



One Earth Solar Farm

Volume 6.0 Environmental Statement [EN010159]

Volume 3: Technical Appendices Supporting ES Volume 2

Appendix 6.1: Summary of Relevant Legislation, Policy and Technical Guidance

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A.6 Biodiversity Legislation, Planning Policy and Guidance

A.6.1 Review of Policy, Legislation and Relevant Guidance

- A.6.1.1. Legislation, planning policy and guidance relating to biodiversity, and pertinent to the Proposed Development comprises:

Legislation

The Environment Act (2021)

- A.6.1.2. This legislation is part of a post-Brexit legal framework in the UK for environmental protection. The Act makes provisions for targets, plans and policies toward general improvement of the natural environment. Specifically in relation to biodiversity, Part 6 of the Act, introduced a 10% Biodiversity Net Gain (BNG) mandatory requirement for new development falling under the Town and Country Planning Act 1990.
- A.6.1.3. The Act also introduces new measures toward the conservation of biodiversity, specifically on the duty of local authorities, including the strengthening of woodland protection enforcement measures, Conservation Covenants, Protected Site Strategies, Species Conservation Strategies, and Local Nature Recovery Strategies to supplement a Nature Recovery Network.

Conservation of Habitats and Species Regulations (2017) (as amended)

- A.6.1.4. Also referred to as the Habitats Directive, this legislation sets out the designation of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) across the UK. These designations give an increased level of legal environmental protection in comparison to domestic protections. Specific species listed under this legislation are also given a higher level of protection. The 2017 regulations were amended in 2019 and became operable from 1st January 2021, which included an amended process for the designation of SACs, and further amendments to ensure operational effectiveness when excluding functions from the European Commission.

Natural Environment and Rural Communities Act (2006) (as amended)

- A.6.1.5. Also referred to as the NERC Act (2006), Section 40 of this legislation set out the need for public bodies and statutory undertakers to have regard to biodiversity to ensure no net loss of biodiversity going forward. This legislation also establishes Natural England as a non-departmental public body. Section 41 of the Act places a duty on the Secretary of State to maintain species and habitat lists that are of principal importance for the conservation of biodiversity in England, also known as priority species or habitats.

Countryside and Rights of Way Act (2000) (as amended)

- A.6.1.6. This legislation relates to right of access across the UK, giving public access to land which is mapped as “open country” or registered common land. Collectively, these areas are referred to as “open access land” through the CROW Act. The Act sets out the rights permitted on open access land, and subsequently what isn’t permitted. The Act also clearly sets out the exclusion of access to land which is referred to as ‘excepted land.’

Hedgerow Regulations (1997)

- A.6.1.7. The Hedgerow Regulations (1997) were introduced as part of the Environment Act 1995, specifically relating to arrangements for local authorities in England and Wales to protect hedgerow. These regulations set out protections to control removal of ‘important’ hedgerows via the implementation of a system of notification. This means that local planning authorities must be notified when managers of land (or utility operators) want to remove hedgerow and must provide robust justification. Local authorities can refuse consent for hedgerow removal.

Protection of Badgers Act 1992 (as amended)

- A.6.1.8. This Act consolidates previous legislation on the protection of badgers and outlines that it is an offence to take, injure, kill, or ill-treat a badger, interfere with badger setts, sell and come into possession of live badgers, or marking a badger, without obtaining a license from a statutory authority. The Act lists the explicit exceptions to this, as well as the licensing process, enforcement and penalties associated with any offence.

Wildlife & Countryside Act (1981) (as amended)

- A.6.1.9. This Act consolidated previous legislation on the protection and conservation of birds, wild creatures and wild plants, and now provides protection to a range of species of flora and fauna. This Act also details the law relating to Sites of Special Scientific Interest (SSSI). Schedule 9 of the Act lists the flora and fauna for which it is illegal to introduce into the wild or cause the spread of, within the UK.

