



THE DROVES
SOLAR FARM

The Droves Solar Farm

Preliminary Environmental Information Report

Volume III, Chapter 15: Other Environmental Matters

Prepared by: LDA Design

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Appendix 15.1

Consultation and Legislation, Planning Policy and Guidance



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1 Consultation and Legislation, Planning Policy and Guidance

1.1 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 other the environmental matters 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 assessment of other environmental matters have been summarised in Table 1.1 below, alongside commentary on where the comments have been addressed in **Volume I, Chapter 15: Other Environmental Matters**.
- 1.1.2 Consultation will continue to be undertaken throughout the preparation of the DCO Application for the Scheme; the contents of Table 1.1 are reflective of the consultation undertaken relevant to the topics covered in **Chapter 15: Other Environmental Matters**, at the time of writing the PEIR.

Table 1.1 Summary of Consultation Undertaken as of writing (March 2025)

Consultee	Comments	Response
Planning Inspectorate (on behalf of the Secretary of State) Scoping Opinion	<p>Air Quality:</p> <p>The Scoping Report states that dust and particulate matter produced during the construction and decommissioning of the Proposed Development would be controlled through measures outlined in the outline Construction Environmental Management Plan (oCEMP), and so significant effects would be unlikely to occur. The Inspectorate agrees that significant effects are unlikely to occur as a result of the release of dust and particulate matter during construction and decommissioning. However, Insufficient information has been provided on the number of expected vehicle movements associated with the construction and decommissioning phases to confirm this. The Inspectorate is</p>	<p>The Air Quality section of Other Environmental Matters of the ES will provide information on the number of expected vehicle movements associated with the Construction and Decommissioning Phases, alongside considering the location of the nearest sensitive receptors, as justification for the effects of Construction and Decommissioning Phases to be not significant.</p> <p>In line with the Norfolk County Council Scoping Response, a standalone Construction Phase Dust Assessment, in line with the IAQM guidance, is to be produced to support the DCO Application and inform</p>



Consultee	Comments	Response
	<p>content to scope this matter out on the basis that the ES provides a statement, supported by information on expected vehicle movements and the locations of the nearest sensitive receptors, as to why effects would not be significant.</p> <p>The Applicant's attention is drawn to the consultation response received from Norfolk County Council (Appendix 2 of this Opinion) on this matter.</p>	<p>measures included within the outline Construction Environmental Management Plan (oCEMP).</p> <p>A Battery Fire Plume Risk Assessment will be submitted in support of the DCO Application, and appended to the outline Battery Systems Safety Management Plan (oBSSMP).</p>
	<p>Air Quality:</p> <p>The Inspectorate agrees that operational activities are unlikely to give rise to significant amounts of dust and particulate matter. This matter can be scoped out of the ES.</p>	<p>Noted and agreed with PINS. This has been scoped out of the ES.</p>
	<p>Air Quality:</p> <p>This matter is proposed to be scoped out on the basis that traffic flows during construction are considered unlikely to exceed the screening criteria for sensitive human and ecological receptors. Providing that the ES can demonstrate that the traffic flows during construction will be beneath the IAQM thresholds for further assessment, this matter can be scoped out of the ES.</p> <p>The Inspectorate considers that air pollution impacts on nationally and internationally designated ecological sites from construction traffic should be scoped into the assessment.</p> <p>The Applicant's attention is drawn to the consultation response</p>	<p>Construction traffic vehicle movements will be reviewed as the details of the Scheme are finalised. If construction traffic vehicle numbers increase above EPUK/ IAQM criteria, detailed dispersion modelling of impacts to air quality may be assessed, as necessary in the ES.</p> <p>There are no internationally or nationally designated ecological sites located within the IAQM guidance criteria requiring for further assessment of Construction Phase traffic emissions on ecological receptors, within 200 m of the access tracks to the Site (up to 250 m from the Site boundary).</p>



