

Rampion 2 Wind Farm

Category 6: Environmental Statement

Volume 4, Appendix 22.1: Policy and legislation tables

Date: August 2023
Revision A

Document Reference: 6.4.22.1
Pursuant to: APFP Regulation 5 (2) (a)
Ecodoc number: 004866516-01



Document revisions

| Revision | Date | Status/reason for issue | Author | Checked by | Approved by |
|----------|------------|---------------------------|--------|------------|-------------|
| A | 04/08/2023 | Final for DCO Application | WSP | RED | RED |

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1. Introduction

- 1.1.1 **Table 1-1** provides relevant local policy to the Proposed Development associated with terrestrial ecology and nature conservation.

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Table 1-1 Local planning policy relevant to terrestrial ecology and nature conservation

| Policy description | Relevance to assessment |
|---|---|
| <p>Adopted Arun Local Plan 2011-2031 (July 2018)</p> <p>Policy ENV SP1 Natural Environment states: <i>“Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species. In relation to designated sites, development will be permitted where it protects sites listed in Tables 17.1-17.7 that are recognised for the species and habitats contained within them.”</i></p> | <p>Designated sites lie close to or are crossed by the proposed onshore cable corridor. The likely significant effects resulting on these ecological features are assessed in Section 22.6: Scope of the assessment and Section 22.9: Assessment of Effects in Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the ES (Document Reference 6.2.22) alongside consideration of the embedded environmental measures described in Section 22.7: Basis for ES Assessment in Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the ES (Document Reference 6.2.22).</p> |
| <p>Policy ENV DM1 Designated Sites of biodiversity or geological importance states: <i>“a. Proposed development likely to have an adverse effect on land with the designated features of any Site of Biodiversity or Geological Importance as listed in Tables 17.1 - 17.7 or any subsequently designated sites (either individually or in combination with other developments), will not normally be permitted. Consideration will be given to the exact designated features present on the site, their scarcity/rarity and recognition of the protection offered by their existing status. Development on wildlife sites with the highest value will only be permitted exceptionally where the following can be demonstrated:</i></p> <ul style="list-style-type: none"> <i>i. There is no alternative solution (which shall be adequately demonstrated by the developer);</i> <i>ii. There are reasons of public health or public safety; or</i> | <p>Designated sites lie close to or are crossed by the proposed onshore cable corridor. The likely significant effects resulting on these ecological features are assessed in Section 22.6: Scope of the assessment and 22.9: Assessment of Effects in Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the ES (Document Reference 6.2.22) alongside consideration of the embedded environmental measures described in Section 22.7: Basis for ES Assessment in Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the ES (Document Reference 6.2.22).</p> |

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*iii. There are benefits of primary importance to the environment; or
iv. There are imperative reasons of overriding public interest.
Notwithstanding the above however, the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.
b. In determining any planning application affecting Sites of Biodiversity or Geological Importance the Council will ensure that the intrinsic natural features of particular interest are safeguarded or enhanced having regard to:
i. The European, National or Local status and designation of the site;
ii. The nature and quality of the site's features, including its rarity value;
iii. The extent of any adverse impacts on the notified features of interest; and
iv. The need for compensatory measures in order to re-create remaining features of habitats on or off the site.
c. Where appropriate the Council will ensure the effective management of designated sites through the imposition of planning conditions or Section 106 agreements as appropriate."*

Policy ENV DM2 Pagham Harbour states "a. Within Zone A (0-400m from the boundary) as identified on the Policies Maps, development will only be permitted in exceptional circumstances where the developer is able to demonstrate there will be no detrimental effects on Pagham Harbour, including non-native species and the water environment. Regard shall also be had to tests 1-4 as set out in Policy DM1 (Designated Sites of Biodiversity or Geological Importance).
b. Within Zone B (0-5km) for all new residential development and development which is likely to have an impact on Pagham Harbour will be required to:
i. Make developer contributions towards the agreed strategic approach to access management at Pagham Harbour; and

Relevance to assessment

The potential effects on Pagham Harbour, and the mobile species it supports, due to proposed onshore cable corridor above MHWS have been scoped out of the assessment by the Planning Inspectorate and Natural England (Rampion Extension Development Limited (RED), 2020).

