

A47 North Tuddenham to Easton Dualling

Scheme Number: TR010038

Volume 6

6.3 Environmental Statement Appendices **Appendix 7.1 - Planning Policy Context**

APFP Regulation 5(2)(a)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

March 2021

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009**

The A47 North Tuddenham to Easton
Development Consent Order 202[x]

ENVIRONMENTAL STATEMENT APPENDICES
Appendix 7.1 - Planning Policy Context

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1. Introduction

- 1.1.1. The following provides a summary of national, county and local level planning policy and supplementary planning guidance which is relevant to the Landscape and visual effects chapter, including the production of landscape mitigation proposals (i.e. the Environmental Masterplan (**TR010038/APP/6.8**)).
- 1.1.2. The site is located within Norfolk County Council's administrative boundary at a county level and at local authority level it is located within three authorities:
- Breckland Council
 - Broadland District Council
 - South Norfolk Council

2. European Landscape Convention

- 2.1.1. The UK is a signatory to the European Landscape Convention (ELC), which seeks to achieve improved approaches to the planning, management and protection of landscapes throughout Europe. The ELC and its definition of landscape underpins the Guidelines for Landscape and Visual Impact Assessment (GLVIA 3, 2013) which have informed the approach to the assessment.

3. National Planning & Highways Policy

3.1. National Planning Policy Framework

- 3.1.1. The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are applied. Part 11 of the NPPF sets out the framework with respect to conserving the natural environment. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

National Policy Statement for National Networks

- 3.1.2. The National Policy Statement for National Networks (NPS NN) sets out the government's policies to deliver development of nationally significant infrastructure projects (NSIP) on the national road network in England. The Secretary of State (SoS) uses the NPS NN as the primary basis for making decisions on such development consent applications.
- 3.1.3. The NPS NN requires that where a development is subject to an environmental impact assessment (EIA), an assessment of any likely significant landscape and visual impacts should be undertaken (paragraph 5.144). The assessment should consider any relevant local development plan policies, significant effects during construction and operation, and visibility and conspicuousness (paragraphs 5.146-148). The NPS NN states that where a local development document in England has policies based on landscape character assessment, these will be given particular consideration. More specifically, local designations will be given consideration in decision making by the SoS but not be used in themselves to refuse consent (paragraph 5.156). In taking decisions, the SoS will consider whether the Proposed Scheme has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to avoid adverse effects on landscape or to minimise harm to the landscape, including by reasonable mitigation (paragraph 5.157). The SoS will also judge whether visual effects on sensitive receptors outweigh the benefits of the development (paragraph 5.158).
- 3.1.4. This assessment of the Proposed Scheme considers the matters raised by the NPS NN and provides the relevant landscape and visual information that is required by it to enable appropriate decision making.

3.2. Highways England Policy

Highways England Licence

3.2.1. The Highways England Licence outlines the commitments, duties and obligations of Highways England to the Department of Transport. Environmental commitments related to the LVIA are detailed in section 5.23 of the licence:

“In complying with 4.2(g) and its general duty under section 5(2) of the Infrastructure Act 2015 to have regard to the environment, the Licence holder should:

- Ensure that protecting and enhancing the environment is embedded into its business decision-making processes and is considered at all levels of operations;
- Ensure the best practicable environmental outcomes across its activities, while working in the context of sustainable development and delivering value for money;
- Consider the cumulative environmental impact of its activities across its network and identify holistic approaches to mitigate such impacts and improve environmental performance;
- Where appropriate, work with others to develop solutions that can provide increased environmental benefits over those that the Licence holder can achieve alone, where this delivers value for money...;
- Calculate and consider the carbon impact of road projects and factor carbon into design decisions, and seek to minimise carbon emissions and other greenhouse gases from its operations;
- Adapt its network to operate in a changing climate, including assessing, managing, and mitigating the potential risks posed by climate change to the operation, maintenance, and improvement of the network;
- Develop approaches to the construction, maintenance and operation of the Licence holder's network that are consistent with the government's plans for a low carbon future;
- Take opportunities to influence road users to reduce the greenhouse gas emissions from their journey choices.”

Highways England Delivery Plan 2020 - 2025

3.2.2. Highways England's Delivery Plan 2020-2025 identifies key areas of focus for enhancement of the character and quality of the built and natural landscape:

“increasing landscape integrity and connectivity by introducing or restoring dry-stone walls, tree planting and wildflower planting.”

