



THE DROVES
SOLAR FARM

The Droves Solar Farm

Preliminary Environmental Information Report

Volume III, Chapter 7: Ecology and Biodiversity

Prepared by: Aspect Ecology

Date: May 2025

PINS Reference: EN0110013



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Appendix 7.1

Consultation and Legislation, Planning Policy and Guidance



Contents

<u>1</u>	<u>Consultation and Legislation, Planning Policy and Guidance.....</u>	<u>2</u>
1.2	Legislation, Planning Policy and Guidance	9
	References	12

List of Tables

Table 1.1	Summary of Consultation Undertaken as of January 2025.....	2
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1 Consultation and Legislation, Planning Policy and Guidance

Consultation

- 1.1.1 The Planning Inspectorate (PINS) was provided with the Scoping Request in November 2024 (**Volume III, Appendix 2.1**), which included a chapter setting out the proposed scope of ecology and biodiversity assessment and methodology for the Scheme. A Scoping Opinion was subsequently issued in December 2024 by the Planning Inspectorate on behalf of the Secretary of State (**Volume III, Appendix 2.2**). The comments from PINS in respect of the ecology and biodiversity assessment have been summarised in Table 1.1 below, alongside commentary on where the comments have been addressed in **Chapter 7: Ecology and Biodiversity**.
- 1.1.2 Further consultation has been undertaken throughout the pre-application phase of the Scheme, and a summary of this, as relevant to ecology and biodiversity, is also provided within Table 1.1 below.
- 1.1.3 The scope and information set out within this chapter has been, and will continue to be, informed by initial scoping and ongoing consultation with a number of relevant bodies. In the first instance, the information set out has been informed by the formal Scoping Opinion provided by PINS, with consultees having been contacted and/or providing input into the consultation in relation to ecology and biodiversity.

Table 1.1 Summary of Consultation Undertaken as of January 2025 derived from the Scoping Opinion

Consultee	Comments	Response
Planning Inspectorate (on behalf of the Secretary of State) Scoping Opinion	<p>PINS considers that statutory and non-statutory designations set out within Tables 7.5 and 7.6 of Volume I, Chapter 6: Ecology and Biodiversity be scoped into further assessment.</p> <p>PINS considers Great Crested Newt surveys should be expanded to include ponds which fall within 500m of the Site.</p> <p>PINS considers that specific surveys for Otter and Water Vole should be undertaken, unless agreed with the relevant statutory body.</p> <p>The Study Area should reflect the Proposed Developments Zone of Influence with consideration</p>	<p>Statutory and Non-Statutory Designations scoped in for further assessment are set out within Tables 7.1 and 7.2 of Volume I, Chapter 6: Ecology and Biodiversity.</p> <p>Initial expanded pond search to 500m from the Site has been undertaken, with an additional 17 ponds identified for further Habitat Suitability Assessment and GCN eDNA (if appropriate).</p> <p>Survey Requirements for Otter and Water Vole to be scoped out with Natural England given no suitable habitat for Otter and Water</p>