Consultee	Comments	Response
	<p>received from Natural England (Appendix 2 of this Opinion) on this matter.</p>	<p>However, at the ES stage, following receipt of detailed information of construction traffic routing and the number of flows (which will be screened against the 1000 total annual average daily traffic (AADT) and/or 200 HDV AADT criteria outlined in the IAQM guidance), further assessment of internationally or nationally designated ecological receptors identified to be located within 200 m of proposed construction routes will be screened in the Air Quality section of the Other Environmental Matters chapter of the ES. This is also in line with the Natural England Scoping Response.</p>
	<p>Air Quality: The Inspectorate agrees that operational vehicle movements are unlikely to result in significant air quality effects. This matter can be scoped out of the ES.</p>	<p>Noted and agreed with PINS. This has been scoped out of the ES.</p>
	<p>Air Quality: This matter is proposed to be scoped out on the basis that air quality emissions from NRMM would be required to adhere to emissions standards. Providing that the ES confirms the type, quantity, use and duration of the NRMM the Inspectorate agrees that this matter can be scoped out of the ES.</p>	<p>Noted and agreed with PINS. This has been scoped out of the ES. Non-road mobile machinery (NRMM) will adhere to European regulations (EU 2016/1628) demonstrating compliance with emission limits, as will be detailed in the oCEMP.</p>



Consultee	Comments	Response
	<p>Air Quality:</p> <p>The Inspectorate is content that there is unlikely to be a significant impact from NRMM during operation and therefore agrees that this matter can be scoped out of the air quality assessment.</p>	<p>Noted and agreed with PINS. This has been scoped out of the ES.</p>
	<p>Air Quality:</p> <p>The ES should provide justification for the Study Area with reference to relevant guidance for ecological receptors and agree this where possible with relevant consultation bodies.</p> <p>The ES should include a plan showing the extent of the final Study Area, including proposed construction routes, the location of receptors (human and ecological) considered in the assessment.</p>	<p>Justification for the Study Area will be provided as an Appendix of the Other Environmental Matters of the ES, with reference to the IAQM guidance for ecological receptors. The ES will include a figure showing the extent of the Study Area including proposed construction routes, receptor locations (human and ecological) which have been considered in this assessment.</p>
	<p>Air Quality:</p> <p>The air quality assessment should also take into account any strategic mitigation for air pollution.</p> <p>The Applicant's attention is drawn to the consultation response received from Natural England (Appendix 2 of this Opinion) for further information on this matter.</p>	<p>A standalone Construction Dust Risk Assessment (Volume III, Appendix 15.2), is appended to the PEIR. A Construction Dust Risk Assessment will be part of the ES submitted as part of the DCO Application and will consider strategic mitigation measures to be implemented to minimise air pollution from the Construction and Decommissioning Phase, which will inform the outline Construction Environmental Management Plan (oCEMP).</p> <p>In line with the Scoping Response received from Natural England, the risks of air pollution will be</p>



Consultee	Comments	Response
		considered and appropriate mitigation measures outlined in the Other Environmental Matters of the ES.
<p>Planning Inspectorate (on behalf of the Secretary of State) Scoping Opinion</p>	<p>Glint and Glare:</p> <p>The Scoping Report states that a specific glint and glare chapter will not be required in the ES and that glint and glare effects in respect of those matters that are scoped in will be covered in Chapter 18 (Other Environmental Matters) of the ES for receptors identified in Appendix 15.1 of the Scoping Report.</p> <p>A technical appendix which considers glint and glare impacts will also support the assessment provided in Chapter 18 of the ES. The Inspectorate is content that a specific Glint and Glare chapter of the ES is scoped out on this basis.</p>	<p>Glint and Glare effects in respect of those matters that are scoped in will be covered in the Other Environmental Chapter of the ES.</p> <p>A Glint and Glare Assessment will be submitted with the ES.</p>
<p>Planning Inspectorate (on behalf of the Secretary of State) Scoping Opinion</p>	<p>Electromagnetic Fields (EMF):</p> <p>The Scoping Report proposes to scope out an assessment of EMF from the ES on the basis that any potentially significant effects can be avoided through design measures and an EMF risk assessment, setting out the routing and voltages of Low and High Voltage Cables up to 400kv, will accompany the ES in a technical appendix. The Inspectorate is content with this approach.</p>	<p>EMF will therefore be scoped out of the ES. Albeit an High Level Electromagnetic Field Assessment will be undertaken and submitted as a technical appendix to the ES (Volume III, Appendix 15.4).</p>
<p>Planning Inspectorate (on behalf of the Secretary of State) Scoping Opinion</p>	<p>Major Accidents and Disasters (MA&Ds):</p> <p>The Scoping Report proposes to scope out an assessment of Major Accidents and Disasters on the basis that there is no statutory basis relating to the vulnerability of</p>	<p>MA&Ds matters will be considered in technical topic chapters, where relevant, and are referred to within the ES.</p>