4. Norfolk County Council Policy

4.1. Norfolk County Council's Environmental Policy - Norfolk County Council (2019)

- 4.1.1. The council's recently issued environmental policy is intended to reflect key national government environmental policies and will guide all the Council's future decision making. Of relevance to this chapter is the statement that:

"We will continue to ensure that the distinctive Norfolk environment is cared for, both for current and future generations, and that we will continue to explore new ways to make our countryside and coast as accessible as possible, whilst respecting the sensitivities around certain natural landscapes and sites."

- 4.1.2. In addition, one of the key goals of the policy is to enhance "beauty, heritage and engagement with the natural environment".

4.2. Norfolk County Council's Local Transport Plan (2011 - 2026), published April 2011

- 4.2.1. The Norfolk Transport Plan for 2026 sets out the strategy and policy framework for transport within the County and is to be used as a guide when determining planning or delivery decisions. **Policy 4** of the plan is relevant to this assessment and it states:

"Transport decisions should take account of the character of the historic environment, landscape and local biodiversity. In particular:

- *Negative impacts should be mitigated*
- *Reasonable opportunities for creating habitats taken*
- *Due regard should be given to ecological networks and European designated sites*
- *Impact assessments should be undertaken where necessary."*

- 4.2.2. Supporting information provided alongside Policy 4 includes paragraph 3.17 which is relevant to this assessment:

"All new streets will be designed so as to consistently achieve high standards and reflect how the space is used. Good design, particularly in sensitive historic and environmental areas, will not only encourage more efficient movement and result in more attractive public spaces, but can reduce future maintenance costs if materials are selected on the basis of whole life costing. We will make existing highway environments more liveable by:... Learning lessons from work we did with government to trial innovative measures on rural roads such as strategic planting."

5. Breckland Council Policy

5.1.1. The following plan comprises the main development policy document for the Breckland District:

- Breckland Council (2019) *Breckland Council Local Plan*

5.1.2. The following are key policies taken from the local plan which are relevant to this chapter:

Policy GEN 02 Promoting High Quality Design

5.1.3. This policy is relevant to the Proposed Scheme in terms of a requirement for high quality design of all development within Breckland and specifically states that:

“The Council will require high quality design in all development within the District that [amongst other factors]:

- *respects and is sensitive to the character of the surrounding area and makes a positive architectural and urban design contribution to its context and location”*

5.1.4. It also very clearly states that:

“Development of poor design, that does not respect or improve the character and quality of the area and the way the area functions, will be refused planning permission.”

Policy ENV 01 Green Infrastructure

5.1.5. This policy refers to an existing network of green infrastructure within the Breckland District and its aim is to protect and enhance the network. It states:

“The network of green infrastructure in the District, including water bodies and the strategic green infrastructure corridors shown on the Policies Map, should be safeguarded, retained and, where opportunities arise, enhanced. Enhancement of the green infrastructure network will be sought through the promotion of positive action, and the development management process.

Through its layout and design, new development should respond to the location of existing green infrastructure and support appropriate uses and functions. Where it is considered that the development will have a detrimental effect on the quantity or function of existing green infrastructure, compensatory provision will be required in the form of new and/or enhancements to the existing green infrastructure.

Developments that fail to exploit opportunities to integrate and enhance the existing local green infrastructure network will not be favourably considered.

The absence of a detailed green infrastructure strategy for an area should not prevent the consideration of opportunities for linking strategic green areas at a higher level when preparing development proposals. As a starting point, green areas in the local vicinity of a site including designated areas of open space (in line with policy ENV 04), local green space designations, Public Rights of Way and areas protected by environmental designations should be identified to explore possible opportunities for improving connectivity between sites, where appropriate, and in the context of balancing other planning considerations for the site.”

Policy ENV 04 Open Space, Sport & Recreation

5.1.6. This policy protects areas identified as Open Space within the local plan. There is one area of Open Space within the site which has the potential to be impacted by the Proposed Scheme, at Poppy’s Wood, east of North Tuddenham.

