



Fosse Green Energy

EN010154

6.3 Environmental Statement Appendices

Appendix 8-A: Ecology Legislation, Planning Policy
Context and Guidance

VOLUME

6

Planning Act 2008 (as amended)

Regulation 5(2)(a)

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009 (as
amended)

18 July 2025

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulation 2009 (as amended)

Fosse Green Energy Development Consent Order 202[]

6.3 Environmental Statement Appendices

Appendix 8-A: Ecology Legislation, Planning Policy Context and Guidance

| | |
|--|----------------------------|
| Regulation Reference | Regulation 5(2)(a) |
| Planning Inspectorate Scheme Reference | EN010154 |
| Application Document Reference | EN010154/APP/6.3 |
| Author | Fosse Green Energy Limited |

| Version | Date | Issue Purpose |
|---------|--------------|----------------|
| Rev 1 | 18 July 2025 | DCO Submission |

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1. Introduction

1.1 Purpose of this Appendix

- 1.1.1 This appendix of the Environmental Statement (ES) identifies and describes the legislation, planning policy context and supporting guidance documents that are relevant to the assessment of potential significant effects of the Proposed Development on ecology and nature conservation (collectively referred to as biodiversity), as reported in **Chapter 8: Ecology and Nature Conservation** of this ES [EN010154/APP/6.1].
- 1.1.2 This ES appendix does not assess the Proposed Development against legislation and policy, instead this appendix identifies legislation and planning policy that could influence:
- a. the determination of important ecological features (IEFs) (and therefore the significance of effects) and any requirements for mitigation; and
 - b. the methods to be used within the Environmental Impact Assessment (EIA) which are presented in **Chapter 8: Ecology and Nature Conservation** of this ES [EN010154/APP/6.1]. For example, a policy may require the assessment of an impact or the use of a specific method.
- 1.1.3 The relevant legislation and policy will be assessed within the **Planning Statement** [EN010154/APP/7.2]. The following sections identify and describe the legislation, planning policy and supporting guidance which has been taken into account in preparing **Chapter 8: Ecology and Nature Conservation** of this ES [EN010154/APP/6.1].

2. Legislation

2.1 International Legislation

- 2.1.1 The following international legislation is relevant to the assessment of the impacts of the Proposed Development on biodiversity.
- 2.1.2 European Union (EU) and global biodiversity targets are partly delivered through a range of legislative measures, which place obligations on Member States to protect biodiversity and the natural environment. Whilst the United Kingdom (UK) left the EU on 31 January 2020, the ecological protection established by certain EU Directives continues to be implemented through the UK legislation, as set out in **Section 2.2** of this appendix. In relation to biodiversity, three key Directives relevant to the Proposed Development have been considered in preparing **Chapter 8: Ecology and Nature Conservation** of this ES [EN010154/APP/6.1]:
- Birds Directive - Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Ref 1);
 - Habitats Directive – Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Ref 2); and
 - Regulation (EU) 1143/2014 of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species (Ref 3).
- 2.1.3 These Directives provide for the protection of animal and plant species of European importance and the habitats which support them, particularly through the establishment of a network of protected sites, called European sites (previously the 'Natura 2000 network') and include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).
- 2.1.4 Further legislation includes Directive 2000/60/EC of the European Parliament and of the Council (Water Framework Directive, WFD) (Ref 4), under which Member States are required to protect and improve their inland and coastal waters (see WFD in **Section 2.2** below).
- 2.1.5 The Ramsar Convention 1971 (Ref 5) is an international treaty which includes the designation of wetlands of international importance. Government policy extends the same level of protection to Ramsar wetlands as that afforded to sites that are designated under the Birds Directive (Ref 1) and Habitats Directive (Ref 2).
- 2.1.6 However, there are no Ramsar sites of relevance to the Proposed Development.

2.2 National Legislation

- 2.2.1 Regulation 5(2)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (Ref 6) requires that an EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the likely significant direct and indirect effects of the Proposed Development on biodiversity, with particular attention to species and habitats protected under the Birds Directive (Ref 1) and the Habitats Directive (Ref 2).
- 2.2.2 The main relevant legislative instruments relating to nature conservation in England and considered within the assessment presented in **Chapter 8: Ecology and Nature Conservation [EN010154/APP/6.1]** of this ES are summarised below.

Conservation of Habitats and Species Regulations 2017 (as amended)

- 2.2.3 The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) (Ref 7) transposed the requirements of the Birds Directive (Ref 1) and the Habitats Directive (Ref 2) into UK law and provide for the designation and protection of European sites (and adapt planning and other controls for the protection of these sites). This includes Annex I (habitats) and Annex II (species) for which such European sites can be designated.
- 2.2.4 The Habitats Regulations (Ref 7) also provide protection for certain European Protected Species (EPS) that are listed in Schedule 2 (animals) or Schedule 5 (plants) of the Habitats Regulations. Provision is made for the granting of licences that permit certain acts as lawful, providing the appropriate authority is satisfied that:
- the permitted activities will be carried out for specified reasons or purposes;
 - there is no satisfactory alternative; and
 - the activities will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.
- 2.2.5 The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (Ref 8) means that SACs and SPAs in the UK no longer form part of the EU's Natura 2000 ecological network, following the UK's exit from the EU. The Amendment instead created a national site network on land and at sea, including both the inshore and offshore marine areas in the UK. The national site network includes:
- existing SACs and SPAs; and
 - proposed SACs and SPAs designated under these Regulations.
- 2.2.6 The presence of European sites (see **Section 2.1** of this appendix) and their relationship to the Proposed Development have been identified in the Habitats Regulations Assessment (HRA) Report **[EN010154/APP/7.13]**. However, there are no European sites of relevance to the Proposed Development. The

presence, or otherwise, of Annex I habitats, Annex II species and any EPS have also been included in the assessment.

Wildlife and Countryside Act 1981 (as amended)

- 2.2.7 The Wildlife and Countryside Act (WCA) (Ref 9) is a primary piece of UK wildlife legislation, protecting birds, other animals and plants (including vascular plants, mosses and liverworts, lichens and fungi), providing for the designation of protected areas including Sites of Special Scientific Interest (SSSIs) and promoting protection for such designated areas. The WCA also defines a list of invasive non-native species, making it illegal to release or allow to escape into the wild any listed invasive non-native animals; or to cause to grow in the wild any listed invasive non-native plants.
- 2.2.8 Designated sites, protected flora and fauna and invasive non-native species covered by the WCA (Ref 9) that will be affected by the Proposed Development have been included in the assessment.

Countryside and Rights of Way Act 2000

- 2.2.9 The Countryside and Rights of Way Act 2000 (the CRoW Act) (Ref 10) extends powers relating to the protection and management of SSSIs. This includes:
- a. powers for entering into management agreements;
 - b. placing a duty on public bodies to further the conservation and enhancement of SSSIs;
 - c. increasing penalties for conviction;
 - d. appeal processes for the notification, management and protection of SSSIs; and
 - e. introduces the offence of 'reckless' disturbance of threatened species.
- 2.2.10 The legislative provisions of the CRoW Act (Ref 10) relating to designated sites and flora and fauna affected by the Proposed Development have been included in the assessment.