Consultee	Comments	Response
	<p>beyond fixed distances, to be agreed with relevant consultation bodies.</p> <p>The ES should report the full up to date survey findings and list all receptors identified as potentially present on Site and assess significant effects where they are likely to occur.</p> <p>Receptor significance with respect to geographical scale should be clarified within the ES to clearly demonstrate the assessment of likely affects.</p> <p>The ES should consider the potential for overhead lines and related infrastructure to create a barrier to movement of mobile species such as bats and birds during operation.</p> <p>The Proposed Development would be expected to deliver a mandatory 10% Biodiversity Net Gain (BNG) from late November 2025 for NSIPs, and the ES should demonstrate how this will be achieved.</p> <p>Invasive Non-Native Species (INNS) should be scoped in where significant impacts are likely, with recommendations for mitigation if required.</p>	<p>Vole is present within the Site.</p> <p>Clarification on Zones of Influence and Receptor Significance are set out at within Volume I, Chapter 6: Ecology and Biodiversity.</p> <p>Potential impacts associated with overhead lines and related infrastructure to be assessed within the ES.</p> <p>Given the nature and scale of the Scheme's opportunities for habitat creation, retention and enhancement, a biodiversity net gain assessment is anticipated to result in a net gain in habitat and hedgerow units in excess of 10% , and will be demonstrated within the ES.</p> <p>Extremely limited extents of INNS have been recorded within the Site in the form of Variegated Yellow Archangel and Three-cornered Garlic. Consideration of the Impacts of INNS have been addressed within the PEIR in relation to the Scheme's Construction, Operational and Decommissioning Phases. Measures to control and prevent spread are covered within the embedded mitigation for the Scheme.</p>
Natural England	Natural England considers the relevant nationally designated Site to be scoped into the ES being	Breckland Forest SSSI and River Nar SSSI have been scoped into further



Consultee	Comments	Response
	<p>Breckland SPA, Breckland Forest SSSI, and the River Nar SSSI. This includes consideration to air and water quality pathways.</p> <p>Cumulative and in-combination effects should be considered in relation to High Grove Solar Farm, Norfolk Boreas Wind Farm (terrestrial elements) and Norfolk Vanguard Offshore Wind Farm (terrestrial elements).</p> <p>The ES should consider any impacts upon regionally and locally important sites, priority habitats, irreplaceable habitats and protected species.</p> <p>The Scheme should deliver at least a 10% increase in the pre-development value of the on-site habitats, and explore options for engaging with Local Nature Recovery Strategies (LNRS) to contribute to the National Nature Recovery Network (NNRN).</p>	<p>assessment within the PEIR. An application for Natural England discretionary advice service has been submitted, with consultation ongoing at the time of writing. The sensitivity of these receptors in consideration of their qualifying features will be assessed against potential impacts. To be assessed in consultation with Drainage and Transport consultants.</p> <p>Cumulative effects and in-combination impacts in association with High Grove Solar Farm, Norfolk Boreas Wind Farm (terrestrial elements) and Norfolk Vanguard Offshore Wind Farm (terrestrial elements) will be addressed within the ES Chapter for Ecology and Biodiversity and Chapter 16: In-Combination Effects of the ES.</p> <p>A full assessment of impacts upon regionally and locally important sites, priority habitat and protected species will be provided in light of survey findings within the ES.</p>
Norfolk Wildlife Trust	<p>Principles of avoidance of impacts for high quality habitats (including Priority Habitats, Habitats of Principal Importance and Irreplaceable Habitats), designated sites (including Local / County Wildlife Sites).</p>	<p>The mitigation hierarchy is central to the design process of the Scheme, and will be informed by specific survey work, including desk study set out within the Baseline Report at Volume I, Volume III, Appendix 7.2, and assessed</p>



Consultee	Comments	Response
	<p>An Ecological Impact Assessment (EIA) should accompany any solar farm proposal, supported by up to date ecological surveys of the site. Surveys and monitoring should be sufficient to Inform a full assessment of likely impacts. Consideration should be given to farmland birds, arable plants, badgers, bats, great crested newt, and hedgehogs.</p> <p>BNG – a target of at least 50% is anticipated. Considerations for habitat creation, management, and achievability have been provided.</p> <p>Design of fencing to avoid dispersal impacts to small and medium sized mammals.</p> <p>Visible lighting should be avoided to reduce impacts on nocturnal wildlife. Dark corridors should be retained.</p> <p>Long term management and monitoring for wildlife should be set out in a Landscape and Ecology Management Plan (LEMP) in accordance with the BNG.</p> <p>Created habitats should be retained in perpetuity following decommissioning to ensure positive contribution to nature recovery.</p>	<p>separately, in full, within the ES chapter.</p> <p>Biodiversity Net Gain is not a legal obligation for NSIPs at present, however biodiversity net gains in habitat and hedgerow units are anticipated to exceed 10%.</p> <p>The operational area of the Scheme will be enclosed within perimeter fencing, however dispersal impacts are not anticipated owing to the incorporation of above ground clearances and mammal gates. Further, the perimeter fencing will be set back from the boundary habitats retained as part of the embedded mitigation.</p> <p>Lighting is not required within the Solar PV Site for the Operational Phase. Lighting will centre on the Customer Substation, National Grid Substation, BESS compound, and other critical electrical infrastructure, similar to street lighting, operating from dusk and operated via motion detection (where necessary). All lighting will seek to limit impacts on sensitive receptors.</p> <p>Accordingly, the PV Solar PV Site will not cast lighting into retained boundary habitats, such that dark corridors will be retained. MA LEMP detailing habitat creation, monitoring and management measures will be secured in the DCO .</p>