5.1.7. Policy ENV 04 states the following:

“Development that would result in the loss of existing designated open space will only be permitted if:

(a) it can be demonstrated (through a local assessment) that there is an excess of recreational or amenity open space in the settlement and the proposed loss will not result in a current or likely shortfall during the plan period; or

(b) recreational facilities within the open space will be enhanced by the proposed development on an appropriate portion of the open space; or

(c) the community would gain greater benefit from the developer providing a suitable alternative recreational or amenity open space in an equally accessible and convenient location.

The development of existing open space with an ecological value (a known biodiversity or nature conservation interest) will not be permitted, unless there is a space of equal or ‘greater’ value provided as part of the proposal.”

5.1.8. The Proposed Scheme design has sought to mitigate any potential landscape effects on Poppy’s Wood and visual effects on users of the wood.

Policy ENV 05 Protection and Enhancement of the Landscape

5.1.9. Policy ENV 05 is a key policy reference for the scheme design in relation to the study area landscape. It states:

“The landscape of the District is valued for, its benefit to the rural character and in the interests of biodiversity, geodiversity and historic conservation. Development proposals will be expected to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside. Development should have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, including a consideration of individual or groups of natural features such as trees, hedges and woodland or rivers, streams or other topographical features.

Development proposals will have regard to the findings of the Council's Landscape Character Assessment (LCA) and Settlement Fringe Landscape Assessment. Development should also be designed to be sympathetic to landscape character.

High protection will also be given to the river valleys and chalk rivers in Breckland as identified in the Landscape Character Assessment, recognising their defining natural features, rich biodiversity and the undeveloped character of their shallow valleys.”

- 5.1.10. The scheme design has made reference to published landscape character and as such, mitigation proposals are appropriate to the surrounding landscape context. Particular note is taken of the protection afforded to: the river valley landscape character areas, with the Upper Tud character area being within the study area.

Policy ENV 06 Trees, Hedgerows and Development

- 5.1.11. This policy is particularly relevant to the mitigation proposals developed for the Proposed Scheme as it seeks to ensure that, in summary, trees are protected where possible and, where loss is unavoidable, it is compensated for. It also confirms the importance of protected trees (with respect to, for example, Tree Preservation Orders and Conservation Areas). Key extracts from Policy ENV 06 are as follows:

“Trees and significant hedge and shrub masses form part of the green infrastructure network and should be retained as an integral part of the design of development except where their long-term survival would be compromised by their age or physical condition, or there are exceptional and overriding benefits in accepting their loss.

Where the loss of such features is demonstrably unavoidable, adequate replacement provision, preferably by native species will be sought (MM130). Where the loss of a tree is accepted in these circumstances, developers will be

required to ensure the loss is suitably compensated for, taking into account the size and condition of the tree.”

- 5.1.12. The policy also requires that, where a proposed development retains existing trees and hedgerows on-site, or where development occurs within a tree root protection area, provision must be made for their care and protection throughout the duration of the development with mitigation measures being put in place to ensure that development works do not have a harmful impact on existing trees.

6. Broadland District Council Policy

6.1.1. The Broadland District Council Local Plan comprises several documents, the following are of relevance to this assessment:

- Broadland District Council, South Norfolk District Council and Norwich City Council (2011, amendments adopted January 2014) *Joint Core Strategy for Broadland, Norwich and South Norfolk*
- Broadland District Council (2015) *Development Management Development Plan Document (DPD)*

6.1.2. Broadland District and South Norfolk Councils share some of their planning function with Norwich City Council and of relevance to this chapter is in shared policy development. The policies reviewed here, as taken from the Joint Core Strategy for Broadland, Norwich and South Norfolk, are therefore applicable to the eastern half of the study area which includes Broadland and South Norfolk authority boundaries.

6.1.3. Relevant policies taken from the Joint Core Strategy for Broadland, Norwich and South Norfolk are as follows:

Policy 1: Addressing climate change and protecting environmental assets

6.1.4. Policy 1 is broad in terms of its aims to address climate change and protect environmental assets, however a specific aim which is relevant to this chapter is that in areas which aren't protected by a national designation, which includes the entire study area, development will:

"...contribute to providing a multifunctional green infrastructure network, including provision of areas of open space, wildlife resources and links between them, both off site and as an integral part of the development."

6.1.5. In addition, it will:

"...help to make provision for the long-term maintenance of the green infrastructure network".

Policy 2: Promoting good design

6.1.6. In seeking good design in proposed developments, specific aims which are relevant to this chapter are as follows:

"All development will be designed to the highest possible standards, creating a strong sense of place.

