; and
  - The fair and equitable sharing of the benefits arising from the utilisation of genetic resources.
30. The CBD recognised for the first time in international law that the conservation of biological diversity is "a common concern of humankind" and is an integral part of the development process. The CBD covers all ecosystems, species, and genetic resources.
31. A number of major UN and EU initiatives are aimed at making a contribution towards meeting the objectives of the CBD. These include the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention), The Convention on the Conservation of Migratory Species of Wild Animals (the Bonn Convention) and the establishment of the European site network.
32. At the fourteenth meeting of the Conference of the Parties to the CBD in 2018, the Parties adopted the preparatory process for the development of the post-2020 global biodiversity framework, due to be finalised and approved in October 2020. This proposed framework applies a 'theory of change' approach, a strategic planning framework used to help plan, implement and evaluate the impacts of the actions taken. Due to the COVID-19 pandemic, the delivery of this framework has been delayed and will now be decided at the fifteenth meeting (part 2) of the Conference of the Parties to the CBD due to be held 7 to 19 December 2022.

### 2.2.3.2 The Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention)

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



### 2.2.3.3 OSPAR Convention

34. International cooperation to protect the marine environment (including biodiversity) of the north east Atlantic is achieved through the OSPAR Convention.
35. A key part of OSPAR's biodiversity strategy is to establish a network of Marine Protected Areas (MPAs). The UK has currently identified 365 OSPAR MPAs (OSPAR, 2020), many of which are European sites that also meet the relevant OSPAR selection criteria (OSPAR, 2019).

### 2.2.3.4 Transboundary Considerations – Espoo Convention

36. 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 have the potential to give rise to significant adverse environmental effects across international boundaries (transboundary effects). The Espoo Convention has been implemented in the UK for the purpose of NSIPs by the EIA Regulations, specifically Regulation 32 (Development with significant transboundary effects). This places a statutory duty on the Secretary of State to notify and consult other European Economic Area (EEA) states where they are of the view that the development is likely to have significant effects on the environment of another EEA State.
37. Version 6 of Planning Inspectorate Advice Note Twelve: Transboundary Impacts and Processes (PINS, 2020) sets out the procedures for transboundary notification and consultation associated with Nationally Significant Infrastructure Project (NSIP) applications for a DCO under the Planning Act 2008 (as amended), where such an application may have transboundary effects. The Advice Note sets out the roles of the Planning Inspectorate (PINS), the 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.

### 2.2.3.5 Marine Strategy Framework Directive

38. The Marine Strategy Framework Directive (Directive 2008/56/EC) (MSFD) aims to establish a framework within which Member States will take measures to maintain or achieve 'good environmental status' (GES) in the marine environment by 2020 and to protect the resource base upon which marine-related economic and social activities depend. It enshrines an ecosystem approach to the management of human activities, which have an impact on the marine environment, within its legislative framework and integrates the concepts of environmental protection and sustainable use.

39. It aims to be complementary and to provide the overarching framework for a number of other key Directives and legislation at the EU level, including the Habitats Directive, the Birds Directive, the Water Framework Directive (WFD) and the Common Fisheries Policy. It is transposed into UK law by the Marine Strategy Regulations (2010), which require the production of a “Marine Strategy” for all UK waters. The objective of the UK Marine Strategy reflects the UK’s vision for ‘clean, healthy, safe, productive and biologically diverse oceans and seas’, it helps to deliver key international obligations and commitments to protect and preserve the marine environment under the UN Convention on the Law of the Sea (UNCLOS), the UN Sustainable Development Goal 14 (to conserve and sustainably use the oceans, seas and marine resources for sustainable development), the OSPAR North-East Atlantic Environment Strategy and the Convention on Biological Diversity (CBD). Whilst EU Directives no longer form part of legislation in the UK, the Marine Strategy Regulations 2010 and the Marine and Coastal Access Act 2009, which sets out the basis for preparing Marine Policy Statements and Marine Plans, remain in force.

#### 2.2.3.6 Water Framework Directive

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

#### 2.2.3.7 Habitats and Birds Directives

42. EC Directive 92/43/EEC, known as the Habitats Directive, implements the Bern and Bonn Conventions; initiatives that are aimed at making a contribution towards meeting the objectives of the CBD ([Section 2.2.3.1](#)). 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.
43. 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 SACs.

44. 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 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.
45. European sites is an umbrella name for the network of protected sites that include SPA and SAC sites designated across the EU, in the UK these sites are now known collectively as National Site Network sites. This network of important high-quality conservation sites are intended to significantly contribute to the conservation of habitats and species listed in the Birds and Habitats Directives.
46. 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.
47. The directives are relevant to SEP and DEP as there is the potential for European Sites and EPS to be affected. A description of how the directives are transposed into UK law is given in [Section 2.3.4](#).

## 2.3 National Context

### 2.3.1 UK Climate Change and Renewable Energy Policy

48. The EU Renewable Energy Directive and associated targets ([Section 2.2.2.2](#)) have primarily been transposed into UK law through The Promotion of the Use of Energy from Renewable Sources Regulations 2011.
49. As detailed below, there are a number of overarching UK environmental targets/goals which set the national framework for tackling climate change and renewable energy production. The most relevant of these is the legally binding target (implemented through the Climate Change Act 2008 (2050 Target Amendment) Order 2019 (the 2019 Amendment Order)) to reduce carbon and GHG by 100% by 2050, compared to a 1990 baseline.
50. In 2011 the UK Government set a target to produce 15% of UK energy from renewable sources by 2020 (Department of Energy and Climate Change (DECC), 2011a). This includes a sub-target of 30% of electricity from renewable sources. For offshore wind, the UK is world leading with approximately 14 Gigawatts (GW) of generating capacity consented and approximately 10.4 GW operational at the time of writing (May 2022). In April 2022, the Government published the British Energy Security Strategy in which the UK wide target for installed offshore wind capacity increased to 50GW by 2030.

### 2.3.1.1 The Climate Change Act 2008

51. The Climate Change Act sets the framework for the UK to transition to a low-carbon economy, exceeding the targets set out in the EU Renewables Directive (**Section 2.2.2.2**). It places a duty on the UK government to ensure their net carbon account and GHG emissions are reduced, initially by 80% relative to 1990 levels by 2050, as underpinned by the international agreements and commitments described in **Section 2.2.2**.
52. To achieve this target, the UK government committed to implement five-yearly carbon budgets that will run until 2032 to restrict the amount of emissions within each five-year period. More recently, the 2019 Amendment Order introduced amendments to enshrine in law a more challenging commitment of a reduction of net emissions by 100% by 2050 relative to 1990 levels. This legal target will remain in place in the UK and is not affected by its withdrawal from the EU.
53. In its Clean Growth Strategy, the Department for Business, Energy and Industrial Strategy (BEIS) outlined the UK Government's plans for investment in low carbon innovations, energy transmission and smart systems in order to supply the UK with secure, affordable clean power (BEIS, 2017a). The Clean Growth Strategy provides a strong commitment from the UK Government to achieving the UK's climate change targets as detailed in the Climate Change Act 2008. Such pathways to promote renewable technologies for offshore wind include the following:
  - Committed to fund a total of £200 million of Contracts for Difference (CfD) funding for offshore wind in the fourth Allocation Round (AR4) 2021; and
  - Innovative fund of £75 million for emerging technologies, such as remote island wind, tidal stream and floating offshore wind.
54. The third CfD Allocation Round (AR3), held in 2019 awarded contracts to 5.8GW of new renewable capacity. Allocation Round 4 (AR4), held in 2022 awarded contracts to 11GW of new renewable capacity, of which 7GW was to offshore wind energy.
55. CfD contracts have been awarded to around 16GW of new renewable electricity capacity, including 13GW of offshore wind. As of October 2021, 6.03GW of that capacity is operational. By the end of 2022, operational capacity is forecast to exceed 8GW.
56. This demonstrates the UK Government's ongoing support for offshore wind development. Furthermore, the Clean Growth Strategy commits to a Sector Deal for offshore wind aimed at encouraging the development and deployment of a further 10GW of offshore wind development in UK waters in the 2020s (BEIS, 2017a) along with the Government's commitment to installing 40GW of offshore wind around the UK by 2030.

### 2.3.1.2 Ten Point Plan for a Green Industrial Revolution

57. The UK Government published its policy paper, the Ten Point Plan for a Green Industrial Revolution in November 2020. The policy paper sets out the approach the government will take to support green jobs and accelerate the path to net zero. Point one of the plan sets out how the Government will advance offshore wind as a critical source of renewable energy. By 2030 the aim is to produce 40GW of offshore wind.

### 2.3.1.3 Net Zero Strategy: Build Back Greener

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

### 2.3.1.4 British Energy Security Strategy

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

### 2.3.1.5 Energy White Paper: Powering Our Net Zero Future

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

### 2.3.1.6 The UK Energy Act 2013

61. 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-level Energy Cost (LEC), thereby reducing the subsidy required with the aim of ultimately lowering the cost to the consumer.
62. The Committee on Climate Change (CCC) has advised the UK Government that offshore wind should be limited to 13 GW by 2020, unless there is evidence of cost reduction (DECC, 2016). It should be noted that very large cost reductions have resulted as the offshore wind industry has matured, as evidenced by the CfD process whereby the cost of offshore wind in the 2022 (fourth CfD) round dropped to approximately 6% lower than the third auction held in 2019, which in turn was approximately 30% lower than the second auction held in 2017, which in turn was approximately 50% lower than the original CfD auction round in 2015.
63. In this context, Equinor is working to develop SEP and DEP to maximise the competitiveness of the projects in future CfD auctions, whilst seeking to minimise environmental impact (including addressing biodiversity net gain) where possible.



