



## **Rampion Offshore Wind Farm**



## **ES Section 4 – Planning Policy**

**RSK Environmental Ltd**

**Document 6.1.4**

**December 2012**

**APFP Regulation 5(2)(a)**

**Revision A**

**E.ON Climate & Renewables UK Rampion Offshore Wind Limited**

**CONTENTS**

<b>4</b>	<b>PLANNING POLICY CONTEXT .....</b>	<b>4-1</b>
4.1	Introduction .....	4-1
4.2	National Planning Policy .....	4-1
4.3	Regional Planning Policy .....	4-17
4.4	Local Planning Policy Framework .....	4-24
4.5	Infrastructure Planning (Environmental Impact Assessment) Regulations 2009...4-36	
4.6	Habitats Regulations .....	4-36
4.7	Other Key Consents .....	4-37
4.8	The Energy Act 2004 .....	4-38
4.9	References .....	4-39

**Tables**

Table 4-1:	National Planning Policy .....	4-3
Table 4-2:	Regional Planning Policy Framework.....	4-18
Table 4-3:	Local Planning Policy Framework .....	4-25

**Figures**

Figure 4.1: Local Authority Boundaries



---

## **4 PLANNING POLICY CONTEXT**

---

### **4.1 Introduction**

---

- 4.1.1 This section of the Environmental Statement (ES) identifies those adopted and emerging planning policies that are relevant to the proposed Rampion Offshore Wind Farm (the Project). It covers policy at the national, regional and local levels and includes consideration of National Policy Statements (NPS), the National Planning Policy Framework (NPPF), the South East Regional Spatial Strategy (RSS), adopted Local Plans, and emerging Local Development Frameworks associated with Local Authority areas that will be affected by the onshore project components.
- 4.1.2 Using a tabular format, this section critically examines the extent to which the Project complies with the relevant planning policy framework. It draws on the findings of the remainder of this ES and other relevant material planning considerations associated with the Project. It should be noted that the only policy documents that are applicable to the offshore elements of the Project are the NPSs and the Marine Policy Statement (MPS). All the other policy documents that have been considered within this section are restricted to land-based issues.
- 4.1.3 The Marine and Coastal Access Act 2009 established the legislative basis for a marine planning system. The Secretary of State has delegated responsibility for marine planning to the Marine Management Organisation (MMO), which has prepared a MPS and is in the process of preparing a number of more specific Marine Plans. Defra has agreed that 10 Marine Plans will be prepared for the English coast. The MPS has been considered in Table 4.1 below. As yet, no Marine Plan has been prepared for the Sussex coast, but work on the south coast Marine Plan is scheduled to commence in 2013.

### **4.2 National Planning Policy**

---

- 4.2.1 The Planning Act 2008 (the 2008 Act) has created a new consenting regime for certain types of development of Nationally Significant Infrastructure Projects (NSIPs). This includes offshore renewable energy projects over 100MW. As the Project will have a maximum installed capacity of up to 700 MW, it will need development consent under the 2008 Act. The 2008 Act created an independent body, the Infrastructure Planning Commission (IPC) to examine and decide applications for NSIPs. However, under the Localism Act 2011 the IPC was abolished and responsibility for national infrastructure planning transferred to the Secretary of State on 1 April 2012.
- 4.2.2 Under section 104 of the 2008 Act, NPSs are the policy documents that the Secretary of State must have regard to when deciding an application for an NSIP. The application must be determined in accordance with any relevant NPSs. The NPSs of relevance to this Project, all designated in July 2011, include:

- EN-1 Overarching NPS for Energy;
- EN-3 Renewable Energy; and
- EN-5 Electricity Networks Infrastructure.

4.2.3 The Secretary of State must also have regard to any local impact report (prepared by the local authority) and any other matters that may be prescribed or which the Commission members think are both important and relevant to their decision.

4.2.4 The NPPF (March 2012) has no direct applicability to the consideration of applications for NSIPs. Paragraph 4.1.5 of EN-1 makes it clear that Planning Policy Statements (PPS) and Planning Policy Guidance (PPG) (now replaced by the NPPF) have been taken into account in the preparation of the NPSs. There is specific consideration given in EN-1, EN-3 and EN-5 to all of the relevant subject areas covered by the former PPSs and PPGs (flood risk, cultural heritage, national landscape designations etc). Paragraph 3 of the NPPF confirms that the NPPF does not contain specific policies for NSIPs; however, matters that the Government considers 'important and relevant' when making decisions on NSIP applications may include the NPPF.

4.2.5 Table 4.1 below illustrates how the Project performs against relevant national planning policy.

**Table 4-1: National Planning Policy**

Document	Policy Summary	Policy Assessment
<p><b>EN-1: Overarching National Policy Statement for Energy (July 2011)</b></p>	<p>Paragraphs 1.4.2 and 1.4.3 of EN-1 indicate that for all electricity generating stations of more than 100 megawatts (MW) offshore, this document together with the relevant technology-specific NPS(s) provides the primary basis for decisions made by the IPC (now the Secretary of State).</p> <p>Paragraph 2.2.6 indicates that the UK needs to wean itself off such a high carbon energy mix: to reduce greenhouse gas emissions, and to improve the security, availability and affordability of energy through diversification. In particular, the UK must reduce over time its dependence on fossil fuels to meet its target of cutting greenhouse emissions by 80% by 2050, compared to 1990 levels. The Government plans to do this by improving energy efficiency and pursuing its objectives for renewables.</p> <p>Paragraph 3.3.10 of EN-1 highlights that as part of the UK's need to diversify and decarbonise electricity generation, the Government is committed to increasing dramatically the amount of renewable generation capacity. In the short to medium term, much of this new capacity is likely to be onshore and offshore wind. An increase in renewable energy electricity is essential to enable the UK to meet its commitments under the EU Renewable Energy Directive. It will also help improve the UK energy security by reducing our dependence on imported fossil fuels, decrease greenhouse gas emissions and provide economic opportunities.</p> <p>Paragraph 3.4.3 recognises that the UK has substantial renewable energy resources, for example the British Isles have 40% of Europe's wind. Therefore, offshore wind is expected to provide the largest</p>	<p>Through the generation of up to 700MW of zero carbon energy per annum, the Project supports EN-1 because it will make a positive contribution to the UK's renewable energy generation and carbon dioxide reduction targets. In particular, Section 30 -Carbon Lifecycle and Balance of this ES has estimated that the Project will, relative to the current UK electricity generation mix, save the greenhouse gas emissions that result from its lifecycle within a year of starting operation, and go on to result in the avoidance of millions of tonnes of greenhouse gas emissions over its 25-year design life.</p> <p>The Project would also make a positive contribution to the UK Government's aims of securing and diversifying their energy supplies. In particular, there is currently strong emphasis on the use of coal and gas-fired power stations, which are not only highly-polluting, but in a number of cases, reaching the end of their operational life. Subsequently, there is the need to invest in a range of clean technologies, such as wind farms, to secure a sustainable source of energy for the future.</p> <p>It has been estimated that during the construction of the wind farm and its associated onshore infrastructure, approximately 850 direct jobs would be created, as described in Section 17 (Offshore Socio-Economics) and Section 28 (Onshore Socio-Economics). In addition, through an increase in demand for local services e.g. accommodation, pubs, restaurants etc, a number of indirect jobs would be generated. Therefore, the Project makes a positive contribution to the economic development opportunities identified in paragraph 3.3.10 of EN-1.</p>

Document	Policy Summary	Policy Assessment
	<p>single contribution towards the national target of sourcing 15% of the UK's total energy supply from renewable sources by 2020.</p> <p>Paragraph 3.7.10 of EN-1 also highlights the need for new electricity network infrastructure. Existing transmission and distribution networks will have to evolve and adapt in various ways to handle increases in demand, but construction of new lines of 132 kV and above will also be needed to meet the significant national need for expansion and reinforcement of the UK's transmission and distribution networks.</p>	
<p><b>EN-3: National Planning Statement for Renewable Energy Infrastructure (July 2011)</b></p>	<p>Paragraph 1.1.1 of EN-3 highlights that electricity generation from renewable sources of energy is an important element in the Government's development of a low-carbon economy. There are ambitious renewable energy targets in place and a significant increase in generation from large-scale renewable energy infrastructure is necessary to meet the 15% renewable energy target.</p> <p>Paragraph 2.6.57 indicates that as most renewable energy resources can only be developed where the resource exists and where economically feasible, the Secretary of State should not use a sequential approach in the consideration of renewable energy projects e.g. by giving priority to the re-use of previously-developed land for renewable technology developments.</p> <p>Section 2.6 of EN-3 provides specific guidance to wind farm developers for when they are developing their projects, and to the Secretary of State on the environmental issues that should be taken into consideration when determining an application for a Development Consent Order (DCO) for an off-shore wind farm and</p>	<p>The Project supports paragraph 1.1.1 of EN-3, because through the generation of up to 700MW of electricity per annum, and would play an important role in helping the UK to meet its target of generating 15% of its energy from renewable sources by 2020.</p> <p>In response to section 2.6 of EN-3, a comprehensive assessment of the anticipated environmental impacts of the proposed offshore and onshore elements of the Project during its construction, operation and decommissioning has been undertaken as part of this ES. This has concluded that for some environmental disciplines such as archaeology, following the implementation of appropriate mitigation measures, there would be no residual, adverse impacts. For other topics such as shipping and navigation, some moderate and major/moderate adverse residual impacts have been identified. In the context of the scale and characteristics of the Project, this level of impact is not unexpected. However, it is important to note that some impacts would be temporary i.e. restricted to the construction period. Furthermore, any adverse environmental impacts need to be balanced against the significant sustainable energy generation and carbon reduction benefits that would be secured from the Project.</p>

Document	Policy Summary	Policy Assessment
	<p>its associated infrastructure. This covers:</p> <ul style="list-style-type: none"> <li>• Biodiversity;</li> <li>• Commercial fisheries and fishing;</li> <li>• Historic environment;</li> <li>• Navigation and shipping;</li> <li>• Physical environment seascape and visual effects;</li> <li>• Oil, gas and other offshore infrastructure and activities.</li> </ul> <p>The document (paragraphs 2.6.33 and 2.6.44) states that the connection of a proposed offshore wind farm into the relevant electricity network will be an important consideration for applicants. They will have to work within the regulatory regime for offshore transmission networks established by Ofgem. The onshore element of the grid connection (electric lines and substations) should be determined in accordance with the Electricity Networks NPS (EN-5).</p>	<p>The onshore elements of the Project (landfall works, onshore cabling and substation) are classed as ‘associated works’ under Section 37 (3)(d) of the Planning Act 2008. The current requirement of the industry regulator Office of Gas and Electricity Markets (OFGEM) is that the cable connection needs to be transferred to an independent third-party Onshore Transmission Operator (OFTO).</p>
<p><b>EN-5: National Planning Statement for Electricity Networks (July 2011)</b></p>	<p>Paragraph 1.1.1 of this NPS highlights that the new electricity generating infrastructure that the UK needs to move to a low carbon economy while maintaining security of supply will be heavily dependent on the availability of a fit for purpose and robust electricity network.</p> <p>The document (Paragraph 2.4.1) indicates that as climate change is likely to increase risks to the resilience of some electricity networks infrastructure, applicants should set out to what extent the Project is expected to be vulnerable to:</p> <ul style="list-style-type: none"> <li>• Flooding, particularly for substations;</li> <li>• Higher average temperatures leading to transmission losses;</li> </ul>	<p>The Project complies with the main objectives of EN-3, because through the construction of electricity network infrastructure, it would support a significant renewable energy project that would make a positive contribution to the UK’s aim of securing and decarbonising its energy supplies.</p> <p>In response to Paragraph 2.4.1 of EN-3, Section 23 -Surface Water, Hydrology and Flood Risk of this ES has concluded that during the construction of the ‘associated works’ (landfall works, onshore cabling and substation), as a worst-case there is the potential for some moderate adverse, residual surface water hydrology and groundwater impacts. However, it should be noted that any impacts would be temporary in nature and be restricted to the</p>



