



**AQUIND Limited**

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## **PEIR APPENDIX 1.2**

Legislation, Policy and Guidance



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## APPENDIX 1.2 – LEGISLATION, POLICY AND GUIDANCE

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### 1.1 INTRODUCTION

- 1.1.1.1 To assist the preparation of the PEIR, it was necessary to consider the legislative framework including national and local planning policy to show how this has informed the overall approach.
- 1.1.1.2 This section therefore provides a summary of relevant legislation including national and local planning policies considered during preparation of this PEIR. Further, topic specific legislative framework is considered within the individual chapters of PEIR Chapters 6 to 27.
- 1.1.1.3 As detailed in Section 104 of the PA 2008, the policy framework against which the Proposed Development will be assessed comprises the following:
- Any relevant national policy statement;
  - Any appropriate marine policy documents;
  - Any local impact report prepared by a local authority; and
  - Any other matters considered both important and relevant.
- 1.1.1.4 The National Policy Statement ('NPS') relevant to this Application is:
- The Overarching National Policy Statement for Energy ('EN-1') adopted July 2011 (Department of Energy and Climate Change, 2011).
- 1.1.1.5 The relevant marine policy documents are:
- UK Marine Policy Statement adopted July 2011 (HM Government, 2011); and
  - South Inshore and South Offshore Marine Plan adopted July 2018 (Marine Management Organisation, 2018).
- 1.1.1.6 Other matters considered important and relevant include the following national and local planning policy documents:
- Revised National Planning Policy Framework ('NPPF') adopted July 2018 (Ministry of Housing, Communities and Local Government, 2018);
  - Local Development Plans for:
    - EHDC;
    - WCC;
    - HBC;
    - PCC;
    - South Downs National Park Authority ('SDNPA'); and
    - Hampshire County Council ('HCC').
  - Relevant Neighbourhood Plans, SPGs and other strategies to the area.

- 1.1.1.7 Paragraph 4.1.5 of EN-1 states that, due to the national significance of the infrastructure, in the event of a conflict between an NPS and any other policy document, the NPS prevails for the purposes of decision making.

## 1.2 PLANNING ACT 2008

- 1.2.1.1 The PA 2008 and related secondary legislation provide the basis for orders granting development consent for Nationally Significant Infrastructure Projects ('NSIPs'). The Proposed Development has been designated, via Section 35 of the PA 2008, as a NSIP. Therefore, a DCO will be required.

- 1.2.1.2 The SoS, in its opinion stated that the Proposed Development is of national significance for the following reasons:

*“The Secretary of State has taken the decision within the conditions as required by sections 35A(2), (4) and (5) of the Act, and issues this Direction accordingly under sections 35(1) and 35ZA of the Act. The Secretary of State has decided that the additional requests sought in the letter for the section 35 Direction should not be included in this Direction as the Secretary of State considers that insufficient reasons were given for the Secretary of State to exercise the discretion in section 35ZA(5) in the manner requested.*

*The Secretary of State has decided to exercise the discretion in section 35ZA(5) to direct that the Overarching National Policy for Energy (EN-1) should apply to the application as it would to a generating station of a similar generating capacity as the capacity of the interconnector. The Secretary of State considers that doing so would assist in ensuring that the application was treated in a manner consistent with that which governs other applications for Nationally Significant Energy Projects considered under the Planning Act 2008.”*

- 1.2.1.3 PINS, on behalf of the SoS, has a responsibility for examining of applications for development consent and making recommendation to the relevant SoS as to whether to grant development consent. Once submitted, PINS will examine the Proposed Development under PA 2008 and make a recommendation to relevant Secretary of State, who will make a final decision on the application in accordance with the relevant National Policy Statement.

- 1.2.1.4 The NPSs provide the primary policy framework for the delivery of NSIPs. The relevant sector specific NPS is the primary policy against which an NSIP application is assessed.

## 1.3 NATIONAL POLICY

### 1.3.1 NATIONAL POLICY STATEMENTS

1.3.1.1 The Department of Energy and Climate Change ('DECC') (now Department for Business, Energy and Industrial Strategy ('BEIS')) published a number of NPSs in relation to energy infrastructure, which were designated by the SoS for Energy and Climate Change in July 2011. NPSs are the principle document used in the determination of applications for Development Consent. Section 104 of the PA 2008 requiring DCO applications to be determined in accordance with any relevant NPS.

1.3.1.2 NPSs also include any other policies or circumstances that Ministers consider should be taken into account in decisions on infrastructure development.

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

1.3.1.3 NPS EN-1 (Department of Energy and Climate Change, 2011) sets out the Government's policy for delivery of major energy infrastructure. The sector-specific NPSs EN-2 to EN-6 should be read in conjunction with the overarching NPS EN-1, which seeks to ensure the UK's continued secure and reliable supply of electricity while supporting the transition to a low carbon economy to help deliver the Government's climate change objectives.

1.3.1.4 Paragraph 3.3.12 of EN-1 recognises that the interconnection of electricity systems can be used to compensate for the intermittency of renewable generation, playing an important role in a low carbon electricity system. Paragraph 3.3.29 goes on to state that "*interconnection of large-scale, centralised electricity generating facilities via a high voltage transmission system enables the pooling of both generation and demand, which in turn offers a number of economic and other benefits, such as more efficient bulk transfer of power and enabling surplus generation capacity in one area to be used to cover shortfalls elsewhere.*"

1.3.1.5 Parts 4 and 5 of EN-1 detail the general principles (not related to need/physical impact) that will be used in the assessment of applications and sets out how generic physical impacts (i.e. those impacts most likely to arise from the development of any type of energy infrastructure) and means of mitigation will be considered. The physical impacts detailed that are most relevant to the Proposed Development include:

- Air quality and emissions;
- Biodiversity and geological conservation;
- Coastal change;
- Flood risk;
- Historic environment;
- Human health;
- Land use;

- Landscape and visual;
- Noise and vibration;
- Socio-economic;
- Traffic and transport;
- Waste management; and
- Water quality and resources.

### **1.3.2 UK MARINE POLICY STATEMENT 2011**

- 1.3.2.1 The UK Marine Policy Statement ('MPS') (HM Government, 2011) is the framework for preparing Marine Plans and taking decisions affecting the marine environment. This policy aims to contribute to the achievement of sustainable development in the UK marine area and was adopted for the purposes of section 44 of the MCAA 2009.
- 1.3.2.2 The MPS builds on the shared UK wide high level marine objectives, and provides an overview of relevant national policy, including the NPPF and associated NPS.
- 1.3.2.3 Marine plans in UK coastal areas overlap slightly with the area of jurisdiction of local authorities. Marine plans cover the area up to the Mean High Water Springs ('MHWS') tide whereas local authorities' responsibilities extend to the Mean Low Water Springs ('MLWS') mark.
- 1.3.2.4 Decisions for NSIPs should be made with regard to the existing Marine Plans, or in the absence of the Marine Plans, the MPS.