Consultee	Comments	Response
Forestry Commission	<p>Applicants should include measures to mitigate fully the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both the construction and operational phases. Appropriate buffers to such features to be implemented.</p> <p>Fragmentation and loss of woodland to be avoided, retention to be maximised.</p>	<p>Irreplaceable habitats (ancient and veteran trees) are to be retained within appropriate buffers. Woodland within the Site to be fully retained.</p>
Borough Council of King's Lynn & West Norfolk	<p>To avoid impacts to irreplaceable habitats (Veteran and Ancient trees).</p> <p>Breeding Bird Surveys should take account of Breckland SPA species, and if identified as present within the Site, impacts arising from loss of habitat should be considered under Habitats Regulations Assessment. Air Quality impacts should also be considered in this regard.</p>	<p>Irreplaceable habitats (ancient and veteran trees) are to be retained within appropriate buffers.</p> <p>Breeding Bird Surveys have been undertaken by a suitably qualified and experienced ornithologist throughout 2024, and in accordance with best practice guidance, such that Breckland SPA species would be detectable. Breckland Species Stone Curlew <i>Burhinus Oedicnemus</i>, Nightjar <i>Caprimulgus europaeus</i> and Woodlark <i>Lullula arborea</i> have not been recorded using the Site.</p>
Norfolk County Council And Breckland Council	<p>The ES should take account of all relevant ecological impacts, including locally designated wildlife sites (by way of desk study to be undertaken with Norfolk Biodiversity Information Service). All surveys to be no more than 18 months old.</p>	<p>Ecological impacts will be suitably addressed within the ES. The vast majority of survey work to inform the ES will have been completed within the preceding 18 months of the ES submission. Where necessary, site visits will be</p>



Consultee	Comments	Response
	<p>The Scheme should adhere to the mitigation hierarchy and avoid impacts in the first instance, with impacts to irreplaceable habitats to be fully avoided. A minimum 10% BNG to be secured and contribute to LNRS.</p> <p>Cumulative impacts relating to other NSIPs in the area of the Scheme should be considered, with appropriate mitigation measures set out.</p>	<p>updated to ensure survey information collected remains up to date.</p> <p>The mitigation hierarchy has been, and continues to be employed throughout the design process.</p> <p>Cumulative impacts will be fully addressed within the ES.</p> <p>BNG is not currently a legal requirement of NSIP Scheme's, however BNG scoring for habitat and hedgerow units in excess of 10% is anticipated.</p>
<p>Little Dunham Parish Council</p>	<p>The ES must include substantial consideration for cumulative impacts of the proposed developments on the immediate local area, including;</p> <ul style="list-style-type: none"> - Existing wind turbines at South Pakenham and Swaffham - Two major substation for Dudgeon and the Norfolk Wind Zone at Necton - The location for five proposed sub-stations - The various grid connections - Proposed size and location of battery units 	<p>The preliminary long list at this stage (PEIR) is derived from the Study Area for Volume I, Chapter 8: Ecology and Biodiversity of 25km. The preliminary long list will be further refined through consultation with the relevant local planning authorities to ensure that all developments with the potential to cause significant cumulative effects, when considered alongside the proposed Scheme.</p> <p>Cumulative impacts relating to the following developments will be considered for inclusion within the assessment of the ES;</p> <ul style="list-style-type: none"> - Existing wind turbines at South Pakenham and Swaffham