Consultee	Comments	Response
	<p>the Proposed Development to MA&D and where relevant, the potential impacts from MA&D on sensitive receptors will be assessed in other technical chapters within the ES. The Inspectorate has considered the characteristics of the Proposed Development and agrees with this approach. On the basis that potential impacts from MA&D will be considered in technical aspect chapters, where relevant, this matter can be scoped out of the ES.</p>	
<p>Planning Inspectorate (on behalf of the Secretary of State) Scoping Opinion</p>	<p>Telecommunications, Utilities and Television Receptors:</p> <p>Applicant proposed to scope out impacts to above ground telecommunications, utilities and television infrastructure – All phases. This matter is proposed to be scoped out on the basis that the low maximum heights associated with the Proposed Development means there would be limited potential for likely significant effects on above ground infrastructure. The Inspectorate agrees that the Proposed Development is unlikely to result in significant effects on any above ground infrastructure in proximity and this matter can be scoped out of the ES.</p> <p>Telecommunications, Utilities and Television Receptors:</p> <p>Applicant proposed to scope out impacts to below ground infrastructure – All phases. This matter is proposed to be scoped out on the basis that discussions and negotiations will be carried out with relevant stakeholders to establish safeguarding distances and measures for working in</p>	<p>The heights of electrical infrastructure associated with the Scheme will be reviewed as the details of the Scheme are finalised. Impacts to above ground telecommunications, utilities and television infrastructure will be scoped out of the ES.</p> <p>Noted, the Applicant will provide a statement supported with the locations of below ground utilities and provide evidence of consultation with relevant utility stakeholders as to why significant effects are not likely to occur, this will accompany the ES.</p>



Consultee	Comments	Response
	<p>proximity to be incorporated into the Proposed Development parameters, prior to the submission of the DCO. Insufficient information has been provided on the location of potential below ground infrastructure and utilities to rule out significant effects on them. As such the Inspectorate is currently not in a position to scope this matter out entirely. The ES should either assess the impacts to below ground infrastructure or provide a statement, supported with the locations of below ground utilities and evidence of agreement with the relevant stakeholders, as to why significant effects are not likely to occur.</p>	<p>As part of the Scheme design safeguarding distances and measures have been incorporated into the development design parameters.</p>
<p>Planning Inspectorate (on behalf of the Secretary of State) Scoping Opinion</p>	<p>Waste: The Scoping Report states that a separate waste chapter for the ES has been scoped out of the EIA as no likely significant effects are predicted during all phases of the Proposed Development. The Inspectorate agrees that a standalone chapter on waste is not required within the ES. However, the Inspectorate is not content to scope this aspect out.</p>	<p>Agreed. Waste will be considered within the Other Environmental Matters chapter of the ES, and preliminary information on this matter has been provided in Volume I, Chapter 15: Other Environmental Matters.</p>
	<p>Waste: The ES should however still contain a description of the potential waste streams of construction and decommissioning, and include estimated volumes, by type and quantity, of expected residues and emissions and quantities and types of waste produced, including, and an assessment of the likely significant effects. If off-site</p>	<p>The ES will identify potential waste streams during the Construction and Decommissioning Phases including estimated volumes, by type and quantity, of expected residues and emissions and quantities and types of waste produced, including, and an assessment of the likely significant effects. Should off-site disposal be</p>