Policy description

ii. create easily accessible new green spaces for recreation within or adjacent to the development site. These shall be capable of accommodating the predicted increases in demand for local walking, including dog walking. Good pedestrian links shall be provided between housing areas and new and existing green space in order to discourage car use.

c. Major developments (as defined in the GDPO 1995 as amended) taking place outside Zone B and close to its boundary will be considered on a case by case basis to determine any potential effects on Pagham Harbour, and the need for any avoidance or mitigation measures.”

Policy ENV DM3 Biodiversity Opportunity Areas states “Development shall:

a. Retain and sympathetically incorporate locally valued and important habitats, including wildlife corridors and stepping stones; and

b. Be designed in order to minimise disturbance to habitats. Development proposals that do not reasonably address opportunities for enhancing these through their design, layout and landscaping or access/management shall not be permitted. Where a development scheme would result in a habitat loss, mitigation measures will be proposed as part of the proposed scheme and such measures agreed with the Local Planning Authority prior to the determination of any planning application. Within BOAs¹ identified on the Policies Maps or where likely to have an impact on species or habitats within the BOAs, any application for planning permission shall include a properly conducted survey of the presence of that species and habitat and impact(s) that development may have on the BOA.”

Relevance to assessment

The approach to mitigation, compensation and enhancement is described in [Sections 22.7: Basis for ES Assessment](#) and [22.9: Assessment of effects in Chapter 22: Terrestrial ecology and nature conservation, Volume 2](#) of the ES (Document Reference 6.2.22).

¹ Biodiversity Opportunity Areas (BOAs)

Policy description

Policy ENV DM4 Protection of trees states: *“Development will be permitted where it can be demonstrated that trees protected by a TPO(s)², identified as ancient woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity, unless development: a. Would result in the removal of one or more trees in the interests of good arboricultural practice. This shall be demonstrated by the developer following the advice of a suitably qualified person which shall be guided by BS 5837 (2012). Details of any advice received having regard to BS 5837 (2012) shall be submitted, in writing, as part of a planning application; or b. Would enhance the survival and growth prospects of other protected trees; and c. The benefits of the proposed development in a particular location outweigh the loss of trees or woodland, especially ancient woodland. Where planning permission is granted in any of the above instances, conditions shall be used to ensure that, for any trees which are removed as part of a development, at least an equivalent number of a similar species and age (where practical) are planted on the proposed development site. Sufficient space for replacement trees to mature without causing future nuisance or damage shall be provided. The planting of new trees shall form an integral part of the design of any development scheme. Proper provision must be made for the protection and management of trees or areas of woodland on-site when undertaking development. A management plan shall be provided as part of a planning application in accordance with BS 5837 (2012) in order to ensure that trees are adequately protected during development and appropriately maintained in the future. Conditions for the continued protection of trees on sites shall be included in any planning permission given. Where there are existing trees on or adjacent to a development site, developers shall be required to provide:*

Relevance to assessment

The design of the Proposed Development outlined in **Chapter 4: The Proposed Development, Volume 2** of the ES (Document Reference 6.2.4) has avoided land take within any ancient woodland.

Potential likely significant effects resulting on ancient woodland close to the construction site and operational infrastructure are assessed in **Section 22.9: Assessment of effects** and **Section 22.10: Assessment of Cumulative Effects** in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22). Embedded environmental measures are detailed in **Section 22.7: Basis for ES Assessment** in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22).

Veteran trees have been identified within the onshore part of the proposed DCO Order Limits. All veteran trees identified as part of an arboriculture survey in 2021 have been avoided. Embedded environmental measures in **Section 22.7: Basis for ES Assessment** in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22) provide methods for avoidance.

² Tree Preservation Order(s) (TPO)

Policy description

Relevance to assessment

d. Land and tree surveys; e. A tree constraints plan; and f. An arboricultural impact assessment to include a tree protection plan and arboricultural method statement. These will ensure that development is planned to take a comprehensive view of tree issues at an early stage in the design process and that development works do not have a negative impact on existing trees.”