### **1.3.3 REVISED NATIONAL PLANNING POLICY FRAMEWORK (JULY 2018)**

- 1.3.3.1 A revised version of the NPPF was published in July 2018, superseding the original version of the NPPF that was published in March 2012. The NPPF (Ministry of Housing, Communities and Local Government, 2018) sets out the Government's planning policy for England and details how these policies should be applied. It provides a framework for the preparation of local plans and is a material consideration in planning decisions. The policies contained within the NPPF are expanded upon and supported by the NPPG, a web based resource which was first published in March 2014 and is subject to periodic review and updates.
- 1.3.3.2 Paragraph 5 of the NPPF states that the "framework does not contain specific policies for nationally significant infrastructure projects" because they are determined in accordance with the decision-making framework set out in PA2008. It goes on to state that the NPPF may be considered a relevant matter by the decision maker.
- 1.3.3.3 The NPPF is built around the concept of sustainable development, with paragraph 10 stating that a presumption in favour of sustainable development is "at the heart of the framework". As detailed in paragraph 8, the achievement of sustainable development has three (economic, social and environmental) interdependent objectives which should be delivered through the preparation and implementation of plans and the application of policies in the NPPF.



1.3.3.4 Chapters 5 to 17 of the NPPF deal with specific subjects/policy areas (e.g. housing supply, green belt, the natural environment). Of these 13 chapters, the following are the most relevant to the Proposed Development:

- Chapter 8: Promoting healthy and safe communities;
- Chapter 9: Promoting sustainable transport;
- Chapter 12: Achieving well-designed places;
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change;
- Chapter 15: Conserving and enhancing the natural environment; and
- Chapter 16: Conserving and enhancing the historic environment.

## **1.4 MARINE PLANS AND LEGISLATION**

### **1.4.1 MARINE AND COASTAL ACCESS ACT 2009**

1.4.1.1 The Marine and Coastal Access Act ('MCAA') 2009 (HM Government, 2009) provides the legal mechanism to help ensure clean, healthy, safe, productive and biologically diverse oceans and seas by placing a management and protection system of the marine and coastal environment.

1.4.1.2 Under Part 4 of the MCAA 2009, the MMO is the competent marine planning authority on behalf of the UK Government, responsible for administering and issuing licences for activities within UK territorial waters and also regulating activities where they are undertaken beyond UK territorial waters (e.g. within the EEZ). The MMO is the UK Government's expert body on marine management and under the PA 2008, the MMO will act as a statutory advisor under Section 42 of the PA 2008 as well as an interested party during the Examination stage of the Application. The PA 2008 enables DCOs for projects which are located within the UK marine area to include provisions for deeming a marine licence to have been issued under Part 4 of the MCAA 2009.

1.4.1.3 The MCAA 2009 also established Marine Conservation Zones ('MCZ'), a type of marine nature reserve in UK waters. These are areas designated with the aim to protect nationally important, marine wildlife, habitats, geology and geomorphology, and can be designated anywhere in English and Welsh territorial and UK offshore waters.

1.4.1.4 Management measures for MCZs are put in place by the regulators MMO and Inshore Fisheries and Conservation Authorities ('IFCAs') on a site by site basis. Natural England and the JNCC will advise the regulators about the vulnerability of the features designation and activities that are currently occurring within the site that will have a negative impact on the protected features.

### **1.4.2 OTHER RELEVANT LEGISLATION**

- Habitats Directive (92/43/EC) and Birds Directive (2009/147/EEC) (transposed by the Conservation of Habitats and Species Regulations (2017)). Under the

Conservation of Habitats and Species Regulations 2017 (HM Government, 2017), any development or works that may have a likely significant effect on a Special Protection Area ('SPA') or Special Protection Area ('SAC'), either alone or in combination with other projects, requires an Appropriate Assessment ('AA'). The AA is to be carried out by the relevant competent authority, to determine whether or not the works would have an adverse effect on the integrity of these sites. Guidance also requires potential SPAs ('pSPA'), candidate SACs (cSAC) and Ramsar sites to be subject to the same assessment process.

- Water Framework Directive ('WFD') (2000/60/EC) (transposed by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (HM Government, 2017). Considers waters from the mean low water mark out to 1 nautical mile ('nm') from the shore. Establishes a framework for water policy actions and requires developments or works that may impact water bodies to be subject to assessment and scrutiny.
- Marine Strategy Framework Directive ('MSFD') (2008/56/EC) (transposed by the Marine Strategy Regulations 2010 (HM Government, 2010)). Considers waters beyond 1 nm from the coast. Establishes a framework for marine environmental policy and seeks to ensure Good Environmental Status ('GES') within designated water bodies.
- Waste Framework Directive (2008/98/EC) (transposed by the Waste (England and Wales) Regulations 2011 (HM Government, 2011)). Establishes a framework of waste management principles for the collection, transport, recovery and disposal of waste such that it be managed without endangering human health and harming the environment.
- Bathing Water Directive (2006/7/EC) (transposed by the Bathing Waters Regulations 2013 (HM Government, 2013)). Establishes a system of monitoring, assessing and reporting on bathing water quality in designated bathing areas.
- Natural Environment and Rural Communities Act ('NERC') (2006). Section 40 of the NERC Act (HM Government, 2006) places a duty to conserve biodiversity on public authorities in England. It requires local authorities and government departments to have regard to the purposes of conserving biodiversity. 'Conserving biodiversity' may include enhancing, restoring or protecting a population or a habitat.

### 1.4.3 MARINE PLANS

- 1.4.3.1 The South Marine Plans (Marine Management Organisation, 2018) has been prepared in accordance with, and gives consideration to, the MPS and EU Maritime Spatial Planning Directive (2014/89/EU) which supports the Integrated Maritime Policy for the European Union. The Directive introduces a framework for maritime spatial planning and encourages sustainable development of marine areas and resources.
- 1.4.3.2 The aim of the South Marine Plans is to help ensure that the right activities happen in the right place and in the right way within the marine environment. It provides a framework that will shape and inform decisions over how the areas' waters are developed, protected and improved over the next 20 years.
- 1.4.3.3 The South Marine Plan (which includes South Inshore and South Offshore Marine Plan Areas) were adopted on 17 July 2018 and are now relevant consideration for the licensing activities within the South Marine Plan Area. The marine elements of the Proposed Development are located within the South Marine Plan area.
- 1.4.3.4 There are two plan policies that specifically relate to marine cables that aim to meet Objective 2 (To manage existing, and aid the provision of new, infrastructure supporting marine and terrestrial activity) of the plan:
- S-CAB-1: 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.
  - S-CAB-2: Proposals that have a significant adverse impact on new and existing landfall sites for marine cables (telecoms, power and interconnectors) should demonstrate that they will, in order of preference: a) avoid b) minimise, c) mitigate significant adverse impacts, d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.
- 1.4.3.5 Other policies within the marine plans that do not relate directly to marine cables but which are relevant to the Proposed Development include;
- Objective 1: Co-existence**
- S-CO-1: requires proposals to minimise their use of space and consider opportunities to co-exist with other activities;
  - S-DEF-1: proposals in Ministry of Defence Danger and Exercise Areas should only be authorised with agreement with Ministry of Defence ('MoD');
  - S-OG-1: Proposals in areas where a licence for oil and gas has been granted or formally applied for should not be authorised unless it is demonstrated that the other development or activity is compatible with the oil and gas activity.

- S-DD-1: requires proposals within or adjacent to licenced dredging and disposal areas to avoid, minimise or mitigate significant adverse impacts on licenced dredging and disposal areas.

### **Objective 2: Infrastructure**

- S-PS-2: requires proposals that significantly reduce under-keel clearance must not pose a risk to safe navigation or the viability of high density navigation route and passenger services.