Environment Act 2021

- 2.2.11 The Environment Act 2021 (Ref 11) provides a legal framework for environmental governance and makes provision for improvements to the natural environment. It requires the Secretary of State to set long-term targets (15-year minimum) for biodiversity.
- 2.2.12 From 12 February 2024, under Schedule 7A of the Town and Country Planning Act 1990 (Ref 12), it became mandatory in England for new planning applications to achieve a minimum of 10% net gain in biodiversity units (more commonly known as biodiversity net gain (BNG)), relative to a site's baseline biodiversity value. The Environment Act 2021 also makes provisions for BNG in relation to development consent for Nationally Significant Infrastructure Projects (NSIPs). Other biodiversity provisions of the Act include:
- a. strengthened biodiversity duty on public authorities;

- b. Local Nature Recovery Strategies (LNRS) to support a network of nature recovery strategy areas;
 - c. duty upon Local Authorities to consult on street tree felling;
 - d. strengthened woodland protection enforcement measures;
 - e. protected site strategies and species conservation strategies to support the design and delivery of strategic approaches to deliver better outcomes for nature;
 - f. prohibition on large UK businesses using commodities or products derived from commodities associated with wide-scale deforestation in UK commercial activities unless relevant local laws on that commodity were complied with; and
 - g. a requirement on large UK businesses to establish a system of due diligence for each regulated commodity used in their supply chain.
- 2.2.13 A Biodiversity Net Gain Assessment [EN010154/APP/7.12] using the Department for Environment, Food and Rural Affairs (Defra) Statutory Biodiversity Metric has been undertaken and is included as part of the DCO application.

Water Environment (Water Framework Directive (WFD)) (England and Wales) Regulations 2017

- 2.2.14 The EU WFD (Ref 4) is transposed into law in England by The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (Ref 13). The WFD follows a holistic approach to the sustainable management of water by considering the interactions between surface water (including transitional and coastal waters, rivers, streams and lakes), groundwater and water-dependent ecosystems.
- 2.2.15 The assessment has considered the provisions of The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (Ref 13) in relation to avoiding deterioration of a water body from its current status or potential and / or not preventing future attainment of good status or potential where not already achieved. The Water Framework Directive Assessment is presented in **Appendix 9-B: Water Framework Directive** of this ES [EN010154/APP/6.3].

Natural Environment and Rural Communities Act 2006

- 2.2.16 The Natural Environment and Rural Communities Act 2006 (as amended) (the NERC Act) (Ref 14) places a duty on public authorities with functions exercisable in England to consider from time to time what action they can properly take, consistent with the exercise of their functions, to further the general biodiversity objective, which is the conservation and enhancement of biodiversity in England.
- 2.2.17 In England, the NERC Act (Ref 14) requires the Secretary of State for Environment to publish and maintain a list of habitats and species that are of 'principal importance' for the purpose of conserving biodiversity and are

regarded as conservation priorities under the UK Biodiversity Framework 2024 (Ref 15).

- 2.2.18 The occurrence of priority species and habitats (also termed Habitats of Principal Importance (HaPI) and Species of Principal Importance (SPI)) have been identified in the assessment through a desk study and field surveys, and the design of the Proposed Development includes measures for their conservation and enhancement.

Protection of Badgers Act 1992

- 2.2.19 The Protection of Badgers Act 1992 (Ref 16) provides specific legislation to protect Badger (*Meles meles*) and their setts from harm. The protection of Badgers and their setts through best working practices, including the legal requirement for licences from Natural England (where required) has been considered as part of the assessment of the Proposed Development.

Hedgerows Regulations 1997

- 2.2.20 The Hedgerows Regulations 1997 (Ref 17) introduced protection for countryside hedgerows that are defined as 'important' because they meet specific criteria as set out in Schedule 1 to the Regulations. The assessment has evaluated hedgerows potentially affected by the Proposed Development by way of field survey, to determine whether any qualify as important under the wildlife or landscape criteria.

Salmon and Freshwater Fisheries Act 1975

- 2.2.21 The Salmon and Freshwater Fisheries Act 1975 (Ref 18) relates to the protection of freshwater fish, including Atlantic Salmon (*Salmo salar*) and Trout (species of *Salmo*) and their habitats. The assessment has considered the provisions of this Act in relation to the risk of mortality, migration barriers, pollution and the degradation of habitats potentially resulting from the Proposed Development.

Eels (England and Wales) Regulations 2009

- 2.2.22 The Eels (England and Wales) Regulations 2009 (the Eels Regulations) (Ref 19) came into force on 15 January 2010 to support the UK in implementing Council Regulation (EC) No 1100/2007 (the EC Eel Regulation) (Ref 20), which aimed to halt and reverse the decline in the European Eel (*Anguilla anguilla*) stocks, aiming to meet mature adult European Eel biomass escapement targets to sea of 40% relative to that expected in the absence of anthropogenic impacts.
- 2.2.23 The assessment has considered the provisions of the Eels Regulations (Ref 19) in relation to safe and unobstructed passage for Eel, and consideration regarding channel alterations, river crossings and culverting.

Wild Mammals (Protection) Act 1996

- 2.2.24 The Wild Mammals (Protection) Act 1996 (Ref 21) is an Act to make provision for the protection of wild mammals from certain cruel acts and for connected

purposes. The provisions of this Act have been taken account of within the assessment by ensuring the welfare of any animals potentially affected by the Proposed Development are considered.

Invasive Alien Species (Enforcement and Permitting) Order 2019

- 2.2.25 The Invasive Alien Species (Enforcement and Permitting) Order 2019 (Ref 22) came into effect on 1st October 2019. This implemented the EU IAS Regulation 1143/2014 (Ref 3) on the prevention and management of invasive alien plant and animal species in England and Wales, including the relevant licences, permits and rules for keeping invasive alien species.
- 2.2.26 The provisions of this Order have been taken account by ensuring invasive non-native species of special concern that are potentially affected by the Proposed Development are considered within the assessment.
- 2.2.27 If it is not a species of special concern, then Section 14 and Schedule 9 of the WCA (as amended) (Ref 9) may still apply.

Biodiversity Gain Requirements (irreplaceable habitat) Regulations 2024

- 2.2.28 The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 (Ref 23), specifically define and address the treatment of "irreplaceable habitats" within the context of Biodiversity Net Gain (BNG) requirements. These regulations modify how BNG applies to these sensitive habitats, acknowledging their unique characteristics and the difficulty in recreating them.
- 2.2.29 Key aspects of the Regulations comprise:
- a. Definition of Irreplaceable Habitat: The regulations define "irreplaceable habitat" and outline specific habitat types considered irreplaceable, such as ancient woodland, ancient and veteran trees, and certain coastal and wetland habitats.
 - b. Modification of BNG Requirements: The regulations modify the standard 10% biodiversity net gain requirement for developments impacting irreplaceable habitats. While developers must still minimize harm to these habitats, they are not required to achieve the standard BNG percentage on top of no net loss.
 - c. Minimising Adverse Effects: The primary focus for irreplaceable habitats is to minimize the adverse effects of development and ensure appropriate compensation for any losses.
 - d. Alternative Arrangements: Instead of the standard BNG calculation, developers must make alternative arrangements to mitigate the impact on irreplaceable habitats, which may include creating or restoring similar habitats elsewhere; and

Review Mechanism: The regulations include a provision for a review of the regulations within five years of their commencement, and at subsequent five-

year intervals, to assess their effectiveness and ensure they remain appropriate.

3. Planning Policy Context

3.1 National Policy

National Policy Statements

- 3.1.1 The type of energy generating technology incorporated by the Proposed Development (solar photovoltaic generation), is specifically referenced within the following National Policy Statements (NPS). EIA takes account of these NPSs, which have effect in relation to the Proposed Development and provide a framework for decision making by the Secretary of State:
- Overarching National Policy Statement for Energy (NPS EN-1) (Ref 24);
 - NPS for Renewable Energy Infrastructure (NPS EN-3) (Ref 25); and
 - NPS for Electricity Networks Infrastructure (NPS EN-5) Ref 26).
- 3.1.2 The NPSs set out the Government's energy policy for delivery of major energy infrastructure, along with the need for new infrastructure and guidance for determining applications for Development Consent Orders (DCOs). The NPSs provide specific guidance and criteria that applicants should cover when assessing the effects of their Proposed Development, and how the Secretary of State should consider these impacts and any mitigation measures applied.
- 3.1.3 The relevant NPS requirements for biodiversity are provided in **Table 1**, along with an indication of where in the DCO application this information can be sourced.