Policy ENV DM5 Development and biodiversity Development states: *“schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat, and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not). Development schemes shall also be appropriately designed to facilitate the emergence of new habitats through the creation of links between habitat areas and open spaces. Together, these provide a network of green spaces which serve to reconnect isolated sites and facilitate species movement. Where there is evidence of a protected species on a proposed development site, planning applications shall include a detailed survey of the subject species, with details of measures to be incorporated into the development scheme to avoid loss of the species. This involves consideration of any impacts that will affect the species directly or indirectly, whether within the application site or in an area outside of the site, which may be indirectly affected by the proposals. All surveys shall be carried out at an appropriate time of year and shall be undertaken by a qualified and, where appropriate, suitably licensed person. All developments shall have regard to Natural England's standing advice for protected species.”*

Adopted South Downs Local Plan 2014 - 2033 (July 2019)

Strategic Policy SD9: Biodiversity and Geodiversity states: *“1. Development proposals will be permitted where they conserve and enhance biodiversity*

The approach to mitigation, compensation and enhancement is described in [Sections 22.7: Basis for ES Assessment](#) and [22.9: Assessment of effects](#) in [Chapter 22: Terrestrial ecology and nature conservation, Volume 2](#) of the ES (Document Reference 6.2.22).

The baseline environment is described in [Section 22.5: Baseline Conditions](#) in [Chapter 22: Terrestrial](#)

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and geodiversity, giving particular regard to ecological networks and areas with high potential for priority habitat restoration or creation. Prior to determination, up-to-date ecological information should be provided which demonstrates that development proposals: a) Retain, protect and enhance features of biodiversity and geological interest (including supporting habitat and commuting routes through the site and taking due account of any use by migratory species) and ensure appropriate and long-term management of those features; b) Identify and incorporate opportunities for net gains in biodiversity; c) Contribute to the restoration and enhancement of existing habitats, the creation of wildlife habitats and the creation of linkages between sites to create and enhance local and regional ecological networks; d) Protect and support recovery of rare, notable and priority species; e) Seek to eradicate or control any invasive non-native species present on site; f) Contribute to the protection, management and enhancement of biodiversity and geodiversity, for example by supporting the delivery of GI and Biodiversity Action Plan targets and enhance BOA; and g) Comply with the mitigation hierarchy as set out in national policy.

2. The following hierarchy of site designation will apply in the consideration of development proposals:

a) Internationally Protected Sites, as shown on the Policies Map SPAs³, SACs⁴ and Ramsar Sites, or candidate and formally proposed versions of these designations): i. Development proposals with the potential to impact on one or more international sites(s) will be subject to a HRA⁵ to determine the potential for likely significant effects. Where likely significant effects may occur, development proposals will be subject to Appropriate Assessment; and

Relevance to assessment

ecology and nature conservation, Volume 2 of the ES (Document Reference 6.2.22) with the assessment described in **Sections 22.6: Scope of the assessment** and **22.8: Methodology for ES assessment** in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22). Embedded environmental measures are described in **Section 22.7: Basis for ES Assessment** in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22).

The design of the Proposed Development outlined in **Chapter 4: The Proposed Development, Volume 2** of the ES (Document Reference 6.2.4) has avoided land take within any SSSIs or ancient woodland, and minimised overlap with notable ecological features wherever possible.

The approach to mitigation, compensation and enhancement is described in **Sections 22.7: Basis for ES Assessment** and **22.9: Assessment of effects** in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22).

³ Special Protection Areas (SPAs)

⁴ Special Areas of Conservation (SACs)

⁵ Habitats Regulations Assessment (HRA)

Policy description

Relevance to assessment

ii. Development proposals that will result in any adverse effect on the integrity of any international site will be refused unless it can be demonstrated that: there are no alternatives to the proposal; there are imperative reasons of overriding public interest why the proposal should nonetheless proceed; and adequate compensatory provision is secured; b) Nationally Protected Sites SSSIs⁶, NNRs⁷, MCZ⁸ as shown on the Policies Map: i. Development proposals considered likely to have a significant effect on nationally protected sites will be required to assess the impact by means of an EIA⁹; ii. Development proposals should avoid impacts on these nationally protected sites. Development proposals where any adverse effect on the site's notified special interest features is likely and which cannot be either avoided or adequately mitigated will be refused, unless the benefits of the development, at this site clearly outweigh the likely impact to the notified features of the site and any broader impacts on the network of nationally protected sites c) Irreplaceable Habitats (including ancient woodland as shown on the Policies Map, and veteran trees): Development proposals which result in the loss or deterioration of irreplaceable habitats, including ancient woodland and veteran trees will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists; d) Locally Protected Sites (SNCI¹⁰/LWS¹¹/ SINC¹², LNR¹³ and LGS¹⁴) as shown on the Policies Map: i.