Consultee	Comments	Response
	<p>disposal is required, an assessment of likely significant effects including cumulative effects should be included within the ES.</p> <p>The ES should describe any measures implemented to minimise waste and state whether the waste hierarchy will be utilised.</p>	<p>required, an assessment of effects including cumulative effects will be included in the ES.</p>
	<p>Waste:</p> <p>The Applicant's attention is drawn to the consultation response received from Norfolk County Council (Appendix 2 of this Opinion) on this matter.</p> <p>Norfolk County Council provided a response within the Scoping Opinion on Waste Management which recommended:</p> <p>The application should assess the potential for impacts on waste management facilities to deal with this waste, with particular reference to the sites within Norfolk, following the proximity principle to deal with waste as close to its source, where practicable. This should be included within the outline Site Waste Management Plan (oSWMP) included in the application.</p>	<p>Good practice measures will be set in place to ensure responsible processing of waste is adhered to. This will be secured through a outline Management Plans (e.g. oCEMP, oOEMP, oDEMP) submitted in support of the DCO Application. These management plans will include details on appropriate monitoring measures to ensure compliance with best practice measures as well as adherence to the waste hierarchy.</p> <p>Management of waste will be addressed further within the outline Site Waste Management Plan (oSWMP), which will assess the potential on waste management facilities to deal with waste from the Scheme, with focus to sites within Norfolk, following the proximity principles to deal with waste as close it it's source where practicable. An oSWMP will be prepared to support the submission of the DCO Application</p>
	<p>Waste:</p>	<p>The ES will assess likely significant effects from waste during all phases of</p>



Consultee	Comments	Response
	<p>The ES should include an assessment of the likely impact of component replacement (e.g. batteries and panels) and outline what measures, if any, are in place to ensure that these components are able to be diverted from the waste chain. The ES should assess the likely significant effects from waste at decommissioning to the extent possible at this time.</p> <p>The ES should assess any impacts from off-site transport and disposal of waste generated during construction and decommissioning which are likely to result in significant effects.</p> <p>Any assumptions made, such as with regard to quantities of contaminated material, should be clearly set out and justified in the ES.</p>	<p>development, including replacement activities of the panels and batteries and set out measures taken to ensure components are diverted, if feasible, from the waste chain. Impacts from off-site transport and disposal of waste generated during Construction and Decommissioning Phases likely to result in significant effects will also be included in assessment. Assumptions made, such as quantities and types of waste materials will be set out.</p>
	<p>Waste:</p> <p>The ES should clearly set out how decommissioning is to be assessed and any components which may remain following decommissioning. A Decommissioning Plan should be agreed with the local planning authority and the Inspectorate would expect to see this secured through the inclusion of an Outline Decommissioning Plan or similar with the Application</p>	<p>The ES will set out how decommissioning of the Scheme will be assessed and detail any components to be retained during the Decommissioning Phase. Good practice measures will be set in place to ensure responsible processing of waste is adhered to. An outline Decommissioning Environmental Management Plan (oDEMP) will be prepared in support of the ES, which will set out the mitigation measures identified through the preliminary EIA assessments that form the PEIR. The oDEMP will be submitted in support of the DCO Application.</p>



1.2 Legislation, Planning Policy and Guidance

Waste

Legislation

1.2.1 Legislation relevant to the Scheme and waste assessment include:

- The Environment Protection Act 1990 [15-1]
- The Hazardous Waste Regulations (England and Wales) 2005 (amended 2006) [15-2]
- The Waste (England and Wales) Regulations 2011 [15-3]
- Waste Electrical and Electronic Equipment (WEEE) Regulations 2013 [15-4]
- The Environmental Permitting (England and Wales) Regulations 2016 [15-5]; and
- Environment Act 2021 [15-6].

National Planning Policy

1.2.2 The National Planning Policies (NPPs) considered to be of most relevance to the waste assessment at ES are:

- Overarching National Policy Statement for Energy' (EN-1) [Ref 15-7].

1.2.3 The NPS EN-1 set the Government's energy policy approach for the deliver of nationally significant energy infrastructure, the need for new energy infrastructure and guidance for the determination of an application for a Development Consent Order (DCO) application. NPS EN-3 and EN-5 do not contain specific requirements relevant to the waste assessment for the Scheme.

1.2.4 Section 5.15 *Resource and Waste Management* specifically of EN-1 sets out the strategy that should be taken regarding reducing waste produced where possible and use of waste a resource. Paragraph 5.15.1 of EN-1 states that:

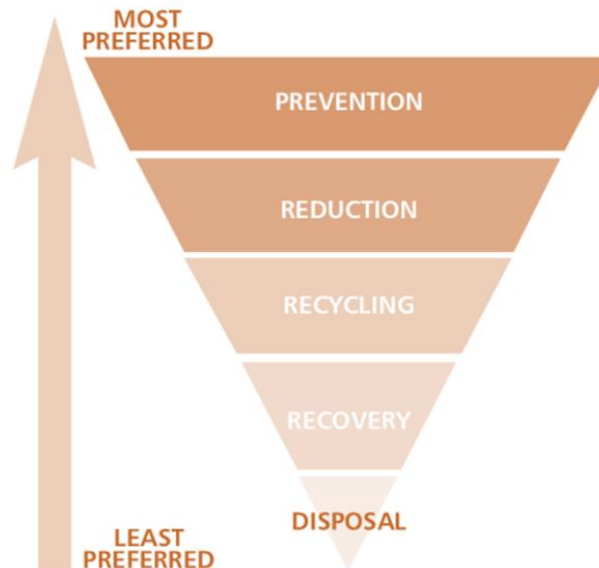
“Government policy on hazardous and non-hazardous waste is intended to protect human health and the environment by producing less waste and by using it as a resource wherever possible. Where this is not possible and disposal is required as a last resort, waste management regulation ensures that waste is disposed of in a way that is least damaging to the environment and to human health.”

1.2.5 Further outlined are the priorities for sustainable waste management when managing waste, acknowledged as implemented through the 'waste hierarchy' which sets out the priorities that must be applied when managing waste. These are (in order and as shown on Diagram 1.1):

- Prevention
- Preparing for reuse
- Recycling
- Other recovery, including energy recovery; and
- Disposal.



Diagram 1.1 Waste Hierarchy



1.2.6 Paragraph 5.15.15 states that The Secretary of State should be satisfied that:

- *“Any such waste will be properly managed, both on-site and off-site.*
- *The waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area.*
- *Adequate steps have been taken to minimise the volume of waste arisings, and of the volume of waste arisings sent for recovery or disposal, except where that is the best overall environmental outcome”.*

1.2.7 It goes on to further state that applicants should seek to minimise the volume of waste produced and the volume of waste sent to disposal. Good practice construction management should be followed in relation to storing of materials in an adequate and protected place on site to prevent waste generation

1.2.8 Additional national policy relevant to the Scheme waste assessment includes:

- The National Planning Policy for Waste (NPPW) 2014 [Ref 15-8]
- Environmental Improvement Plan 2023 [Ref 15-9]
- Waste Management Plan for England 2021 [Ref 15-10];
- A Green Future: Our 25 Year Plan to Improve the Environment 2018 [Ref 15-11]
- Our Waste, Our Resources, A Strategy for England 2018 [Ref 15-12]; and
- The Waste Prevention Programme for England: Maximising Resources, Minimising Waste 2023 [Ref 15-13].



Local Planning Policy

- 1.2.9 The current adopted Norfolk Minerals and Waste Development Framework comprises the Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026 (adopted September 2011) [Ref 15-14] and other supplementary DPDs and revised Policies Map.
- 1.2.10 Norfolk County Council, at the time of writing (March 2025), are preparing the Norfolk Minerals and Waste Local Plan (publication version 2022). This will consolidate the three existing adopted Development Plan Documents (DPDs) into one Local Plan ensuring policies remain up-to-date and extending the plan period to the end of 2038.

Relevant Industry Guidance

- 1.2.11 Guidance relevant to the Scheme waste assessment include:
- IEMA guide to: Materials and Waste in Environmental Impact Assessment – Guidance for a proportionate approach (2020) [15-15]; and
 - Waste Duty of Care Code of Practice [15-16].

Electromagnetic Fields (EMF)

- 1.2.12 The High Level Electromagnetic Field Assessment (**Volume III, Appendix 15.4**) sets out that legislation, planning policy and relevant industry guidance which the assessment has taken consideration of.
- 1.2.13 It is noted however, there is no direct statutory provision in the planning system relating to protection from EMFs. There is no other legislation, planning policy or guidance other than within the above mentioned assessment considered relevant to this assessment.

Telecommunications, Utilities and Television Receptors

- 1.2.14 There is no other legislation, policy or guidance specifically related to telecommunications, television reception, and utilities considered relevant to this assessment above that listed in this chapter

Glint and Glare

- 1.2.15 Legislation, planning policy and guidance relevant to the assessment of the impacts of the Scheme on Glint and Glare are presented below.
- 1.2.16 The NPSs set out the Government's energy policy for the delivery of nationally significant energy infrastructure, the need for new energy infrastructure, and guidance for the determination of an application for a Development Consent Order (DCO).
- 1.2.17 The National Policy Statement (NPS) that is relevant to the Scheme and Glint and Glare is the National Policy Statement for Renewable Energy Infrastructure (EN-3) (November 2023) [Ref 15-17]. NPS EN-3 refers to glint and glare from paragraph 2.10.102 to 2.10.106, 2.10.134 to 2.10.136, and 2.10.158 to 2.10.159. The relevant excerpts are presented in Appendix A of **Volume III, Appendix 15.3: Solar Photovoltaic Glint and Glare Assessment**.