Table 1: National Policy Statement (NPS) Paragraphs relevant to biodiversity

| Relevant Paragraph Reference | NPS | NPS Paragraph wording | Location of information provided to address this |
|--|-------|---|---|
| Overarching National Policy Statement for Energy EN-1 | | | |
| Paragraph 4.3.3 to 4.3.5 | 4.3.3 | The Regulations require an assessment of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, transboundary, short, medium, and long-term, permanent and temporary, positive and negative effects at all stages of the project, and also of the measures envisaged for avoiding or mitigating significant adverse effects. To consider the potential effects, including benefits, of a proposal for a project, the applicant must set out information on the likely significant environmental, social and economic effects of the development, and show how any likely significant negative | Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1] sets out information on the possible negative effects of the Proposed Development and how the design of the Proposed Development will seek to avoid any of these significant negative effects throughout all stages of the development (from pre-construction, construction, operation |

| Relevant Paragraph Reference | NPS | NPS Paragraph wording | Location of information provided to address this |
|------------------------------|-------|---|---|
| | | <p>effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy. This information could include matters such as employment, equality, biodiversity net gain, community cohesion, health and well-being.</p> <p>For the purposes of this NPS and the technology specific NPSs the ES should cover the environmental, social and economic effects arising from pre-construction, construction, operation and decommissioning of the project.</p> | <p>and decommissioning of the project).</p> <p>Embedded mitigation is set out in Section 8.10 in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1].</p> |
| Paragraph to 4.6.2 | 4.6.1 | <p>Environmental net gain is an approach to development that aims to leave the natural environment in a measurably better state than beforehand. Projects should therefore not only avoid, mitigate and compensate harms, following the mitigation hierarchy, but also consider whether there are opportunities for enhancements.</p> <p>Biodiversity net gain is an essential component of environmental net gain. Projects in England should consider and seek to incorporate improvements in natural capital, ecosystem services and the benefits they deliver when planning how to deliver biodiversity net gain.</p> | <p>A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity within the DCO Site Boundary and potentially of the wider environment is provided in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1]. The layout of these enhancement and mitigation areas are presented in Chapter 3: The Proposed Development of this ES [EN010154/APP/6.1].</p> <p>A BNG Assessment using Defra's Statutory Biodiversity Metric is also included as part of the DCO application (Biodiversity Net Gain Report [EN010154/APP/7.12]).</p> |
| Paragraph to 4.6.8 | 4.6.6 | <p>Energy NSIP proposals, whether onshore or offshore, should seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity, and the wider environment where possible.</p> <p>In England applicants for onshore elements of any development are</p> | <p>A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity within the DCO Site Boundary and potentially of the wider</p> |

| Relevant Paragraph Reference | NPS | NPS Paragraph wording | Location of information provided to address this |
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| | | <p>encouraged to use the latest version of the biodiversity metric to calculate their biodiversity baseline and present planned biodiversity net gain outcomes. This calculation data should be presented in full as part of their application.</p> <p>Where possible, this data should be shared, alongside a completed biodiversity metric calculation, with the Local Authority and Natural England for discussion at the pre-application stage as it can help to highlight biodiversity and wider environmental issues which may later cause delays if not addressed.</p> | <p>environment is provided in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1].</p> <p>A BNG Assessment using Defra's Statutory Biodiversity Metric is also included as part of the DCO application [EN010154/APP/7.12].</p> <p>The data from the BNG assessment will be shared with Natural England, Lincolnshire County Council and North Kesteven District Council.</p> |
| Paragraph 4.6.10 to 4.6.13 | | <p>Biodiversity net gain should be applied after compliance with the mitigation hierarchy and does not change or replace existing environmental obligations, although compliance with those obligations will be relevant to the question of the baseline for assessing net gain and if they deliver an additional enhancement beyond meeting the existing obligation, that enhancement will count towards net gain.</p> <p>Biodiversity net gain can be delivered onsite or wholly or partially off-site. We encourage details of any off-site delivery of biodiversity net gain to be set out within the application for development consent</p> <p>When delivering biodiversity net gain off-site, developments should do this in a manner that best contributes to the achievement of relevant wider strategic outcomes, for example by increasing habitat connectivity, enhancing other ecosystem service outcomes, or considering use of green infrastructure strategies. Reference should be made to relevant national or local plans and strategies, to inform off-site biodiversity net gain delivery. If published, the relevant strategy is the Local Nature Recovery Strategy (LNRS). If an LNRS has not</p> | <p>A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity within the DCO Site Boundary and potentially of the wider environment is provided in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1]. The layout of these enhancement and mitigation areas are presented in Chapter 3: The Proposed Development of this ES [EN010154/APP/6.1].</p> <p>Where relevant, reference is made to any national or local plans/strategies (as described in this appendix) to inform the plan for biodiversity enhancement of the DCO Site.</p> |

| Relevant Paragraph Reference | NPS | NPS Paragraph wording | Location of information provided to address this |
|------------------------------|-----|---|--|
| | | <p>been published, the relevant consenting body or planning authority may specify alternative plans, policies or strategies to use.</p> <p>In addition to delivering biodiversity net gain, developments may also deliver wider environmental gains and benefits to communities relevant to the local area, and to national policy priorities, such as:</p> <ol style="list-style-type: none"> reductions in GHG emissions reduced flood risk improvements to air or water quality, climate adaptation, landscape enhancement increased access to natural greenspace, or the enhancement, expansion or provision of trees and woodlands <p>The scope of potential gains will be dependent on the type, scale, and location of specific projects. Applicants should look for a holistic approach to delivering wider environmental gains and benefits through the use of nature-based solutions and Green Infrastructure.</p> | <p>A BNG Assessment using Defra's Statutory Biodiversity Metric is also included as part of the DCO application [EN010154/APP/7.12].</p> |
| Paragraph 4.6.15 | | <p>Applications for development consent should be accompanied by a statement demonstrating how opportunities for delivering wider environmental net gains have been considered, and where appropriate, incorporated into proposals as part of good design (including any relevant operational aspects) of the project.</p> | <p>A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity within the DCO Site Boundary and potentially of the wider environment is provided in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1]. The layout of these enhancement and mitigation areas are presented in Chapter 3: The Proposed Development of this ES [EN010154/APP/6.1].</p> |

| Relevant Paragraph Reference | NPS | NPS Paragraph wording | Location of information provided to address this |
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| | | | A BNG Assessment using Defra's Statutory Biodiversity Metric is also included as part of the DCO application [EN010154/APP/7.12]. |
| Paragraph 5.4.4 to 5.4.5 | 5.4.4 | <p>The highest level of biodiversity protection is afforded to sites identified through international conventions. The Habitats Regulations set out sites for which an HRA (Habitat Regulation Assessment) will assess the implications of a plan or project, including Special Areas of Conservation and Special Protection Areas.</p> <p>As a matter of policy, the following should be given the same protection as sites covered by the Habitats Regulations and an HRA will also be required:</p> <ol style="list-style-type: none"> potential Special Protection Areas and possible Special Areas of Conservation; listed or proposed Ramsar sites; and sites identified, or required, as compensatory measures for adverse effects on any of the other sites covered by this paragraph. | Both Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1] and the HRA Report [EN010154/APP/7.13] consider proposed SPAs, SACs, Ramsar sites (listed or proposed) and sites identified, or required, as compensatory measures for adverse effects on other European sites, where relevant. |
| Paragraph 5.4.8 | 5.4.8 | Development on land within or outside a SSSI, 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 (including need) 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 SSSIs. | Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1] sets out the likely effects on designated sites of ecological importance, including SSSIs. This concludes, that with careful Proposed Development design and embedded mitigation, there will be no adverse effects on SSSIs. |
| Paragraph 5.4.12 to 5.4.13 | 5.4.12 | Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Wildlife Sites, are areas of substantive nature conservation value and make an | Section 8.11 in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1] sets out the likely effects on designated sites of |