⁶ Special Sites of Scientific Interest (SSSI)

⁷ National Nature Reserves (NNR)

⁸ Marine Conservation Zones (MCZ)

⁹ Environmental Impact Assessment

¹⁰ Sites of Nature Conservation Importance (SNCI)

¹¹ Local Wildlife Sites (LWS)

¹² Sites of Importance for Nature Conservation (SINC)

¹³ Local Nature Reserves (LNR)

¹⁴ Local Geodiversity Sites (LGS)

Policy description

Development proposals considered likely to have a significant effect on local sites will be required to assess the impact by means of an EclA¹⁵; ii. Development proposals that will result in any adverse effect on the integrity of any local site which cannot be either avoided or adequately mitigated will be refused, unless exceptional circumstances outweighing the adverse effects are clearly demonstrated. e) Outside of designated sites; i. Development proposals should identify and incorporate opportunities to conserve, restore and recreate priority habitats and ecological networks. Development proposals should take opportunities to contribute and deliver on the aims and objectives of the relevant biodiversity strategies where possible.”

Strategic Policy SD10: International Sites The Mens SAC, Ebernoe Common SAC and Singleton & Cocking Tunnels SAC states: “1. *Development proposals on greenfield sites and sites that support or are in close proximity to suitable commuting and foraging habitat (including mature vegetative linear features such as woodlands, hedgerows riverine and wetland habitats) within the following ranges as shown on the Policies Map, should have due regard to the possibility that Barbastelle and Bechstein’s Bats will be utilising the site. Such proposals will be required to incorporate necessary surveys and ensure that key features (foraging habitat and commuting routes) are retained, in addition to a suitable buffer to safeguard against disturbance*⁴⁵. a) 6.5km: Key conservation area – all impacts to bats must be considered given that habitats within this zone are considered critical for sustaining the populations of bats within the SACs; and b) 12km: Wider conservation area – significant impacts or severance to flightlines to be considered. 2. Proposed use or development of the tunnels comprising the Singleton & Cocking Tunnels SAC will be required to demonstrate that there is no adverse effect on the interest features, including hibernation habitat for Barbastelle and Bechstein’s Bats, or

Relevance to assessment

A bat survey programme is underway, with the majority of survey work proposed for 2021. An assessment on bats is provided in **Section 22.9: Assessment of Effects** in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22). Embedded environmental measures are described in **Section 22.7: Basis for ES Assessment** in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22).

¹⁵ Ecological Impact Assessment (EIA)

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on the integrity of the site. Arun Valley SPA 3. Development proposals on greenfield sites within 5km of the Arun Valley SPA, as shown on the Policies Map, will undertake an appraisal as to whether the land is suitable for wintering Bewick Swan. If it is suitable then surveys will be undertaken to determine whether the fields are of importance to the swan population. If so, appropriate alternative habitat would be required before development could proceed.”

Development Management Policy SD11: Trees, Woodland and Hedgerows states: “1. *Development proposals will be permitted where they conserve and enhance trees, hedgerows and woodlands. 2. Development proposals that affect trees, hedgerows and woodland must demonstrate that they have been informed by a full site survey, including an Ecological Survey, Arboricultural Method Statement and associated Tree Protection Plan, and include a management plan. 3. The removal of protected trees, groups of trees woodland or hedgerows will only be permitted in exceptional circumstances and in accordance with the relevant legislation, policy and good practice recommendations. Where protected trees are subject to felling, a replacement of an appropriate number, species and size in an appropriate location will be required. 4. Development proposals must provide adequate protection zones and buffers around hedgerows and other woodland and trees to prevent damage to root systems and taking account of future growth. A minimum buffer of 15 metres will be required between the development and ancient woodland or veteran trees. 5. A proposed loss or damage of non-protected trees, woodland or hedgerows should be avoided, and if demonstrated as being unavoidable, appropriate replacement or compensation will be required. 6. Development proposals must demonstrate that appropriate protection measures are in place prior to any work on site throughout the development process as part of a comprehensive landscaping plan, and that suitable opportunities for the restoration, enhancement or planting of trees, woodland,*