National Planning Policy

Overarching National Policy Statement for Energy (EN-1) (2023)

- A.6.1.10. This provides overarching government policy on energy NSIPs, and the way in which any impacts and mitigation measures will be considered. Specific extracts relating to the Proposed Development are as follows:
- A.6.1.11. Paragraph 4.6.2 states that “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.”

- A.6.1.12. Paragraph 4.6.7 states that “In England applicants for onshore elements of any development are 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.”
- A.6.1.13. Paragraph 5.4.19 states that “The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.”
- A.6.1.14. Paragraph 5.4.21 states that “...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.”
- A.6.1.15. Paragraph 5.4.36 states that “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.”
- A.6.1.16. Paragraph 5.4.53 states that “The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of any irreplaceable habitats, including ancient woodland, and ancient and veteran trees unless there are wholly exceptional reasons, and a suitable compensation strategy exists.”

National Policy Statement for Renewable Energy Infrastructure (EN-3) (2023)

- A.6.1.17. This provides overarching government policy on energy NSIPs, and the way in which any impacts and mitigation measures will be considered. Specific extracts relating to the Proposed Development are as follows:
- A.6.1.18. Paragraphs 2.10.75 to 2.10.83 state that “*Generic environmental, biodiversity, ecology, geological and water management impacts are covered in section 4.3 (Environmental Principles), section 4.6 (Environmental and Biodiversity Net Gain), section 5.4 (Biodiversity and Geological Conservation) and section 5.8 (Flood Risk) of EN-1.*

The applicant’s ecological assessments should identify any ecological risk from developing on the proposed site.

Issues that need assessment may include habitats, ground nesting birds, wintering and migratory birds, bats, dormice, reptiles, great crested newts, water voles and badgers.

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.

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.

Applicants should consider earthworks associated with construction compounds, access roads and cable trenching.

Where soil stripping occurs, topsoil and subsoil should be stripped, stored, and replaced separately to minimise soil damage and to provide optimal conditions for site restoration. Further details on minimising impacts on soil and soil handling are above at paragraphs 2.10.33 and 2.10.34.

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.

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 site if required to do so in the ecological report."

National Planning Policy Framework (2024)

A.6.1.19. The National Planning Policy Framework (NPPF) is an overarching document which sets out government planning policy for development outside of the NSIP regime in England, and how this is expected to be applied by local authorities and developers. The NPPF can be an important and relevant consideration for NSIPs as well, but in the event of any conflict, the NPS policy prevails. The NPPF provides a framework for local sustainable development via local plans. Specific extracts relating to this Proposed Development are as follows:

A.6.1.20. Paragraph 187 states that "*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

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 networks that are more resilient to current and future pressures;*
- 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*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

Local Planning Policy

- A.6.1.21. Local planning policy relevant to our Site is set out below. Local policies can be an important and relevant consideration for NSIPs as well, but in the event of any conflict, the NPS policy prevails.

Newark and Sherwood District Council (2023) Local Development Framework, Amended Allocations and Development Management Development Plan Document (AADMDPD), Submission Version, January 2024

- A.6.1.22. This amended local Development Plan Document (DPD) has been compiled to ensure that the wider development framework within Newark and Sherwood District Council sufficiently allocates land for development to meet the needs of the area, up until 2033.
- A.6.1.23. The document includes *“new and amended Housing and Affordable Housing Policies which replace those included in the Amended Core Strategy and new Gypsy Roma Traveller policies and allocations. The document also sets out amendments to urban boundaries and village envelopes, retail boundaries as well as sites requiring continued protection from development (open space and green infrastructure designations). It also includes a suite of Development Management policies to provide greater direction, help deliver specific allocations and assist in the day-to-day assessment of planning applications.”* This DPD is currently under examination via the Secretary of State with an independent planning inspector.
- A.6.1.24. Specific policies within the AADMDPD relevant to our Project include Policy DM7 “Biodiversity and Green Infrastructure”, which states that *“New development, in line with the requirements of Core Policy 12 of the Amended Core Strategy, should protect, promote and enhance biodiversity and the ecological network of habitats, species and sites of international, national and local importance.”*