## 2.3.2 National Planning Legislation

### 2.3.2.1 The Planning Act 2008

64. The Planning Act 2008 is the primary legislation that first established the legal framework for applying for, examining and determining applications for NSIPs. National Policy Statements (NPS) set the framework for decisions by the Secretary of State (SoS) (see [Section 2.3.2.2](#)).
65. Amendments have been made to the planning system that are applicable to the Planning Act 2008, including through the Localism Act 2011. This made PINS the executive agency responsible for the NSIP planning process and means that any developer wishing to construct a project classed as a NSIP must apply for an order granting development consent. PINS must appoint an Examining Authority to examine the application and make a recommendation to the relevant SoS, who will then make a decision whether to grant the DCO.
66. The Planning Act 2008 sets out thresholds above which certain types of infrastructure development are nationally significant and therefore require a DCO. For offshore energy developments in England the threshold is a generating capacity of over 100MW. The proposed SEP and DEP will each have a generating capacity which exceeds 100MW and are therefore classified as NSIPs.
67. As part of its application for a DCO, the Applicant is also able to seek other relevant permissions, powers, consents and licences, including but not limited to:
  - Powers to compulsorily acquire land or rights over land, either permanently or temporarily;
  - Marine works under Deemed Marine Licence(s) (DML);
  - Consent of associated development to the NSIP within the DCO; and
  - Powers to divert or stop up Public Rights of Way (PRoW).

### 2.3.2.2 Marine and Coastal Access Act 2009

68. The Marine and Coastal Access Act 2009 (MCAA) sets out a spatial planning system for improved management and protection of the marine and coastal environment. The MCAA established the Marine Management Organisation (MMO), the authority tasked with ensuring the delivery of sustainable development in the marine area. The MMO remains the monitoring and enforcement body in respect of the conditions and restrictions set out in the DMLs.
69. 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 SEP and DEP export cables make landfall at Weybourne having passed through the Cromer Shoal Chalk Beds MCZ – see [Chapter 8 Benthic Ecology](#) and the [Stage 1 Cromer Shoal Chalk Beds \(CSCB\) Marine Conservation Zone Assessment \(MCZA\)](#) (document reference 5.6) for further details.
70. The MCAA introduced a new section to the Planning Act 2008 (Section 149A) enabling a DCO applicant to apply for a DML as part of the DCO process.

71. The MCAA 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.

### 2.3.3 Marine Policy

#### 2.3.3.1 The Marine Policy Statement

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

The MPS also sets out detailed policy considerations in relation to a range of impacts on the marine environment which comprise:

- Marine ecology and biodiversity
- Air quality
- Noise
- Ecological and chemical water quality and resources
- Seascape
- Historic environment
- Climate change adaptation and mitigation, and
- Coastal change and flooding.

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

#### 2.3.3.1.1 Marine Plans and The East Inshore and East Offshore Marine Plans (EIEOMP)

75. Marine Plans form the other main element of the marine planning system established under the MCAA referred to above. In deciding DCO applications the SoS is also obliged to have regard to any Marine Plan which has effect for the area of the application, by Section 104(2)(aa) of the Planning Act 2008 and Section 59 of the MCAA.

76. The East Inshore and East Offshore Marine Plans (EIEOMP) encompass and therefore have effect for the SEP and DEP offshore project area.

77. The EIEOMP state (paragraph 4) that “*The marine plans do not establish new requirements, but apply or clarify the intent of national policy in the East Inshore and Offshore areas, taking into account the specific characteristics of the plan areas*”. The approach (stated in paragraph 16) is one that “*avoids replication of policies and ensures new plan policies and supporting information focus on issues where they can add value*”. The EIEOMP make clear that policies are in significant part derived from terrestrial development plan documents. Marine Plan policies should be taken into account when considering any development in the plan area.

78. The EIEOMP make specific reference to the development of offshore wind in its vision in 2034:

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

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

80. The objectives of the EIEOMP and relevant policies established under them are listed below and have been considered by the Applicant:



- **Objective 1** states: *“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.”*
  - Policy EC1 states: *“Proposals that provide economic productivity benefits which are additional to Gross Value Added currently generated by existing activities should be supported.”*
- **Objective 2** states: *“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”*
  - Policy EC2 in support of Objective 2 states: *“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.”*
- **Objective 3** states: *“To realise sustainably the potential of renewable energy, particularly offshore wind farms, which is likely to be the most significant transformational economic activity over the next 20 years in the East marine plan areas, helping to achieve the United Kingdom’s energy security and carbon reduction objectives”*
  - Policy EC3 in support of Objective 3 states: *“Proposals that will help the East marine plan areas to contribute to offshore wind energy generation should be supported.”*
- **Objective 4** states: *“To reduce deprivation and support vibrant, sustainable communities through improving health and social well-being.”*
- **Objective 5** states: *“To conserve heritage assets, nationally protected landscapes and ensure that decisions consider the seascape of the local area.”*
  - Policy SOC2 states: *Proposals that may affect heritage assets should demonstrate, in order of preference:*
    - a) *that they will not compromise or harm elements which contribute to the significance of the heritage asset*
    - b) *how, if there is compromise or harm to a heritage asset, this will be minimised*
    - c) *how, where compromise or harm to a heritage asset cannot be minimised it will be mitigated against or*
    - d) *the public benefits for proceeding with the proposal if it is not possible to minimise or mitigate compromise or harm to the heritage asset*
  - Policy SOC3 states: *“Proposals that may affect the terrestrial and marine character of an area should demonstrate, in order of preference:*
    - a) *that they will not adversely impact the terrestrial and marine character of an area*

- b) *how, if there are adverse impacts on the terrestrial and marine character of an area, they will minimise them*
  - c) *how, where these adverse impacts on the terrestrial and marine character of an area cannot be minimised they will be mitigated against*
  - d) *the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts”*
- **Objective 6** states: *“To have a healthy, resilient and adaptable marine ecosystem in the East marine plan areas.”*
  - Policy ECO1 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.”*
  - Policy ECO2 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.”*
- **Objective 7** states: *“To protect, conserve and, where appropriate, recover biodiversity that is in or dependent upon the East marine plan areas.”*
  - Policy BIO1 states: *“Appropriate weight should be attached to biodiversity, reflecting the need to protect biodiversity as a whole, taking account of the best available evidence including on habitats and species that are protected or of conservation concern in the East marine plans and adjacent areas (marine, terrestrial)”*
  - Policy BIO2 states: *“Where appropriate, proposals for development should incorporate features that enhance biodiversity and geological interests.”*
- **Objective 8** states: *“To support the objectives of Marine Protected Areas (and other designated sites around the coast that overlap, or are adjacent to the East marine plan areas), individually and as part of an ecologically coherent network.”*
- **Objective 9** states: *“To facilitate action on climate change adaptation and mitigation in the East marine plan areas.”*
  - Policy CC1 states: *“Proposals should take account of:*
    - a) *how they may be impacted upon by, and respond to, climate change over their lifetime and*
    - b) *how they may impact upon any climate change adaptation measures elsewhere during their lifetime*
    - c) *Where detrimental impacts on climate change adaptation measures are identified, evidence should be provided as to how the proposal will reduce such impacts.”*

- Policy CC2 states: “Proposals for development should minimise emissions of greenhouse gases as far as is appropriate. Mitigation measures will also be encouraged where emissions remain following minimising steps. Consideration should also be given to emissions from other activities or users affected by the proposal”
- **Objective 10** To ensure integration with other plans, and in the regulation and management of key activities and issues, in the East marine plans, and adjacent areas
  - Policy GOV1 states: *“Appropriate provision should be made for infrastructure on land which supports activities in the marine area and vice versa.”*
  - Policy WIND2, in support of Objective 1 states: *“Proposals for Offshore Wind Farms inside Round 3 zones, including relevant supporting projects and infrastructure, should be supported.”*
  - Policy CAB1 states: *“Preference should be given to proposals for cable installation where the method of installation is burial. Where burial is not achievable, decisions should take account of protection measures for the cable that may be proposed by the applicant.”*
  - Policy TR1 states: *“Proposals for development should demonstrate that during construction and operation, in order of preference: a) they will not adversely impact tourism and recreation activities b) how, if there are adverse impacts on tourism and recreation activities, they will minimise them c) how, if the adverse impacts cannot be minimised, they will be mitigated d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts”*

81. Remaining policies under Objective 10, focussing on successful integration, seek to protect areas designated for or with potential for use by a range of different marine activities from fishing and leisure boating to designated dredging areas. Since the site selection for SEP and DEP has ensured areas designated for other marine uses are avoided as much as possible these remaining policies are not significantly engaged.

82. Where necessary and appropriate topic chapters consider relevant EIEOMP policies further.

### 2.3.3.2 National Policy Statements

83. The Planning Act 2008 makes provision for NPSs. NPSs are designed to set policy in accordance with which NSIP applications must be decided (Section 104 of the Planning Act 2008). 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.