Relevance to assessment

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Veteran trees have been identified within the onshore part of the proposed DCO Order Limits. All veteran trees identified as part of an arboriculture survey in 2021 will be avoided. Embedded environmental measures in **Section 22.7: Basis for ES Assessment**

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and hedgerows are identified and incorporated. 7. Opportunities should be identified and incorporated for planting of new trees, woodlands, and hedgerows. New planting should be suitable for the site conditions, use native species and be informed by and contribute to local character, and enhance or create new habitat linkages.”

Horsham District Planning Framework (excluding the South Downs National Park) (2015)

Policy 31 Green Infrastructure and Biodiversity states: “1. Development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. Proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss and ensures that the ecosystem services of the area are retained. 2. Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks. 3. Where felling of protected trees is necessary, replacement planting with a suitable species will be required. 4. a) Particular consideration will be given to the hierarchy of sites and habitats in the district as follows: i. SPA and SAC ii. Sites of Special Scientific Interest SSSIs and NNRs iii. SNCl, LNRs and any areas of Ancient woodland, local geodiversity or other irreplaceable habitats not already identified in i & ii above. b) Where development is anticipated to have a direct or indirect adverse impact on sites or features for biodiversity, development will be refused unless it can be demonstrated that: i. The reason for the development clearly outweighs the need to protect the value of the

Relevance to assessment

in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22) provide methods for avoidance.

The baseline environment is described in **Section 22.5: Baseline Conditions** in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22), with the assessment described in **Sections 22.6: Scope of the assessment** and **22.8: Methodology for ES assessment** in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22). Embedded environmental measures are described in **Section 22.7: Basis for ES Assessment** in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22).

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Policy description

site; and, ii. That appropriate mitigation and compensation measures are provided. 5. Any development with the potential to impact Arun Valley SPA or the Mens SAC will be subject to a HRA to determine the need for an Appropriate Assessment. In addition, development will be required to be in accordance with the necessary mitigation measures for development set out in the HRA of this plan.”

Draft Horsham District Local Plan 2019-2036 (2018)

Policy 31 - Strategic Policy: Green Infrastructure and Biodiversity states: “1. Development will be supported where it can demonstrate that it maintains and enhances the existing network of green infrastructure, the Nature Recovery Network, natural capital and biodiversity. Proposals that would result in the loss of existing green infrastructure or part of the Nature Recovery Network will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained.

2. Proposals will be expected to retain and enhance existing fresh water features, hedgerows, trees and deciduous woodland and the provision of additional hedgerow and tree planting will be sought subject to appropriate consideration of local and wider context, habitats and species.

3. Where the felling of a tree is necessary, for example due to disease, replacement planting with a suitable species and location to retain the link with the wider network of habitats and Green Infrastructure, will be required.

4. Development proposals will be expected to remove invasive species and will be required to contribute to the enhancement of existing biodiversity and deliver, as a minimum, a 10% net gain through the delivery of appropriate on-site biodiversity net gain or, where this is not practicable, to off-set the delivery to the Nature Recovery Network.

Relevance to assessment

The baseline environment is described in **Section 22.5: Baseline Conditions** in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22), with the assessment described in **Sections 22.6: Scope of the assessment** and **22.8: Methodology for ES assessment** in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22). Embedded environmental measures are described in **Section 22.7: Basis for ES Assessment** in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22).

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Policy description

Relevance to assessment

5. Proposals should create and manage appropriate new habitats, taking into account pollination, where practicable. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity, and where appropriate the Nature Recovery Network, through the creation of green spaces, and linkages between habitats to create local and regional ecological networks and allow the movement of wildlife through development sites.