### **Objective 5: Displacement**

- S-TR-2: requires proposals to avoid, minimise or mitigate significant adverse impacts on tourism and recreation;
- S-FISH-2: requires proposals to avoid, minimise or mitigate significant adverse impacts on access to, or within, sustainable fishing sites.

### **Objective 6: Access**

- S-ACC-1: requires proposals to avoid, minimise or mitigate significant adverse impacts on public access to the marine area;

### **Objective 7: Climate Change**

- S-CC-2 and 3: requires proposals to avoid, minimise or mitigate adverse impacts on climate change adaptation measures, and on coastal change;

### **Objective 8: Heritage Assets**

- S-HER-1: requires proposals to avoid, minimise or mitigate significant adverse impacts on marine and coastal heritage assets;

### **Objective 10: Marine Protected Areas**

- S-MPA-1: requires proposal to take account of any adverse impacts on the objectives of existing Marine Protected Areas, and do not prevent the future inclusion of features which may be required to enhance the network of marine protected areas;
- S-MPA-2: requires proposals to avoid, minimise or mitigate adverse impacts on an individual Marine Protected Area's ability to adapt to the effects of climate change, reducing the resilience of the marine protected area network;
- S-MPA-4: requires proposals to avoid, minimise or mitigate adverse impacts on features that may be required to complete the marine protected area network;

### **Objective 11: Marine Strategy Framework and Water Framework Directives**

- S-NIS-1: requires proposals to avoid or minimise significant adverse impacts on the marine area that would arise through the introduction and transport of invasive non-indigenous species;

- S-UWN-2: requires proposals to avoid, minimise or mitigate significant adverse impacts on highly mobile species as a consequence of the generation of underwater noise (impulsive or ambient);
- S-WQ-1: requires proposals to avoid, minimise or mitigate significant adverse impacts on marine water quality;

### **Objective 12: Space for Nature**

- S-BIO-1 and 4: requires proposals to avoid, minimise or mitigate significant adverse impacts on natural habitat and species adaptation, migration and connectivity and to demonstrate that the proposal will avoid reducing the distribution and next extent of priority habitats; and
- S-DIST-1: requires proposals requires proposals to avoid, minimise or mitigate significant cumulative adverse disturbance or displacement impacts on highly mobile species;
- S-FISH-4: requires proposals to demonstrate they will avoid, minimise or mitigate significant adverse impacts on essential fish habitat, and migratory routes.
- S-FISH-4-HER: requires proposals to consider herring spawning mitigation within the Southern Bight and Downs areas.
- S-DD-2: requires proposals to identify, where possible, alternative opportunities to minimise the use of dredged waste disposal sites by pursuing re-use opportunities through matching of spoil to suitable sites.

## **1.5 LOCAL POLICY**

1.5.1.1 The Proposed Development falls within the jurisdictions of four LPAs (EHDC, WCC, HBC and PCC). The details of relevant local planning policies are located in Sections 1.8 – 1.13 of this document, including local development plans, supplementary planning guidance, Neighbourhood Plans and additional policies from the SDNPA and HCC.

## **1.6 RELEVANT GUIDANCE**

### **1.6.1 PLANNING ACT 2008: GUIDANCE ON THE PRE-APPLICATION PROCESS**

1.6.1.1 The Department for Communities and Local Government ('DCLG') published a statutory guidance document on the pre-application a process for NSIPs (Department for Communities and Local Government, 2015). Whilst statutory requirements for consultation are provided in PA 2008, the purpose of the guidance is to:

- advise users of the PA 2008 regime on the processes involved in the pre-application stage;
- guide applicants as to how the pre-application requirements of PA 2008 should be fulfilled and provide some advice on best practice;

- inform other users of the regime, including consultees, of their roles in the pre-application process and to let them know what is expected of applicants at this stage; and
- help ensure that the regime is transparent and accessible to all.

## 1.6.2 PLANNING INSPECTORATE ADVICE NOTES

1.6.2.1 PINS has published a series of non-statutory Advice Notes to inform developers, consultees, the public and other interested parties about a range of procedural matters in relation to the PA 2008 process. Not all of these Advice Notes are applicable to the PEIR, although those that are integral, and have informed the environmental assessment process for the Proposed Development, are discussed further below.

### Advice Note seven

1.6.2.2 PINS Advice Note Seven: 'Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements' (Planning Inspectorate, 2017) details the procedural requirements that apply to NSIPs which are EIA development and particularly, in the context of this PEIR, provides clarity on its role and purpose.

1.6.2.3 The Advice Note recognises that the degree of information that is available within a PEIR is dependent upon the stage in the design process at which consultation takes places. Within this PEIR we have therefore presented information on the likely significant effects associated with the Proposed Development, and where further studies and assessments remain, these have been clearly identified.

### Advice Note nine

1.6.2.4 PINS Advice Note nine: 'Using the 'Rochdale Envelope' (Planning Inspectorate, 2018) provides guidance regarding the degree of flexibility that may be considered appropriate within an application for development consent under PA 2008. The Advice Note acknowledges that there may be parameters of a scheme's design that are not yet fixed and, therefore, it may be necessary for the ES to assess likely worst case variations to ensure that the likely significant environmental effects of the Proposed Development have been assessed.

1.6.2.5 The Proposed Development is to be developed further through the design process and this will form the basis for the DCO Application. There will need to be sufficient flexibility to provide the future contractor with sufficient scope for value engineering through innovative design and/or construction techniques.



1.6.2.6 Therefore, when presenting the design in the ES and accompanying assessment, the guidance provided in Advice Note nine will be drawn on to ensure that the likely significant effects of the Proposed Development are assessed. Furthermore, the design will be informed by the EIA with the design reflecting iterative working between the designers and the environmental specialists, alongside the need to take into account consultation responses by stakeholders and the local community.

**Advice Note seventeen**

1.6.2.7 The EIA Regulations require the likely significant environmental effects of a development to be considered cumulatively and also in combination with effects to be experienced as consequence other approved or foreseeable projects to be considered.

1.6.2.8 Consideration will be given to the potential cumulative effects of the Proposed Development in combination with other committed developments in the locality.

1.6.2.9 PINS Advice Note seventeen (Planning Inspectorate, 2015) provides guidance on how to undertake a cumulative impact assessment ('CIA') and outlines that the following types of projects should be considered:

- Tier One – permitted projects under construction; permitted projects but not yet implemented; submitted applications not yet determined.
- Tier Two – Projects on PINs Programme of Projects which have submitted a scoping report.
- Tier Three – Projects on PINs Programme of Projects which have not yet submitted a scoping report; development identified in Development Plans and emerging Development Plans; development identified within plans and programmes which are reasonably likely to be brought forward.

1.6.2.10 Cumulative impacts may result from the combined or incremental effects of future activities (i.e. those developments currently in planning and not included as part of the baseline). While a single activity may itself result in a non-significant impact, it may, when combined with other impacts to the same receptor group (significant or insignificant) that are occurring at the same time, result in a cumulative impact that is significant.

1.6.2.11 Consideration will be given to the identification of reasonably foreseeable cumulative impacts from the Proposed Development and other committed developments in the vicinity. Impacts can arise either from cumulative effects (the same effect from several sources) which will include synergistic effects (combined effects that lead to an increased effect greater than the individual effects), additive effects (where the magnitude of combined effects equal the sum of individual effects, or from in-combination effects (interaction or interrelationship of different effects from different sources) or transboundary effects (where impacts are not limited to national jurisdictions).