84. NPSs are produced by the UK Government, are approved by Parliament, and set out national policy against which proposals for major infrastructure projects will be assessed. Planning decisions will be taken within the clear policy framework set out in the NPS making the decision-making process transparent. The Examining Authority will have regard to applicable NPSs in its examination of applications for development consent. The relevant SoS must also have regard to them and decide the outcome of the application in accordance with applicable NPSs, subject to specified exceptions. NPSs include the UK Government's objectives for the development of nationally significant infrastructure in a particular sector, and set out:
- How these objectives will contribute to sustainable development;
  - How these objectives have been integrated with other UK Government policies;
  - How actual and projected capacity and demand have been taken into account;
  - Relevant issues in relation to safety or technology;
  - Circumstances where it would be particularly important to address the adverse impacts of development; and
  - A clear framework for investment and planning decisions.
85. There are 12 NPSs in total relating to different types of infrastructure projects. Of these there are six energy NPSs produced by the former DECC, three of which are relevant to SEP and DEP, specifically:
- The Overarching NPS for Energy (NPS EN-1) (DECC, 2011a);
  - The NPS for Renewable Energy Infrastructure (NPS EN-3) (DECC, 2011b), which covers nationally significant renewable energy infrastructure (including offshore generating stations in excess of 100MW); and
  - The NPS for Electricity Networks Infrastructure (NPS EN-5) (DECC, 2011c), which covers the electrical infrastructure associated with an NSIP.
86. It is noted that NPS' EN-1, EN-3 and EN-5 are in the process of being revised. A draft version of each NPS was published for consultation in September 2021. Consultation closed November 2021 (BEIS, 2021). Although the new NPSs are in draft form they are considered to be important and relevant for the purpose of decision-making and as such a review of the draft versions has been undertaken in the context the ES.
87. Specific NPS policies relevant to environmental topics are set out in each ES chapter with information provided as to how each item has been addressed. This chapter should also be read in conjunction with the **Planning Statement** (document reference 9.1), which provides a full assessment of SEP and DEP in relation to compliance with NPSs.

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

88. EN-1 sets out national policy for energy infrastructure and notes that an increase in renewable electricity is essential to enable the UK to meet its commitments under the EU Renewable Energy Directive. Part 3 describes the need for new nationally significant energy infrastructure projects, including:

- On the need for new electricity network infrastructure, Paragraph 3.7.1 explains that much of the new electricity infrastructure that is needed will be located in places where there is no existing network infrastructure. It acknowledges that this is likely to be the case for many wind farms, or where there may be technical reasons why existing network infrastructure is not suitable for connecting the new generation infrastructure.
- Paragraph 3.7.10 of EN-1 explains that in the light of the urgent need for new electricity transmission and distribution infrastructure, the Infrastructure Planning Commission (whose decision making role is now carried out by SoS) 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.

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

89. 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.
90. The role of the SoS in the offshore consenting process, including the power of the SoS to grant DMLs 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 ES and a DCO granted on this basis (paragraph 2.6.43).
91. Paragraph 2.6.44 explains the need for flexibility with regard to necessary micro-siting of elements of the proposed wind farm during its construction were 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.
92. NPS EN-3 identifies certain environmental topic-specific policy considerations. These are outlined within the relevant ES chapters, where relevant.

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

93. Paragraph 1.8.2 of 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.



94. 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 Part 4 of EN-1, consent may not be granted in any given case.
95. 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.

### 2.3.3.3 National Planning Policy Framework

96. 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 July 2021 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, July 2018 and February 2019.
97. 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 is likely to be considered as a relevant matter under (s104(2)(d) of the PA 2008).
98. 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. The NPPF is supported by and should be read alongside the PPGs.
99. The key principles of relevance to the SEP and DEP that have been considered by the Applicant are listed in **Table 2.2** below.

*Table 2.2: National Planning Policy Framework Principles Relevant to SEP and DEP.*

Principle	NPPF Advice (with respective paragraph number)
Promoting Sustainable Transport	All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (paragraph 113).
Making Effective Use of Land	Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (paragraph 119).

Principle	NPPF Advice (with respective paragraph number)
Achieving Well-Designed Places	Planning policies and decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities) (paragraph 127).
Meeting the Challenge of Climate Change, Flooding and Coastal Change	The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources; and support renewable and low carbon energy and associated infrastructure (paragraph 152).
Planning and Flood Risk	All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk...(paragraph 161).
Conserving and Enhancing the Natural Environment	Planning policies and decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; maintaining the character of the undeveloped coast, while improving public access to it where appropriate; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (paragraph 174).

Principle	NPPF Advice (with respective paragraph number)
Conserving and Enhancing the Historic Environment	When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 199-202).

### 2.3.3.4 National Infrastructure Planning Advice Notes

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

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

### 2.3.4 National Environmental and Conservation Legislation

101. The below sections provide a broad overview of the national environmental and conservation legislation. Topic specific national environmental and conservation legislation are covered in **ES Chapters 6 to 29**.



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

102. In England and Wales, the Habitats Directive and elements of the Birds Directive (see [Section 2.2.3.7](#)) are implemented under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). This includes both onshore and offshore (out to 12 nautical miles (nm)) elements. For UK offshore waters (i.e. 12nm from the coast out to 200nm or to the limit of the UK Continental Shelf Designated Area), the Habitats Directive is transposed into UK law by the Conservation of Offshore Marine Habitats and Species Regulations 2017 (the Offshore Marine Regulations).
103. The provisions of the Birds Directive are primarily implemented through the Wildlife and Countryside Act 1981, the Habitats Regulations and the Offshore Marine Regulations.
104. The Habitats Regulations and the Offshore Marine Regulations make it an offence to kill, injure, capture or disturb an EPS. Where appropriate, licences can be obtained to allow persons to carry out activities that would otherwise be prohibited, without committing an offence. In England, licences for actions which may affect marine EPS are issued by the MMO beyond 12nm and for action up to 12 nm licences can be obtained from Natural England.
105. Changes to the Habitats Regulations have been implemented by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The key changes are the creation of a National Site Network (which no longer forms part of the European site network) and the establishment of management objectives for the National Site Network. The network objectives are to:
  - Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status; and,
  - Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.
106. The Habitats Regulations and the Offshore Marine Regulations require an Appropriate Assessment to be carried out in respect of a plan or project which, either alone or in combination with other plans or projects, is likely to have a significant effect on a European site and is not directly connected with or necessary for the management of the site. If an Appropriate Assessment is required, the SoS must consider whether the plan or project will adversely affect the integrity of the site.
107. The Appropriate Assessment is Step 2 of a wider process known as a Habitats Regulations Assessment (HRA). HRA generally follows a four-stage process set out in UK Government guidance (Department for the Environment and Rural Affairs (Defra), 2021):
  - **Stage 1:** Screening to identify likely impacts on a European site resulting from a project or plan;
  - **Stage 2:** Appropriate assessment to consider in detail impacts on the integrity of the site likely to result from the implementation of the project or plan;

- **Stage 3:** Assessment of alternative solutions to examine alternative ways of achieving the objectives of the project or plan that would avoid adverse impacts; and
- **Stage 4:** Assessment where no alternative solutions exist and where adverse impacts remain.

108. Further details of the HRA process followed by SEP and DEP to date can be found in the **HRA Report to Inform Appropriate Assessment (RIAA)** (document reference 5.4) which has been made available in the DCO application, to inform the subsequent assessment to be undertaken by the SoS (as the competent authority).

#### 2.3.4.2 Environment Act 2021

109. The Environment Act 2021 acts as a framework of environmental protection in the UK, and aims to improve air and water quality, biodiversity and waste reduction. The Environment Act also established the Office for Environmental Protection (OEP). The OEPs principal function is to contribute to environmental protection and the improvement of the natural environment by holding government and other public authorities to account.

#### 2.3.4.3 Wildlife and Countryside Act 1981

110. The Wildlife and Countryside Act 1981 enables the designation of SSSIs to provide statutory protection of the best examples of flora, fauna, geological and physio-geological features. SSSI legislation applies to areas of the terrestrial and intertidal environment only and does not extend offshore. Improved provisions for the protection and management of SSSIs were also introduced by the Countryside and Rights of Way (CRoW) Act 2000. SSSIs are often designated for very specific areas, and the presence of several SSSIs in one region has, in many cases, formed the basis of SPA and SAC (now collectively known as National Site Network sites) boundary classification. Natural England has overall responsibility for the management of the SSSI network in England.

111. 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.

112. 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.

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

113. Under the Countryside and Rights of Way Act 2000, Natural England has the power to designate Areas of Outstanding Natural Beauty (AONBs) in England for areas that are outside national parks and that are considered to have significant landscape value. The Countryside and Rights of Way Act 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.

#### 2.3.4.5 The Protection of Badgers Act 1992

114. The Protection of Badgers Act 1992 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 Protection of Badgers 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.

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

115. Section 41 of the Natural Environment and Rural Communities Act 2006 requires the relevant SoS to compile a list of habitats and species of principal importance for the conservation of biodiversity in England. Decision makers of public bodies, in the execution of their duties, must have regard for the conservation of biodiversity in England, and the list is intended to guide them.