In particular development proposals will respect local distinctiveness including as appropriate...

- the landscape setting of settlements including the urban/rural transition and the treatment of 'gateways'

- the landscape character and historic environment, taking account of conservation area appraisals and including the wider countryside and the Broads area".

6.1.7. Relevant policies taken from the Broadland DPD are as follows:

Policy GC4 - Design

6.1.8. This policy aligns with Policy 1 of the Joint Core Strategy with regards seeking high quality design of development and respecting local distinctiveness. The following extracts are relevant to this chapter:

"Proposals should pay adequate regard to: the environment, character and appearance of an area; [and] reinforcing local distinctiveness through careful consideration of the treatment of space throughout the development, the appearance of new development, the scale of new development and landscaping."

Policy EN2 – Landscape

6.1.9. Policy EN2 is highly relevant to this chapter and the production of the mitigation proposals for the Proposed Scheme. Extracts from Policy EN2 which are relevant to this assessment are:

"In order to protect the character of the area, development proposals should have regard to the Landscape Character Assessment SPD and, in particular, consider any impact upon as well as seek to protect and enhance where appropriate:

i) Gaps between settlements;

ii) Visually sensitive skylines, hillsides and valley sides and important views including the setting of the Broads Area;

iii) Nocturnal character;

vii) Green spaces including natural and semi-natural features as well as geological/geomorphological features which make a significant contribution towards defining the character of an area."

Policy EN3 – Green Infrastructure

6.1.10. Similar to other development plan policies within the study area, Policy ENV3 seeks to protect green infrastructure within the study area and specifically states:

“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.”

7. South Norfolk Council Policy

7.1.1. The South Norfolk Council Local Plan is made up of several documents, the following are of relevance to this assessment:

- Broadland District Council, South Norfolk Council and Norwich City Council (2011, amendments adopted January 2014) *Joint Core Strategy for Broadland, Norwich and South Norfolk*
- South Norfolk District Council (2015) *Development Management Development Plan Document (DPD)*

7.1.2. Policies from the Joint Core Strategy for Broadland, Norwich and South Norfolk have been reviewed in Chapter 6 of the ES (**TR010038/APP/6.1**).

7.2. Development Management DPD – South Norfolk Council, adopted October 2015.

7.2.1. Relevant policies:

Policy DM1.4 – Environmental quality and local distinctiveness

7.2.2. This policy aligns with Policy 1 of the Joint Core Strategy with regards seeking high quality design of development and respecting local distinctiveness. The following extracts are relevant to this chapter:

“a) The Council will work with developers to promote and achieve high quality and positive environmental improvement from all development. All development proposals must demonstrate an understanding and evaluation of the important environmental assets including locally distinctive characteristics and justify the design approach.

b) Designated assets will be protected in accordance with their natural and historic significance, as detailed in the Development Management Policies.

c) A net environmental improvement will always be sought and all proposals should avoid environmental harm or where this is not possible, adequately mitigate and compensate for the adverse environmental effects of development.

d) All development should take all reasonable opportunities to [amongst other factors]:

i. Make a positive contribution to local character and distinctiveness;

ix. Work with the characteristics of the location to ensure that the necessary mitigation measures are not disproportionate to the benefits of the scale of development proposed.”

Policy DM3.8 – Design principles applying to all development

7.2.3. This policy further develops the consideration of high quality design in development and the following is relevant to the assessment:

“(1) The Council will work with applicants to achieve high quality design and positive improvement from all development, protect and enhance the environment and existing locally distinctive character and encourage innovation; the Council will refuse development that fails to take the opportunities for improving the character and quality of an area and the way the area functions.

(2) Major development should be masterplanned using an inclusive recognised process demonstrating how the whole scheme will be delivered and related to adjacent areas, including the programming of infrastructure requirements.

(4) Planning permission will be granted for development that has been designed to, where relevant to the proposed development: respect adjoining structures, spaces, routes and local landscape; provide an attractive, accessible and safe environment; and conform to the following criteria [amongst others]:

(h) Landscaping of the development is designed to retain important existing natural features, reflect the surrounding landscape characteristics of the area and contribute to relevant objectives of the local Biodiversity Action Plan.”