1.6.2.12 No direct survey work to inform CIA is proposed. The technical assessments for each discipline will consider the potential for cumulative or in-combination effects (at receptor level) within the ES. Cumulative effects will be considered in terms of:

- Intra-project effects: The interaction and combination of environmental effects, and indirect effects of the Proposed Development affecting the same receptor, either within the Site or in the local area; and
- Inter-project effects: The interaction and combination of environmental effects of the Proposed Development with committed projects and activities affecting the same receptor. Committed development is defined as development for which planning consent has been granted or in some instances may include foreseeable development currently under planning determination.

#### **Advice Note eighteen**

1.6.2.13 PINS Advice Note eighteen was published in June 2017, which provides guidance on the approach to coordinating the requirements of the WFD with the EIA process (Planning Inspectorate, 2017). For further details on WFD, please see Chapter 19 Water Resources and Flood Risk.

## **1.7 OTHER GUIDANCE**

1.7.1.1 The assessment for the PEIR has been carried out in accordance with the requirements of the EIA Regulations. Additionally, the approach to the EIA and production of the PEIR has had regard to the following guidance and advice:

- Environmental topic specific guidance documents for example CIEEM (Chartered Institute of Ecology and Environmental Management) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal (CIEEM, 2016);
- Guidelines for Environmental Impact Assessment (Institute of Environmental Management and Assessment, 2004);
- Special Report – The State of Environmental Impact Assessment in the UK – (Institute of Environmental Management and Assessment, 2011);
- Delivering Proportionate EIA: A Collaborative Strategy for Enhancing UK Environmental Impact Assessment Practice (Institute of Environmental Management and Assessment , 2017);
- Environmental Impact Assessment Guide to: Delivering Quality Development (Institute of Environmental Management and Assessment , 2015); and
- Relevant guidance issued by other government and non-governmental organisations.

1.7.1.2 Further details on the approach can be found in PEIR Chapter 4 EIA Methodology.



## 1.8 EAST HAMPSHIRE DISTRICT COUNCIL

- 1.8.1.1 The relevant Development Plan documents for EHDC include the following:
- The Local Plan Part 1: EHDC and SDNPA Joint Core Strategy adopted June 2014 (East Hampshire District Council and the South Downs National Park Authority, 2014).
  - The Local Plan Part 2: Housing and Employment Allocations adopted April 2016 (East Hampshire District Council, 2016).
  - Saved policies from The Local Plan Second Review 2006 adopted March 2006 (East Hampshire District Council, 2006).
- 1.8.1.2 The Council has commenced work on a new Local Plan. The new Local Plan will replace with Joint Core Strategy, Housing and Employment Allocations and saved policies of the Local Plan Second Review 2006 with a single document, covering the period up to 2036. It will form the policy framework for development in the areas of East Hampshire District outside the South Downs National Park ('SDNP').
- 1.8.1.3 According to the Local Development Scheme (January 2018) the new Local Plan will be adopted in September 2020. Public consultation is currently scheduled to take place in January 2019 (Issues and Options) and June 2019 (Draft Local Plan).
- 1.8.1.4 It is not considered that any of the EHDC Development Briefs, Supplementary Planning Guidance are relevant to the Proposed Development. No made/emerging Neighbourhood Plans or designated Neighbourhood Areas are on the route of the Proposed Development.
- 1.8.1.5 SDNPA are currently developing a Local Plan for the National Park. The SDNP covers a large part of East Hampshire District. SDNPA are the Planning Authority for all parts of the National Park. Further details on the emerging SDNP Local Plan are available below.
- 1.8.1.6 The following sections will detail the policies relevant to the Proposed Development in the Development Plan documents.

### 1.8.2 LOCAL PLAN PART 1: JOINT CORE STRATEGY

- 1.8.2.1 The Joint Core Strategy was adopted by EHD and the SDNPA in May 2014. It addresses the needs for employment, housing, community facilities and other forms of development whilst ensuring the quality of the natural and built environment is conserved and enhanced, especially in the SDNP.
- 1.8.2.2 The following policies have been identified as relevant to the Proposed Development:
- CP1 Presumption in favour of sustainable development – sets out details of the presumption in favour of sustainable development and how this will be applied. Reflects the NPPF.

- CP2 Spatial strategy – sets out the settlement hierarchy for the District. This provides a framework to direct new development to the most sustainable and accessible locations.
- CP19 Development in the countryside – defines the Countryside as the area outside identified settlement boundaries and sets out a general policy of restraint on new development to protect the countryside. Exception for development that has a genuine and proven need to be in a countryside location.
- CP20 Landscape – requires new development to conserve and enhance the districts natural environment.
- CP21 Biodiversity – requires new development to maintain, enhance and protect the District’s biodiversity and its surrounding environment.
- CP25 Flood risk – sets out the requirement for sequential and exception tests and site-specific flood risks assessments for development in areas at risk of flooding. Requires all new development to ensures there is no net increase in surface water runoff. Sets out requirement for sustainable drainage systems (‘SUDS’).
- CP26 Water resources / water quality – requires new development to protect the quality and quantity of water and make efficient use of water.
- CP27 Pollution – states that development must not result in pollution that prejudices the health and safety of communities and their environment. Details requirements for the separation of polluting and pollution sensitive developments, lighting schemes and appropriate assessment under the Habitat Regulations. Details requirement for protection of the amenity of neighbouring properties.
- CP29 Design – states that the built environment must be of an exemplary standard and highly appealing in terms of visual appearance. Requires new development to respect the character, identity and context of the district’s towns, villages and countryside.
- CP30 Historic Environment – requires new development to conserve and, where possible enhance, the District’s historic environment.
- CP31 Transport – encourages the fullest possible use of sustainable modes of transport and a reduction in dependence on private cars through implementation of Hampshire Local Transport Plan (2011-2031). Sets out the transport requirements / standards new development is expected to meet.
- CP32 Infrastructure – states that infrastructure required as a result of new development should be provided either on-site/off-site or through financial contributions

### 1.8.3 LOCAL PLAN PART 2: HOUSING AND EMPLOYMENT ALLOCATIONS

1.8.3.1 The Local Plan Part 2: Housing and Employment Allocations was adopted by East Hampshire District Council in April 2016. It identifies specific sites to meet the housing and employment targets set out in the Core Strategy and provides guidance for the development of these sites.

1.8.3.2 None of the allocated sites are within, or immediately adjacent to, the proposed route or proposed convertor station site.

1.8.3.3 The Environment Statement will consider any cumulative effects arising from the Proposed Development in conjunction with other committed developments, including allocations within the wider area.

#### **1.8.4 SAVED POLICIES FROM THE LOCAL PLAN: SECOND REVIEW 2006**

1.8.4.1 Many of the policies contained in the Local Plan: Second Review 2006 have been superseded. However, as per the direction received in March 2009, a number of the plans policies have been saved.