#### 2.3.4.7 The Hedgerows Regulations 1997

116. The Hedgerows Regulations 1997 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.

#### 2.3.4.8 The Energy Act 2004

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

## 2.4 Biodiversity Net Gain

118. The Government’s 25 Year Environment Plan (HM Government, 2018) describes an ambition to leave the environment in a better state than that which it inherited for the next generation. This ambition is supported by the NPPF, which makes general provisions for the delivery of biodiversity net gain. The Government has acknowledged that biodiversity net gain has not been delivered effectively through the NPPF.
119. The Environment Act 2021, contains measures for the protection and improvement of the environment, including biodiversity net gain under which developers of proposals subject to the Town and Country Planning (TCPA) regime are mandated to ensure a biodiversity gain of at least 10% and maintained for a minimum 30 years.
120. Although not yet mandatory, biodiversity net gain will be a requirement for NSIPs across all terrestrial infrastructure project, or the terrestrial components of such project, by November 2025. There is currently no marine net gain requirement.
121. The SEP and DEP approach to biodiversity net gain is described in further detail in in ES **Appendix 20.6 Initial Biodiversity Net Gain Assessment**.

## 2.5 Regional and Local Context

122. It is a requirement for local authorities to prepare and maintain up to date Local Plans. The plans outline the local authorities’ objectives for the land use and development within their jurisdiction, and general policies for implementation.
123. Prior to the implementation of the Planning and Compulsory Purchase Act 2004, local planning policy was set out in the Local Plan, in the form of a single document. Local Development Frameworks (LDFs) are now replacing local plans and comprise a suite of Development Plan Documents (DPD) including a Core Strategy DPD, Site Allocation DPD, Area Action Plans and a Proposals Map. Taken together, the LDF can be thought of as the ‘new’ Local Plan. For the majority of local planning authorities these documents are still in development but where drafts are available, these have been considered by the Applicant. Section 104(2)(d) of the Planning Act 2008 states that the Local Plan and emerging replacement DPDs may be considered by the SoS as “an important and relevant” matter to which regard should be had in the SoS’s decision.
124. The onshore project area falls under the jurisdiction of the following county council and local planning authorities, these are the host authorities for SEP and DEP (please see **Appendix 2.1** presents summary of relevant local policies):
- Norfolk County Council;
  - North Norfolk District Council;
  - Broadland District Council; and
  - South Norfolk Council.
125. Relevant adopted and emerging Local Plans have been considered during the onshore site selection for SEP and DEP (ES **Chapter 3 Site Selection and Assessment of Alternatives**) to avoid conflict with site specific planning allocations.

### 2.5.1 Norfolk County Council

126. **Appendix 2.1** presents a summary of relevant local planning policies from Norfolk County Council.

### 2.5.2 North Norfolk District Council

127. **Appendix 2.1** presents a summary of relevant local planning policies from the North Norfolk District Council Core Strategy.

### 2.5.3 Broadland District Council

128. **Appendix 2.1** presents the relevant policies from the Broadland District Council Development Management Plan (2015).

### 2.5.4 South Norfolk Council

129. **Appendix 2.1** presents the relevant policies from the South Norfolk Local Plan development management policies document (2015).

### 2.5.5 Greater Norwich Development Partnership Joint Core Strategy

130. **Appendix 2.1** presents the relevant policies from the Greater Norwich Development Partnership (2014) Joint Core Strategy (JCS) for Broadland District Council, Norwich City Council and South Norfolk Council.

131. The JCS sets out the overarching strategy for growth across the three districts to 2026. It identifies key locations for housing and employment growth and sets out policies to ensure that future development is sustainable.

132. The JCS was adopted in March 2011, with amendments adopted in January 2014. The JCS forms part Broadland's and South Norfolk's Local Plans.

## References

<p>Broadland District Council (2015) Development Management DPD. [Online] Available <a href="https://www.broadland.gov.uk/downloads/download/161/development_management_dpd">https://www.broadland.gov.uk/downloads/download/161/development_management_dpd</a> (Accessed 21/09/2020)</p>
<p>Department for Business, Energy and Industrial Strategy (2017a) The Clean Growth Strategy Leading the way to a low carbon future. The Stationary Office, London.</p>
<p>Department for Business, Energy and Industrial Strategy (2020) Contracts for Difference for Low Carbon Electricity Generation - Consultation on proposed amendments to the scheme, Victoria Street, London.</p>
<p>Department of Energy and Climate Change (2011a) Overarching National Policy Statement for Energy (EN-1). Presented to Parliament pursuant to Section 5(9) of the Planning Act 2008. The Stationary Office, London.</p>
<p>Department of Energy and Climate Change (2011b) National Policy Statement for Renewable Energy Infrastructure (EN-3). Presented to Parliament pursuant to Section 5(9) of the Planning Act 2008. The Stationary Office, London.</p>
<p>Department of Energy and Climate Change (2011c) National Policy Statement for Electricity Networks Infrastructure (EN-5). Presented to Parliament pursuant to Section 5(9) of the Planning Act 2008. The Stationary Office, London.</p>
<p>Department for Energy and Climate Change (2016) Single departmental plan 2015 to 2020. [Online] Available at: <a href="https://www.gov.uk/government/publications/decc-single-departmental-plan-2015-to-2020/single-departmental-plan-2015-to-2020">https://www.gov.uk/government/publications/decc-single-departmental-plan-2015-to-2020/single-departmental-plan-2015-to-2020</a></p>
<p>Department for Environment, Food and Rural Affairs (Defra) (2021). Habitats Regulations Assessments: Protecting a European Site. Defra Publications.</p>
<p>European Council and European Parliament (1992) Directive 92/43/EEC of the European Parliament and of the Council of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora OJ L 206, 22.7.1992, p. 7–50.</p>
<p>European Council and European Parliament (2000) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy. [Online] Available at: [REDACTED] . (Accessed 24/09/2020)</p>
<p>European Council and the European Parliament (2007) Communication from the commission to the European Council and the European Parliament - An Energy Policy for Europe, 2007. [Online] Available at [REDACTED] (Accessed 22/09/2020)</p>
<p>European Council and the European Parliament (2008) Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy</p>



<p>Framework Directive). [Online] Available at: [REDACTED] [REDACTED] (Accessed 23/09/2020)</p>
<p>European Council and European Parliament (2009a) Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC OJ L 140, 5.6.2009, p. 16–62.</p>
<p>European Council and European Parliament (2009b) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds OJ L 20, 26.1.2010, p. 7–25.</p>
<p>European Council and European Parliament (2011) Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012). [Online] Available at: [REDACTED] [REDACTED] (Accessed: 25/09/2020)</p>
<p>European Council and European Parliament (2014) Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (OJ L 124, 25.4.2014). [Online] Available at: [REDACTED] (Accessed: 25/09/2020)</p>
<p>European Council and European Parliament (2017). Directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources (recast). Explanatory Memorandum. [Online] Available at: [REDACTED] [REDACTED] (Accessed 25/09/2020)</p>
<p>European Council and the European Parliament (2018) Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources. [Online] Available at: [REDACTED] (Accessed 25/09/2020)</p>
<p>HM Government (1981) Wildlife and Countryside Act. [Online] Available at: <a href="https://www.legislation.gov.uk/ukpga/1981/69/contents">https://www.legislation.gov.uk/ukpga/1981/69/contents</a> (Accessed 21/09/2020)</p>
<p>HM Government (1992) Protection of Badgers Act. [Online] Available at: <a href="https://www.legislation.gov.uk/ukpga/1992/51/contents">https://www.legislation.gov.uk/ukpga/1992/51/contents</a> (Accessed 24/09/2020)</p>
<p>HM Government (1997) Hedgerows Regulations (SI 1997/1160). [Online] Available at: <a href="https://www.legislation.gov.uk/uksi/1997/1160/contents/made">https://www.legislation.gov.uk/uksi/1997/1160/contents/made</a> (Accessed 24/09/2020)</p>
<p>HM Government (2000) Countryside and Rights of Way Act. [Online] Available at: <a href="https://www.legislation.gov.uk/ukpga/2000/37/contents">https://www.legislation.gov.uk/ukpga/2000/37/contents</a> (Accessed 22/09/2020)</p>
<p>HM Government (2006) Natural Environment and Rural Communities Act. Available at: <a href="https://www.legislation.gov.uk/ukpga/2006/16/contents">https://www.legislation.gov.uk/ukpga/2006/16/contents</a> (Accessed 24/09/2020)</p>