| Relevant Paragraph Reference | NPS | NPS Paragraph wording | Location of information provided to address this |
|------------------------------|-----|--|---|
| | | important contribution to ecological networks and nature's recovery. They can also provide wider benefits including public access (where agreed), climate mitigation and helping to tackle air pollution. National planning policy expects plans to identify and map Local Wildlife Sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks. | ecological importance, including sites of regional and local biodiversity interest. This concludes, that with careful Proposed Development design and embedded mitigation, there will be no adverse effects on these sites. |
| Paragraph 5.4.15 | | Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Keepers of Time, the government's policy for ancient and native trees and woodlands in England sets out the government's commitment to maintain and enhance the existing area of ancient woodland, maintain and enhance the existing resource of known ancient and veteran trees, excluding natural losses from disease and death, and to increase the percentage of ancient woodland in active management. Ancient or veteran trees found outside ancient woodland are also particularly valuable. Other types of irreplaceable habitats include blanket bog, limestone pavement, coastal sand dunes, salt marsh swards, mediterranean saltmarsh scrub and lowland fen. | Section 8.11 in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1] sets out the likely effects on habitats of principal importance. |
| Paragraph 5.4.17 | | Where the development is subject to EIA, the applicant should ensure that the ES clearly sets out any effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats. | Section 8.11 in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1] sets out the likely effects on designated sites of ecological importance, protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity. |
| Paragraph 5.4.19 to 5.4.20 | | The applicant should show how the project has taken advantage of | A detailed description of how the Proposed |

| Relevant Paragraph Reference | NPS | NPS Paragraph wording | Location of information provided to address this |
|------------------------------|-----|--|--|
| | | <p>opportunities to conserve and enhance biodiversity and geological conservation interests.</p> <p>Applicants should consider wider ecosystem services and benefits of natural capital when designing enhancement measures.</p> | <p>Development will take advantage of opportunities to enhance biodiversity within the DCO Site Boundary and potentially of the wider environment is provided in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1]. The layout of these enhancement and mitigation areas are presented in Chapter 3: The Proposed Development of this ES [EN010154/APP/6.1].</p> <p>A BNG Assessment using Defra's Statutory Biodiversity Metric is also included as part of the DCO application [EN010154/APP/7.12].</p> |
| Paragraph 5.4.21 to 5.4.22 | | <p>As set out in Section 4.7, the design process should embed opportunities for nature inclusive design. Energy infrastructure projects have the potential to deliver significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains (see Section 4.6 on Environmental and Biodiversity Net Gain). The scope of potential gains will be dependent on the type, scale, and location of each project.</p> <p>The design of energy NSIP proposals will need to consider the movement of mobile/migratory species such as birds, fish and marine and terrestrial mammals and their potential to interact with infrastructure. As energy infrastructure could occur anywhere within England and Wales, both inland and onshore and offshore, the potential to affect mobile and migratory species across the UK and more widely across Europe (transboundary effects) requires</p> | <p>Mitigation measures will be embedded in the Proposed Development design with the aim of enabling the continued movement of species, including birds, fish, aquatic and terrestrial mammals detailed. A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity within the DCO Site Boundary and potentially of the wider environment is provided in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1]. The layout of these enhancement and mitigation areas are</p> |

| Relevant Paragraph Reference | NPS | NPS Paragraph wording | Location of information provided to address this |
|------------------------------|-----|--|--|
| | | consideration, depending on the location of development. | presented in Chapter 3: The Proposed Development of this ES [EN010154/APP/6.1]. A BNG Assessment using Defra's Statutory Biodiversity Metric is also included as part of the DCO application [EN010154/APP/7.12]. |
| Paragraph 5.4.25 to 5.4.26 | | The applicant should seek the advice of the appropriate Statutory Nature Conservation Body (SNCB) and provide the Secretary of State with such information as the Secretary of State may reasonably require, to determine whether an HRA Appropriate Assessment (AA) is required. Applicants can request and agree 'Evidence Plans' with SNCBs, which is a way to record upfront the information the applicant needs to supply with its application, so that the HRA can be efficiently carried out. If an AA is required, the applicant must provide the Secretary of State with such information as may reasonably be required to enable the Secretary of State to conduct the AA. This should include information on any mitigation measures that are proposed to minimise or avoid likely significant effects. If, during the pre-application stage, the SNCB indicate that the proposed development is likely to adversely impact the integrity of habitat sites, the applicant must include with their application such information as may reasonably be required to assess a potential derogation under the Habitats Regulations. | The HRA Report [EN010154/APP/7.13] has concluded there are no likely significant effects on the designated sites included in the assessment. |
| Paragraph 5.4.30 | | Applicants should work closely at an early stage in the pre-application process with SNCB and Defra/Welsh Government to develop a compensation plan for all protected sites adversely affected by the development. Applicants should engage with the relevant Local Planning Authority at an early stage regarding the proposed location of compensatory measures. Applicants should also take account of | Natural England will be consulted on the proposed embedded mitigation measures and any additional mitigation measures for protected sites that have the potential to be adversely impacted by the Proposed Development as detailed |

| Relevant Paragraph Reference | NPS | NPS Paragraph wording | Location of information provided to address this |
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| | | any strategic plan level compensation plans in developing project level compensation plans. | in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1]. No compensation for designated sites is required, as no likely significant effects have been identified. |
| Paragraph 5.4.32 | | 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 construction and operational phases. | Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1] sets out embedded mitigation measures to avoid and protect any ancient/veteran trees and priority habitats during the construction and operational phases of the Proposed Development (where required). |
| Paragraph 5.4.33 | | Applicants should consider any reasonable opportunities to maximise the restoration, creation, and enhancement of wider biodiversity, and the protection and restoration of the ability of habitats to store or sequester carbon as set out under Section 4.6. | A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity within the DCO Site Boundary and potentially of the wider environment is provided in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1]. The layout of these enhancement and mitigation areas are presented in Chapter 3: The Proposed Development of this ES [EN010154/APP/6.1]. A BNG Assessment using Defra's Statutory Biodiversity Metric is also included as part of the DCO application [EN010154/APP/7.12]. |

| Relevant Paragraph Reference | NPS | NPS Paragraph wording | Location of information provided to address this |
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| | | | <p>Furthermore, Chapter 6: Climate Change of this ES [EN010154/APP/6.1] addresses carbon sequestration of habitats. Net impact of Lifecycle greenhouse gas (GHG) emissions associated with land use (e.g., agricultural activity and carbon sequestration from vegetation) are expected to range from minor adverse to beneficial. No significant adverse effects of climate change to or because of the Proposed Development were identified in the Climate Change Risk Assessment.</p> |
| Paragraph 5.4.34 | | <p>Consideration should be given to improvements to, and impacts on, habitats and species in, around and beyond developments, for wider ecosystem services and natural capital benefits, beyond those under protection and identified as being of principal importance. This may include considerations and opportunities identified through Local Nature Recovery Strategies, and national goals and targets set through the Environment Act 2021 and the Environmental Improvement Plan 2023.</p> | <p>A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity within the DCO Site Boundary and potentially of the wider environment is provided in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1]. The layout of these enhancement and mitigation areas are presented in Chapter 3: The Proposed Development of this ES [EN010154/APP/6.1].</p> <p>A BNG Assessment using Defra's Statutory Biodiversity Metric is also included as part of the DCO application [EN010154/APP/7.12] and will include Opportunity Mapping for Lincolnshire, in designing and locating new habitats</p> |