Policy DM4.5 – Landscape character and river valleys

7.2.4. This policy requires development within the district to consider local landscape character and specifically the published character assessment (2001, South Norfolk Council). It states:

“All development should respect, conserve and where possible, enhance the landscape character of its immediate and wider environment.

All development proposals will be expected to demonstrate how they have taken the following elements (from the 2001 South Norfolk Landscape Assessment as updated by the 2012 review) into account:

- *The key characteristics, assets, sensitivities and vulnerabilities;*
- *The landscape strategy; and*
- *Development considerations.*

Particular regard will be had to protecting the distinctive characteristics, special qualities and geographical extents of the identified Rural River Valleys and Valley Urban Fringe landscape character types.”

Policy DM4.8 – Protection of trees and hedgerows

- 7.2.5. Similar to Breckland Policy ENV 06, this policy is particularly relevant to the mitigation proposals developed for the Proposed Scheme as it seeks to ensure that, in summary, trees are protected where possible and, where loss is unavoidable, it is compensated for. It also confirms the importance of protected trees (with respect to, for example, Tree Preservation Orders and Conservation Areas).

Policy DM4.9 – Incorporating landscape into design

- 7.2.6. This policy is highly relevant to the development landscape mitigation proposals for the Proposed Scheme and states:

“Where appropriate, detailed development proposals must demonstrate a high quality of landscape design, implementation and management as an integral part of the new development.

The provision for new planted features (such as tree belts, hedgerows, wildflowers and specimen trees) is expected to form part of development proposals from their outset and should provide an appropriate landscape setting for the scheme.

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.”

8. Supplementary Planning Guidance

8.1.1. The following landscape related supplementary planning documents have been considered to inform the content of the assessment and Proposed Scheme design.

8.2. Greater Norwich Development Partnership: Green Infrastructure Strategy (November 2007)

8.2.1. The Greater Norwich Development Partnership: Green Infrastructure Strategy (November 2007) supplementary planning guidance provides information in relation to associated local plan policies. The document was developed around four principal aims which are:

- sustaining and enhancing the character and local distinctiveness of riverscapes, landscapes and townscapes
- making space for wildlife
- providing a high quality, multi-functional and connected network of accessible greenspaces for people
- adapting to climate change through sustainable planning and design

8.3. Broadland District Council Place Shaping: A Guide to undertaking development in Broadland (2012)

8.3.1. This document is a reference guide and the primary focus of the document is upon buildings within the built environment. However, the document also contains guidance regarding the consideration and assessment of landscape character which is of relevance to development within the wider built environment.

8.4. Broadland District Council Design Guide (July 1997)

8.4.1. The Broadland District Council Design Guide (July 1997) supplementary planning guide contains principles considered in the determination of planning applications against local planning policies. The predominate focus of the document is upon buildings within the built environment however, the document also contains guidance regarding the design of boundary treatments and soft landscape features such as trees, hedgerows, which is of relevance to development within the wider built environment.

8.5. South Norfolk Place Making Guide Supplementary Planning Document (SPD) (September 2012)

- 8.5.1. This document sets out the policy context and generic design guidance relevant to all developments with an emphasis on buildings. However, the guide identifies detailed Landscape Character Areas within the South Norfolk administrative boundary and provides design principles for new development including the identification of key views. The document highlights the need to maintain the ecological character of South Norfolk which is distinct from other areas of Norfolk.

8.6. Breckland Council Design Principles (March 2005)

- 8.6.1. The Breckland Council Design Guide (March 2005) policy document seeks to establish clear design criteria against which proposals may be judged. The document is primarily focused on the built environment however, the document highlights expectations for new development to be designed to integrate with the surrounding context, taking account of site features and local character to reinforce local distinctiveness.

9. References

Breckland District Council. (2019). *Breckland Local Plan*

Breckland District Council (2017) Mattishall Neighbourhood Plan 2017-2036

Broadland District Council. (1997). *Design Guide*

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Norfolk County Council. (2011). *Connecting Norfolk: Norfolk's Transport Plan for 2026*

Norfolk County Council. (2015) East Broadland Green Infrastructure Project Plan (Appendix 1) within Place Shaping Panel Agenda Tuesday 29 March 2016

Norfolk County Council. (2016). *Norfolk County Council's Environmental Policy*

South Norfolk Council. (2015). *Development Management DPD*

South Norfolk Council. (2017). Easton Neighbourhood Plan 2017-2042