<p>HM Government (2008) The Planning Act (United Kingdom) (SI2008/29). [Online] Available at <a href="https://www.legislation.gov.uk/ukpga/2008/29/contents">https://www.legislation.gov.uk/ukpga/2008/29/contents</a> (Accessed: 25/09/2020)</p>
<p>HM Government (2008a) Climate Change Act (SI 2008/27). [Online] Available at <a href="https://www.legislation.gov.uk/ukpga/2008/27/contents">https://www.legislation.gov.uk/ukpga/2008/27/contents</a> (Accessed 25/09/2020)</p>
<p>HM Government (2009) The Marine and Coastal Access Act. [Online] Available at: <a href="https://www.legislation.gov.uk/ukpga/2009/23/contents">https://www.legislation.gov.uk/ukpga/2009/23/contents</a> (Accessed 25/09/2020)</p>
<p>HM Government (2011a) UK Marine Policy Statement. London: The Stationery Office. [Online] Available at: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69322/pb3654-marine-policy-statement-110316.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69322/pb3654-marine-policy-statement-110316.pdf</a> (Accessed 22/09/2020)</p>
<p>HM Government (2011b) The Promotion of the Use of Energy from Renewable Sources Regulations 2011 (SI 2011/243). [Online] Available at: <a href="https://www.legislation.gov.uk/uksi/2011/243/contents/made">https://www.legislation.gov.uk/uksi/2011/243/contents/made</a> (Accessed 24/09/2020)</p>
<p>HM Government (2014) East Inshore and East Offshore Marine Plans, HM Government, London. [Online] Available at: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/312496/east-plan.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/312496/east-plan.pdf</a> (Accessed 22/09/2020)</p>
<p>HM Government (2017) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (SI 2017/527). [Online] Available at: <a href="https://www.legislation.gov.uk/uksi/2017/527/contents/made">legislation.gov.uk/uksi/2017/527/contents/made</a> (Accessed: 25/09/2020)</p>
<p>HM Government (2019) Marine Strategy Part One: UK updated assessment and Good Environmental Status. [Online] Available at: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841246/marine-strategy-part1-october19.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841246/marine-strategy-part1-october19.pdf</a>. (Accessed: 24/09/2020)</p>
<p>HM Government (2020) The Future Relationship with the EU. The UK's Approach to Negotiation (CP211). [Online] Available at: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/868874/The_Future_Relationship_with_the_EU.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/868874/The_Future_Relationship_with_the_EU.pdf</a> (Accessed: 25/09/2020)</p>
<p>HM Government Ministry of Housing, Communities and Local Government (2021) National Planning Policy Framework. [Online] Available at: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</a> (Accessed 11/08/21)</p>
<p>HM Government (2017a). The Conservation of Habitats and Species Regulations 2017 (SI 2017/1012). [Online] Available at: <a href="https://www.legislation.gov.uk/uksi/2017/1012/introduction/made">https://www.legislation.gov.uk/uksi/2017/1012/introduction/made</a> (Accessed 23/09/2020)</p>
<p>HM Government (2017b). The Conservation of Offshore Marine Habitats and Species Regulations 2017 (SI 2017/1013). Available at:</p>



<p><a href="https://www.legislation.gov.uk/ukxi/2017/1013/contents/made">https://www.legislation.gov.uk/ukxi/2017/1013/contents/made</a> (Accessed 25/09/2020)</p>
<p>HM Government (2018) A Green Future: Our 25 Year Plan to Improve the Environment. [Online] Available at: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf</a> (Accessed 22/09/2020)</p>
<p>Norfolk County Council (2011a) Norfolk’s Transport Plan for 2026. [Online] Available at: <a href="https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/roads-and-travel-policies/local-transport-plan">https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/roads-and-travel-policies/local-transport-plan</a> (Accessed 21/09/2020)</p>
<p>Norfolk County Council (2011b) Core Strategy and Minerals and Waste Development Management Policies DPD (the ‘Core Strategy’) 2011-2026. [Online] Available at: <a href="https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning-policies/adopted-policy-documents">https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning-policies/adopted-policy-documents</a> (Accessed 21/09/2020)</p>
<p>Norfolk County Council (2014) Joint Core Strategy for Broadland, Norwich and South Norfolk. [Online] Available at: <a href="https://www.south-norfolk.gov.uk/sites/default/files/JCS_Adopted_Version_Jan_2014.pdf">https://www.south-norfolk.gov.uk/sites/default/files/JCS_Adopted_Version_Jan_2014.pdf</a> (Accessed 21/09/2020)</p>
<p>Norfolk County Council (2015) Norfolk Local Flood Risk Management Strategy. [Online] Available at: <a href="https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/flood-and-water-management-policies/local-flood-risk-management-strategy">https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/flood-and-water-management-policies/local-flood-risk-management-strategy</a> (Accessed 21/09/2020)</p>
<p>Norfolk County Council (2017) Norfolk Rural Strategy 2017-2020. [Online] Available at: <a href="https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/business-policies/rural-development-strategy#:~:text=Strong%20Roots%3A%20New%20Growth%20Norfolk,the%20strategy%20is%20also%20available.">https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/business-policies/rural-development-strategy#:~:text=Strong%20Roots%3A%20New%20Growth%20Norfolk,the%20strategy%20is%20also%20available.</a> (Accessed 21/09/2020)</p>
<p>North Norfolk District Council (2008) Core Strategy Incorporating Development Control Policies (2008-2021). [Online] Available at: <a href="https://www.north-norfolk.gov.uk/media/1370/3-_core_strategy_incorporating_development_control_policies-_adopted_2008_-updated_2012.pdf">https://www.north-norfolk.gov.uk/media/1370/3-_core_strategy_incorporating_development_control_policies-_adopted_2008_-updated_2012.pdf</a> (Accessed 21/09/2020)</p>
<p>OSPAR Commission (2019) 2018 Status Report on the OSPAR Network of Marine Protected Areas.</p>
<p>OSPAR Commission (2020) Key figures of the MPA OSPAR network, MPA OSPAR network per country. [Online] Available at: [REDACTED] (Accessed 28/10/2020)</p>
<p>South Norfolk District Council (2015) South Norfolk Local Plan, Development Management Policies Document. [Online] Available at: <a href="https://www.south-">https://www.south-</a></p>

<p><a href="http://norfolk.gov.uk/sites/default/files/Development_Management_Policies_Document_0.pdf">norfolk.gov.uk/sites/default/files/Development_Management_Policies_Document_0.pdf</a> (Accessed 21/09/220)</p>
<p>The Planning Inspectorate (2019) Cumulative effects assessment relevant to nationally significant infrastructure projects. [Online] Available at: <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/12/Advice-note-17V4.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/12/Advice-note-17V4.pdf</a> (Accessed 24/09/2020)</p>
<p>The Planning Inspectorate (2017a). Advice Note Three: EIA consultation and notification. [Online] Available at: <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/07/advice_note_3_v5.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/07/advice_note_3_v5.pdf</a> (Accessed 24/09/2020)</p>
<p>The Planning Inspectorate (2020a). Advice Note Seven: Environmental Impact Assessment, Preliminary Environmental Information, Screening and Scoping. [Online] Available at: <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2017/12/Advice-note-7.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2017/12/Advice-note-7.pdf</a> (Accessed 24/09/2020)</p>
<p>The Planning Inspectorate (2017c). Advice Note Ten: Habitat Regulations Assessment relevant to nationally significant infrastructure projects. [Online] Available at: <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2017/12/Advice-note-7.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2017/12/Advice-note-7.pdf</a> (Accessed 24/09/2020)</p>
<p>The Planning Inspectorate (2017d). Advice Note Eighteen: The Water Framework Directive. [Online] Available at: <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2017/06/advice_note_18.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2017/06/advice_note_18.pdf</a> (Accessed 26/10/2020)</p>
<p>The Planning Inspectorate (2018). Advice Note Nine: Using the Rochdale Envelope. [Online] Available at: <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/05/Advice-note-9.-Rochdale-envelope-web.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/05/Advice-note-9.-Rochdale-envelope-web.pdf</a> (Accessed 24/09/2020)</p>
<p>The Planning Inspectorate (2020b). Advice Note Twelve: Transboundary Impacts and Process. [Online] Available at: <a href="https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-twelve-transboundary-impacts-and-process/">https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-twelve-transboundary-impacts-and-process/</a> (Accessed 11/08/2020)</p>
<p>UNFCCC (2016a) Report of the Conference of the Parties on its twenty-first session, held in Paris from 30 November to 13 December 2015 (FCCC/CP/2015/10).</p>
<p>UNFCCC (2016b) Proceedings of the 2016 twenty-second session of the Conference of the Parties (COP 22) and the twelfth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP 12) held in Marrakech, Morocco.</p>
<p>UNFCCC (2017) Proceedings of the 2017 twenty-third session of the Conference of the Parties (COP 23) held in Bonn, Germany.</p>

## APPENDIX 2.1 POLICY - REGIONAL AND LOCAL CONTEXT

1. The DCO Order Limit falls under the jurisdiction of the following county council and local planning authorities, these are the host authorities for SEP and DEP:
  - Norfolk County Council;
  - North Norfolk District Council;
  - Broadland District Council; and
  - South Norfolk Council.

### 2.1.1 Norfolk County Council

2. **Table 2.1.1** presents a summary of the local planning policies of Norfolk County Council relevant to SEP and DEP.