6. Particular consideration will be given to the hierarchy of sites and habitats in the District as follows:

1. SPA and SAC;

2. SSSI and NNRs;

3. LWS, LNRs and any areas of Ancient Woodland, traditional orchards, local geodiversity or other irreplaceable habitats not already identified in a & b above.

7. Where development is anticipated to have a direct or indirect adverse impact on sites or features of importance to nature conservation, development will be refused unless it can be demonstrated that:

1. The objectives of a site's designation, where applicable, and integrity of the area will not be undermined;

2. The reason for the development clearly outweighs the need to protect the value of the site; and,

3. That appropriate mitigation and compensation measures are provided.

8. Any development with the potential to impact Arun Valley SPA or the Mens SAC will be subject to a Habitats Regulation Assessment to determine the need for an Appropriate Assessment. In addition, development will be required to be in accordance with the necessary mitigation measures for development set out in the HRA of this plan."

Mid Sussex District Plan 2014 – 2031 (2018)

Policy description

DP37 Trees, woodland and hedgerows states: *“The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected. Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted. Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose. Trees, woodland and hedgerows will be protected and enhanced by ensuring development: • incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and • prevents damage to root systems and takes account of expected future growth; and • where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and • has appropriate protection measures throughout the development process; and • takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and • does not sever ecological corridors created by these assets. Proposals for works to trees will be considered taking into account: the condition and health of the trees; and • the contribution of the trees to the character and visual amenity of the local area; and • the amenity and nature conservation value of the trees; and • the extent and impact of the works; and • any replanting proposals. 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, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should*

Relevance to assessment

The design of the Proposed Development outlined in **Chapter 4: The Proposed Development, Volume 2** of the ES (Document Reference 6.2.4) has avoided land take within any ancient woodland.

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Veteran trees have been identified within the onshore part of the proposed DCO Order Limits. All veteran trees identified as part of an arboriculture survey in 2021 will be avoided. Embedded environmental measures in **Section 22.7: Basis for ES Assessment** in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22) provide methods for avoidance.

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take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties. Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.”

DP38 Biodiversity states: “*Biodiversity will be protected and enhanced by ensuring development:*

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated SPAs, SACs; nationally designated SSSI, AONB; and locally designated SNCI, LNR and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, BOAs, and Nature Improvement Areas. Designated sites will be given protection and appropriate weight according to their importance and the*

Relevance to assessment

The baseline environment is described in **Section 22.5: Baseline Conditions** in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22), with the assessment described in **Sections 22.6: Scope of the assessment** and **22.8: Methodology for ES assessment** in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22). Embedded environmental measures are described in **Section 22.7: Basis for ES Assessment** in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES (Document Reference 6.2.22).

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| Policy description | Relevance to assessment |
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| <p><i>contribution they make to wider ecological networks. Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.”</i></p> <p>Draft Mid-Sussex District Plan 2021 – 2039 (2022)</p> <p>DPN1: Biodiversity, Geodiversity and nature Recovery states: <i>“Biodiversity and geodiversity are important natural capital assets and provide benefits as part of ecosystem services. Nature recovery is important for delivering improvements to nature, ecological networks and green infrastructure. Development proposals will also need to be in accordance with DPN2: Biodiversity Net Gain.</i></p> <p><i>Biodiversity will be protected and enhanced by ensuring development:</i></p> <ul style="list-style-type: none"> <i>Protects existing biodiversity by retaining features of interest, including connecting routes as part of wider ecological networks, and ensuring the appropriate long-term management of those features;</i> <i>Takes appropriate measures to avoid and reduce disturbance to sensitive habitats and species in accordance with the mitigation hierarchy set out in national policy. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances and as a last resort);</i> <i>Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally</i> | <p>The baseline environment is described in Section 22.5: Baseline Conditions in Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the ES (Document Reference 6.2.22), with the assessment described in Sections 22.6: Scope of the assessment and 22.8: Methodology for ES assessment in Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the ES (Document Reference 6.2.22). Embedded environmental measures are described in Section 22.7: Basis for ES Assessment in Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the ES (Document Reference 6.2.22).</p> |

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relevant habitats, and incorporating biodiversity features within developments;

- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience;*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated SPAs, SACs; nationally designated SSSIs, AONBs; and locally designated LWS, LNR and irreplaceable habitats such as Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including priority habitats, wildlife corridors, ancient, aged or veteran trees, BOAs, areas identified for nature recovery, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks and nature recovery.