| Relevant Paragraph Reference | NPS | NPS Paragraph wording | Location of information provided to address this |
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| | | | throughout the Proposed Development. |
| Paragraph 5.4.35 to 5.4.36 | | <p>Applicants should include appropriate avoidance, mitigation, compensation and enhancement measures as an integral part of the proposed development. In particular, the applicant should demonstrate that:</p> <ol style="list-style-type: none"> during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works the timing of construction has been planned to avoid or limit disturbance during construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements habitats will, where practicable, be restored after construction works have finished opportunities will be taken to enhance existing habitats rather than replace them, and where practicable, create new habitats of value within the DCO Site landscaping proposals. Where habitat creation is required as mitigation, compensation, or enhancement, the location and quality will be of key importance. In this regard habitat creation should be focused on areas where the most ecological and ecosystems benefits can be realised. mitigations required as a result of legal protection of habitats or species will be complied with. <p>Applicants should produce and implement a Biodiversity Management Strategy as part of their development proposals. This could include provision for biodiversity awareness training to employees and contractors so as to avoid unnecessary adverse impacts on biodiversity during the construction and operation stages.</p> | <p>The management of biodiversity throughout the life of the Proposed Development will be covered by the following documents, included within the Application:</p> <ol style="list-style-type: none"> Framework Construction Environmental Management Plan (Framework CEMP) [EN010154/APP/7.7]. Framework Operational Environmental Management Plan (Framework OEMP) [EN010154/APP/7.8]. Framework Decommissioning Environmental Management Plan (Framework DEMP) [EN010154/APP/7.9]; and Framework Landscape and Ecological Management Plan (Framework LEMP) [EN010154/APP/7.15]. <p>All of the above plans are secured via the DCO requirements within the Draft DCO.</p> <p>Section 8.10 in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1] provides information on how the Proposed Development has mitigated for likely effects and taken advantage of</p> |

| Relevant Paragraph Reference | NPS | NPS Paragraph wording | Location of information provided to address this |
|------------------------------|-----|--|--|
| | | | opportunities to enhance biodiversity. |
| Paragraph 5.4.39 | | The Government's 25 Year Environment Plan and the Environment Act 2021 mark a step change in ambition for wildlife and the natural environment. The Secretary of State should have regard to the aims and goals of the Government's Environmental Improvement Plan 2023, and in Wales the objectives of the Nature Recovery Plan and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere. | Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1] has been produced with regard to the aims and goals of all relevant legislation and policy including the 25 Year Environment Plan (Ref 24). |
| Paragraph 5.4.42 to 5.4.43 | | As a general principle, and subject to the specific policies below, development should, in line with the mitigation hierarchy, aim to avoid significant harm to biodiversity and geological conservation interests, including through consideration of reasonable alternatives (as set out in Section 4.3 above). Where significant harm cannot be avoided, impacts should be mitigated and as a last resort, appropriate compensation measures should be sought. If significant harm to biodiversity resulting from a development cannot be avoided (for example through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then the Secretary of State will give significant weight to any residual harm. | A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity within the DCO Site Boundary and potentially of the wider environment is provided in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1]. The layout of these enhancement and mitigation areas are presented in Chapter 3: The Proposed Development of this ES [EN010154/APP/6.1]. A BNG Assessment using Defra's Statutory Biodiversity Metric is also included as part of the DCO application [EN010154/APP/7.12]. |
| Paragraph 5.4.44 | | The Secretary of State should consider what appropriate requirements should be attached to any consent and/or in any planning obligations entered into, in order to ensure that any mitigation or biodiversity net gain measures, if offered, are delivered and maintained. Any habitat | The management of biodiversity throughout the life of the Proposed Development will be covered by the following documents, included |

| Relevant Paragraph Reference | NPS | NPS Paragraph wording | Location of information provided to address this |
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| | | creation or enhancement delivered including linkages with existing habitats for compensation or biodiversity net gain should generally be maintained for a minimum period of 30 years, or for the lifetime of the project, if longer. | <p>within the DCO application:</p> <ul style="list-style-type: none"> a. Framework CEMP [EN010154/APP/7.7]. b. Framework OEMP [EN010154/APP/7.8]. c. Framework DEMP [EN010154/APP/7.9]; and d. Framework LEMP [EN010154/APP/7.15]. <p>All of the above plans are secured via the DCO requirements within the Draft DCO.</p> |
| Paragraph 5.4.46 to 5.4.47 | | <p>Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. The Secretary of State should give appropriate weight to environmental and biodiversity enhancements, although any weight given to gains provided to meet a legal requirement (for example under the Environment Act 2021) is likely to be limited.</p> <p>When considering proposals, the Secretary of State should maximise such reasonable opportunities in and around developments, using requirements or planning obligations where appropriate. This can help towards delivering biodiversity net gain as part of or in addition to the approach set out at Section 4.6.</p> | <p>A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity within the DCO Site Boundary and potentially of the wider environment is provided in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1]. The layout of these enhancement and mitigation areas are presented in Chapter 3: The Proposed Development of this ES [EN010154/APP/6.1].</p> <p>A BNG Assessment using Defra's Statutory Biodiversity Metric is also included as part of the DCO application [EN010154/APP/7.12].</p> |
| National Policy Statement for Renewable Energy Infrastructure | | | |
| Paragraph 2.10.76 to 2.10.79 | | The applicant's ecological assessments should identify any ecological risk from developing on the proposed site. | The assessment provided in Chapter 8: Ecology and Nature |

| Relevant Paragraph Reference | NPS | NPS Paragraph wording | Location of information provided to address this |
|------------------------------|-----|--|---|
| | | <p>Issues that need assessment may include habitats, ground nesting birds, wintering and migratory birds, bats, dormice, reptiles, great crested newts, water voles and badgers.</p> <p>The applicant should use an advising ecologist during the design process to ensure that adverse impacts are avoided, minimised or mitigated in line with the mitigation hierarchy, and biodiversity enhancements are maximised.</p> <p>The assessment may be informed by a 'desk study' of existing ecological records, an evaluation of the likely impacts of the solar farm upon ecological features and should specify mitigation to avoid or minimise these impacts, and any further surveys required.</p> | <p>Conservation of this ES [EN010154/APP/6.1] considers relevant protected species, their habitats, appropriate mitigation and enhancements.</p> |
| Paragraph 2.10.82 | | <p>Applicants should consider how security and lighting installations may impact on the local ecology. Where pole mounted CCTV facilities are proposed the location of these facilities should be carefully considered to minimise impact. If lighting is necessary, it should be minimised and directed away from areas of likely habitat.</p> | <p>The assessment provided in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1] considers indirect impacts, such as through the effect of lighting on ecological features.</p> |
| Paragraph 2.10.83 | | <p>Applicants should consider how site boundaries are managed. If any hedges/scrub are to be removed, further surveys may be necessary to account for impacts. Buffer strips between perimeter fencing and hedges may be proposed, and the construction and design of any fencing should account for enabling mammal, reptile and other fauna access into the DCO Site if required to do so in the ecological report.</p> | <p>The assessment provided in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1] considers the DCO Site Boundary and work areas, with the majority of vegetation on work boundaries retained and buffered. Furthermore, the fence design will include gaps at strategic locations to allow small mammals to pass through, which will maintain connectivity for such species.</p> |
| Paragraph 2.10.89 | | <p>Solar farms have the potential to increase the biodiversity value of a site, especially if the land was previously intensively managed. In some instances, this can</p> | <p>As detailed in Chapter 3: The Proposed Development and Chapter 8: Ecology and</p> |