*Table 2.1.1: Norfolk County Council Policies Relevant to SEP and DEP*

Policy	Summary
Core Strategy and Minerals and Waste Development Management Policies DPD (the 'Core Strategy') 2010-2026	Contains the vision, objectives and strategic planning policies for development in Norfolk until 2026. It includes Development Management Policies that contain measurable objectives to enable successful monitoring.
Norfolk Local Transport Plan 2011-2026	Assesses transport needs and challenges and sets out its transport aspirations over the 2011 – 2026 period. To improve maintenance of existing transport networks, support sustainable economic growth and regeneration; reduce carbon emissions.
Norfolk Local Flood Risk Management Strategy 2015 (Policy review 2021)	Aims to manage the risk of flooding in the region and inform all groups and individuals who may have an interest in, or an ability to influence or manage flood risk.
Environmental policy	The policy uses the Government's 25-year Plan published in 2018 as a basis and is structured to reflect the key environmental concerns embodied in that plan.
Strong Roots: New Growth - Norfolk Rural Strategy 2017-2020 (draft 2021-24 strategy)	The strategy has been developed by the Norfolk Rural Strategy Steering Group to respond to the opportunities and challenges facing rural Norfolk. The key priorities identified in the strategy include ensuring rural issues are embedded in decision-making, enhancing the environment and promoting rural infrastructure improvements which unlock growth.

Core Strategy and Minerals and Waste Development Management Policies DPD (the 'Core Strategy')

3. This planning policy document contains the vision, objectives and strategic planning policies for development in Norfolk until 2026. The Minerals and Waste Core Strategy also includes DPD which are used in the determination of planning applications. The DPD contains measurable objectives to enable successful monitoring. This document was adopted in September 2011.
4. **Table 2.1.2** presents the development management policies from the Norfolk County Council (2011) Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026.

**Table 2.1.2: Relevant Policies from the Norfolk County Council (2011) Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026**

Policy	Summary
DM1 Nature Conservation	Development that would harm locally designated nature conservation sites and/or habitats, species or features identified in biodiversity and geodiversity action plans will only be permitted if it can be demonstrated that sufficient measures to mitigate harm to the site, habitat(s) and/or species can be put in place, preferably in advance of development. If appropriate mitigation measures cannot practicably be implemented, compensatory habitats or geological exposure of at least an equivalent standard at a suitable alternative location should be provided. Potential adverse impacts off-site, caused by water contamination, changes to hydrology and/or air pollution, will also need to be considered.
DM2 Core River Valleys	Development will only be permitted in Core River Valleys where it can be demonstrated to enhance the local landscape and/or biodiversity and not impede floodplain functionality. Applicants will be expected to demonstrate that proposals will enhance the form, local character and distinctiveness of the landscape and natural environment of a river valley.
DM3 Groundwater and surface water	Applicants will need to give due regard to the policies within the Environment Agency's document 'Groundwater Protection: Policy and Practice (GP3)' and demonstrate that proposed developments would not adversely impact upon groundwater quality or resources and surface water quality or resources. A hydrological/hydrogeological risk assessment must be submitted, where applicable, to demonstrate this to the satisfaction of the County Planning Authority as advised by the Environment Agency.
DM4 Flood Risk	A Flood Risk Assessment is required for all development in Flood Zones 2 and 3, and for sites greater than 1 hectare. Through consultation with the Environment Agency, the County Planning Authority will expect developers, through site layout, design and access, to ensure flood risk is not increased as a result of all mineral extraction and waste management sites.
DM8 Design, local landscape and townscape character	Development will be permitted if it will not harm the conservation of, or prevent the enhancement of, key characteristics of its surroundings with regard to the character of the landscape and townscape, including consideration of its historic character and settlement pattern, taking into account any appropriate mitigation measures.  Applicants will be expected to show how their proposals will address impacts on landscape and townscape. This would normally be undertaken through a study and evaluation of local landscape and townscape character and an assessment of how the proposal will impact on it, with reference to any relevant landscape character assessment or design guide.  Development will only be permitted where it would be within, or could affect the setting of, nationally or locally registered Historic Parks or Gardens, registered battlefields, conservation areas, listed buildings or the North Norfolk Heritage Coast, where the applicant can demonstrate that the development would not adversely impact on the historic form, character and/or setting of these locations, taking into account any mitigation measures.

Policy	Summary
DM9 Archaeological sites	<p>Applicants whose proposals could potentially affect heritage assets, or which are in areas with high potential for archaeological interest, will be required to prepare and submit an appropriate desk-based assessment and, where necessary, a field evaluation with their application to the County Council.</p> <p>Development will only be permitted where it would not adversely affect the significance of heritage assets (and their settings) of national and/or regional importance, whether scheduled or not. Where proposals for mineral extraction or waste management facilities would affect Scheduled Monuments and/or other assets of national and/or regional importance (including their settings), there will be a presumption in favour of their preservation in-situ.</p> <p>Following the results of a site evaluation, development which would potentially affect other heritage assets (not of national or regional importance) could be acceptable if subject to appropriate mitigation measures – such as physical preservation of the archaeology in-situ or preservation by record (including appropriate publication and archiving).</p>
DM10 Transport	<p>Proposals that generate an increase in traffic movements or traffic impact, must be accompanied by a Transport Statement that demonstrates:</p> <ul style="list-style-type: none"> <li>• Suitable highway access and egress in accordance with published highway design guidance;</li> <li>• A suitable route to the nearest major road (trunk road or principal road or main distributor road), which may need to be incorporated in a formal Routing Agreement;</li> <li>• Consideration of other road users, including cyclists, horse riders and pedestrians; and</li> <li>• Consideration of sustainable drainage and pollution control measures; and Measures to reduce car travel to the site by workers and visitors and encourage walking, cycling and use of public transport.</li> </ul>
DM11 Sustainable construction and operations	<p>Sustainable development will be promoted by requiring proposals for mineral extraction and associated development and waste management facilities to demonstrate consideration of:</p> <ul style="list-style-type: none"> <li>• Design standards;</li> <li>• Sustainable materials; and</li> <li>• Water efficient design.</li> </ul>
DM12 Amenity	<p>Development will be permitted only where it can be demonstrated that the scale, siting and design of a proposal is appropriate and that unacceptable impact to local amenity will not arise from the construction and/or operation of a facility.</p>
DM13 Air quality	<p>Applicants for planning permission will be required to submit information to demonstrate that proposals effectively minimise harmful emissions to air and would not impact negatively on existing Air Quality Management Areas (AQMA), nor lead to the declaration of a new AQMA.</p> <p>Development will be permitted if adequate measures can be agreed through planning conditions to mitigate potentially harmful air quality impacts to human health.</p>

Policy	Summary
DM15 Cumulative impacts	<p>Where a proposed mineral extraction site, or waste management facility, is considered acceptable (in its own right) but the cumulative impact of a proposal in conjunction with other existing, permitted or allocated minerals extraction sites and/or waste management facilities, in the proximity is considered unacceptable, the proposal may be considered acceptable if phased so that one site follows the completion of the other or it can be demonstrated that the adverse cumulative impacts can be adequately mitigated.</p>
DM16 Soils	<p>When minerals development, particularly extraction, is proposed on agricultural land of grades 1, 2 or 3a it will only be permitted where:</p> <ul style="list-style-type: none"> <li>• Provision is made for high standards of soil management that would enable restoration to a condition at least as good as its previous agricultural quality. To demonstrate this, the County Planning Authority will expect soil and land quality surveys and soil handling and replacement strategies to be submitted (the latter based upon Defra’s ‘Good Practice Guide for Handling Soils’); or</li> <li>• The benefit of restoring the land to another after-use can be shown to outweigh the loss of the agricultural use of the land.</li> </ul>

### 2.1.2 North Norfolk District Council

5. The North Norfolk District Council Core Strategy (2008 - 2021) is the key document in the Local Plan. The document provides a detailed framework for the control of development and use of land that guides planning decisions in North Norfolk.
6. This Core Strategy, including Development Control Policies, provides a clear vision for how new development can address the challenges faced and identifies where, when, how much and how new development will take place in North Norfolk up to 2021.
7. The Strategy has the following relevant core aims:
  - Core Aim 2 – To provide for sustainable development and mitigate and adapt to climate change;
  - Core Aim 3 – To protect the built and natural environment and local distinctive identity of North Norfolk, and enable people's enjoyment of this resource;
  - Core Aim 5 – To develop a strong, high value economy to provide better job, career and training opportunities; and
  - Core Aim 6 – To improve access for all to jobs, services, leisure and cultural activities.
8. In 2018 North Norfolk District Council commissioned two new studies:
  - a revised Landscape Character Assessment; and
  - a new Landscape Sensitivity Assessment (with particular reference to renewable energy and low carbon development).



9. These documents were adopted as Supplementary Planning Documents (SPD) in January 2020. These documents represent the most up to date and accurate assessments, based on current best practice. These documents currently form important and relevant matters as part of the planning process.
10. **Table 2.1.3** presents the relevant policies from the North Norfolk District Council Core Strategy (2008).