Document	Policy Summary	Policy Assessment
	<p>and</p> <ul style="list-style-type: none"> <li>• Earth movement or subsidence caused by flooding or drought for underground cables.</li> </ul> <p>Paragraph 2.6.1 of EN-3 advises the Secretary of State that in addition to those generic impacts highlighted in EN-1, the following more specific issues should be taken into consideration when determining an application:</p> <ul style="list-style-type: none"> <li>• Biodiversity and geological conservation;</li> <li>• Landscape &amp; visual; and</li> <li>• Noise &amp; vibration.</li> </ul>	<p>construction period for these onshore works.</p> <p>When the substation becomes operational, any residual impacts associated with flood risk and surface water management are predicted as a worst-case to be minor adverse.</p> <p>In relation to the more generic impacts highlighted in EN-5, this ES has assessed the environmental impacts of the onshore elements of the Project. This has concluded that for some environmental topics such as noise and transport, there would be no adverse, residual impacts. However, for other aspects such as ground conditions, some moderate and major/moderate adverse residual impacts have been identified.</p>
<p><b>UK Marine Policy Statement (March 2011)</b></p>	<p>The UK Marine Policy Statement (MPS) applies to all UK waters. It is the framework for preparing Marine Plans, ensuring consistency across the UK, and provides direction for new marine licensing and other authorisation systems in UK Administration. It sets out the general environmental, social and economic considerations that need to be taken into account in marine planning. It also provides guidance on the pressures and impacts which decision makers need to consider when planning for, and permitting development in, the UK marine area.</p> <p>The strategic objectives of the marine planning system are to:</p> <ul style="list-style-type: none"> <li>• Promote sustainable economic development;</li> <li>• Enable the UK to move towards a low-carbon economy, in order to mitigate the causes of climate change;</li> <li>• Ensure a sustainable marine environment which promotes healthy, functioning marine eco-systems and protects marine</li> </ul>	<p>The Project supports two of the strategic objectives of the Marine Policy Statement. Firstly, Section 17 - Offshore Socio-Economics and Section 28 -Onshore Socio-Economics have estimated that during the construction of the Project and its associated infrastructure, approximately 850 direct jobs would be created. In addition, through an increase in demand for local services e.g. shops, accommodation etc, a number of indirect employment opportunities would also be generated. Therefore, the Project is helping to support sustainable economic growth.</p> <p>Secondly, through the generation of up to 700MW of zero carbon energy per annum, which would reduce the demand for the use of fossil fuels such as coal and gas, the Project would reduce carbon dioxide emissions and therefore, make a positive contribution to minimising one of the major causes of climate change.</p> <p>In response to the remaining two strategic objectives of the</p>

Document	Policy Summary	Policy Assessment
	<p>habitats, species and our heritage assets; and</p> <ul style="list-style-type: none"> <li>Contribute to the societal benefits of the marine area, including the sustainable use of marine resources to address local social and economic issues.</li> </ul> <p>The document recognises that the marine environment will make an increasingly major contribution to the provision of the UK’s energy supply and distribution. It indicates that contributing to securing the UK’s energy objectives, while protecting the environment will be a priority for marine planning.</p> <p>The MPS also acknowledges that offshore wind is expected to provide the largest single renewable energy contribution as we move towards 2020 and beyond.</p> <p>The document highlights that the potential benefits and adverse effects of renewable energy developments will vary greatly depending for example, on the technology type and their size, structure and geographical location.</p>	<p>Marine Policy Statement which are seeking to protect the marine environment for habitats, species, heritage assets and human users, this ES has identified that for some environmental topics such as benthos and sediment quality, and marine archaeology, during the construction, operation and decommissioning of the Project there would be no adverse, residual impacts. Conversely, for other Sections such as Section 8 -Fish and Shellfish Ecology and Section 14 - Shipping and Navigation, some moderate and major/moderate adverse, residual impacts have been identified. In the context of the scale and characteristics of the Project, this level of impact is not unexpected. However, they should be considered alongside the positive impacts of the project that have been identified in this ES e.g. job creation and community investment, and the wider carbon reduction (see Section 30 – Carbon Balance) and energy generation benefits that would be secured. Therefore, on balance it can be concluded that the Project does not conflict with the strategic objectives of the Marine Policy Statement.</p>
<p><b>UK National Infrastructure Plan 2011</b></p>	<p>Paragraph 1.1 of the National Infrastructure Plan recognises that safe, reliable and efficient infrastructure networks form the backbone of every modern economy. In particular, evidence shows that investing in economic infrastructure is important for growth and that, for example, building better energy generation capacity can have a stronger, positive effect on GDP per capita than other forms of investment.</p> <p>With specific reference to renewable energy (Paragraphs 3.85 – 3.87), the document refers to the Renewable Energy Roadmap (July</p>	<p>Although no estimation has been undertaken of the potential positive impact that the Project and other alternative energy generating projects could have on GDP per capita, Section 17 - Offshore Socio-Economics and Section 28 -Onshore Socio-Economics have identified that the Project would generate some minor beneficial local employment and economy and community investment impacts. In particular, during the construction of the onshore works, 350 direct jobs are expected to be created. For the offshore element of the project, it is predicted that there would be an additional 500 direct employment opportunities during the construction phase and between 65 and 85 once the</p>

Document	Policy Summary	Policy Assessment
	<p>2011), which lays out a plan of action for Governments across the UK to further accelerate renewables deployment, drive innovation and reduce the costs of renewables to ensure value for money for the consumer. In particular, the Government will:</p> <ul style="list-style-type: none"> <li>• Provide stable financial support for renewable technologies;</li> <li>• Unlock barriers to the deployment of renewable technologies; and</li> <li>• Support innovation and supply chain development in the renewable industry.</li> </ul> <p>In terms of Government priorities for the wind energy sector, Appendix C indicates that there is a commitment to working with the industry to resolve radar interference issues holding up wind farm developments, through an ongoing programme of work through 2012. In particular, this will be achieved by working closely with the wind industry to agree a plan of work to develop generic aviation mitigation solutions for defence radar, which can resolve objections holding up wind farms in development or awaiting construction.</p>	<p>wind farm becomes operational. In addition, it is predicted that indirectly, the local economy would also be stimulated as a result of an increase in the demand for local services. Therefore, it can be concluded that the Project supports the economic growth objectives of the National Infrastructure Plan.</p>
<p><b>National Planning Policy Framework (March 2012)</b></p>	<p>The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions.</p> <p>Paragraph 6 of the NPPF indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-</p>	<p>The Project supports objective 1 of the NPPF because it would help to stimulate the economy whilst also making a positive contribution to reducing the UK’s carbon dioxide emissions. For example, Section 30 -Carbon Lifecycle and Balance of this ES has estimated that the Project will, relative to the current UK electricity generation mix, save the greenhouse gas emissions that result from its lifecycle within a year of starting operation, and go on to result in the avoidance of millions of tonnes of greenhouse gas emissions over 25-year design life.</p> <p>In addition, the Project would help to support a strong and</p>

Document	Policy Summary	Policy Assessment
	<p>making and decision-taking.</p> <p>The NPPF is split into those objectives that are key in delivering sustainable development. Those that are relevant to the Project are considered in more detail below:</p> <p><b>1. Building a strong, competitive economy</b></p> <p>The document states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. In particular, planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system (paragraphs 18-22).</p> <p><b>4. Promoting sustainable transport</b></p> <p>With respect to transport, the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:</p> <ul style="list-style-type: none"> <li>• Safe and suitable access to the site can be achieved for all people; and</li> <li>• Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development (paragraphs 29-41).</li> </ul>	<p>prosperous economy through the generation of approximately 850 direct jobs during the construction period and between 65 and 85 once the wind farm becomes operational.</p> <p>Section 29 -Transport of this ES concludes that during both the construction and operation of the onshore elements of the Project, with the implementation of mitigation measures there would be no significant effects on:</p> <ul style="list-style-type: none"> <li>• Severance;</li> <li>• Pedestrian delay;</li> <li>• Congestion and driver delay; and</li> <li>• Road safety.</li> </ul> <p>A Travel Plan will be implemented, sitting with an overarching Traffic Management Plan, which would encourage the use of more sustainable forms of transport. Therefore, it can be concluded that the Project does not conflict with the objective 4 of the NPPF.</p> <p>In response to objective 7 of the NPPF, Section 3 -Alternatives demonstrates that following the award of Zone 6 to E.ON, a detailed design process was undertaken where a variety of options were considered for the potential location of the turbines, the methods for connecting to the grid, the location of potential landfall sites, alignments for the cable corridor and onshore substation siting. As part of this exercise, detailed environmental constraints mapping was undertaken to identify sensitive environmental receptors e.g. presence of international designations, such as Special Protection Areas, and any technical and engineering or commercial constraints.</p>

Document	Policy Summary	Policy Assessment
	<p><b>7. Requiring good design</b></p> <p>The NPPF indicates that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (Paragraphs 56-62).</p> <p><b>8. Promoting healthy communities</b></p> <p>Paragraph 73 of the document states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. In particular, existing open space, sports and recreational buildings and land should not be built on unless:</p> <ul style="list-style-type: none"> <li>• An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or</li> <li>• The loss resulting from the Project would be replaced by equivalent or better provision in terms of quantity, quality in a suitable location.</li> </ul> <p>In addition to the above, planning policies should protect and enhance public rights of way and access (Paragraphs 69-78).</p> <p><b>10. Meeting the challenge of climate change, flooding and coastal change</b></p> <p>The document indicates that planning plays a key role in helping shape places to secure radical reductions in greenhouse emissions,</p>	<p>In the context of the evidence presented above and in Section 3 of this ES, it can be concluded that the final scheme was selected following a detailed design process which involved the consideration of a number of alternatives and which sought to actively respond to the presence of a variety of factors. Therefore, it represents an appropriate solution for the constraints that were identified. On this basis, it can be concluded that the Project does not conflict with objective 7 of the NPPF.</p> <p>Section 28 -Onshore Socio-Economics of this ES has revealed that following the implementation of appropriate mitigation measures, during the construction of the landfall, cable route and substation there would be:</p> <ul style="list-style-type: none"> <li>• Minor beneficial impacts on employment and local businesses during construction;</li> <li>• A negligible impact on community facilities such as the Brooklands Pleasure Park and golf course;</li> <li>• Moderate adverse impacts on the users of National Trails e.g. South Downs Way, as a result of temporary closure and/or diversion;</li> <li>• Minor adverse impacts on the users of Public Rights of Way (PRoW) from temporary closure and/or temporary diversion; and</li> <li>• A negligible impact on the users of Open Access Areas.</li> </ul> <p>In addition, it is anticipated that there would be a permanent, minor adverse impact on users of some PRoW, as a result of their permanent diversion relating to the siting of the onshore substation.</p>