- A.6.1.25. Policy DM8 “Development in the Open Countryside” is also specifically relevant to our Project and states that *“In accordance with the requirements of Spatial Policy 3 of the Amended Core Strategy, development away from villages or settlements, in the open countryside, will be strictly controlled and limited to the following types of development:*
- > Agricultural and Forestry Development Requiring Planning Permission;
 - > New and Replacement Rural Workers Dwellings, the Extension of Existing Rural Workers Dwellings, and the Removal of Occupancy Conditions Attached to Existing Dwellings;
 - > New and Replacement Dwellings;
 - > Replacement of Non-Residential Buildings;
 - > Conversion of existing buildings;
 - > Rural Diversification;
 - > Equestrian Uses;
 - > Employment uses;
 - > Community and Leisure Facilities;
 - > Roadside Services; and
 - > Visitor Based Tourism Development and Tourist Accommodation.”
 - > Newark and Sherwood District Council (2019) Amended Core Strategy Development Plan (2019)
- A.6.1.26. The Amended Core Strategy for Newark and Sherwood District is part of the Local Development Framework for the area. This strategy outlines the overarching issues and objectives to address over a 20-year period, contextualising this into wider vision, series of objectives and core policies toward delivery.
- A.6.1.27. Core Policy 12 “Biodiversity and Green Infrastructure” is relevant to this Proposed Development and states that *“The District Council will seek to conserve and enhance the biodiversity and geological diversity of the District by working with partners to implement the aims and proposals of the Nottinghamshire Local Biodiversity Action Plan, the Green Infrastructure Strategy and the Nature Conservation Strategy. The District Council will therefore:*

- > Expect proposals to take into account the need for continued protection of the District's ecological, biological and geological assets. With particular regard to sites of international, national and local significance, Ancient Woodlands and species and habitats of principal importance identified in Section 41 of the Natural Environment and Rural Communities Act 2006 and in the Nottinghamshire Local Biodiversity Action Plan;
- > Seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and access to, green infrastructure within the District;
- > Promote the appropriate management of features of major importance for wild flora and fauna;
- > Provide for Suitable Alternative Natural Green Space to reduce visitor pressure on the District's ecological, biological and geological assets, particularly in the Newark area and for 5kms around the Birklands and Bilhaugh Special Area of Conservation;
- > Support the development of a Green Infrastructure Network, as illustrated in the Green Infrastructure Diagram, linking together Key Strategic Routes throughout the District and providing for, in appropriate locations, visitor infrastructure that improves accessibility. The District Council will, in particular, promote improved green infrastructure linkages between:
 - > Newark and Southwell; and
 - > Southwell and the north-west of the district
- > Development proposals crossing or adjacent to the network should make provision for its implementation and/or enhancement;
- > Positively view proposals that seek to enhance the District's Green Infrastructure resource in support of tourism development. Proposals in the Bilsthorpe, Edwinstowe and Ollerton & Boughton areas, in connection with the Sherwood Forest Regional Park, will be supported. In Newark, new Green Infrastructure schemes that maximise the potential of the Trent Riverside area will be supported;
- > Support the implementation of area-based Strategic Green Infrastructure interventions; and
- > Work with partners to develop a strategic approach to managing Air Quality in the Sherwood Area, including through the development of a Supplementary Planning Document."
- > Central Lincolnshire Local Plan (2023)

A.6.1.28. The Local Plan for the central Lincolnshire area sets out the approach to planning policy and overarching development allocations to drive growth in the area over a 20-year period. The Local Plan is contextualised into a wider vision, series of objectives and core policies toward delivery.