Consultee	Comments	Response
		<ul style="list-style-type: none"> - Two major substation for Dudgeon and the Norfolk Wind Zone at Necton - The location for five proposed sub-stations - The various grid connections Proposed size and location of battery units.
Environment Agency	<p>The entirety of the Order Limits of the DCO Application needs to be taken into consideration when addressing the constraints within and surrounding the Site; within Volume I, Chapter 7: Ecology and Biodiversity of the PEIR the development footprint has been considered rather than the Site boundary in some cases.</p> <p>The Site boundary falls within 200m of the River Nar Site of Special Scientific Interest (SSSI) and adjacent County Wildlife Sites (CWS).</p> <p>Currently, the ecological surveys are restricted to land within the potential development area, not the whole Site boundary. Surveys have not been conducted of the 'potential mitigation and enhancement area', and should also be surveyed to inform appropriate design.</p> <p>The Red Line boundary should be used in the scoping exercise for all aspects of potential environmental impact. Therefore, we disagree with the scoping out of Breckland Forest SSSI, Breckland SPA, River Nar SSSI, Land Adjacent to the River Nar CWS (ref. 895, 945, & 902), Narford Lake CWS, Priory Meadow CWS, Land West of</p>	<p>The 'potential mitigation and enhancement area' is not to be developed, such that development impacts have been scoped out for this area. Accordingly, baseline survey information has been collected for the Site's development area only.</p> <p>Relevant designations for further scoping are set in Volume I, Chapter 7: Ecology and Biodiversity.</p>



Consultee	Comments	Response
	<p>Castle Acre CWS, and Mill House Lake CWS, with Air and Water quality considerations to be addressed.</p>	
<p>Castle Acre Parish Council</p>	<p>Request for ecological appraisals on habitat disruption and biodiversity loss, as well as noise and light pollution studies.</p> <p>The sites proximity to the River Nar SSSI and other habitats raises concerns about the potential disruption to wildlife and release of pollutants from battery storage systems. Ecological surveys requested to assess impacts of breeding and migratory species, Wildlife corridors should be assessed to ensure they will effectively connect habitats across the development. Cumulative impacts to be addressed. Aviation considerations owing to the nearby RAF Marham, and impacts with regard to the safety of birdlife.</p>	<p>A full assessment of ecological impacts will be provided within the ES, including to address considerations to pollution (lighting, noise and spills/run-of) and where appropriate the safety of birdlife.</p> <p>Cumulative effects will be addressed in the ES.</p> <p>Surveys for breeding and migratory species have been undertaken, with a preliminary assessment of impacts considered within the PEIR where sufficient information is available. Full assessments will be provided within the ES (if necessary), including where current survey information is incomplete.</p> <p>Corridors for movement have been considered. The embedded mitigation includes measures to retain and enhance much of the interconnected boundary habitats through which movement can occur. This will be further discussed in the ES.</p>

1.2 Legislation, Planning Policy and Guidance

Legislation



1.2.1 A further summary of relevant legislation is set out in the Baseline Ecological Survey Report (**Volume III, Appendix 7.2**). In summary, the key pieces of legislation relating to nature conservation in the UK, which are of relevance to the Scheme are:

- Conservation of Habitats and Species Regulations 2017 (as amended)
- Wildlife and Countryside Act 1981 (as amended)
- Protection of Badgers Act 1992
- Hedgerows Regulations 1997
- Countryside and Rights of Way (CROW) Act for England and Wales 2000; and
- Natural Environment and Rural Communities Act 2006.