*Table 2.1.3: Relevant Policies from the North Norfolk District Council (2008) Core Strategy*

Policy	Summary
Policy SS 2 Development in the Countryside	In areas designated as Countryside development will be limited to that which requires a rural location and is for one or more of the following; renewable energy projects.
Policy SS 4 Environment	<p>All development proposals will contribute to the delivery of sustainable development, ensure protection and enhancement of natural and built environmental assets and geodiversity and be located and designed so as to reduce carbon emissions and mitigate and adapt to future climate change.</p> <p>Renewable energy proposals will be supported where impacts on amenity, wildlife and landscape are acceptable.</p> <p>Opportunities to improve river water quality and minimise air, land and water pollution will be taken where possible. Open spaces and areas of biodiversity interest will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged.</p> <p>Where there is no conflict with biodiversity interests, the quiet enjoyment and use of the natural environment will be encouraged and all proposals should seek to increase public access to the countryside.</p> <p>The Built Environment and designated Public Realm areas will be conserved and enhanced through the protection of buildings and structures which contribute to their surroundings, the encouragement of high quality maintenance and repair and enhancement of public spaces. Innovative and locally distinctive design will be encouraged in all new development.</p>
Policy EN1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads	<p>The impact of individual proposals, and their cumulative effect, on the Norfolk Coast AONB will be carefully assessed. Development will be permitted where it;</p> <ul style="list-style-type: none"> <li>• Is appropriate to the economic, social and environmental well-being of the area or is desirable for the understanding and enjoyment of the area;</li> <li>• Does not detract from the special qualities of the Norfolk Coast AONB or The Broads; and</li> <li>• Seeks to facilitate delivery of the Norfolk Coast AONB management plan objectives.</li> </ul> <p>Proposals that have an adverse effect will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less harm and the benefits of the development clearly outweigh any adverse impacts.</p>
Policy EN 2 Protection and Enhancement of	Proposals for development should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies.

Policy	Summary
Landscape and Settlement Character	<p>Development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance:</p> <ul style="list-style-type: none"> <li>• The special qualities and local distinctiveness of the area (including its historical, biodiversity and cultural character);</li> <li>• Gaps between settlements, and their landscape setting;</li> <li>• Distinctive settlement character;</li> <li>• The pattern of distinctive landscape features, such as watercourses, woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife;</li> <li>• Visually sensitive skylines, hillsides, seascapes, valley sides and geological features;</li> <li>• Nocturnal character;</li> <li>• The setting of, and views from, conservation areas and historic parks and gardens; and</li> <li>• The defined setting of Sheringham Park, as shown on the Proposals Map.</li> </ul>
Policy EN 3 Undeveloped Coast	<p>In the Undeveloped Coast only development that can be demonstrated to require a coastal location and that will not be significantly detrimental to the open coastal character will be permitted.</p>
Policy EN 4 Design	<p>All development will be designed to a high quality, reinforcing local distinctiveness. Innovative and energy efficient design will be particularly encouraged. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.</p> <p>Proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and new dwellings should provide acceptable residential amenity.</p>
Policy EN 6 Sustainable Construction and Energy Efficiency	<p>All new development will be required to demonstrate how it minimises resource consumption, minimises energy consumption compared to the current minimum required under part L of the Building Regulations, and how it is located and designed to withstand the longer term impacts of climate change.</p>
Policy EN 7 Renewable Energy	<p>Renewable energy proposals will be supported and considered in the context of sustainable development and climate change, taking account of the wide environmental, social and economic benefits of renewable energy gain and their contribution to overcoming energy supply problems in parts of the District.</p> <p>Proposals for renewable energy technology, associated infrastructure and integration of renewable technology on existing or proposed structures will be permitted where individually, or cumulatively, there are no significant adverse effects on;</p> <ul style="list-style-type: none"> <li>• The surrounding landscape, townscape and historical features / areas;</li> <li>• Residential amenity (noise, fumes, odour, shadow flicker, traffic, broadcast interference);</li> <li>• Specific highway safety, designated nature conservation or biodiversity considerations;</li> </ul>

Policy	Summary
	<ul style="list-style-type: none"> <li>• In areas of national importance large scale renewable energy infrastructure will not be permitted unless it can be demonstrated that the objectives of the designation are not compromised. Small-scale developments will be permitted where they are sympathetically designed and located, include any necessary mitigation measures and meet the criteria above; and</li> <li>• Large scale renewable energy proposals should deliver economic, social, environmental or community benefits that are directly related to the proposed development and are of reasonable scale and kind to the local area.</li> </ul>
<p>Policy EN 8 Protecting and Enhancing the Historic Environment</p>	<p>Development proposals should preserve or enhance the character and appearance of designated assets, other important historic buildings, structures, monuments and landscapes, and their settings through high quality, sensitive design. Development that would have an adverse impact on their special historic or architectural interest will not be permitted.</p> <p>Where required, development proposals affecting sites of known archaeological interest will include an assessment of their implications and ensure that provision is made for the preservation of important archaeological remains. The character and appearance of Conservation Areas will be preserved, and where possible enhanced, and, in consultation with all relevant stakeholders, area appraisals and management plans will be prepared and used to assist this aim and to encourage the highest quality building design, townscape creation and landscaping in keeping with the defined areas.</p>
<p>Policy EN 9 Biodiversity &amp; Geology</p>	<p>All development proposals should:</p> <ul style="list-style-type: none"> <li>• Protect the biodiversity value of land and buildings and minimise fragmentation of habitats;</li> <li>• Maximise opportunities for restoration, enhancement and connection of natural habitats; and</li> <li>• Incorporate beneficial biodiversity conservation features where appropriate.</li> </ul> <p>Development proposals that would cause a direct or indirect adverse effect to nationally designated sites or other designated areas, or protected species, will not be permitted unless;</p> <ul style="list-style-type: none"> <li>• They cannot be located on alternative sites that would cause less or no harm;</li> <li>• The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and</li> <li>• Prevention, mitigation and compensation measures are provided.</li> </ul>
<p>Policy EN 10 Development and Flood Risk</p>	<p>The sequential test will be applied rigorously across North Norfolk and most new development should be located in Flood Risk Zone 1. New development in Flood Risk Zones 2 and 3a will be restricted to the following categories:</p> <ul style="list-style-type: none"> <li>• Water compatible uses;</li> <li>• Minor development;</li> </ul>

Policy	Summary
	<ul style="list-style-type: none"> <li>• Changes of use (to an equal or lower risk category in the flood risk vulnerability classification) where there is no operational development (xl); and</li> <li>• ‘Less vulnerable’ uses where the sequential test has been passed.</li> </ul> <p>New development in Flood Zone 3b will be restricted to water compatible uses only. The Strategic Flood Risk Assessment defines zones 2, 3a and 3b in parts of North Norfolk and this will be used to inform the application of the sequential test. Where this information is not available, the Environment Agency Flood Risk Zones and a site specific Flood Risk Assessment will be used to apply the sequential test.</p> <p>A site-specific Flood Risk Assessment which takes account of future climate change must be submitted with appropriate planning applications in Flood Zones 2, 3a and 3b and for development proposals of 1 hectare or greater in Flood Zone 1.</p> <p>Land in Flood Zone 1 that is surrounded by areas of Flood Zones 2 or 3 will be treated as if it is in the higher risk zone and a Flood Risk Assessment will be required to prove that safe access / egress exists for the development or that the land will be sustainable for the duration of the flood period.</p> <p>Appropriate surface water drainage arrangements for dealing with surface water runoff from new development will be required. The use of Sustainable Drainage Systems will be the preference unless, following an adequate assessment, soil conditions and / or engineering feasibility dictates otherwise.</p>
<p>Policy EN 11 Coastal Erosion</p>	<p>In the Coastal Erosion Constraint Area new development, or the intensification of existing development or land uses, will not be permitted, except where it can be demonstrated that it will result in no increased risk to life or significant increase in risk to property. In any location, development proposals that are likely to increase coastal erosion as a result of changes in surface water run-off will not be permitted.</p>
<p>Policy EN 13 Pollution and Hazard Prevention and Minimisation</p>	<p>All development proposals should minimise, and where possible reduce, all emissions and other forms of pollution, including light and noise pollution, and ensure no deterioration in water quality.</p> <p>Proposals will only be permitted where, individually or cumulatively, there are no unacceptable impacts on:</p> <ul style="list-style-type: none"> <li>• The natural environment and general amenity;</li> <li>• Health and safety of the public;</li> <li>• Air quality;</li> <li>• Surface and groundwater quality;</li> <li>• Land quality and condition; and</li> <li>• The need for compliance with statutory environmental quality standards.</li> </ul>
<p>Policy CT 5 Transport Impact of New Development</p>	<p>Development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. Development proposals will be considered against the following criteria:</p> <ul style="list-style-type: none"> <li>• The proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability;</li> <li>• The proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality;</li> </ul>

Policy	Summary
	<ul style="list-style-type: none"> <li>• Outside designated settlement boundaries the proposal does not involve direct access on to a Principal Route, unless the type of development requires a Principal Route location;</li> <li>• The expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and</li> <li>• If the proposal would have significant transport implications, it is accompanied by a transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, for non-residential schemes, a travel plan.</li> </ul>

### 2.1.3 Broadland District Council

11. **Table 2.1.4** presents the relevant policies from Broadland District Council Development Management Development Plan Document (2015).