Document	Policy Summary	Policy Assessment
	<p>minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.</p> <p>When determining planning applications, local planning authorities should:</p> <ul style="list-style-type: none"> <li>• Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and</li> <li>• Approve the application if its impacts are (or can be made) acceptable.</li> </ul> <p>In addition, Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.</p> <p>Paragraph 105 of the NPPF indicates that in coastal areas, local planning authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes. (Paragraphs 93-108)</p>	<p>Given that the majority of the identified impacts are minor in nature and would only be experienced over a limited period of time, it can be concluded that on balance, the Project does not conflict with the NPPF’s objective of promoting healthy communities.</p> <p>In response to objective 10 of the NPPF, Section 30 -Carbon Lifecycle and Balance of this ES has estimated that the Project will, relative to the current UK electricity generation mix, save the greenhouse gas emissions that result from its lifecycle within a year of starting operation, and go on to result in the avoidance of millions of tonnes of greenhouse gas emissions over its 25-year design life.</p> <p>With respect to impacts on flooding and coastal change, Section 23 -Surface Water, Hydrology and Flood Risk of this ES has concluded that during the construction of the onshore cable route and substation, as a worst-case there is the potential for moderate adverse, residual impacts on surface water hydrology and groundwater, as a result of physical damage to watercourses and pollution risks. However, any identified impacts would be short-term in nature and restricted to the temporary construction period.</p> <p>Once the proposed cable route and substation become operational, it is expected that any surface water and flood risk residual impacts would be have a minor adverse impact as a worst-case.</p>

Document	Policy Summary	Policy Assessment
	<p><b>11. Conserving and enhancing the natural environment</b></p> <p>The NPPF states that the planning system should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> <li>• Protecting and enhancing valued landscapes, geological conservation interests and soils;</li> <li>• Recognising the wider benefits of ecosystem services;</li> <li>• Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</li> <li>• Preventing both new development and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and</li> <li>• Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</li> </ul> <p>The document indicates that great weight should be given to conserving landscape and scenic beauty in National Parks and Areas of Outstanding National Beauty, which have the highest status of protection in relation to landscape and scenic beauty.</p> <p>Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:</p> <ul style="list-style-type: none"> <li>• If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less</li> </ul>	<p>In response to objective 11 of the NPPF, Section 24 -Ecology of this ES has concluded that during the construction of the onshore elements of the Project it is anticipated that there would be number of significant adverse and beneficial ecological impacts. As a worst case, it is predicted that as a result of habitat loss, for calcareous grassland there would be a significant adverse temporary impact at the county level. In contrast, the ES has also revealed that there would be a significant beneficial impact at the county level on the Old Erringham Farm Valley and Road Cutting Site of Nature Conservation Importance, due to the reinstatement of derelict ponds.</p> <p>With regards to the impacts of the landfall, cable route and substation on ground conditions, Section 22 -Ground Conditions of this ES has concluded that as a worst-case, during the construction period there is the potential for some minor/moderate adverse impacts on soils, minor adverse impacts on geology, major to major/moderate adverse impacts on hydrogeology and major to minor adverse impacts on contaminated land.</p> <p>From a noise perspective, Section 27 - Noise and Vibration of this ES has indicated that during the construction period, as a worst-case any noise impacts would be minor adverse. Once operational, it is predicted that at all of the surveyed locations, the residual noise levels from the onshore substation would result in a minor impact.</p> <p>In response to the aim of protecting and enhancing valued landscapes, Section 26 -Landscape and Visual Impact of this ES has</p>

Document	Policy Summary	Policy Assessment
	<p>harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <ul style="list-style-type: none"> <li>• Project on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted; and</li> <li>• Opportunities to incorporate biodiversity in and around developments should be encouraged.</li> </ul> <p>In relation to noise impacts, the NPPF indicates that planning decisions should aim to:</p> <ul style="list-style-type: none"> <li>• Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and</li> <li>• Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions (Paragraphs 109-125).</li> </ul> <p><b>12. Conserving and enhancing the historic environment</b></p> <p>With regards to the historic environment, the NPPF states that local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. When considering the impact of a Project on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be.</p> <p>Where a Project will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities</p>	<p>assessed the landscape and visual impacts of the proposed cable route and substation, in the 15<sup>th</sup> year following the completion of the construction. This has concluded that following the implementation of appropriate mitigation and reinstatement measures, the cable route would have a neutral impact on both landscape character and the visual environment. For the proposed substation, in year 15 it is predicted that as a worst-case, any landscape character and visual residual impacts would be minor adverse.</p> <p>Section 12 -Seascape, Landscape and Visual Impact of this ES has assessed the visual, visual amenity and seascape / landscape impacts of the wind farm, which is located approximately 13km off the coast at its nearest landward point at Worthing. This has concluded that the turbines have the potential to generate:</p> <ul style="list-style-type: none"> <li>• Major visual effects on the character context of the elevated and coastline extents of the designated assets of the South Downs National Park and Sussex Heritage Coast;</li> <li>• Major to moderate effects on landscape character along coastal edges of the South Coast Plain and within elevated sections of South Downs Character Areas;</li> <li>• Major to major/moderate visual amenity effects for coastal and elevated inland vantage points in closest proximity to the northern boundary of the wind farm;</li> <li>• Major to major/moderate visual amenity effects on coast-facing residential properties in Worthing, Shoreham, Brighton, Hove, Woodingdean, Rottingdean, Saltdean, Peacehaven and Seaford; and</li> <li>• Major to major/moderate visual amenity effects on</li> </ul>



Document	Policy Summary	Policy Assessment
	<p>should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.</p> <p>Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (Paragraphs 126-141).</p>	<p>recreational receptors such as elevated parts of the South Downs and coastal clifftops, from beach locations and pier e.g. Brighton, and sea based views from recreational boats.</p> <p>In summary, in the context of the conclusions of this ES, it is evident that even after the implementation of appropriate mitigation measures, the Project has the potential to generate some major adverse impacts. On this basis, it can be concluded that to a certain extent, the Project does not comply with objective 11 of the NPPF. In this instance, a balanced judgement has to be made between those adverse, residual impacts that have been identified within this ES, and the wider energy generation and carbon reduction savings that would be secured from this project if approved.</p> <p>In particular, Section 30 -Carbon Lifecycle and Balance of this ES has estimated that the Project will, relative to the current UK electricity generation mix, save the greenhouse gas emissions that result from its lifecycle within a year of starting operation, and go on to result in the avoidance of millions of tonnes of greenhouse gas emissions over its 25-year design life. When this is considered alongside the positive contribution that the project would make to helping the UK to meet the renewable energy targets set by the EU and securing energy supplies, it can be concluded that these adverse residual impacts are overridden by the wider benefits of the Project.</p> <p>The Project complies with objective 12 of the NPPF because Section 25 -Archaeology and Cultural Heritage of this ES has concluded that following the implementation of appropriate</p>

Document	Policy Summary	Policy Assessment
		<p>mitigation measures and the completion of a programme of post excavation assessment and publication, there would be no residual physical impacts on any archaeological or cultural heritage receptors.</p> <p>Visual impacts to designated heritage assets are predicted as a result of the operational phase of the offshore wind farm however, any impacts would not be significant and upon decommissioning, any visibility/impacts would be fully reversed.</p>
<p><b>Technical Guidance to the National Planning Policy Framework (March 2012)</b></p>	<p>This document provides additional guidance to local planning authorities to ensure the effective implementation of the planning policy set out in the NPPF on development in areas at risk of flooding and in relation to mineral extraction.</p> <p>In relation to flood risk, Paragraph 2 of the technical guidance reconfirms that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.</p> <p>The document states that the overall aim should be to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, local planning authorities allocating land in local plans or determining planning applications for development at any particular location should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no sites reasonably available sites in Flood Zones 1 and 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception test if required (Paragraph 5).</p>	<p>As part of Appendix 23 of this ES, standalone Flood Risk Assessments (FRA) have been prepared for the onshore cable route and the onshore substation.</p> <p>The FRA for the onshore cable route has concluded that following the implementation of the identified mitigation measures, the installation of the cable route would pose little threat to the existing hydrology of the area. Furthermore, once operational there would be no impact on the hydrology of the watercourses along the route.</p> <p>The FRA prepared for the substation site reveals this is located wholly within Flood Zone 1. The document has investigated other potential sources of flood risk and has concluded that the risks to the site remain low. In the context of this evidence, it can be concluded that the onshore cable route and the substation site do not conflict with the objectives of the NPPF Technical Guidance.</p>

Document	Policy Summary	Policy Assessment
	<p>Paragraph 9 of the guidance indicates that local planning authorities should only consider development in flood risk areas appropriate where informed by a site-specific flood risk assessment. This should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed so that the development remains safe throughout its lifetime, taking climate change into account.</p> <p>The documents also highlights that it is the responsibility of those planning development to fully assess flood risk, propose measures to mitigate it and demonstrate that any residual risks can be safely managed. Flood resistance and resilience measures should not be used to justify development in inappropriate locations (Paragraph 16).</p>	

---

### **4.3 Regional Planning Policy**

---

- 4.3.1 Regional planning policy that is relevant to the Project consists of the adopted West Sussex Structure Plan and the adopted South East Plan.
- 4.3.2 Through the Localism Act 2011, the Coalition Government is seeking to abolish all Regional Spatial Strategies (RSS), including the South East Plan. However, this process is subject to the outcome of a Strategic Environmental Assessment (SEA) that has been prepared for each RSS, and any revocation will not be undertaken until the Secretary of State and Parliament have had the opportunity to consider the findings of this assessment. The Environmental Report on the revocation of the South East Plan was published for consultation on 20 October 2011, with all comments to be submitted by 20 January 2012. However, following a detailed review by the Government the Environmental Report was judged to be inadequate and a second SEA has been undertaken, with the corresponding Environmental Report due to be published in 2013. This will be followed by an eight-week consultation period. In this interim period, the South East Plan continues to be part of the 'Development Plan' and is therefore material to decisions on individual planning applications and appeals.
- 4.3.3 Table 4.2 below considers the extent to which the Project complies with the relevant policies in the West Sussex Structure Plan and the South East Plan.