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- 1.2.18 Breckland Local Plan (2023) [Ref 15-18] mentions glint and glare in relation to “*Planning considerations include the quality of agricultural land, the visual and landscape impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety, the impact of security infrastructure such as lights and fencing and the impact on the setting of heritage assets.*”
- 1.2.19 Other guidance documents relevant to the assessment of the impacts of the Scheme on Glint and Glare include:
- Pager Power’s Glint and Glare Guidance (Fourth Edition)
 - National Planning Practice Guidance – Renewable and Low Carbon Energy
 - Interim Civil Aviation Authority (CAA) guidance – Solar Photovoltaic Systems
 - CAA – CAP738: Safeguarding Aerodromes 3rd Edition
 - US Federal Aviation Authority (FAA) Administration Policy
 - FAA Policy: Review of Solar Energy Systems Projects on Federally Obligated Airports
 - Overview of Rail Safety and Standards Board Guidance (RSSB); and
 - BRE (2014). Planning guidance for the development of large scale ground mounted solar PV systems.

Air Quality

- 1.2.20 The air quality section of Chapter 15 has been prepared with consideration of the following guidance documents:
- The Institute of Air Quality Management (IAQM) ‘Assessment of Dust from Demolition and Construction V2.2’ Guidance (2024) [Ref 15-19]
 - The Environmental Protection UK (EPUK) and IAQM ‘Lane-Use Planning & Development Control: Planning for Air Quality V1.2’ Guidance (2017) [Ref 15-20]; and
 - The IAQM ‘A guide to the assessment of air quality impacts on designated nature conservation sites’ (2020) [Ref 15-21].



References

- Ref 15-1 The Environment Protection Act 1990, c. 43.
- Ref 15-2 The Hazardous Waste Regulations (England and Wales) 2005 (amended 2006)
- Ref 15-3 The Waste (England and Wales) Regulations 2011, SI 2011/988.
- Ref 15-4 Waste Electrical and Electronic Equipment (WEEE) Regulations 2013, SI 2013/3113.
- Ref 15-5 The Environmental Permitting (England and Wales) Regulations 2016, SI 2016/1154.
- Ref 15-6 Environment Act 2021, c. 30.
- Ref 15-7 Overarching National Policy Statement for Energy' (EN-1) 2023, 2023.
- Ref 15-8 The National Planning Policy for Waste (NPPW) 2014
- Ref 15-9 Environmental Improvement Plan 2023
- Ref 15-10 Waste Management Plan for England 2021
- Ref 15-11 HM Government, 2018. A Green Future: Our 25 Year Plan to Improve the Environment.
- Ref 15-12 HM Government, 2018. Our Waste, Our Resources: A Strategy for England.
- Ref 15-13 Department for Environment, Food & Rural Affairs, 2023. The Waste Prevention Programme for England: Maximising Resources, Minimising Waste.
- Ref 15-14 Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026 (adopted September 2011)
- Ref 15-15 Institute of Environmental Management & Assessment (IEMA), 2020. Materials and Waste in Environmental Impact Assessment – Guidance for a Proportionate Approach.
- Ref 15-16 Department for Environment, Food & Rural Affairs and Environment Agency, 2018. Waste Duty of Care Code of Practice.
- Ref 15-17 National Policy Statement for renewable energy infrastructure (EN-3) 2023, last updated 2024.
- Ref 15-18 Breckland Local Plan, Adopted September 2023.
- Ref 15-19 The Institute of Air Quality Management (IAQM) 'Assessment of Dust from Demolition and Construction V2.2' Guidance (2024)
- Ref 15-20 The Environmental Protection UK (EPUK) and IAQM 'Lane-Use Planning & Development Control: Planning for Air Quality V1.2' Guidance (2017)
- Ref 15-21 The IAQM 'A guide to the assessment of air quality impacts on designated nature conservation sites' (2020)



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