1.8.4.2 The following saved policies have been identified as being relevant to the Proposed Development:

- C6 Tree preservation – states that planning permission will not be granted for development that would damage or destroy one or more trees protected by a tree preservation order ('TPO') or in a conservation area.
- HE8 Development affecting the setting of a conservation area – states that planning permission will not be granted for development that would harm the setting of a conservation area, or views into or out of it.
- HE12 Development affecting the setting of listed buildings – states that proposals for new development will not be permitted if they would harm the setting of a listed building.
- HE17 Archaeology and ancient monuments – states that development will not be permitted which adversely affects scheduled and non-scheduled important archaeological sites, buildings, monuments or features or their setting. Details requirement for archaeological investigation and mitigation.
- HE19 Ancient tracks and lanes – states that development will not be permitted where it would adversely affect the character, setting or historical, ecological and archaeological value of ancient tracks and lanes.
- T4 Pedestrians and cyclists, cycling, walking / horse-riding – states development will not be permitted where it would adversely affect the amenity of users of footpaths, bridleways, or cycleways or where the rights of way network or cycle network is disrupted without satisfactory remedial measures.
- E2 Renewable energy – details requirements proposals for new renewable electricity generation will be expected to meet.
- P7 Contaminated land – sets out site assessment and remediation requirements for the development of sites that are one, or near to, a site where there is contamination.

## **1.9 WINCHESTER CITY COUNCIL**

1.9.1.1 The relevant Development Plan documents for WCC include the following:

- The Local Plan Part 1: WCC and SDNPA Joint Core Strategy adopted March 2013 (Winchester City Council and South Downs National Park Authority, 2013);
- Local Plan Part 2: Development Management and Allocations adopted April 2017 (Winchester City Council, 2017);
- Denmead Neighbourhood Plan 2011-031 adopted April 2015 (Winchester City Council, 2013);
- Denmead Village Design Statement Supplementary Planning Document adopted February 2016 (Winchester City Council, 2016); and
- Draft Traveller Development Plan Document, pre-submission version published January 2018 (Winchester City Council, 2018).

1.9.1.2 Following the recommendations of the Planning Inspector who examined the Local Plan Part 2, WCC have begun work a new Local Plan. The new Local Plan will supersede the Local Plan Part 1 and Local Plan Part 2 with a single document covering the period up to 2036. It will form the planning policy framework for development in the areas outside the SDNP.

1.9.1.3 The new Local Plan is at a very early stage with an initial public consultation on the scope and content of the new plan taking place between 24 July 2018 and 21 September 2018. Adoption of a new Local Plan is currently planned for 2021.

1.9.1.4 SDNPA are currently developing a Local Plan for the National Park. The SDNP covers a large part of WCC’s administrative area. SDNPA are the Planning Authority for all parts of the National Park. Further details on the emerging SDNP Local Plan are available below.

1.9.1.5 The following sections will detail the policies relevant to the Proposed Development in the Development Plan documents.

## **1.9.2 THE LOCAL PLAN PART 1: JOINT CORE STRATEGY**

1.9.2.1 The Local Plan Part 1: Joint Core Strategy was adopted by WCC and the SDNPA in March 2013. It sets out the strategic plan for development within Winchester district up to 2031. The plan sets out the strategic vision, objectives and key policies and identifies the amount of development, broad locations for change, growth and protection, including allocating strategic sites.

1.9.2.2 The following policies have been identified as relevant to the Proposed Development:

- DS1 Development strategy and principles – details presumption in favour of sustainable development and how this will be applied. Sets out high-level overview of where new development will be located and provides details of settlement hierarchy. Outlines high level principles new development will be expected to conform with
- SH1 Development strategy for South Hampshire urban areas – details how the vision for the South Hampshire Urban Areas will be achieved. Outlines where new housing, commercial floorspace and green infrastructure will be delivered.

- SH2 Strategic housing allocation – West of Waterlooville – strategic site allocation for the development of 3000 dwellings and associated uses on Land to the West of Waterlooville. Provides details of site-specific requirements.
- MTRA1 Development strategy market towns and rural areas – sets out framework for new development within market towns and rural areas. Details the types of development that are considered suitable and the principles development will be expected to accord with.
- MTRA2 Market towns and larger villages – details specific settlements where new development will be considered acceptable and outlines the principles development will be expected to accord with.
- MTRA3 – Other settlements in the market towns and rural area – details the scale of development considered acceptable in smaller settlements and outlines the principles development will be expected to accord with.
- MTRA4 Development in the countryside – defines the countryside as all land outside the built-up areas of Winchester, Whiteley and Waterlooville and the settlements covered by policy MRTA2 and MTRA3. Provides details of the limited range of developments considered acceptable in these locations.
- CP5 Sites for Gypsies, Travellers and Travelling Showpeople – states that sites will be allocated and planning permission granted for sites to meet the objectively assessed accommodation needs of Gypsies, Travellers and Travelling Showpeople. Sets out the criteria proposals will be expected to accord with. Safeguards existing sites.
- CP6 Local services and facilities – states that development proposals should not threaten or result in the loss of premises or sites used to provide serves and facilities.
- CP7 Open space, sport and recreation – outlines a presumption against the loss of any open space, sports or recreation facility (including built facilities)
- CP10 Transport – states that the Local Planning Authority will seek to reduce demands on the transport network, manage existing capacity efficiently and secure investments to make improvements. Requires development to be located and designed to reduce the need to travel.
- CP12 Renewable and decentralised energy – outlines the Local Planning Authorities support of renewable and decentralised energy generation in the district. Sets out details of how proposals for energy schemes will be assessed.
- CP13 High quality design – requires new development to meet the highest standards of design and details how proposals are expected to demonstrate this.
- CP15 Green infrastructure – development proposals which maintain, protect and enhance the function / integrity of the existing green infrastructure network and/or provide a net gain of green infrastructure will be supported.
- CP16 Biodiversity – development which maintains, protects and enhances biodiversity across the district will be supported.

- CP17 Flooding, flood risk and the water environment – details requirement for sequential and exception tests. Safeguards land, structures and features required for flood management. Outlines requirements for SuDS. Development that does cause unacceptable deterioration to water quality or have an unacceptable impact on water quantity will be supported.
- CP19 South Downs National Park – requires new development to be in keeping with the context and setting of the landscape and settlements of the SDNP. Development that has a significant detrimental impact on the rural character and setting of settlements and the landscape should not be permitted, unless it is of over-riding national importance or its impact can be mitigated.
- CP20 Heritage and landscape character – new development which recognises, protects and enhances the District’s distinctive landscape and heritage assets and their settings will be supported.
- CP21 Infrastructure and community benefit – states that the Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support them.

1.9.2.3 The West of Waterlooville Strategic Housing Allocation (policy SH2) is immediately adjacent the proposed Cable Route.

### 1.9.3 THE LOCAL PLAN PART 2: DEVELOPMENT MANAGEMENT AND SITE ALLOCATIONS

1.9.3.1 The Local Plan Part 2 was adopted by WCC in April 2017. It sets out detailed development management policies and allocates sites to meet identified retail, housing, employment, community, leisure and transport needs. The Local Plan Part 2 also replaced the remaining saved policies of the Winchester District Local Plan Review 2006 for the area outside of the SDNP.

1.9.3.2 The following policies have been identified as relevant to the Proposed Development:

- DM1 Location of new development – states that development that accords with the Development Plan will be permitted within defined settlement boundaries (as shown on policies map) or in other settlements detailed under Policy MTRA3. Outside these areas only development appropriate to a countryside location will be permitted.
- DM10 Essential facilities and services in the countryside – states that the development of essential facilities in the countryside may be exceptionally permitted where it complies with the Development Plan and criteria listed.
- DM15 Local distinctiveness – requires development to respect the qualities, features and characteristics that contribute to the distinctiveness of the local area. States that regard will be given to the cumulative effects of development on the character of an area.
- DM16 Site design criteria – outlines design criteria proposals will be expected to accord with.