**Table 4-2: Regional Planning Policy Framework**

Document	Policy Summary	Policy Assessment
<p><b>West Sussex Structure Plan 2001 – 2016 (February 2005)</b></p>	<p>Although the West Sussex Structure Plan no longer has any formal status, it remains West Sussex County Council’s strategic policy statement on development into the future.</p> <p>Policy CH7 (Archaeology) indicates that development should not be permitted unless the archaeological heritage of West Sussex is protected and preserved, and, where possible, opportunities are taken to promote the educational and amenity value of sites and areas.</p> <p>Policy ERA2 (Nature Conservation) states that development should not be permitted unless the wide range of habitats, species and geological features of the County will be protected, conserved and where possible, enhanced particularly through long-term management mechanisms and habitat creation schemes. A particularly high level of protection should be afforded to sites and features of national and international importance.</p> <p>Policy ERA3 (The Coast) indicates that development should not be permitted unless the distinctive character and resources of the County’s coast and coastal waters will be conserved and where possible, enhanced taking into account the impact on the landscape, heritage, the environment, coastal processes, nature conservation, recreation and economic interests. Development on the coast outside built-up areas should not be permitted unless there is demonstrable need for a coastal</p>	<p>The Project complies with Policy CH7 in the West Sussex Structure Plan because as identified in Section 25 -Archaeology and Cultural Heritage of this ES, following the implementation of the identified mitigation measures and the completion of an appropriate programme of post excavation assessment and publication, there would be no residual physical impacts on any archaeological or cultural heritage receptors. In particular, as the Project is not proposed within the setting of any heritage assets, no significant adverse impacts to heritage assets have been identified in Section 25.</p> <p>In relation to Policy ERA2, Section 24 -Ecology of this ES has identified that as a worst case, there is the potential for some significant adverse impacts at the County level during the construction period, associated with the loss of calcicolous grassland. However, it is also anticipated that there would be some significant beneficial impacts at the County level associated with ecological improvements to the Old Erringham Farm Valley Site of Nature Conservation Importance. Therefore, on balance, it can be concluded that the Project does not conflict with the objectives of Policy ERA2.</p> <p>In response to the requirements of Policy ERA3, this ES has demonstrated that the Project has the potential to generate some adverse impacts on the coastal environment. For example, Section 12 -Seascape, Landscape and Visual Impact has identified that the wind farm would generate some major/moderate to moderate landscape character impacts on designated heritage assets such as the South Downs National Park. Major/moderate to moderate adverse visual amenity impacts have also been identified on coastal-facing</p>

Document	Policy Summary	Policy Assessment
	<p>location and it cannot be located elsewhere.</p> <p>Policy ERA4 (Flooding and Coastal Defence) highlights that development should not be permitted in areas at risk or potential risk of fluvial or coastal flooding or where it would increase the flood risk elsewhere. Development should not be permitted where it would adversely affect the integrity of functional floodplains, or flood protection, or coastal defence measures. Development should not be permitted where there is a risk of potential risk to people and property from other natural causes including storm, erosion and land instability.</p> <p>Policy ERA5 (Air, Soil and Water) indicates that development should not be permitted unless the quality of, and where appropriate the quantity of, the air, soil and water resources of the County will be protected and where possible, enhanced.</p> <p>Policy ERA7 (Energy Generation) states that development of economically viable energy generation and supply should be permitted provided that it will contribute to the diversity, security and sustainability of energy supply and the reduced emissions of pollutions, and that the impact on the environment is acceptable.</p>	<p>properties in a number of locations, including Worthing, Shoreham and Brighton. Section 19 -Other Marine Users has identified that for some users of the coast such as surfers, the Project has the potential to generate some moderate adverse residual impacts.</p> <p>Although the Project does not fully comply with Policy ERA3, it is important to point out that through the generation of direct and indirect employment opportunities, the Project would improve economic interests in the coastal environment. When this is considered in combination with the wider carbon reduction and energy generation benefits associated with the project, it can be concluded that any conflict with Policy ERA3 is insignificant.</p> <p>The Project does not conflict with the objectives of Policy ERA4 because the Flood Risk Assessments that have been prepared for the onshore cable route and the substation site have concluded that following the implementation of appropriate mitigation measures there would be minimal impacts to the hydrology of the area.</p> <p>When the Project is assessed against the requirements of Policy ERA7 it can be concluded that from an air, soil and water quality perspective, Sections 21Air Quality, 22 -Ground Conditions and 23 - Surface Water, Hydrology and Flood Risk of this ES have identified that during the construction of the cable route and substation, as a worst-case there is the potential for some major to moderate adverse residual impacts. Once this associated development becomes operational, the majority of residual impacts are predicted to be minor. In summary, although some major to moderate adverse impacts have been identified, these would largely only be experienced for a temporary period (no longer than 28 months) whilst the cable</p>

Document	Policy Summary	Policy Assessment
		<p>route and substation are being constructed. Therefore, it can be concluded that the Project does not conflict with the objectives of Policy ERA5.</p> <p>The Project supports Policy ERA7 because it has the potential to generate up to 700MW of clean energy every year. Once operational, this project would play an important role in helping to secure and diversify the UK's energy supplies.</p>
<p><b>South East Regional Spatial Strategy</b></p>	<p>The South East Plan sets out the long-term spatial planning framework for the region over the years 2006-2026. The plan is a key tool to help achieve more sustainable development, protect the environment and combat climate change.</p> <p>C2 (South Downs) indicates that pending the final approval of the South Downs National Park, the purposes of its designation should be a material planning consideration in the making of any planning decision that may significantly affect the Park.</p> <p>Policy CC1 (Sustainable Development) states that the principal objective of the Plan is to achieve and maintain sustainable development in the region. These are identified as:</p> <ul style="list-style-type: none"> <li>• Achieving sustainable levels of resource use;</li> <li>• Ensuring the physical and natural environment of the South East is conserved and enhanced;</li> <li>• Reducing greenhouse gas emissions associated with the region; and</li> <li>• Ensuring that the South East is prepared for the inevitable impacts of climate change.</li> </ul>	<p>In response to Policy C2 of the South East RSS, the ES has identified that during the construction of the cable route and substation, there is the potential for some adverse residual impacts on the South Downs National Park associated with habitat loss and the diversion of recreational routes. However, these impacts would only be experienced over a temporary period. Once the wind farm and its associated development becomes operational, any adverse impacts on the National Park would be restricted to major to moderate visual effects on the landscape character of the area from the turbines. When these impacts are considered in the context of the wider carbon reduction and energy generation benefits of the Project, it can be concluded that on balance, any conflict with Policy C2 is acceptable.</p> <p>The Project performs strongly against the sustainable development and climate change objectives contained in Policies CC1 and CC2. For example, although some adverse environmental impacts have been identified within this ES, In particular, Section 30 -Carbon Lifecycle and Balance of this ES has estimated that the Project will, relative to the current UK electricity generation mix, save the greenhouse gas emissions that result from its lifecycle within a year of starting operation, and go on to result in the avoidance of millions of tonnes of greenhouse gas emissions over its 25-year design life. This would</p>

Document	Policy Summary	Policy Assessment
	<p>Policy CC2 (Climate Change) outlines that measures to mitigate and adapt to current and forecast effects of climate change will be implemented through application of local planning policy and other mechanisms. In addition, regional and local authorities, agencies and others will include policies and proposals in their plans to help reduce the region’s carbon dioxide emissions by at least 20% below 1990 levels by 2010, by at least 25% below 1990 levels by 2015 and by 80% by 2050. This will be achieved by a number of measures, including encouraging the development of renewable energy.</p> <p>Policy NRM4 (Sustainable Flood Risk Management) indicates that the sequential approach to development in flood risk areas set out in PPS25 will be followed. In particular, inappropriate development should not be allocated or permitted in flood zones 2 and 3, areas at risk of surface water flooding (critical drainage areas) or areas with a history of groundwater flooding, or where it would increase flood risk elsewhere, unless there is overriding need and the absence of suitable alternatives.</p> <p>Policy NRM5 (Conservation and Improvement of Biodiversity) states that Local Planning Authorities and other bodies shall avoid a net loss of biodiversity and actively pursue opportunities to achieve a net gain across the region. In particular, they should avoid damage to nationally important sites of special scientific interest and seek to ensure that damage to county wildlife sites and locally important wildlife and geological sites is avoided, including additional areas outside the boundaries of European sites where these support</p>	<p>make a positive contribution to the UK’s carbon reduction targets. In addition, through the generation of up to 2.2TWh of clean electricity every year, the Project would support the South East’s renewable energy objectives.</p> <p>It can be concluded that the Project does not conflict with the objectives of Policy NRM4, as the Flood Risk Assessment (FRA) that has been prepared for the substation site has concluded that the site is wholly located in Flood Zone 1. The FRA has also carried out investigations into other sources of potential flood risk and concluded that the risk remains low.</p> <p>For the proposed cable route, the FRA has concluded that during construction, it would pose little threat to the existing hydrology of the area; and once operational, there would be no impacts.</p> <p>In response to Policy NRM5, Section 24 -Ecology of this ES has concluded that during the construction period the Project has the potential to generate some significant adverse impacts at the site, local, district and county level. In contrast, some significant beneficial ecological impacts have also been identified at the site, local and county level. Although Section 24 has identified a greater range of adverse impacts, it is important to point out that all of these impacts are associated with the temporary construction period, and that no adverse impacts have been identified during the operation or decommissioning of the associated development. Therefore, on balance it can be concluded that the Project does not conflict with the objectives of NRM5.</p> <p>Through the generation of up to 2.2TWh of electricity per annum, the</p>



