

Great Yarmouth Third River Crossing

Application for Development Consent Order

Document 6.2: Environmental Statement Volume II: Technical Appendix 19A: Legislation, Policy and Guidance

Planning Act 2008

**The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009 (as amended) (“APFP”)**

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1 Legislation, Policy and Guidance

1.1.1 Tables 1.1 to 1.3 summarises the applicable legislation, policy and guidance to Chapter 19: Cumulative Effects.

Table 1.1: Summary of Legislation

Legislation	Summary	Chapter Reference
The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (Ref 19.A1)	<p>These regulations cover the process of Environmental Impact Assessment in the context of infrastructure planning in England. They transpose the requirements of the amended EU Directive 2014/52/EU.</p> <p>Paragraph 5, Schedule 4 of the EIA Regulations 2017 state that an ES should include:</p> <p><i>“A description of the likely significant effects of the development on the environment resulting from, inter alia:</i></p> <p><i>(e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources.</i></p> <p>The description of the likely significant effects on the factors:</p> <p><i>“[...] should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development”.</i></p>	<p>The chapter conforms with the EIA Regulations and describes the likely significant cumulative effects with other projects as a result of the construction and operation of the Scheme. The assessment methodology is detailed in Section 19.3 and the full assessment is located in Section 19.5 of the chapter.</p>
The Town and Country Planning (Environmental Impact	<p>These regulations provide specific thresholds of scale to determine if a development requires an Environmental Impact Assessment. Advice Note 17 specifies that</p>	<p>This chapter uses the thresholds taken from the regulations as part of stage 1 and stage 2 of the in-combination</p>

Legislation	Summary	Chapter Reference
Assessment Regulations 2017 (Ref 19.A2)	statutory definitions of EIA screening thresholds can be of assistance when considering whether the scale and nature of the developments identified in the ZOI are likely to interact with the proposed project and to result in a cumulative effect.	assessment. As detailed further within Section 19.4 of the chapter.

Table 1.2: Summary of Policy

Policy	Summary	Chapter Reference
The National Policy Statement for National Networks (NN NPS) (Ref 19.A3)	This policy statement outlines the main objectives on Government Policy for national Networks. The NN NPS states that the SoS should take into account “... <i>potential adverse impacts, including any longer term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts</i> ”. PINS should consider how significant cumulative effects and the interrelationships between effects might as a whole affect the environment, even though they may be considered on an individual basis with mitigation measures in place.	The chapter fulfils the policy considering by the interrelationship between effects rather than only in isolation. The assessment was conducted in the form of in-combination and effect interaction assessments, details of which can be found in Sections 19.4 and 19.5 of the chapter.
The National Policy Statement for Ports (NPS for Ports) (Ref 19.A4)	The NPS for Ports provides a framework for the decisions on proposals for new port development. It applies, wherever relevant, to associated development, such as road and rail links, for which consent is sought alongside that for the principal development. The NPS for Ports specifically identifies adverse cumulative impacts upon health as a topic for consideration with an ES, as well as the cumulative effects from	The chapter fulfils the policy by considering potentially adverse cumulative effects on human receptors, in the context of human health.

Policy	Summary	Chapter Reference
	flooding and the potential shortage of construction workers.	
The National Planning Policy Framework (NPPF) 2019 (Ref 19.A5)	<p>Paragraph 180 states: <i>“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.”</i></p> <p>Paragraph 181 states: <i>“Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications”</i></p>	The chapter has considered these principles throughout both the in-combination and effect interaction assessments.

Table 1.3: Summary of Guidance

Guidance	Summary	Chapter Reference
Planning Inspectorate Advice Note 17: Cumulative Effects Assessment (CEA) (Ref 19.A6)	The Advice Note identifies the nature of projects (referred to as 'other developments' in the Advice Note) that should be within a CEA and that a pragmatic approach, to what is feasible and reasonable, should be undertaken where there is a lack of information to fully assess impacts.	This guidance methodology has been used to complete the in-combination assessment, as detailed in Section 19.3 and 19.5 of the chapter.
	Paragraph 3.4.5 states: <i>"In preparing the assessment, it should not be forgotten that a key purpose of EIA is to inform the examination and decision-making process (its findings must be 'taken into consideration'). Whilst applicants should make a genuine attempt to assess the effects arising from multiple, individually non-significant effects, the CEA should be proportionate and not be any longer than is necessary to identify and assess any likely significant cumulative effects that are material to the decision-making process, rather than cataloguing every conceivable effect that might occur".</i>	This guidance has been considered throughout the assessments presented in this chapter.
Planning Inspectorate Advice Note 9: Rochdale Envelope (Ref 19.A7)	The Advice Note states that: <i>"The ES should not be a series of separate unrelated topic reports. The inter-relationship between aspects of the proposed development should be assessed and careful consideration should be given by the developer to explain how inter-relationships have been assessed in order to address the environmental impacts of the proposal as a whole. It need not necessarily follow that the maximum adverse impact in terms</i>	The assessment of effect interactions presents a comprehensive assessment which draws together the environmental effects which span different environmental topics.

Guidance	Summary	Chapter Reference
	<i>of any one topic impact would automatically result in the maximum potential impact when a number of topic impacts are considered collectively. In addition, individual impacts may not be significant but could become significant when their interrelationship is assessed. It will be for the developer to demonstrate that the likely significant impacts of the project have been properly assessed."</i>	

References

Ref 19.A1: The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

Ref 19.A2: The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Ref 19.A3: Department for Transport (2014) The National Policy Statement for National Networks (NN NPS).

Ref 19.A4: Department for Transport (2012) The National Policy Statement for Ports (PNPS).

Ref 19.A5: Ministry of Housing, Communities and Local Government (2019) National Planning Policy Framework (NPPF).

Ref 19.A6: The Planning Inspectorate (2015) Advice Note 17: Cumulative Effects Assessment.

Ref 19.A7: The Planning Inspectorate (2018) Advice Note 9: Using the Rochdale Envelope.