- DM17 Site development principles – outlines development principles proposals will be expected to accord with.
- DM18 Access and parking – sets out parking and access requirements new developments will be expected to accord with.
- DM19 Development and pollution – states that development which generates pollution (or is sensitive to it) will only be permitted where it achieves an acceptable standard of environmental quality. Outlines when detailed assessments and mitigation measures will be required.
- DM20 Development and noise – states that development which generates noise pollution (or is sensitive to it) will only be permitted where it does not have an unacceptable impact on human health or quality of life. Details when a noise assessment will be required and outlines the standard that mitigation measures will be expected to reach.
- DM21 Contaminated land – development of land known, or suspected to be, contaminated or which is likely to be affected by contamination will only be permitted where there will be no unacceptable impacts on human health, ground water and surface water, or the wider environment. Requires assessment to accompany planning applications.
- DM22 Telecommunications, services and utilities – details requirements that proposals for services, utilities and telecommunications will be expected to accord with.
- DM23 Rural character – states that development outside defined settlement boundaries will only be permitted where it does not have an unacceptable effect on the rural character of the area. Sets out the factors that will be taken into account when considering the effect on the rural character and sense of place.
- DM24 Special trees, important hedgerows and ancient woodland – development should not result in the loss or deterioration of ancient woodlands, important hedgerows, special trees, distinctive ground flora or the space required to support them in the long term.
- DM26 Archaeology – requires proposals to include the provision to preserve archaeological remains in situ and make provision for the investigation and recording of archaeological remains that cannot or are not required to be preserved. Requires proposals to be accompanied by sufficient information to define the significance and extent of above or below ground heritage assets and their settings.
- DM29 Heritage assets – states that works which would cause an unacceptable level or harm to the special interest of heritage assets or their setting will only be permissible in exceptional circumstances, or in the case of higher grade heritage assets in wholly exceptional circumstances.

1.9.3.3 None of the sites allocated by the Local Plan Part 2 are within, or immediately adjacent to, the proposed route or proposed converter station site. The West of Waterlooville Strategic Housing site is allocated in the Local Plan Part 1.

1.9.3.4 The Environment Statement will consider any cumulative effects arising from the Proposed Development in conjunction with other committed developments, including allocations within the wider area.

#### **1.9.4 DENMEAD NEIGHBOURHOOD PLAN 2011-2031**

1.9.4.1 The Denmead Neighbourhood Plan was adopted in April 2015. The designated Neighbourhood Area includes the western part of the existing substation site at Lovedean. The adopted Neighbourhood Plan allocates sites and incorporates a number of specific policies for Denmead. The strategic policies of the Local Plan Part 1 and the development management policies set out in the Local Plan Part 2 still apply to the area covered by the Neighbourhood Plan.

1.9.4.2 Section 3.1 of the Neighbourhood Plan sets out the vision for Denmead in 2031, including the preservation of established settlement gaps and open spaces. Section 3.2 sets out the objectives for the area, including the objective “to sustain a thriving village that respects its cultural, historical and archaeological heritage and the landscape character and biodiversity of its surroundings”.

1.9.4.3 The following policies have been identified as relevant to the Proposed Development:

- Policy 1: A Spatial Plan for the Parish – defines the settlement boundary of Denmead and the settlement gap between Denmead and Waterlooville. Policy states that proposals located within the settlement boundary will be supported; and
- Policy 2: Housing Allocations – allocates four sites for housing development within Denmead. Outlines site specific requirements for each allocation.

1.9.4.4 The four sites allocated for housing by the Neighbourhood Plan are all in relatively close (between 20m and 300m west) proximity to the Proposed Development.

#### **1.9.5 DENMEAD VILLAGE DESIGN STATEMENT SUPPLEMENTARY PLANNING DOCUMENT**

1.9.5.1 The Denmead Village Design Statement Supplementary Planning Document supports the Denmead Village Neighbourhood Plan. It provides design guidance for development in Denmead Parish (outside the boundaries of the SDNP). The Design Statement sets out the importance of the preservation of heritage assets, vegetation, wildlife, nature and landscape in and around Denmead.



## 1.9.6 DRAFT TRAVELLER DEVELOPMENT PLAN DOCUMENT

- 1.9.6.1 The Draft Traveller Development Plan Document was submitted to the Planning Inspectorate for examination in May 2018. It identifies, allocates and safeguards sites to meet the needs of Gypsy, Traveller and Travelling Showpeople communities. Hearings on the Draft Plan took place between the 3 September 2018 and 5 September 2018. During the hearings, modifications were found to be required before the plan could be considered sound. A consultation on the main modifications took place between 8 October 2018 and 23 November 2018.
- 1.9.6.2 The following policies have been identified as relevant to the Proposed Development:
- TR1 Safeguarding Permitted Sites – safeguards existing Gypsy, Traveller and Travelling Showpeople sites from alternative development until the site is no longer required to meet identified traveller needs. Any new sites granted consent will also be safeguarded.
  - TR5 Expansion or intensification within existing sites – states that the Local Planning Authority will consider proposals for the provision of additional pitches / plots on existing permanent and temporary sites on a case by case basis. Details what applications are expected to demonstrate.
- 1.9.6.3 Three existing sites, located adjacent to the red line boundary on Old Mill Lane, are safeguarded by policy TR1 of the Draft Traveller Development Plan Document:
- W001 The Ranch, Old Mill Lane, Denmead;
  - W007 Windy Ridge, Old Mill Lane, Denmead; and
  - W021 The Haven, Old Mill Lane, Denmead.

## 1.10 HAVANT BOROUGH COUNCIL

- 1.10.1.1 The relevant Development Plan documents for HBC include the following:
- Local Plan (Core Strategy) adopted March 2011 (Havant Borough Council, 2011); and
  - Local Plan (Allocations) adopted July 2016 (Havant Borough Council, 2016).
- 1.10.1.2 HBC have started work on a new Local Plan. The Havant Borough Local Plan 2036 will replace the Local Plan (Core Strategy) and Local Plan (Allocations) with a single document covering the period up to 2036. Consultation on a draft of the Local Plan took place in early 2018. The Local Development Scheme (December 2017) states that examination of the Local Plan 2036 will take place in early 2019 with adoption expected in Summer 2019.
- 1.10.1.3 None of HBC's Supplementary Planning Documents are considered relevant. There are no adopted / emerging Neighbourhood Plans or designated Neighbourhood Areas along the route of the Proposed Development.

1.10.1.4 The following sections will detail the policies relevant to the Proposed Development in the Development Plan documents.

## 1.10.2 LOCAL PLAN (CORE STRATEGY)

1.10.2.1 The Local Plan (Core Strategy) was adopted by HBC in March 2011. It sets out how the Borough should develop up to 2026, seeking to address local housing and economic development needs. The Core Strategy sets out high level strategic policies, identifies strategic development sites and details development management policies.