Document	Policy Summary	Policy Assessment
	<p>the species for which that site has been selected.</p> <p>Policy NRM13 (Regional Renewable Energy Targets) sets a target that by 2026, 1750 megawatts of electricity, representing 16% of capacity, should come from renewable sources. The policy also states that the renewable energy resources with the greatest potential for electricity generation are onshore and offshore wind, biomass and solar.</p> <p>Policy NRM15 (Location of Renewable Energy Development) indicates that renewable energy development, particularly wind and biomass, should be located and designed to minimise adverse impacts on landscape, wildlife, heritage assets and amenity. Outside of urban areas, priority should be given to development in less sensitive parts of the countryside and coast. Policy NRM15 also highlights that the location and design of all renewable energy projects should be informed by a landscape character assessment where necessary. Within areas of protected and sensitive landscapes such as National Parks, development should generally be of small-scale or community-based.</p> <p>Policy NRM16 (Renewable Energy Development Criteria) states that through their local development frameworks and decisions, local authorities should in principle, support the development of renewable energy.</p> <p>Policy C4 (Landscape &amp; Countryside Management) indicates that outside of nationally designated landscapes, positive and high quality management of the region's open countryside will</p>	<p>Project makes a positive contribution to the renewable energy targets and objectives in Policies NRM13 and NRM16. As an offshore wind farm, the Project also represents the type of project that this Policy is seeking to promote.</p> <p>Although the proposed Project is located approximately 13km offshore, its associated development (landfall, cable route and substation) is located on the land. This ES has concluded that during construction this infrastructure has the potential to generate some adverse environmental impacts. However, these impacts would be restricted to a temporary period (no longer than 28 months). Any adverse impacts that have been identified after this time would as a worst-case be minor. Therefore, on balance it can be concluded that Project does not conflict with the objectives in Policy NRM15.</p> <p>In response to the objectives identified in Policy C4 to protect and enhance the diversity and local distinctiveness of the region's landscape, Section 26 - Landscape and Visual Impact of this ES has concluded that following the implementation of appropriate mitigation and reinstatement measures, the cable route would have a neutral impact on both landscape character and the visual environment.</p> <p>For the substation, in the 15<sup>th</sup> year following its construction it is predicted that as a worst-case, any landscape character and visual residual impacts would be minor adverse.</p> <p>With respect to the landscape and visual amenity impacts of the proposed wind turbines, Section 12 -Seascape, Landscape and Visual Impact of this ES has identified the potential for some major and</p>

Document	Policy Summary	Policy Assessment
	<p>be encouraged and supported. In particular, planning authorities and other agencies in their plans and programmes should recognise, and aim to protect and enhance, the diversity and local distinctiveness of the region’s landscape, informed by landscape character assessment.</p>	<p>major to moderate residual impacts on designated assets such as the South Down National Park. However, these impacts should be considered against the minimal landscape and visual disruption that would be experienced from the onshore elements and the wider carbon reduction and renewable energy generation benefits of the Project.</p>

---

## 4.4 Local Planning Policy Framework

---

- 4.4.1 The Planning and Compulsory Purchase Act 2004 introduced a requirement for all Local Planning Authorities in England to prepare a Local Development Framework (LDF) for their area to replace existing Local Plans. The LDF consists of a suite of Development Plan Documents (DPDs) that have to be prepared, including:
- Core Strategy;
  - Site Allocations;
  - Area Action Plan(s); and
  - Proposals Map
- 4.4.2 In addition, more specific guidance can be prepared in the form of non-statutory Supplementary Planning Documents.
- 4.4.3 Due to delays associated with the production of the LDFs, in a number of Local Planning Authority areas a significant proportion of the policies in the Local Plans have been 'saved' until further notice. Therefore, they will remain valid until the relevant DPDs have been adopted.
- 4.4.4 The onshore components of the Project (including the landfall, onshore cable route and substation) are located within the following Local Authority Areas (see Figure 4.1):
- Adur and Worthing Councils;
  - Horsham District Council; and
  - Mid Sussex District Council.
- 4.4.5 It should also be noted that part of the onshore cable route falls within the boundaries of the South Downs National Park. The South Downs National Park Authority (SDNPA) is the statutory Planning Authority for the National Park area. The role of the SDNPA is to control and influence the development of land and buildings within its boundaries. The SDNPA has agreed and implemented partnerships with the 15 Local Authorities operating within the Park boundaries, working alongside and overseeing applications to ensure that planning guidelines are adhered to.
- 4.4.6 The Shoreham Harbour Regeneration Joint Area Action Plan (JAAP) is expected to be published in draft form in early 2013. It has therefore been excluded from further consideration below.
- 4.4.7 Table 4.3 below considers the extent to which the Project complies with the relevant policies in the various Local Plans and Development Plan Documents.

**Table 4-3: Local Planning Policy Framework**

Document	Policy Summary	Policy Assessment
<b>Worthing Local Plan (2003)</b>	<p>The Worthing Local Plan, which was adopted in 2003, has been superseded by the Worthing Core Strategy, with the exception of 16 Policies, which are still valid and sit alongside the Core Strategy. The only 'saved' Policy that is relevant to the Project is LR4 (Brooklands), which states that development in the Brooklands area will not normally be permitted unless all of the following criteria are met:</p> <ul style="list-style-type: none"> <li>• Development is for recreation and/or landscape enhancement purposes;</li> <li>• There is no significant adverse impacts on nearby residents;</li> <li>• Adequate investigations and measures have been taken to deal with contaminated land and potential for landfill gas emissions; and</li> <li>• The proposal complies with all other relevant policies.</li> </ul>	<p>It is proposed that the onshore cables will interface with the offshore cables at Brooklands Pleasure Park. The cables will cross this facility and the associated golf course. Section 28 - Onshore Socio-Economics of this ES has concluded that there would be temporary disruption to the users of these facilities, but that following the implementation of appropriate mitigation measures any residual impacts would be negligible. Therefore, it can be concluded that the Project does not conflict with the objectives of Policy LR4.</p>
<b>Worthing Core Strategy (2011)</b>	<p>The Worthing Core Strategy was formally adopted in April 2011. It is a strategic document that provides broad guidance on the scale and distribution of development and the provision of supporting infrastructure.</p> <p>Strategic Objective 1 (Protect the Natural Environment and Address Climate Change) states that the overarching principle of the LDF is that the Borough's future will need to be sustainable. Development will give due regard to mitigating and adapting to the adverse impacts of climate change. In addition, new development will be expected to avoid or, where not practical, mitigate any adverse impacts on flora and fauna and environmentally sensitive areas.</p>	<p>Although this ES has concluded that the Project would generate some adverse, residual impacts, when this is considered alongside the wider carbon reduction benefits of the project that have been identified in Section 30 -Carbon Lifecycle and Balance, it can be concluded that on balance, the Project does not conflict with Strategic Objective 1.</p> <p>In response to the objectives in Policy 11, Section 28 -Onshore Socio-Economics of the ES has concluded that during the construction period, the associated development works have the potential to generate some moderate adverse residual impacts on users of National Trails; and some minor adverse residual impacts on users of Public Rights of Way (PRoW). However, any</p>

Document	Policy Summary	Policy Assessment
	<p>Policy 11 (Protecting and Enhancing Recreation and Community Uses) indicates that indoor and outdoor recreation facilities, open spaces, cultural and community facilities contribute to the well being of residents, workers and visitors. Development will not be permitted which would lead to the loss of, or prejudice the use of, land / premises used for community purposes unless:</p> <ul style="list-style-type: none"> <li>• The land / premises and their location are unsuitable for such uses;</li> <li>• Adequate alternative accommodation is available locally that is as accessible and at least equivalent in terms of quality;</li> <li>• Replacement facilities are proposed; and</li> <li>• It has been demonstrated that there is no need for the existing use and that the potential to deliver an alternative community use where there is an identified need has been explored.</li> </ul> <p>Policy 13 (The Natural Environment and Landscape Character) requires that all new development will respect the biodiversity and natural environment that surrounds the development and will contribute to the protection and where applicable, the enhancement of the area. New development along the seafront will be designed to incorporate measures, which will limit any adverse impacts on the coastal and marine environment.</p> <p>Policy 15 (Flood Risk and Sustainable Water Management) states that to avoid development in areas at current or future risk from flooding new development will be assessed for flood risk during</p>	<p>impacts would be temporary in nature and restricted to the construction period. Once operational, any adverse impact would be minor in nature and be associated with the permanent diversion of a PRoW. In the context of the limited number of permanent adverse recreational impacts and the wider benefits of the project it can be concluded that there is no conflict with Policy 11.</p> <p>With respect to Policy 13, this ES has identified that the Project has the potential to generate some adverse environmental and landscape character impacts. However, it is important to recognise that a significant proportion of these impacts are only applicable to the construction period, which is restricted to approximately 24 months (and no longer than 28-months) period. In addition, when the wider environmental benefits of the project are taken into consideration, such as the carbon reductions savings identified in Section 30 -Carbon Lifecycle and Balance, it can be concluded that any conflicts with Policy 13 are acceptable.</p> <p>The Project does not conflict with the objectives of Policy 15 because as previously identified, the Flood Risk Assessment (FRA) that has been prepared for the substation site has concluded that the site is wholly located in Flood Zone 1. The FRA has also carried out investigations into other sources of potential flood risk and concluded that the risk remains low.</p> <p>For the proposed cable route, the FRA that has been prepared concludes that during construction, it would pose little threat to the existing hydrology of the area; and once operational, there</p>

Document	Policy Summary	Policy Assessment
	<p>the planning process in accordance with PPS25. In particular, development will be directed away from areas of highest risk in accordance with the sequential test.</p>	<p>would be no impacts.</p>
<p><b>Adur District Local Plan</b></p>	<p>The Adur District Local Plan was adopted in 1996 and covers the period up to 2006. As the emerging Adur Local Plan is only in its early stages of preparation, a number of the policies in the Local Plan have been 'saved'. Those that are relevant to the Project are summarised below.</p> <p>A strategic aim of the Plan is to protect finite natural resources, encourage renewable energy developments, minimise pollution, and recognise the implications of global warming.</p> <p>In relation to the countryside, Policy AC1 (Development of the Countryside Generally) states that the Planning Authority will seek to protect the countryside for its own sake from development, which does not need a countryside location. Permission will not normally be granted for development outside the boundary of the built-up area unless it is for quiet recreation or related to the essential needs of agriculture, horticulture or forestry. Any development will need to be of a particularly high standard of design, must be in keeping with the locality and sited so as to minimise noise disturbance and visual intrusion.</p> <p>With respect to archaeology, Policy AB1 (Archaeology) highlights that in considering proposals for development, the District Planning Authority will ensure that wherever possible, the</p>	<p>In response to Policy AC1 of the Adur District Local Plan, it can be concluded that due to the locational constraints associated with the onshore cables, development will have to take place in the countryside. Although it is not related to agriculture, horticulture or forestry uses, it does represent essential infrastructure that is supporting a significant renewable energy project, which has the potential to generate significant environmental and economic benefits. Furthermore, although this ES has demonstrated that the onshore works would generate some adverse environmental impacts, the majority of these would be restricted to the temporary construction period. Once the land has been reinstated and the cable route becomes operational, any adverse impacts are expected to be minimal. On this basis, there is no conflict with Policy AC1.</p> <p>The Project supports the objectives of Policy AB1, because as identified in Section 25 -Archaeology and Cultural Heritage of this ES, following the implementation of the identified mitigation measures and the completion of an appropriate programme of post excavation assessment and publication, there would be no residual physical impacts on any archaeological or cultural heritage receptors. In particular, as the Project is not proposed within the setting of any heritage assets, no significant adverse impacts to heritage assets have been identified in Section 25.</p> <p>In response to Policy AB27, Section 26- Landscape and Visual</p>