| Relevant Paragraph Reference | NPS | NPS Paragraph wording | Location of information provided to address this |
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| | | result in significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains which is encouraged. | Nature Conservation of this ES [EN010154/APP/6.1] the Proposed Development design includes features such as areas of new grassland and woodland with the aim of enhancing the biodiversity within the DCO Site Boundary . |
| Paragraph 2.10.90 | | For projects in England, applicants should consider enhancement, management, and monitoring of biodiversity in line with the ambition set out in the Environmental Improvement Plan and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere. | A BNG Assessment using Defra's Statutory Biodiversity Metric is also included as part of the DCO application [EN010154/APP/7.12]. Monitoring of biodiversity is included within the Framework LEMP [EN010154/APP/7.15]. |
| Paragraph 2.10.100 to 2.10.101 | to | The applicant should consider as part of the design, layout, construction, and future maintenance plans how to protect and retain, wherever possible, the growth of vegetation on site boundaries, as well as the growth of existing hedges, established vegetation, including mature trees within boundaries. Applicants should also consider opportunities for individual trees within the boundaries to grow on to maturity. The impact of the proposed development on established trees and hedges should be informed by a tree survey and arboricultural/hedge assessment as appropriate. | Information is included within the Framework LEMP [EN010154/APP/7.15]. |
| Paragraph 2.10.128 to 2.10.130 | to | In England, proposed enhancements should take account of the above factors and as set out in Sections 4.6 and 5.4 of EN-1 aim to achieve environmental and biodiversity net gain in line with the ambition set out in the Environmental Improvement Plan and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere. | A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity within the DCO Site Boundary and potentially of the wider environment is provided in Chapter 8: Ecology and Nature Conservation of |

| Relevant Paragraph Reference | NPS | NPS Paragraph wording | Location of information provided to address this |
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| | | <p>This might include maintaining or extending existing habitats and potentially creating new important habitats, for example by installing cultivated strips/plots for rare arable plants, rough grassland margins, bumble bee plant mixes, and wild bird seed mixes.</p> <p>Applicants are advised to develop an ecological monitoring programme to monitor impacts upon the flora of the DCO Site and upon any particular ecological receptors (such as bats and wintering birds). Results of the monitoring will then inform any changes needed to the land management of the DCO Site, including, if appropriate, any livestock grazing regime.</p> | <p>this ES [EN010154/APP/6.1]. The layout of these enhancement and mitigation areas are presented in Chapter 3: The Proposed Development of this ES [EN010154/APP/6.1].</p> <p>A BNG Assessment using Defra's Statutory Biodiversity Metric is also included as part of the DCO application [EN010154/APP/7.12].</p> |

National Policy Statement for Electricity Networks Infrastructure

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| Paragraph 2.5.1 | <p>When planning and evaluating the proposed development's contribution to environmental and biodiversity net gain, it will be important – for both the applicant and the Secretary of State – to supplement the generic guidance set out in EN-1 (Section 4.6) with recognition that the linear nature of electricity networks infrastructure can allow for excellent opportunities to:</p> <ul style="list-style-type: none"> a. reconnect important habitats via green corridors, biodiversity stepping zones, and re-establishment of appropriate hedgerows; and/or b. connect people to the environment, for instance via footpaths and cycleways constructed in tandem with environmental enhancements. | <p>The Framework LEMP [EN010154/APP/7.15] details habitat creation, proposed within the DCO Site Boundary to increase biodiversity and how the Proposed Development will be managed and monitored.</p> |
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National Planning Policy Framework

- 3.1.4 The National Planning Policy Framework (NPPF) (Ref 27) sets out the UK Government's planning policies for England and how these are expected to be applied. While the NPPF does contain specific policies for NSIPs like those in the above NPS's, it remains a relevant matter for consideration as to the Government's general directions in respect of planning. The NPPF with particular reference to Section 15 (conserving and enhancing the natural environment) states that the planning system should contribute to and

enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity.

- 3.1.5 The NPPF (Ref 27) is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution.
- 3.1.6 The NPPF (Ref 27) also specifies the obligations that the Local Authorities and the UK Government have regarding sites statutorily designated for their biodiversity value and otherwise protected or notable habitats and protected species under UK and international legislation and how this is to be delivered in the planning system.
- 3.1.7 Protected or notable habitats and species are of material consideration in planning decisions and may therefore make some sites unsuitable for particular types of development, or if development is permitted and significant harm to biodiversity cannot be avoided, then adequate mitigation measures (or as a last resort, compensation) may will be required to avoid or minimise impacts on certain habitats and species. The policies set out in the NPPF to a large extent mirror those that are explained in NPS EN-1 (Ref 24). The relevant NPPF paragraphs, together with an indication of where in the DCO application the information is provided to address these requirements, are provided in **Table 2**.

Table 2: NPPF paragraphs relevant to biodiversity

| Relevant Paragraph Reference | NPPF Paragraph wording | Location of information provided to address this |
|------------------------------|--|--|
| Paragraph 187 | <p>Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> a. protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b. recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c. maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d. minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological | <p>A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity within the DCO Site Boundary and potentially of the wider environment is provided in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1]. The layout of these enhancement and mitigation areas are presented in Chapter 3: The Proposed Development of this ES [EN010154/APP/6.1].</p> <p>A BNG Assessment using Defra's Statutory</p> |

| Relevant Paragraph Reference | NPPF | NPPF paragraph wording | Location of information provided to address this |
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| | | <p>networks that are more resilient to current and future pressures;</p> <p>e. preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</p> <p>f. remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p> | <p>Biodiversity Metric is also included as part of the DCO application [EN010154/APP/7.12].</p> |
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| Paragraph 188 | <p>Plans should:</p> <p>a. distinguish between the hierarchy of international, national and locally designated sites;</p> <p>b. allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and</p> <p>c. plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.</p> | <p>Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1] distinguishes the sensitivity and hierarchy of ecological features according to geographic context.</p> <p>A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity within the DCO Site Boundary and potentially of the wider environment is provided in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1]. The layout of these enhancement and mitigation areas are presented in Chapter 3: The Proposed Development of this ES [EN010154/APP/6.1].</p> |
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| Relevant Paragraph Reference | NPPF | NPPF paragraph wording | Location of information provided to address this |
|------------------------------|------|--|---|
| | | | A BNG Assessment using Defra's Statutory Biodiversity Metric is also included as part of the DCO application [EN010154/APP/7.12]. |
| Paragraph 192 | | <p>To protect and enhance biodiversity and geodiversity, plans should:</p> <ol style="list-style-type: none"> identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. | <p>A detailed description of how the Proposed Development will take advantage of opportunities to enhance biodiversity within the DCO Site Boundary and potentially of the wider environment is provided in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1]. The layout of these enhancement and mitigation areas are presented in Chapter 3: The Proposed Development of this ES [EN010154/APP/6.1].</p> <p>A BNG Assessment using Defra's Statutory Biodiversity Metric is also included as part of the DCO application [EN010154/APP/7.12].</p> |
| Paragraph 193 | | <p>When determining planning applications, local planning authorities should apply the following principles:</p> <ol style="list-style-type: none"> 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; 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), | <p>Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1] sets out the potential effects on designated sites of ecological importance, including SSSIs. This concludes, that with careful site design and embedded mitigation, there will be no adverse effects on SSSIs.</p> <p>A detailed description of how the Proposed</p> |