1.10.2.2 The following policies have been identified as relevant to the Proposed Development:

- CS6 Regeneration of the Borough – development which positively contributes by type of use and design and by its comprehensive approach to the social, economic and/or physical regeneration of the borough will be granted consent. Waterlooville Town Centre is one of five focus areas.
- CS11 Protecting and enhancing the special environment and heritage of Havant Borough – development that protects and where possible enhances the landscape, habitats, features of biological, hydrological or geological interest and heritage assets will be granted planning permission. Identified undeveloped gaps that should be retained. Seeks to protect the best and most versatile agricultural land.
- CS13 Green Infrastructure – states that development which maintains and manages the network of green infrastructure and where appropriate incorporates improvements and/or new green infrastructure will be supported. Developments that adversely affect green infrastructure will not be permitted.
- CS15 Flood and erosion risk - details requirement for sequential and exception tests and requirement for site-specific flood risk assessment. Incorporation of flood protection, resilience and resistance and flood warning measures. Outlines requirements for SuDS. Development that does cause unacceptable deterioration to water quality or have an unacceptable impact on water quantity will not be supported.
- CS16 High Quality Design – states that planning permission will be granted for development that is design to a high standard, which helps to create places where people want to live, work and relax. Outlines the design criteria that proposals will be assessed against.
- CS18 Strategic site delivery – details strategic sites that are critical to achieving Core Strategy vision. Planning permission will be granted for development that is in accordance with the Development Requirements set out in strategic site profiles. Profile for Site 4 (Major Development Area ('MDA') and Waterlooville Town Centre Integration) of relevance to the Proposed Development.

- CS19 Effective provision of infrastructure – details infrastructure requirements for proposed development and safeguards sites/requirements of infrastructure providers.
- CS20 Transport and access strategy – outlines transport and access requirements development that proposals will be assessed against.
- DM1 Recreation and Open Space – sets out criteria that need to be met for the development of existing open space (playing fields, play spaces, pitches, courts an allotments) to be considered acceptable.
- DM6 Coordination of development – states that proposals will only be permitted where they do no undermine the future development potential of adjacent sites.
- DM8 Conservation, protection and enhancement of existing natural features – development will only be permitted where it protects and enhances local habitats and landscape distinctiveness. Outlines criteria that needs to be met for developments to be considered acceptable.
- DM10 Pollution – outlines the criteria that polluting development is required to meet in order to be considered acceptable.
- DM12 Mitigating the impacts of travel – requires new development to mitigate its travel impacts including environmental impacts and impacts on amenity, health and climate change. Outlines criteria that may need to be satisfied for development to be considered acceptable.
- DM15 Safeguarding transport infrastructure – states that development that is prejudicial to the future provision of strategic transport infrastructure will not be permitted.

### 1.10.3 LOCAL PLAN (ALLOCATIONS)

1.10.3.1 The Local Plan (Allocations) was adopted by HBC in July 2014. It allocates sites for housing and employment development and sets out development management policies that, alongside those include in the Local Plan (Core Strategy) will be used to determine applications for planning permission in the Borough.

1.10.3.2 The following policies have been identified as relevant to the Proposed Development:

- AL1 Presumption in Favour of Sustainable Development - sets out details of the presumption in favour of sustainable development and how this will be applied. Reflects the NPPF.
- AL2 Urban Area Boundaries and Undeveloped Gaps between Settlements defines urban areas and undeveloped gaps. Seeks to limit development within undeveloped gaps. Outlines types of development that would be considered acceptable in undeveloped gaps.
- AL5 Cross-Borough Bus Rapid Transport Route – development that help deliver Cross Borough Bus Rapid Transport Route will be granted consent. Developments proposals that could prevent provision of the route will not be

permitted. Route of Proposed Development is in close proximity to the indicative Bus Rapid Transport Route.

- AL8 Local Green Space – development proposals that would be harmful to Local Green Spaces will not be permitted other than in very special circumstances.
- DM17 Contaminated Land – states that development on or near contaminated land will be granted planning permission where an appropriate investigation of potential risk is undertaken by the development and identified risks are mitigated.
- DM20 Historic Assets – requires new development to conserve and enhances historic assets.

1.10.3.3 The following allocated sites at Waterlooville are adjacent to or within close proximity of the route of the Proposed Development:

- WA1 Waterlooville Housing Allocations;
  - W58 Forest End Garages; and
  - W63 Goodwillies Timber Yard.
- WA2 Waterlooville Mixed Use Allocations;
  - W109 Asda / Clock Tower;
  - W110 Wellington Way;
  - W135 West of Asda / Blue Star Site; and
  - BD50 Land at BAE Systems Technology Park.

1.10.3.4 The Environment Statement will consider any cumulative effects arising from the Proposed Development in conjunction with other committed developments, including allocations within the wider area.

## 1.11 PORTSMOUTH CITY COUNCIL

1.11.1.1 The relevant development plan documents for PCC include the following:

- Portsmouth Plan (Portsmouth Core Strategy) adopted January 2012 (Portsmouth City Council, 2012);
- Saved policies of the Portsmouth City Local Plan adopted July 2006 (Portsmouth City Council, 2006);
- Seafront Masterplan Supplementary Planning Document (SPD) adopted April 2013 (Portsmouth City Council, 2013);
- Eastney Beach Habitat Restoration and Management Plan SPD adopted December 2014 (Portsmouth City Council, 2014);
- Parking Standards and Transport Assessments SPD adopted July 2014 (Portsmouth City Council, 2014);
- Air Quality and Pollution SPD adopted March 2006 (Portsmouth City Council, 2006); and

- Developing Contaminated Land Supplementary Planning Guidance ('SPG') adopted February 2004 (Portsmouth City Council, 2004).

1.11.1.2 PCC have commenced work on a new Local Plan for the City. Work on the new Local Plan is at a relatively early stage - Issues and Options consultation was undertaken from July 2017 to September 2017. The Local Development Scheme (adopted July 2018) states that the new Local Plan will be adopted in September 2020, with further rounds of public consultation due to take place in November 2018 and July 2019. Once adopted the new Local Plan will replace the existing Development Plan documents.

1.11.1.3 There is one designated neighbourhood area along the route of the Proposed Development. The designated area, which includes Milton Common and St James' Hospital is, bounded by the A2030 to the north, Langstone Harbour to the east, Bransbury Road to the south and Fratton Park/ the A288 to the west. The Milton Neighbourhood Planning Forum are currently preparing a Draft Neighbourhood Plan. Consultation on the Draft Plan is expected in Autumn/Winter 2018.

1.11.1.4 There are no other relevant emerging / adopted neighbourhood plans or designated neighbourhood areas along the proposed route.

## 1.11.2 PORTSMOUTH PLAN (PORTSMOUTH CORE STRATEGY)

1.11.2.1 The Portsmouth Plan (Portsmouth Core Strategy) was adopted in January 2012, replacing many of the policies contained in the Portsmouth City Local Plan (2006). It sets out the high-level strategy for the development of Portsmouth up to 2027. In addition, the Core Strategy identifies broad locations for new development, allocates strategic sites and details development management policies that will be used in the determination of planning applications.

1.11.2.2 The following policies have been identified as relevant to the Proposed Development:

- PCS9 The Seafront – outlines how new development will be expected to contribute to the revitalisation of the seafront, tourism and wider regeneration strategy for Portsmouth. Requires protecting the nature conservation value at Eastney Beach.
- PCS11 Employment Land – details where the provision of new office, manufacturing and warehouse land/floorspace to support sustainable economic development will be considered acceptable.
- PCS12 Flood Risk – outlines the measures that will be taken to reduce flood risk when considering planning applications. Details requirement for sequential and exception tests and the requirement for site-specific flood risk assessment.
- PCS13 A Greener Portsmouth – outlines how proposals should protect, enhance and development the green infrastructure network in the city. Details the criteria that applications will be considered against.