Document	Policy Summary	Policy Assessment
	<p>preservation of archaeological features. In particular, it will safeguard the fabric and the setting of the archaeological features against damaging or discordant development and agree to the removal of such features only in compelling circumstances where there is no practical alternative and subject to adequate provision being made for their recording.</p> <p>Policy AB27 (Landscaping) states that planning permission for new development which could appropriately accommodate landscaping will only be granted subject to a scheme forming an integral part of the proposal and the scheme being appropriate to the coastal environment of Adur District, including the planting of predominantly native trees.</p>	<p>Impact of this ES has revealed that following the construction of the onshore cables, all areas of disturbed ground would be restored to their original levels and profiles using the stored subsoil and topsoil. Where there is the potential for disturbance to hedgerows, their removal would be kept to a practical minimum with replacements being planted and fenced off during the first planting season following construction.</p> <p>The landscaping proposals for the substation would involve the introduction of specimen trees and shrub planting in small groupings and linear belts within and around the sites to reflect existing vegetation patterns commonly found within the wider landscape. Planting will comprise native species, which would achieve a robust visual screen within approximately 8-10 years.</p> <p>On the basis of the evidence provided above, it can be concluded that the Project does not conflict with Policy AB27.</p>
<p><b>Emerging Adur Local Plan</b></p>	<p>Following the publication of draft NPPF in 2011, Adur Planning Committee made the decision to prepare a Local Plan for the District rather than a Core Strategy. It was also agreed that this would include the site allocations and development management policies.</p> <p>A first draft of the draft Local Plan has been published and was subject to a period of consultation between 19 September and 31 October 2013. A 'pre-submission' version will then be published in May-June 2013 at which point comments may only be made in relation to the soundness of the Local Plan.</p>	<p>N/A</p>

Document	Policy Summary	Policy Assessment
	<p>Although the recently-published Local Plan does contain some relevant draft policies, given their infancy they are likely to be subject to significant change as the document moves towards full adoption in April 2014. Therefore, no policy assessment has been undertaken.</p>	
<b>Horsham Core Strategy</b>	<p>In 2007, the Horsham Local Plan was completely replaced by the Horsham Local Development Framework, the key document of which is the Core Strategy. It sets out the key elements of the planning framework for the District, primarily over the period to the end of March 2018.</p> <p>The relevant policies in the adopted Core Strategy are summarised below:</p> <p>Policy CP1 (Landscape &amp; Townscape Character) of the Core Strategy states that the landscape character of the district, including the settlement pattern will be maintained and enhanced. Activities which may influence character should only take place where:</p> <ul style="list-style-type: none"> <li>• The landscape and townscape character is protected, conserved or enhanced;</li> <li>• Protected landscapes, habitats and species are properly protected, conserved and enhanced; and</li> <li>• The biodiversity of the District is preserved and enhanced.</li> </ul>	<p>The Project does not conflict with Policy CP1 of the Horsham Core Strategy as Section 26 - Landscape and Visual Impact of this ES has revealed that the onshore works (cable route and substation) would only generate minimal adverse residual impacts over a temporary period. Although Section 12 - Seascape, Landscape and Visual Impact has concluded that the wind turbines have the potential to create some major to moderate residual impacts on designated assets such as the South Down National Park, it can be concluded that these adverse impacts are outweighed by the wider carbon reduction and renewable energy generation benefits associated with the project.</p> <p>Although, this ES has identified that the Project has the potential to generate some adverse, residual impacts during both its construction and once it becomes operational, it would result in the generation of up to 2.1TWh of clean energy every year over its 25-year design life. Therefore, in the long term it can be concluded that the Project supports Policy CP2, as it would help to improve the quality of Horsham's natural environment.</p> <p>In response to Policy CP15, it can be concluded that although Section 20 -Agriculture and Soils of this ES has identified that the</p>



Document	Policy Summary	Policy Assessment
	<p>Policy CP2 (Environmental Quality) indicates that the high quality management of the District’s environment will be encouraged and supported through careful appraisal of development proposals to ensure that they provide for enhancement by:</p> <ul style="list-style-type: none"> <li>• Minimising the emission of pollutants, including noise, odour and light pollution, into the wider environment;</li> <li>• Having no adverse effects on water quality, reduce water consumption, reducing flood risk to new development and ensuring that flood risk to existing development is not increased; and</li> <li>• Minimising waste generation and the consumption and use of energy, including fossil fuels, and taking account of the potential to utilise renewable energy sources.</li> </ul> <p>Policy CP 15 (Rural Strategy) states that any development, which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle. Any development should be appropriate to the countryside location and should:</p> <ul style="list-style-type: none"> <li>• Contribute to the diverse and sustainable farming enterprises within the District, and contribute to the wider rural economy and / or promote recreation in, and the enjoyment of, the countryside; and</li> <li>• Result in substantial environmental improvement and reduce the impacts on the countryside.</li> </ul>	<p>construction of the proposed cable route has the potential to result in the loss and/or downgrading of the quality of agricultural land, and potentially disrupt agricultural activities, any impact would be temporary and restricted to the construction period. The only exception to this is the permanent loss of agricultural land associated with the substation. However, Section 20 has predicted that following the implementation of appropriate mitigation measures, as a worst-case the significance of any residual impact would be slight adverse.</p> <p>From an economic perspective, through the generation of approximately 850 construction-related jobs, the Project has the potential to boost economic activity in rural communities. Section 28 -Onshore Socio-Economics predicts that this would result in a minor beneficial impact. Therefore, on balance it can be concluded that the Project does not conflict with Policy CP15.</p>
<p><b>Horsham General Development Control</b></p>	<p>The General Development Control Policies Development Plan Document was adopted in December 2007 and sets out detailed policies against which individual planning applications will be</p>	<p>The Project does not conflict with Policy DC 1 because although it does not consist of an agricultural or forestry use, it represents essential infrastructure that requires a countryside location, due</p>

Document	Policy Summary	Policy Assessment
<p><b>Policies</b></p>	<p>assessed. It has been prepared to reflect the vision and spatial objectives of the Core Strategy.</p> <p>Those Policies that are relevant to the Project include:</p> <p>Policy DC 1 (Countryside Protection and Enhancement) states that outside built-up area boundaries, development will not be permitted unless it is considered essential to its countryside location and in addition, meets one of the following criteria:</p> <ul style="list-style-type: none"> <li>• Supports the needs of agriculture or forestry;</li> <li>• Enables the extraction of minerals or disposal of waste;</li> <li>• Provides for quiet, informal recreational use; or</li> <li>• Ensures the sustainable development of rural areas.</li> </ul> <p>Policy DC 2 (Landscape Character) indicates that development will be permitted where it protects and/or conserves and/or enhances the key characteristics of the landscape character area in which it is located, including:</p> <ul style="list-style-type: none"> <li>• The development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change;</li> <li>• The pattern of woodlands, fields, hedgerows, trees, waterbodies and other features; and</li> <li>• The topography of the area.</li> </ul> <p>Policy DC 5 (Biodiversity and Geology) highlights that development will not be permitted unless it includes measures</p>	<p>to the constraints associated with the location of the grid connection. Furthermore, Section 28 -Onshore Socio-Economics of this ES has concluded that through the generation of a significant number of direct and indirect employment opportunities, the Project supports sustainable rural economic growth.</p> <p>With respect to Policy DC2, Section 26 -Landscape and Visual Impact of this ES has revealed that the onshore works (cable route and substation) would only generate minimal adverse residual impacts over a temporary period. Although Section 12 - Seascape, Landscape and Visual Impact has concluded that the wind turbines have the potential to create some major to moderate residual impacts on designated assets such as the South Down National Park, it can be concluded that these adverse impacts are outweighed by the wider carbon reduction and renewable energy generation benefits associated with the project. Therefore, it can be concluded that any potential conflict with the objectives of Policy DC 2 are acceptable.</p> <p>Although Section 24 -Ecology of this ES has revealed that the Project has the potential to generate some significant adverse ecological impacts at the site, local, district and county level, it is important to point out that appropriate mitigation measures have been identified to minimise these adverse impacts and as a result, it is expected that there would also be some beneficial ecological impacts. Notwithstanding this, the wider environmental benefits that would be secured from this project, in terms of the significant green house gases emission savings, clearly outweigh any biodiversity and geology objectives at the local level. On this basis, it can be concluded that the Project</p>

Document	Policy Summary	Policy Assessment
	<p>to protect, conserve, or enhance the biodiversity of the District. In addition, within areas shown on the proposals map that are designated as being of importance for biodiversity or geology, development will not be permitted where there would be a direct or indirect adverse effect on the site unless it can clearly be demonstrated that:</p> <ul style="list-style-type: none"> <li>• The reason for the development clearly outweighs the need to protect the value of the site; and</li> <li>• That mitigation and compensation measures are provided.</li> </ul> <p>Policy DC 7 (Flooding) highlights that development will not be permitted where it would:</p> <ul style="list-style-type: none"> <li>• In accordance with the sequential test set out in Government guidance, be at risk from flooding;</li> <li>• Not incorporate appropriate mitigation measures to help limit any increase in the risk of flooding in adjacent or downstream areas; and</li> <li>• Not comply with the tests and recommendations set out in the Horsham District Strategic Flood Risk Assessment.</li> </ul> <p>Policy DC 8(b) (Renewable Energy and Climate Change) states that the Council will permit schemes for renewable energy where they do not have a significant adverse effect on landscape character, wildlife, areas of historical significance and amenity value.</p> <p>Policy DC 10 (Archaeology) indicates that planning permission will not be granted for proposals that would cause unacceptable harm to important archaeological sites or their setting. Where there is evidence that archaeological remains may exist on a</p>	<p>does not conflict with the objectives of Policy DC 5.</p> <p>The Project does not conflict with Policy DC 5 because, as previously identified, the Flood Risk Assessment (FRA) that has been prepared for the substation site has concluded that the site is wholly located in Flood Zone 1. The FRA has also carried out investigations into other sources of potential flood risk and concluded that the risk remains low.</p> <p>For the proposed cable route, the FRA that has been prepared concludes that during construction, it would pose little threat to the existing hydrology of the area; and once operational, there would be no impacts.</p> <p>In response to Policy DC 8(b), although this ES has concluded that the Project has the potential to generate some adverse environmental impacts during its construction and once it becomes operational, the wider renewable energy benefits of the project outweigh any identified detrimental impacts. In particular, Section 30 -Carbon Lifecycle and Balance) of this ES has estimated that the Project will, relative to the current UK electricity generation mix, save the greenhouse gas emissions that result from its lifecycle within a year of starting operation, and go on to result in the avoidance of millions of tonnes of greenhouse gas emissions over its 25-year design life. Therefore, on balance it can be concluded that the Project does not conflict with Policy DC 8(b).</p> <p>With respect to Policy DC 10, Section 25 -Archaeology and Cultural Heritage of this ES has revealed that following the</p>