*Table 2.1.4: Relevant Policies from the Broadland District Council Development Management Development Plan Document (2015).*

Policy	Summary
DPD Policy GC1 – Presumption in favour of sustainable development	When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
DPD Policy GC2 – Location of new development	New development will be accommodated within the settlement limits defined on the policies map. Outside of these limits development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the development plan.
DPD Policy GC4 - Design	Development will be expected to achieve a high standard of design and avoid any significant detrimental impact. Schemes which are of an innovative nature or which reduce reliance on centralised, non-renewable energy sources will be particularly encouraged.
DPD Policy GC5 – Renewable Energy	<p>Proposals for renewable energy technology, associated infrastructure and integration of renewable technology will be encouraged where its impacts are (or can be made) acceptable.</p> <p>The impact of renewable energy projects upon distinctive and sensitive biodiversity and landscape areas should be considered carefully, taking account of the Landscape Character Assessment SPD and biodiversity information.</p>
DPD EN1 – Biodiversity and Habitats	<p>Development proposals will be expected to protect and enhance the biodiversity of the district, avoid fragmentation of habitats, and support the delivery of a co-ordinated green infrastructure network throughout the district.</p> <p>Where harmful impacts may occur, it should be adequately demonstrated that:</p>

Policy	Summary
	<ul style="list-style-type: none"> <li>The development cannot be located where it would cause less or no harm;</li> <li>That adequate mitigation is incorporated, including specific mitigation requirements to address impacts upon international wildlife sites (European sites); and</li> <li>That the benefits of the development clearly outweigh the impacts.</li> </ul>
DPD EN 2 – Landscape	In order to protect the character of the area, development proposals should have regard to the Landscape Character Assessment SPD.
DPD EN3 – Green Infrastructure	All development will be expected to maximise opportunities for the creation of a well-managed network of wildlife habitats. Development will also be expected to make adequate arrangements for the management and maintenance of green infrastructure.
DPD EN4 – Pollution	Development proposals will be expected to include an assessment of the extent of potential pollution. Development will only be permitted where there will be no significant adverse impact upon amenity, human health or the natural environment.
DPD TS2 – Travel Plans and Transport Assessments	In the case of major development, or where a particular need is identified, a Transport Assessment and/ or Travel Plan will be required. Developers will need to include proposals to deal with any consequences of their development in terms of maximising access by foot, cycle and public transport and the means by which this will be secured in perpetuity.
Policy TS3 –Highway safety	Development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network.
Policy CSU5 – Surface Water Drainage	<p>Mitigation measures to deal with surface water arising from development proposals should be incorporated to minimise the risk of flooding on the development site without increasing flood risk elsewhere.</p> <p>Development must, as appropriate, incorporate mitigation measures to reduce surface water runoff, manage surface water flood risk to the development itself and to others, maximise the use of permeable materials to increase infiltration capacity, incorporate on site water storage and make use of green roofs and walls wherever reasonably practicable.</p>

### 2.1.4 South Norfolk Council

12. **Table 2.1.5** presents the relevant policies from the South Norfolk Local Plan Development Management Policies Document (2015).

*Table 2.1.5: Relevant Policies from the South Norfolk Local Plan Development Management Policies Document (2015)*

Policy	Summary
DM 2.9 - Rural tourist and recreational destinations	Development proposals will be permitted where: ...Harm would not be caused by the nature, scale, extent, frequency of timing of the activities proposed.
DM 3.13 - Amenity, noise and quality of life	Development will not be permitted where the proposed development would generate noise or artificial light which would be significantly detrimental to the amenity of nearby residents or the occupants of other noise sensitive uses. Proportionate mitigating measures including limiting conditions will be



Policy	Summary
	<p>used to reduce the potential noise or artificial light impact to an appropriate level whenever practical to do so.</p>
<p>DM 3.14 – Pollution, health and safety</p>	<p>All development should minimise and where possible reduce the adverse impact of all forms of emissions and other forms of pollution and ensure that there is no deterioration in water quality or water courses. When assessed individually or cumulatively, development proposals should ensure that there will be no unacceptable impacts on:</p> <ul style="list-style-type: none"> <li>• Air quality;</li> <li>• Surface and ground water quality;</li> <li>• Land quality and condition; and</li> <li>• Health and safety of the public.</li> </ul>
<p>DM 4.1 – Renewable Energy</p>	<p>Proposals for renewable energy generating development requiring planning permission other than for proposals for wind energy development will be supported and considered (taking account of the impact of relevant ancillary equipment) in the context of sustainable development and climate change on the wider environmental, social and economic benefits of maximising use of renewable energy. The Council will encourage the use on-site communal-scale energy generation measures. The effect of the proposal will be considered on:</p> <ul style="list-style-type: none"> <li>• The effect on the character and appearance of the landscape;</li> <li>• Designated and undesignated heritage assets; and</li> <li>• The amenities and living conditions of nearby residents by way of noise, outlook, and overbearing effect or unacceptable risk to health or amenity by way of other pollutants such as dust and odour.</li> </ul> <p>Permission will be granted where there are no significant adverse effects or where any adverse effects are outweighed by the benefits. When attributing weight to any harm, including heritage assets regard will be given to national policy and guidance, statutory duty and legislation, and other policies in the Local Plan including Policy DM4.10; Where appropriate planning conditions will be imposed requiring the decommissioning and removal / dismantling of all plant and ancillary equipment, and if necessary, the restoration of land, on the cessation of use.</p>
<p>DM 4.2 - Sustainable drainage and water management</p>	<p>Sustainable drainage measures must be fully integrated within design to manage any surface water arising from development proposals, and to minimise the risk of flooding on the development site and in the surrounding area, unless it can be demonstrated that ground conditions are unsuitable for such measures or there are other exceptional circumstances. All developments:</p> <ul style="list-style-type: none"> <li>• Should include a sewerage capacity assessment and must have a neutral or positive impact on reducing surface water flooding and should include drainage features that will slow the movement of water through the drainage system;</li> <li>• Must not cause any deterioration in water quality and measures to treat surface water runoff must be included within the design of the drainage system;</li> </ul>

Policy	Summary
	<ul style="list-style-type: none"> <li>• Must be served by separate surface water and foul wastewater drainage. No new development (including redevelopment) will be permitted to discharge surface water runoff to foul drainage connections or combined sewers, unless it can be demonstrated that separate surface water drainage is not available and cannot be practicably provided; and</li> <li>• Should maximise use of soft landscaping and permeable surfaces unless the developer can provide justification to demonstrate that this is not feasible.</li> </ul>
DM 4.9 -Incorporating landscape into design	<p>Where appropriate, detailed development proposals must demonstrate a high quality of landscape design, implementation and management as an integral part of the new development.</p> <p>Landscape schemes will be required to respect the character and distinctiveness of the local landscape and should ensure that any land remodelling respects the local topographic character in terms of height, slope, angle and character. Landscape schemes should be clearly and properly specified.</p>
DM 4.10 – Heritage Assets	<p>All development proposals must have regard to the historic environment and take account of the contribution which heritage assets make to the significance of an area and its sense of place, as defined by reference to the national and local evidence base relating to heritage.</p> <p>Considerable importance and weight must be given to the desirability of preserving listed buildings, their settings and the character and appearance of conservation areas. Development should avoid causing any loss to a heritage asset, or harm to it. Substantial harm or total loss will only be justified where it can be demonstrated that it is necessary to achieve substantial benefits or where the retention of the asset is unsustainable, no viable alternatives can be identified and the harm or loss is outweighed by the benefits of bringing the site back into use.</p> <p>Less than substantial harm will only be justified where there are public benefits that outweigh the harm. In carrying out this planning balance, less than substantial harm will be afforded considerable importance and weight.</p>

### 2.1.5 Greater Norwich Development Partnership Joint Core Strategy

13. **Table 2.1.6** presents the relevant policies from the Greater Norwich Development Partnership (2014) Joint Core Strategy (JCS) for Broadland District Council, Norwich City Council and South Norfolk Council.

*Table 2.1.6: Relevant Policies from the Greater Norwich Development Partnership Joint Core Strategy (2014)*

Policy	Summary
Objective 9 – To protect, manage and enhance the natural, built and historic environment	<p>People living in the area have access to open countryside, river valleys, wildlife sites and the special qualities of the Broads and the coast. It is a priority to maintain and improve these special qualities so that everyone can enjoy them.</p> <p>Biodiversity, geodiversity and locally distinctive landscapes will be protected and enhanced. Linkages between habitats will be promoted, helping to enable adaptation to climate change. Sustainable access to the countryside will be promoted.</p>

Policy	Summary
	<p>The use of previously developed land will be prioritised to minimise the loss of agricultural land and the countryside.</p> <p>Efficient use will be made of minerals, energy and water resources, and the production of waste will be minimised.</p>
<p>Policy 1: Addressing climate change and protecting environmental assets</p>	<p>To address climate change and promote sustainability, all development will be located and designed to use resources efficiently, minimise greenhouse gas emissions and be adapted to a changing climate and more extreme weather.</p>
<p>Policy 3: Energy and Water</p>	<p>Development in the area will, where possible, aim to minimise reliance on non-renewable high-carbon energy sources and maximise the use of decentralised and renewable or low-carbon energy sources and sustainable construction technologies.</p>
<p>Policy 5: The economy</p>	<p>The local economy will be developed in a sustainable way to support jobs and economic growth both in urban and rural locations</p>
<p>Policy 7: Supporting communities</p>	<p>Healthier lifestyles will be promoted by maximising access by walking and cycling and providing opportunities for social interaction and greater access to green space and the countryside.</p>
<p>Policy 17: Smaller rural communities and the countryside</p>	<p>Much of the area is agricultural land and ... contains many attractive built and natural features including areas of notable landscape character, geological and biodiversity interest. These need to be protected and enhanced, while providing for the rural economy and accessibility to services to be maintained and enhanced.</p> <p>Significant proposals will be considered in light of their contribution to meeting the overall objectives of the JCS.</p>