| Relevant Paragraph Reference | NPPF | NPPF paragraph wording | Location of information provided to address this |
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| | | <p>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 (SSSIs);</p> <p>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</p> <p>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.</p> | <p>Development will take advantage of opportunities to enhance biodiversity within the DCO Site Boundary and potentially of the wider environment is provided in Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1]. The layout of these enhancement and mitigation areas are presented in Chapter 3: The Proposed Development of this ES [EN010154/APP/6.1].</p> <p>A BNG Assessment using Defra's Statutory Biodiversity Metric is also included as part of the DCO application [EN010154/APP/7.12].</p> |
| Paragraph 194 | | <p>The following should be given the same protection as habitats sites:</p> <p>a. potential Special Protection Areas and possible Special Areas of Conservation;</p> <p>b. listed or proposed Ramsar sites; and</p> <p>c. sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.</p> | <p>Both Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1] and the Habitats Regulations Assessment Report [EN010154/APP/7.13] consider potential SPAs, SACs, Ramsar sites (listed or proposed) and sites identified, or required, as compensatory measures for adverse effects on other European sites, where relevant.</p> |
| Paragraph 195 | | <p>The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan</p> | <p>Chapter 8: Ecology and Nature Conservation of this ES [EN010154/APP/6.1] details the assessment of likely impacts and effects of the Proposed</p> |

| Relevant Paragraph Reference | NPPF | NPPF paragraph wording | Location of information provided to address this |
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| | | or project will not adversely affect the integrity of the habitats site. | Development and sets out embedded mitigation measures to avoid and protect any priority habitats during the construction and operational phases of the Proposed Development (where required). |
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3.2 Local Policy

3.2.1 Local planning policies that are relevant to inform the assessment on biodiversity are:

- a. Central Lincolnshire Local Plan (Adopted April 2023) (Ref 28), Section 11: Natural Environment and specifically:
 - i. Policy S60: Protecting Biodiversity and Geodiversity;
 - ii. Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains; and
 - iii. Policy S66: Trees, Woodland and Hedgerows.
- b. Thorpe on the Hill Neighbourhood Plan 2016–2036 (Ref 29), specifically:
 - i. Policy 3: Biodiversity; and
 - ii. Policy 4: Green Spaces and Green Infrastructure.

3.2.1 These local policies have been reviewed and considered in the assessment presented in **Chapter 8: Ecology and Nature Conservation** of this ES [EN010154/APP/6.1]. The specific policy wording, relevant to these local policies are presented in **Table 3**.

Table 3: Local Policy relevant to biodiversity

| Relevant Document | Relevant Policy and wording |
|--|---|
| Central Lincolnshire Local Plan (2023) | <p>Policy S60: Protecting Biodiversity and Geodiversity sets out the level of protection afforded to International, National and Local Sites as well as Irreplaceable Habitats. It also states that development should:</p> <ol style="list-style-type: none"> a) <i>“protect, manage, enhance and extend the ecological network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;</i> b) <i>minimise impacts on biodiversity and features of geodiversity value;</i> c) <i>deliver measurable and proportionate net gains in biodiversity in accordance with Policy S61; and</i> d) <i>protect and enhance the aquatic environment within or adjoining the site, including water quality and habitat”.</i> <p>Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains states that all development proposals, unless specifically exempted by the Government, must provide clear and robust evidence for biodiversity net gains and losses in the form of a biodiversity gain plan, which should be submitted with the application form.</p> |

Relevant Document

Relevant Policy and wording

Policy S65: Important Open Space states that “an area identified as important open space is safeguarded from development unless it can be demonstrated that:

- a. there are no significant detrimental impacts on the character and appearance of the surrounding area, ecology and heritage assets; and
- b. in the case of publicly accessible open space, there is an identified over provision of that particular type of open space in the community area and the site is not required for alternative recreational uses or suitable alternative open space can be provided on a replacement site or by enhancing existing open space serving the community area”.

Policy S66: Trees, Woodland and Hedgerows states that development must protect existing trees and woodland, expanding and improving them when possible. Where proposals result in the loss or deterioration of ancient woodland or ages or veteran trees, permission will be refused unless on an exceptional basis where the benefits of the development in that location outweigh the costs.

Thorpe on the
 Neighbourhood Plan

Hill

Policy 3: Biodiversity states that “development should minimise its impact on biodiversity and provide net gains in biodiversity where possible. The following measures to protect and enhance local biodiversity will be supported:

- a) the preservation of ecological networks, especially those between built-up areas;
- b) the protection of ancient trees or trees of arboricultural value;
- c) the preservation, restoration and re-creation of wildlife habitats, and the protection and recovery of priority species; and,
- d) the provision of a net gain in flora and fauna”.

Policy 4: Green Spaces and Green Infrastructure summarises how a development should protect public rights of ways and provide enhancement to them. Where necessary, a development must mitigate any the impact of said development, by providing proportionate contributions to improve the existing natural environment or through the delivery of new green spaces or other green infrastructure.

4. Guidance Documents

- 4.1.1 Guidance documents that are relevant to the assessment of the impacts of the Proposed Development on biodiversity are summarised in the following sections.

Guidelines for Ecological Impact Assessment in the UK and Ireland Terrestrial, Freshwater, Coastal and Marine

- 4.1.2 These guidelines (Ref 30), issued by the Chartered Institute of Ecology and Environmental Management (CIEEM) promote good practice and provide a common framework to EclA in order to provide decision-makers with relevant information about the likely ecological effects of a project.

Environmental Improvement Plan (2023)

- 4.1.3 In 2023, the UK Government published its Environmental Improvement Plan (Ref 31), the first revision of the 25 Year Environment Plan (Ref 32) to set out how the Government will work with landowners, communities and businesses to deliver each of its goals for the natural environment. An Environmental Improvement Plan is required to be prepared, updated and reported on under the Environment Act 2021 (Ref 11). This document continues to use the ten goals set out within the 25 Year Environment Plan with the apex goal being to achieve 'thriving plants and wildlife' and sets interim targets pursuant to the long-term targets set under the Environment Act 2021. The Environmental Improvement Plan (Ref 31) recognises the wider value of the environment and its contribution, such as food, clean water and air, wildlife, energy, wood, recreation and protection from hazards.

Biodiversity 2020: A strategy for England's Wildlife and Ecosystem Services

- 4.1.4 Biodiversity 2020 (Ref 33) was published in August 2011, building on the Natural Environment White Paper and setting out the strategic direction for biodiversity policy to 2020 on land (including rivers and lakes) and at sea in England.
- 4.1.5 Biodiversity 2020 established a new global vision for biodiversity, including a set of strategic goals and targets to drive action. It outlines the Government's vision for the natural environment, shifting the emphasis from piecemeal conservation action towards a more integrated landscape-scale approach.

Biodiversity Guidance for Solar Developments (2014)

- 4.1.6 The document produced by BRE, Biodiversity Guidance for Solar Developments (Ref 34) provides guidance to planners and the solar industry on how biodiversity can be supported on solar farms.

Natural England and Department of Environment, Food and Rural Affairs (Defra) Standing Advice (protected species) (2014)

- 4.1.7 Standing advice from Natural England and Defra (Ref 35) provides guidance on protected and notable species and includes reference to the best practice approaches for survey, mitigation and compensation. Guidance is also provided on the procedure for obtaining protected species licences.
- 4.1.8 This advice has informed the planning of surveys and the approach to mitigating impacts upon protected species, including where necessary the requirement to submit an application for Natural England mitigation licences.