Document	Policy Summary	Policy Assessment
	<p>site, the Council will require applicants to submit an archaeological assessment prior to the determination of the planning application.</p>	<p>implementation of the identified mitigation measures and the completion of an appropriate programme of post excavation assessment and publication, there would be no residual physical impacts on any archaeological or cultural heritage receptors. In particular, as the Project is not proposed within the setting of any heritage assets, no significant adverse impacts to heritage assets have been identified in Section 25. Therefore, the Project does not conflict with Policy DC 10.</p>
<p><b>Mid-Sussex Local Plan</b></p>	<p>The Mid-Sussex Local Plan was adopted in May 2004. In September 2007, the Government Office for South East confirmed that the majority of the Policies in the Plan had been saved indefinitely.</p> <p>Those saved Policies that are relevant to the Project are summarised below:</p> <p>In relation to the countryside, Policy C1 states that outside built-up area boundaries, the remainder of the Plan area is classified as a Countryside Area of Restraint where the countryside will be protected for its own sake. Proposals for development in the Countryside will be firmly resisted and restricted to:</p> <ul style="list-style-type: none"> <li>• Proposals for facilities which are essential to meet the needs of local communities, and which cannot be accommodated satisfactorily within built-up areas;</li> </ul> <p>With respect to biodiversity and trees, hedgerows and woodlands Policy C6 indicates that development resulting in the loss of woodlands, hedgerows and trees which are important in</p>	<p>The Project does not conflict with Policy C1 in the Mid-Sussex Local Plan because the onshore cables and substation represents essential infrastructure, which due to the presence of technical and locational constraints, cannot be sited outside of the Countryside Area of Constraint. Furthermore, if approved, the Project would help to meet the energy needs of the local community, at a time when security of supplies is being called into question.</p> <p>In relation to Policies C6 and C7, Section 24 –Ecology of this ES has concluded that the Project has the potential to generate some significant adverse environmental impacts due to the loss of habitats e.g. woodland, hedgerows, scrub etc. However, Sections 24 -Ecology and 26 -Landscape and Visual Impact both propose mitigation which has the potential to generate some beneficial impacts e.g. on the Old Erringham Farm Valley Site of Nature Conservation Importance. Therefore, on balance it can be concluded that Project does not conflict with Policy C6.</p> <p>With regards to Policy B23, Section 27 -Noise and Vibration of this ES has concluded that during the construction of the cable</p>

Document	Policy Summary	Policy Assessment
	<p>the landscape, or as natural habitats, or historically, will be resisted.</p> <p>Policy B7 states that development resulting in the loss of trees which are of significant public amenity value will be resisted. In particular, the felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled a replacement tree or group of trees will normally be required.</p> <p>In relation to noise, Policy B23 indicates that proposals for new development should be designed, located and controlled to minimise the impact of noise on neighbouring properties and the surrounding environment in order to protect the environment and residential amenity. Developments likely to generate significant levels of noise will only be permitted where it is satisfied that appropriate noise attenuation measures will be incorporated which would reduce the impact on adjoining land uses, existing or proposed to sustainable levels.</p> <p>Policy B18 highlights that sites of archaeological interest and their settings will be protected and enhanced where possible. In particular, development proposals or changes of use or management which would have a detrimental impact on sites of archaeological importance and their settings will not normally be permitted. An exception may be made only where the benefits of the proposal (which cannot be reasonably located elsewhere) are so great as to outweigh the possible effects on the archaeological importance of the site.</p>	<p>route and substation, as a worst-case, any residual impact would be minor adverse. During the operational phase, noise levels will be marginally greater than background levels. Although this will render a perceptible adverse effect at nearby sensitive locations, the order of increase is not considered to be significant. On this evidence, it can be concluded that the Project does not conflict with Policy B23.</p> <p>The Project does not conflict with Policy B18 because Section 25 -Archaeology and Cultural Heritage of this ES has revealed that following the implementation of the identified mitigation measures and the completion of an appropriate programme of post excavation assessment and publication, there would be no residual physical impacts on any archaeological or cultural heritage receptors. Furthermore, as the Project is not proposed within the setting of any heritage assets, no significant adverse impacts to heritage assets have been identified in Section 25.</p>

Document	Policy Summary	Policy Assessment
<b>Revised Draft Mid-Sussex District Plan</b>	<p>A revised draft of the District Plan was published in June 2012. The Plan will cover the period up to 2031 and once adopted, will replace the majority of the Mid-Sussex Local Plan adopted in 2004. It is anticipated that the District Plan will be adopted in May -2013.</p> <p>The revised District Plan does contain some relevant draft policies, but as there is the potential for these to change before full adoption in mid-2013, a policy assessment has not been undertaken.</p>	N/A
<b>South Downs National Park Authority Local Development Framework</b>	<p>The South Downs National Park Authority (SDNPA) is the organisation responsible for promoting the purposes of the National Park and the interests of the people who live and work within it.</p> <p>The two statutory purposes of the South Downs National Park Authority are:</p> <ul style="list-style-type: none"> <li>• To conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and</li> <li>• To promote opportunities for the public understanding and enjoyment of the special qualities of the area.</li> </ul> <p>The South Downs National Park became the organisation with the statutory responsibility of writing planning policy for the National Park Area on the 1 April 2011. They are in the process of preparing a Local Development Framework, which once adopted, will contain planning policy documents designed to help deliver the statutory National Park purposes and duty. Work on the Core Strategy and Development Management Development Plan Document has commenced but the document is not expected to be adopted until June 2016. Given that the document is at an early stage of preparation there are no Policies against which to assess the Project.</p>	N/A

---

#### **4.5 Infrastructure Planning (Environmental Impact Assessment) Regulations 2009**

---

- 4.5.1 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations) relating to NSIPs implement the consolidated EIA Directive (2011/92/EU). NSIP that fall within the description of developments in Schedule 1 of the EIA Regulations automatically require an environmental impact assessment (EIA) to be undertaken. NSIPs that fall within Schedule 2 of the Regulations may require an EIA.
- 4.5.2 Offshore wind farm developments fall under Schedule 2 of the EIA Regulations as 'Industrial (energy) installations for the production of electricity, steam and hot water (projects not included in Schedule I)' and Annex II of the EIA Directive, as 'installations for the harnessing of wind power for energy production (wind farms)'. Schedule 2 NSIPs require an EIA where they are likely to have significant effects on the environment by virtue of factors such as their nature, size or location.
- 4.5.3 This ES has been produced in accordance with the EIA Regulations.

---

#### **4.6 Habitats Regulations**

---

- 4.6.1 The Project lies outwith any European designated sites and is a significant distance from the nearest marine Natura 2000 site (see Section 9 - Nature Conservation). However, the significant movement of, for example, bird species between designated sites, both within the UK and cross-Channel from the UK to continental Europe, highlights the potential for an offshore wind farm along the migration route to have an effect on such populations.
- 4.6.2 EC Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive) is intended to protect biodiversity by requiring Member States to take measures to maintain or restore natural habitats and wild species listed in the Annexes to the Directive at a favourable conservation status. It provides for robust protection for those habitats and species of European importance.
- 4.6.3 EC Directive 2009/147/EC on the conservation of wild birds (known as the Birds Directive) provides a framework for the conservation and management of, and human interactions with, wild birds in Europe. It sets broad objectives for a wide range of activities.
- 4.6.4 In England and Wales, the Habitats Directive is implemented under the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations) and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended). The provisions of the Birds Directive are implemented through the Wildlife and Countryside Act 1981 (as amended), the Habitats Regulations and the Offshore Marine Conservation (Natural Habitats & c.) Regulations 2007 (as amended), as well as other legislation related to the uses of land and sea.

- 4.6.5 Under this legislation a network of protected areas (the Natura 2000 network) has been established. These are Special Areas of Conservation (SAC), for habitats and species, and Special Protection Areas (SPA), for birds. The Habitats Regulations require that, where the possibility of a likely significant effect on a Natura 2000 cannot be excluded, a competent authority must undertake an appropriate assessment.
- 4.6.6 Appropriate assessment has been undertaken at plan level for the “Round 3<sup>1</sup>” wind farm sites at plan level. The plan-level appropriate assessment concludes that there will be no adverse effect on the integrity of a European Marine Site/Ramsar site arising from the Round 3 wind farm sites. This assumes that general measures typically employed on offshore wind farms to avoid or mitigate adverse environmental effects will be implemented where necessary at project level, and that Round 3 development will be required to undergo project-level appropriate assessment wherever the possibility of a likely significant effect on a European/Ramsar site cannot be excluded.
- 4.6.7 The plan-level appropriate assessment identified specific considerations (advisory only) for Zone 6 as follows:
- Bat interest features (*Barbastella barbastellus* and *Myotis bechsteini*);
  - Marine mammal interest features (*Tursiops truncatus*);
  - Birds – effects of turbines; and
  - Birds – effects of cabling.
- 4.6.8 The Habitats Regulations state that it is the developer’s responsibility to provide sufficient information to the competent authority to enable them to assess whether there are likely to be any significant effects and to enable them to carry out the appropriate assessment, where necessary.
- 4.6.9 The assessment of impacts of the Project on habitats and species of European importance has been presented in the offshore and onshore ecological sections of this ES.

## 4.7 Other Key Consents

---

### Marine Licence

- 4.7.1 Part 4 of the Marine and Coastal Access Act 2009 (MCAA) provides a framework for a new marine licensing system. Marine licences replace the requirement for Coastal Protection Act (CPA) consents and Food and Environment Protection Act (FEPA) licences. The new licensing system, implemented in 2011, is administered by the Marine Management Organisation (MMO).

---

<sup>1</sup> See Section 1 – Introduction for explanation of “Round 3”.



4.7.2 The need for a marine licence arises under Section 66 of the MCAA. However, any consent granted by the Secretary of State under the 2008 Planning Act will be able to include provision deeming the grant of a marine licence for operations carried out wholly in England, and in waters adjacent to England up to the seaward limits of the territorial sea or the UK Renewable Energy Zone (REZ) (except any part of a REZ in relation to which the Scottish ministers have functions).

4.7.3 The MMO will be a statutory consultee for the Development Consent Order (DCO) and will be responsible for enforcing agreed consent conditions.

#### **Planning Permission**

4.7.4 Under section 33 of the Planning Act 2008, any DCO granted by the Secretary of State will include provision deeming the grant of planning permission under the Town and Country Planning Act 1990.

### **4.8 The Energy Act 2004**

---

4.8.1 The Energy Act 2004 (the 2004 Act) introduced a new regime for the decommissioning of offshore wind farms and E.ON will therefore be required to submit a decommissioning plan for the Project to the Department of Energy Climate Change (DECC) for approval.

4.8.2 The 2004 Act makes provisions for the establishment of safety zones around offshore renewable energy installations. In the case of offshore wind farms, the 2004 Act allows for the establishment of safety zones up to a maximum of 500m around each structure from its outer edge.

4.8.3 As set out by the safety zone application guidance (Department for Business, Enterprise and Regulatory Reform (BERR), 2007), the applicant must make a case for the establishment of safety zones based on safety grounds. A Safety Zone application does not need to be made at the same time as the DCO application, although the guidance (BERR, 2007) states that declaration of an intention to do so would be useful, as the Secretary of State must take into account the request for any safety zones when deciding to grant consent.