Soils are important for biodiversity and carbon storage. Soils will be protected and enhanced, including the best and most versatile agricultural land, by development avoiding soil disturbance, compaction and erosion. Development should not result in soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.

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Development should seek to meet the objectives of the Local Nature Recovery Strategy, taking opportunities to deliver ecological networks and green infrastructure. Development will need to demonstrate that it will not harm or adversely affect an area or areas identified as opportunities for nature recovery.”

DPN2: Biodiversity Net Gain states: “Development (as defined in the Environment Act 2021 or its secondary legislation or as amended by the government) will need to deliver a net gain in biodiversity which will contribute to the delivery of ecological networks, green infrastructure and nature recovery.

Development will need to demonstrate through a Biodiversity Gain Plan that measurable and meaningful net gains for biodiversity will be achieved and will be secured and managed appropriately.

Principles of Biodiversity Net Gain

Development will need to demonstrate that good practice principles for biodiversity net gain have been followed.

Development will need to demonstrate that the mitigation hierarchy has been followed.

Proposals for biodiversity net gain will also need to be in accordance with Policies DPN1: Biodiversity, Geodiversity and Nature Recovery; DPN3: Green Infrastructure; and DPN4: Trees, Woodland and Hedgerows, and avoid harm to irreplaceable habitats, protected sites and priority habitats.

The project is committed to delivering biodiversity net gain. **Appendix 22.15: Biodiversity Net Gain information, Volume 4** of the ES (Document Reference 6.4.22.15) provides the approach to delivering Biodiversity Net Gain.

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Biodiversity net gain, including off-site biodiversity net gain, should align with the objectives and priorities of the Nature Recovery Network, Local Nature Recovery Strategy and other relevant local strategies, contributing and connecting to wider ecological networks and green infrastructure. Consideration should be given to landscape character when developing proposals for biodiversity net gain.

It is expected that development proposals will enhance existing biodiversity and incorporate features to encourage biodiversity and pollination within and around the development.

Level of Biodiversity Net Gain

Biodiversity net gain will be calculated and assessed using the Government's published biodiversity metric. The biodiversity net gain calculation and assessment should be completed by a suitably experienced and qualified ecologist and submitted in full with the application for development.

The minimum percentage of biodiversity net gain required will be 10% as set out in legislation (or as amended by the government) or greater where it is required in another policy or a Supplementary Planning Document. The Council will encourage a higher level of biodiversity net gain and developments should seek to maximise opportunities, especially where development is located in or in proximity to the Biodiversity Opportunity Areas or priority habitats.

A minimum percentage of biodiversity net gain of 20% will be required on Significant Sites DPSC1 - DPSC3. The Council will publish further guidance on delivering biodiversity net gain on its website. This guidance will be reviewed periodically to ensure it reflects local priorities and opportunities.

| Policy description | Relevance to assessment |
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| <p><i>The Council will publish further guidance on delivering biodiversity net gain on its website. This guidance will be reviewed periodically to ensure it reflects local priorities and opportunities”</i></p> | <p>The baseline environment is described in Section 22.5: Baseline Conditions in Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the ES (Document Reference 6.2.22), with the assessment described in Sections 22.6: Scope of the assessment and 22.8: Methodology for ES assessment in Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the ES (Document Reference 6.2.22). Embedded environmental measures are described in Section 22.7: Basis for ES Assessment in Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the ES (Document Reference 6.2.22).</p> |
| <p>DPN4: Trees, Woodland and Hedgerows states: <i>“Trees, woodland and hedgerows are valuable natural capital assets including for biodiversity, nature recovery, green infrastructure, health and wellbeing, and increasing resilience to the effects of climate change.</i></p> <p><i>Protection of trees, woodland and hedgerows</i></p> <p><i>The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and ancient, aged or veteran trees will be protected.</i></p> <p><i>Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.</i></p> <p><i>Development (including construction and operational activities) resulting in the direct or indirect deterioration or loss of irreplaceable habitats including ancient woodland and ancient, aged or veteran trees will not be permitted unless there are wholly exceptional reasons and in such circumstances, appropriate compensation measures will be provided.</i></p> | |
| <p><i>New trees, woodland and hedgerows</i></p> | |