- PCS17 Transport – states that the council will work to deliver a strategy that will reduce the need to travel and provide a sustainable and integrated transport network. Encourages development around transport hubs. Safeguards land for new transport infrastructure.
- PCS23 Design and Conservation – requires all new development to be well designed and to respect the character of the city.

### 1.11.3 **SAVED POLICES OF THE PORTSMOUTH CITY LOCAL PLAN**

1.11.3.1 The Portsmouth City Local Plan was adopted in 2006. Although the majority of the policies were delated when the Portsmouth Plan (Portsmouth Core Strategy) was adopted in January 2012, a number of relevant policies were saved.

1.11.3.2 The following policies have been identified as relevant to the Proposed Development:

- DC12 Contaminated Land – states that permission will only be granted for development on or near contaminated land where appropriate and sufficient measures can be taken to deal with the contamination.
- MT2 Land south of St James’ Hospital – allocates land for publicly accessible open space.
- MT3 Land at St James’ Hospital – allocates land at St James’ Hospital for new mental health care development and housing.
- LH1 Langstone Harbour Open Costal Area – only development that specifically requires a coastal location will be considered. Requires proposals to demonstrate they will not have an adverse effect on the coastal landscape, public access, navigation or nature conservation.
- LH2 Langstone Harbour Costal Zone – requires development within the identified coastal zone to demonstrate that it does not have an adverse effect on the coastal landscape, public access, navigation or nature conservation

### 1.11.4 **SEAFRONT MASTERPLAN SPD**

1.11.4.1 Adopted in April 2013 the Seafront Masterplan SPD contains specific proposals for the seafront area of the city and provides detailed guidance on the implementation of Policy PCS9. The SPD applies (section 4.6) to the proposed landfall site at Eastney Beach along with Fort Cumberland and its surrounds.

1.11.4.2 The Seafront Masterplan is currently being reviewed. An initial issues and options public consultation took place in July and August 2018. Further consultation on a draft document will take place in due course.



### **Eastney Beach Habitat Restoration and Management Plan SPD**

- 1.11.4.3 The Eastney Beach Habitat Restoration and Management Plan SPD was adopted in December 2014 and is closely associated with the Seafront Masterplan SPD. The SPD provides guidance on the preservation and enhancement of the natural environment at Eastney along with guidance on mitigation options for the development detail in the Seafront SPD.

### **Parking Standards and Transport Assessment SPD**

- 1.11.4.4 The Parking Standards and Transport Assessment SPD was adopted in July 2014. The SPD sets out standards and design principles for car/cycle parking and also provides guidance on transport assessments and travel plans.
- 1.11.4.5 Only Section 6, which provides guidance on assessing and dealing with the transport impacts of development, is considered relevant to the Proposed Development.

### **Air Quality and Air Pollution SPD**

- 1.11.4.6 Adopted in March 2006 the Air Quality and Air Pollution SPD provides guidance on how air quality and air pollution issues will be dealt with through the planning system. Section 3.3, which deals with Air Pollution issues resulting from major development projects, is of most relevance to the Proposed Development.

## **1.11.5 DEVELOPING CONTAMINATED LAND SPG**

- 1.11.5.1 The Developing Contaminated Land SPG was adopted in February 2004 and provides details on the approach Portsmouth City Council will expect developers to adopt when dealing with sites which are, or may be, contaminated.

## **1.12 SOUTH DOWNS NATIONAL PARK AUTHORITY**

- 1.12.1.1 Land within the boundaries of EHDC and WCC form part of the SDNP. Planning policy for the SDNP is currently set out in documents jointly prepared with District / City Councils.
- 1.12.1.2 SDNPA have submitted the first South Downs Local Plan for examination. Hearings are due to take place in November and December 2018 with adoption currently planned for Spring 2019. On adoption the South Downs Local Plan will replace the existing jointly prepared policy documents.
- 1.12.1.3 Paragraph 4.11 of the South Downs Local Plan states that the SDNPA will work positively, and in partnership with, other local authorities to ensure that development outside the SDNP does not have a detrimental impact on its setting or on the achievement of the National Park purposes. In achieving this objective, the following policies have been identified as relevant to the Proposed Development:
- SD4 Landscape Character – development proposals will only be permitted where they conserve and enhance the landscape character. Details how development proposals should demonstrate accordance with this requirement.

- SD5 Design – states that development proposals will only be permitted where they adopt a landscape-led approach and respect the local character, through sensitive and high-quality design that makes a positive contribution to the overall character and appearance of the area. Design principles that should be adopted are outlined.
- SD6 Safeguarding Views – development proposals will only be permitted where they preserve the visual integrity, identity and scenic quality of the National Park. Key views should be preserved and enhanced.
- SD7 Relative Tranquillity – requires development proposals to conserve and enhance relative tranquillity. Outlines the impacts that should be considered.
- SD8 Dark Night Skies – requires development proposals to converse and enhance the intrinsic quality of dark night skies and the integrity of the Dark Sky Core. Requires proposals to demonstrate that all opportunities to reduce light pollution have been taken. Sets out hierarchy that development proposals should follow.

## **1.13 HAMPSHIRE COUNTY COUNCIL**

- 1.13.1.1 Hampshire County Council are the Minerals and Waste Planning Authority for most of the proposed route and the proposed convertor station site. A joint Minerals and Waste Plan (Hampshire County Council, 2013) has been produced by the minerals and waste planning authorities in Hampshire (HCC, PCC, Southampton City Council ('SCC') New Forest National Park Authority ('NFNPA') and SDNPA).
- 1.13.1.2 Adopted in October 2013 the Minerals and Waste Plan sets out the policy framework for the delivery of sustainable Minerals and Waste Development in Hampshire. The following policies have been identified as relevant to the Proposed Development:
- Policy 15 Safeguarding – mineral resources – identifies Mineral Safeguarding Areas for sand and gravel, silica sand and brick making clay to prevent the needless sterilisation of mineral resources by non-minerals development. Sets out what development will be permitted within a Mineral Safeguarding Area without the prior extraction of mineral resources.
  - Policy 16 Safeguarding – mineral infrastructure – safeguards infrastructure that supports the supply of minerals against development that would unnecessarily sterilise the infrastructure or prejudice or jeopardise its use. Specific sites identified on policies maps.
  - Policy 26 Safeguarding – waste infrastructure – safeguards strategic waste management infrastructure against redevelopment and inappropriate encroachment. Specific sites identified on policies maps.
- 1.13.1.3 The Cable Route passes through a Sand and Gravel Mineral Safeguarding Area around Denmead/Cowplain.



1.13.1.4 The following safeguarded minerals infrastructure sites are in close proximity to the Cable Route:

- Kendalls Wharf, Portsmouth – Concrete Batching Plant; and
- Farlington Redoubt, Havant – Aggregate Recycling Site.

1.13.1.5 The following safeguarded waste infrastructure sites are in close proximity to the Cable Route:

- Lovedean, Waterlooville – End of Life Vehicles ('ELV') site; and
- Eastney Pumping Station, Portsmouth – Pumping station.

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