4.8.4 E.ON expects to apply for a 500m safety zone around each offshore structure for the period of construction of the Project, to ensure the safety of construction vessels and other vessels navigating in the area. During the operational phase, E.ON anticipates that a 50m safety zone may be sought around each offshore structure, to ensure the safety of operation and maintenance vessels and other vessels navigating in the area.

4.8.5 Further detail on safety zones is provided in Section 14 (Shipping and Navigation).

---

## 4.9 References

---

Adur District Local Plan (1996) Adur District Council.

EN-1: Overarching National Policy Statement for Energy (2011) Department of Energy and Climate Change. London: The Stationary Office.

EN-3: National Planning Statement for Renewable Energy Infrastructure (2011) Department of Energy and Climate Change. London: The Stationary Office.

EN-5: National Planning Statement for Electricity Networks (2011) Department of Energy and Climate Change. London: The Stationary Office.

Horsham Core Strategy (2007) Horsham District Council Local Development Framework, Horsham District Council.

Horsham General Development Control Policies (2007) Horsham District Council.

Mid-Sussex Local Plan (2004) Mid Sussex District Council.

National Planning Policy Framework (2012) Department for Communities and Local Government.

South Downs National Park Authority Local Development Framework (2011) South Downs National Park Authority.

South East Regional Spatial Strategy (2009) Government Office for the South East. The Stationery Office.

Technical Guidance to the National Planning Policy Framework (2012) Department for Communities and Local Government.

UK Marine Policy Statement (2011) HM Government.

UK National Infrastructure Plan 2011 (2011) HM Treasury.

West Sussex Structure Plan 2001 – 2016 (February 2005) West Sussex County Council.

Worthing Core Strategy (2011) Worthing Borough Council.

Worthing Local Plan (2003) Worthing Borough Council.



## **Rampion Offshore Wind Farm**



## **ES Section 4 – Planning Policy Figures**

**RSK Environmental Ltd**

**Document 6.2.4**

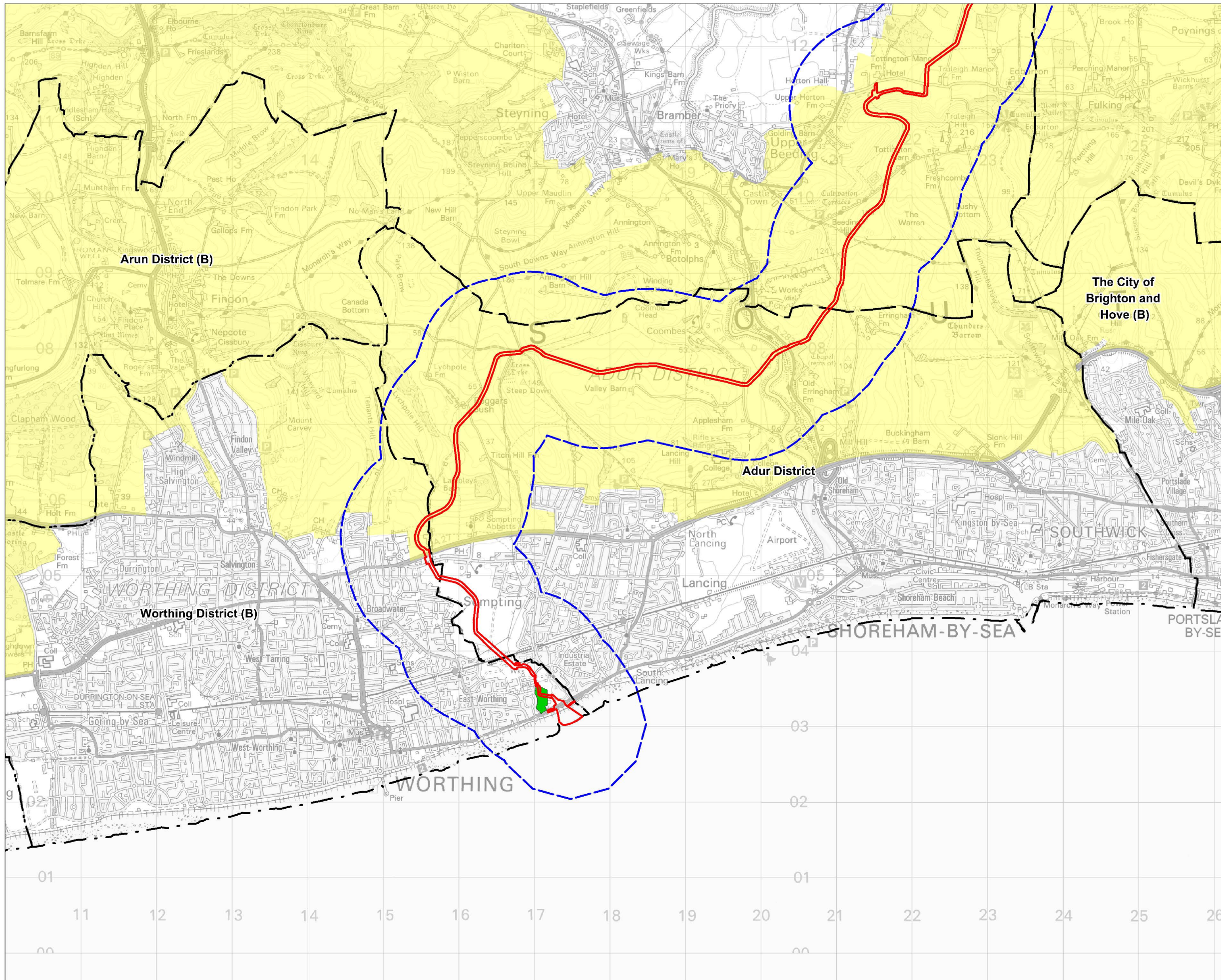
**December 2012**

**APFP Regulation 5(2)(a)**

**Revision A**

**E.ON Climate & Renewables UK Rampion Offshore Wind Limited**





- Legend:**
- Development Area
  - Study Area
  - Local Authority Boundary
  - South Downs National Park
  - Tree Preservation Order

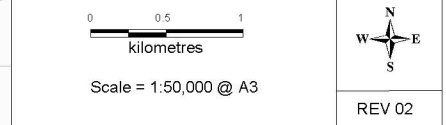


Rev	Date	Description	Drn	Chk	App
02	15.11.12	New Development Area	AJ	KB	DW
01	15.11.12	Development Area added	AJ	KB	DW
00	02.05.12	First Draft	LG	KB	DW

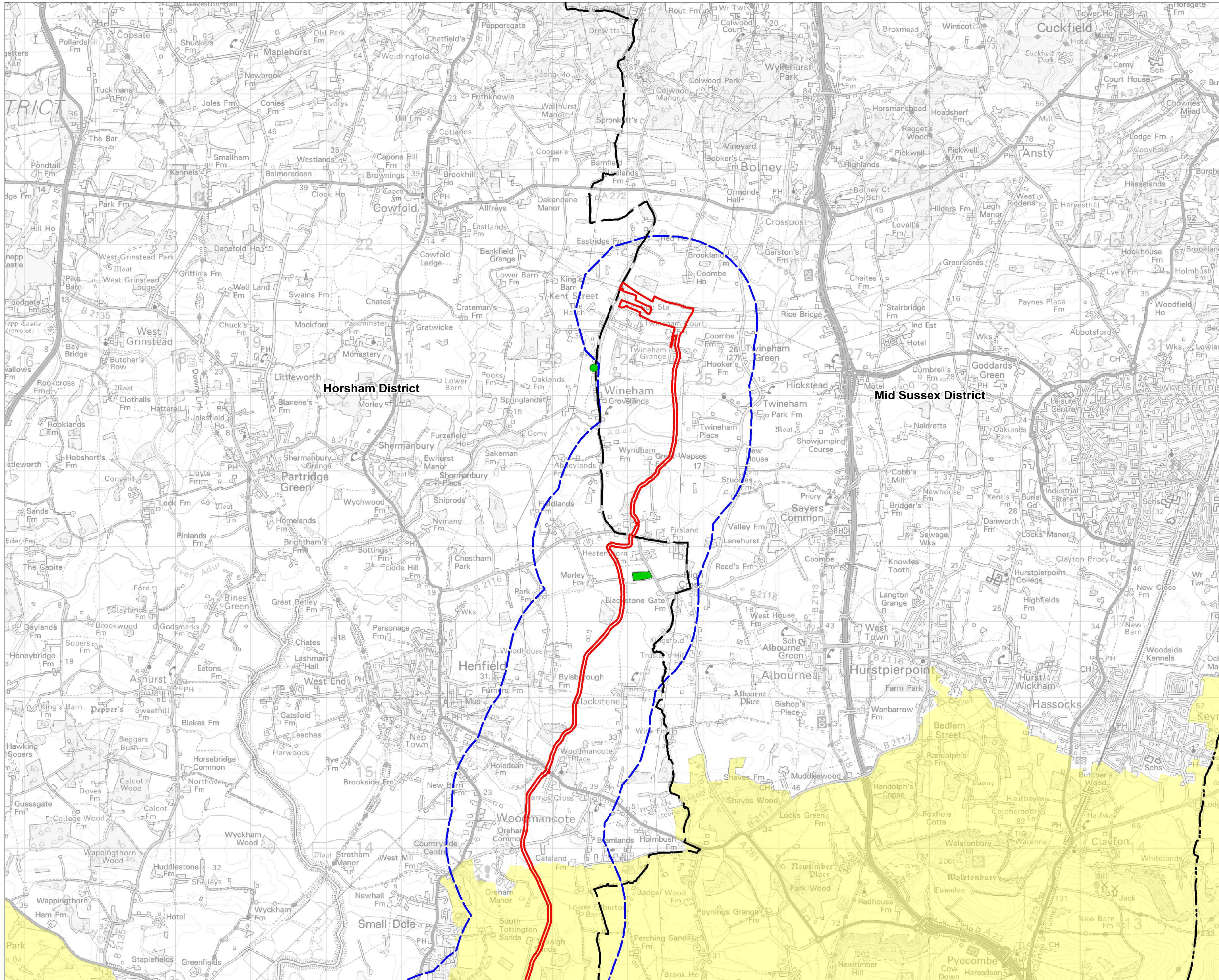
**Rampion Offshore Wind Farm**



**Title:** Figure 4.1:  
Local Authority Boundaries  
and National Park  
(Map 1 of 2)







- Legend:**
- Development Area
  - Study Area
  - Local Authority Boundary
  - South Downs National Park
  - Tree Preservation Order



Rev	Date	Description	Drn	Chk	App
02	26.11.12	New Development Area	AJ	KB	DW
01	15.11.12	Development Area added	AJ	KB	DW
00	02.05.12	First Draft	LG	KB	DW

**Rampion Offshore Wind Farm**



**Title:** Figure 4.1: Local Authority Boundaries and National Park (Map 2 of 2)

0 0.5 1  
Kilometres

Scale = 1:50,000 @ A3

REV 02