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Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Proposals for new woodland creation will need to follow best practice guidance and take into account a range of considerations including:

- *The biodiversity and amenity value of the existing habitat;*
- *The landscape and its character;*
- *Heritage and archaeology features;*
- *Protected species;*
- *Opportunities for natural regeneration;*
- *Opportunities to connect to and extend existing woodland;*
- *The long-term management arrangements for new woodland planting; and*
- *Resilience to the effects of pests, disease, and climate change.*

Development and trees, woodland and hedgerows

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme;*
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| <ul style="list-style-type: none"> • <i>prevents damage to root systems and takes account of expected future growth; and where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management;</i> • <i>has appropriate protection measures throughout the development process;</i> • <i>secures appropriate long-term management arrangements;</i> • <i>takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and</i> • <i>does not sever ecological corridors created by these assets.</i> <p><i>Works to trees</i></p> <p><i>Proposals for works to trees, including felling, will be considered taking into account:</i></p> <ul style="list-style-type: none"> • <i>the condition and health of the trees;</i> • <i>the contribution of the trees to the character and visual amenity of the local area;</i> • <i>the amenity and nature conservation value of the trees;</i> • <i>the extent and impact of the works; and</i> • <i>any replanting proposals.</i> <p><i>Inappropriate or excessive works to trees that will damage their health and/or amenity value will be resisted.</i></p> | |

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Proposals for works to trees, including felling, may be refused if sufficient information is not provided to justify why works are necessary.

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, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Use of buffer zones

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary. A buffer will also be required for ancient, aged and veteran trees and should be at least 15 times larger than the diameter of the tree or 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. The size of a required buffer zone may vary according to the nature of the site and the proposed development, and if there are other impacts likely to extend beyond the minimum buffer zone distance. Buffer zones should contribute to green infrastructure and wider ecological networks and consist of a semi-natural habitat with appropriate planting. These requirements for an ancient woodland or tree buffer will apply unless superseded by a more environmentally favourable national standard set out in legislation or guidance.”

2. References

Arun District Council, (2018). *Adopted Local Plan*. [online] Available at: <https://www.arun.gov.uk/adopted-local-plan> [Accessed: 18 June 2023].

Horsham District Council, (2018). *Draft Horsham District Local Plan 2019-2036*. [online] Available at: <https://strategicplanning.horsham.gov.uk/consult.ti/LocalPlanReview/viewCompoundDoc?docid=10336756> [Accessed: 18 June 2023].

Horsham District Council, (2015). *Horsham District Planning Framework (excluding South Downs National Park)*. [online] Available at: https://www.horsham.gov.uk/_data/assets/pdf_file/0016/60190/Horsham-District-Planning-Framework-November-2015.pdf [Accessed: 18 June 2023].

Mid Sussex District Council (2018). *Mid Sussex District Plan 2014-2031* [online] Available at: <https://www.midsussex.gov.uk/planning-building/mid-sussex-district-plan/> [Accessed: 18 June 2023].

Mid Sussex District Council (2022) *Draft Mid Sussex District Plan 2021-2039* [online] Available at: <https://midsussex.inconsult.uk/districtplanreg18/view?objectID=13256372> [Accessed: 19 January 2023]

Rampion Extension Development (RED) (2020). *Scoping Report: Proposed Rampion 2 Offshore Wind Farm*. [Online]. Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010117/EN010117-000006-EN010117 - Scoping Report.pdf> [Accessed 18: June 2023].

South Downs National Park, (2019). *South Downs Local Plan Adopted 2 July 2019 (2014-33)*. [online] Available at: <https://www.southdowns.gov.uk/planning-policy/south-downs-local-plan/local-plan/south-downs-local-plan-adopted-2-july-2019-2014-33/> [Accessed: 18 June 2023].