UK Biodiversity Framework

- 4.1.9 The UK Biodiversity Action Plan (UKBAP) (Ref 36) was launched in 1994 and established a framework and criteria for identifying species and habitat types of conservation concern and remains an important reference material. The UKBAP was subsequently succeeded by the UK Post-2010 Biodiversity Framework (July 2012) (Ref 37), and then again by the UK Biodiversity Framework 2024 (Ref 38).
- 4.1.10 The UK list of priority species and habitats (of which there are 943 priority species and 56 priority habitats in England) remains an important reference source and has been used to help draw up statutory lists of priority habitats and species in England, Scotland, Wales and Northern Ireland. For the purpose of this assessment, the UKBAP is used as one of the criteria to assist in assigning national value to an ecological feature.
- 4.1.11 The UK Biodiversity Framework 2024 (Ref 38) is relevant within England in the context of the NERC Act 2006 (Ref 14) This means that HaPI and SPI are of material consideration in planning. These habitats and species are identified as those of conservation concern due to their rarity or a declining population trend. The objectives of the Framework have been included in the assessment of HaPI and SPI.

The International Union for Conservation of Nature Red List of Threatened Species

- 4.1.12 Established in 1964, the International Union for Conservation of Nature's (IUCN) Red List of Threatened Species (Ref 39) is a source of information on the global extinction risk status of animal, fungus and plant species that is continually reviewed and updated. The IUCN Red List Categories and Criteria are intended to be an easily and widely understood system for classifying species at high risk of global extinction. It divides species into nine categories: Not Evaluated, Data Deficient, Least Concern, Near Threatened, Vulnerable, Endangered, Critically Endangered, Extinct in the Wild, and Extinct.

Mitigating biodiversity impacts associated with solar and wind energy development: Guidelines for project developers (2021)

- 4.1.13 The document produced by the Biodiversity Consultancy, Mitigating Biodiversity Impacts Associated with Solar and Wind Energy Development: Guidelines for Project Developers (Ref 40), aims to provide practical support for solar and wind energy developments by effectively managing risks and improving overall outcomes related to biodiversity and includes guidance and reference for the approach to assessing impacts on biodiversity and mitigation.

Central Lincolnshire Green Infrastructure Strategy

- 4.1.14 In April 2011, a study was undertaken to produce a strategic framework for the delivery of green infrastructure across Central Lincolnshire over the following 15-20 years and this is reported in the Central Lincolnshire Green Infrastructure Strategy (Ref 41).

Local Biodiversity Action Plan

- 4.1.15 The Proposed Development is located within the county of Lincolnshire. Formerly, the Lincolnshire Biodiversity Action Plan (LBAP) (3rd edition) (Ref 42) provided context to inform identification of threatened or uncommon species of local relevance, alongside priorities for conservation and enhancement targeted at a local level.
- 4.1.16 However, under the Environment Act 2021 (Ref 11), these are being replaced by LNRs, which are a system of spatial strategies for nature which will support delivery of BNG and provide more focussed action for nature recovery. Whilst this is still being developed for Lincolnshire (expected in 2026) and with no specific habitat or species plans currently in place, this report references those species formerly included on the LBAP (Ref 42).

Guidelines for the Selection of Biological Sites of Special Scientific Interest (SSSIs)

- 4.1.17 The Guidelines for the Selection of Biological Sites of Special Scientific Interest (SSSIs) (Ref 43), produced by the Joint Nature Conservation Committee (JNCC) provide a consistent rationale for the evaluation and selection of biological SSSIs throughout Great Britain and provide context during the assessment of the potential impacts of the Proposed Development.

Local Wildlife Site Guidelines for Greater Lincolnshire

- 4.1.18 The identification and selection of Local Wildlife Sites (LWS) has most impact and implications within the planning system and the identification and selection of LWSs establishes their wildlife value, ensuring that they are recognised and appropriately surveyed and mitigated for within development plans.

- 4.1.19 This document (Ref 44), produced by the Greater Lincolnshire Nature Partnership (GLNP), provides context during the assessment of the potential impacts of the Proposed Development on any such sites.

The Biodiversity Opportunity Mapping Study for Central Lincolnshire

- 4.1.20 The Biodiversity Opportunity Mapping Study (Ref 45) identifies a series of strategic spatial areas across Central Lincolnshire (City of Lincoln, North Kesteven and West Lindsey) which show where the greatest opportunities are for nature.
- 4.1.21 The final spatial areas identified rely upon the existing network of habitat. This study identifies opportunities for enhancing place and quality in and around new developments as well as identifying where maximum benefit can be gained from investment in conservation action.
- 4.1.22 The strategic spatial areas have been considered in this assessment and the design for the Proposed Development aligns with the study to avoid and / or enhance spatial areas (where practicable).

Local Nature Recovery Strategy (LNRS)

- 4.1.23 A Local Nature Recovery Strategy (LNRS) is a tool designed to guide action for nature recovery. They were introduced by the Environment Act 2021 (see **Section 2.2.11** of this appendix) to help achieve the targets set out in the Environmental Improvement Plan (Ref 31), build the Nature Recovery network and improve nature locally for the benefit of wildlife and people.
- 4.1.24 Using local knowledge and expertise the LNRS will describe Greater Lincolnshire and its biodiversity and will identify local people's priorities and potential opportunities for recovering or improving biodiversity. The LNRS will propose ways to achieve those priorities.
- 4.1.25 The Regulations and Guidance for LNRSs were released in April 2023, with the official appointment of Responsible Authorities for the 48 LNRS areas. The LNRS are reviewed every 3-10 years. Lincolnshire County Council has been appointed as the Responsible Authority for Greater Lincolnshire.
- 4.1.26 To produce the LNRS, Lincolnshire County Council is working in close partnership with North Lincolnshire Council, North East Lincolnshire Council and Greater Lincolnshire Nature Partnership, with support and guidance from Natural England.

Delivering Biodiversity Net Gain in Central Lincolnshire Guidance for Applicants Seeking Planning Permission

- 4.1.27 This guidance (Ref 46) has been prepared by the Central Lincolnshire Local Plan team on behalf of the Central Lincolnshire Local Planning Authorities (City of Lincoln, North Kesteven and West Lindsey) in relation to the delivery of BNG in Central Lincolnshire. The aim of this guidance is to help applicants and ecologists understand how BNG will apply to planning applications in

Central Lincolnshire to support Policy S61 of the Central Lincolnshire Local Plan (Ref 28).

Internal Drainage Board (IDB) Policies

- 4.1.28 The Witham and Humber Drainage Boards Nature Strategy 2021 – 2026 (Ref 47) has been adopted to create a drainage district where wildlife is an integral part of delivering efficient and effective water-level management and reduced flood risk. The Nature Strategy sets out action plans for the included drainage districts and provides context for local priority habitats and species.
- 4.1.29 The Witham and Humber Internal Drainage Boards Water Vole (*Arvicola terrestris* [*Arvicola amphibius*]) Policy (Ref 48) protects and enhances the Water Vole habitat and populations associated with the Boards' land and the drainage channels in the Upper Witham, Witham First District, Witham Third District and North East Lindsey Internal Drainage Board areas.
- 4.1.30 The occurrence of habitats and species of relevance at a local level, identified through the Witham and Humber Drainage Boards Nature Strategy, has been identified in the assessment through a desk study and field surveys, and the design of the Proposed Development includes measures for their conservation and enhancement.

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