Planning Policy

1.2.2 Relevant National Planning Policy in relation to the ecology and biodiversity assessment are listed and discussed below.

1.2.3 Overarching National Policy Statement for Energy (EN-1) [Ref 7- 1] describes the Government's national policy for the delivery of major energy infrastructure, forming the primary policy for Secretary of State decision making for such developments. Parts 4 and 5 of EN-1 details the policies on the assessment of common impacts across the range of energy-technologies, with section 5.4 entitled 'Biodiversity and Geological Conservation, specifying the predominant policy concerning impacts of major energy infrastructure on Biodiversity. This includes guidance on the assessment and mitigation of these impacts.

1.2.4 National Policy Statement for Renewable Energy Infrastructure (EN-3) [Ref 1- 2] is a relevant technology-specific NPS, of which paragraphs 2.10.75 - 92 of EN-3 details government policy on developments for Solar Photovoltaic Generation and incorporates specific considerations in regard to biodiversity, ecological, geological and water management.

1.2.5 National Policy Statement for Electricity Networks Infrastructure (EN-5) [Ref 1- 3] details government policy on electrical infrastructure. With regard to Biodiversity, NPS EN-5 broadly refers to policies set out in EN-1 and EN-3, however paragraph 2.5 details Environment and Biodiversity Net Gain considerations.

1.2.6 The National Planning Policy Framework (NPPF) [Ref 7-4] describes the Government's national policies on "*conserving and enhancing the natural environment*" (Chapter 15). The NPPF is accompanied by Planning Practice Guidance on "*Biodiversity, ecosystems and green infrastructure*" and ODPM Circular 06/2005 [Ref 7-5].

1.2.7 NPPF takes forward the Government's strategic objective to halt overall biodiversity loss, as set out at Paragraph 187, which states that planning policies and decisions should contribute to and enhance the natural and local environment by:

"minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs"



1.2.8 The approach to dealing with biodiversity in the context of planning applications is set out at Paragraph 193:

“When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”

1.2.9 The above approach encapsulates the ‘mitigation hierarchy’ described in British Standard BS 42020:2019 [Ref 7-6], which sets out the following step-wise process:

- Avoidance – avoiding adverse effects through good design
- Mitigation – where it is unavoidable, mitigation measures should be employed to minimise adverse effects
- Compensation – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm; and
- Enhancement – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects; and

1.2.10 The measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the type and scale of the Scheme (BS 42020:2019, section 5.5) [Ref 1-6].

Local Planning Policy

1.2.11 The Site is located within the Breckland District. Relevant planning policy at the local level is therefore set out within the Breckland Local Plan 2023 [Ref 1-7]. The following policies of relevance to ecology and nature conservations are set out within the Breckland Local Plan, which are therefore of relevance to the Scheme:

- ENV02 Biodiversity Protection and Enhancement



- ENV03 The Brecks Protected Habitats & Species; and
- ENV06 Trees, Hedgerows and Development.

Guidance

- 1.2.12 The approach to assessment has been informed by the latest guidance published by CIEEM [Ref 7-8], as referred to within the Assessment Methodology section, above where appropriate.

References

- Ref 1-1 Department for Energy Security & Net Zero (2023) Overarching National Policy Statement for Energy (EN-1)
- Ref 1-2 Department for Energy Security & Nat Zero (2023) National Policy Statement for Renewable Energy Infrastructure (EN-3)
- Ref 1-3 Department for Energy Security & Net Zero (2023) National Policy Statement for Electricity Networks Infrastructure (EN-5)
- Ref 1-4 Ministry of Housing, Communities & Local Government (2024) National Planning Policy Framework
- Ref1-5 ODPM (2006) Circular 06/2005: Planning for Biodiversity and Geological Conservation
- Ref 1-6 British Standards Institution (2013) Biodiversity – Code of practice for planning and development, BS 42020:2019
- Ref 1-7 Breckland Council (2023) Breckland Local Plan



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