A.6.1.29. Specific policies detailed in the Local Plan and are relevant to our Project, as below.

A.6.1.30. Policy S59 “Green and Blue Infrastructure Network” states that:

“The Central Lincolnshire Authorities will safeguard green and blue infrastructure in Central Lincolnshire from inappropriate development and work actively with partners to maintain and improve the quantity, quality, accessibility and management of the green infrastructure network.

Proposals that cause loss or harm to the green and blue infrastructure network will not be supported unless the need for and benefits of the development demonstrably outweigh any adverse impacts. Where adverse impacts on green infrastructure are unavoidable, development will only be supported if suitable mitigation measures for the network are provided.

Development proposals should ensure that existing and new green and blue infrastructure is considered and integrated into the scheme design from the outset. Where new green infrastructure is proposed, the design and layout should take opportunities to:

- a) incorporate a range of types and sizes of green and blue spaces, green routes and environmental features that are appropriate to the development and the wider green and blue infrastructure network to maximise the delivery of multi-functionality;*
- b) deliver biodiversity net gain and support ecosystem services;*
- c) respond to landscape/townscape and historic character;*
- d) support climate change adaptation and resilience including through use of appropriate habitats and species; and*
- e) encourage healthy and active lifestyles.*

Development proposals must protect the linear features of the green and blue infrastructure network that provide connectivity between green infrastructure assets, including public rights of way, bridleways, cycleways, and waterways, and take opportunities to improve and expand such features.

Development will be expected to make a contribution proportionate to their scale towards the establishment, enhancement and on-going management of green and/or blue infrastructure by contributing to the development of the strategic green infrastructure network within Central Lincolnshire, in accordance with the Developer Contributions SPD.”

A.6.1.31. Policy S60 “Protecting Biodiversity and Geodiversity” states that:

“All development should:

- a) 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;*
- b) minimise impacts on biodiversity and features of geodiversity value;*

c) deliver measurable and proportionate net gains in biodiversity in accordance with Policy S61; and

d) protect and enhance the aquatic environment within or adjoining the site, including water quality and habitat.

Part One: Designated Sites

The following hierarchy of sites will apply in the consideration of development proposals:

1. International Sites

The highest level of protection will be afforded to internationally protected sites. Development proposals that will have an adverse impact on the integrity of such areas, will not be supported other than in exceptional circumstances, in accordance with the NPPF.

Development proposals that are likely to result in a significant adverse effect, either alone or in combination with other proposals, on any internationally designated site, must satisfy the requirements of the Habitats Regulations (or any superseding similar UK legislation). Development requiring Appropriate Assessment will only be allowed where it can be determined, taking into account mitigation, that the proposal would not result in significant adverse effects on the site's integrity.

2. National Sites (NNRs and SSSI's)

Development proposals should avoid impact on these nationally protected sites. Development proposals within or outside a national site, likely to have an adverse effect, either individually or in combination with other developments, will not normally be supported unless the benefits of the development, at this site, clearly outweigh both the adverse impacts on the features of the site and any adverse impacts on the wider network of nationally protected sites.

3. Irreplaceable Habitats

Planning permission will be refused for development resulting in the loss, deterioration or fragmentation of irreplaceable habitats, including ancient woodland and aged or veteran trees, unless there are wholly exceptional reasons and a suitable compensation strategy will be delivered.

4. Local Sites (LNR, LWS and LGS)

Development likely to have an adverse effect on locally designated sites, their features or their function as part of the ecological network, will only be supported where the benefits of the development clearly outweigh the loss, and the coherence of the local ecological network is maintained. Where significant harm cannot be avoided, the mitigation hierarchy should be followed.

Part Two: Species and Habitats of Principal Importance

All development proposals will be considered in the context of the relevant Local Authority's duty to promote the protection and recovery of priority species and habitats.

Development should seek to preserve, restore and re-create priority habitats, ecological networks and the protection and recovery of priority species set out in the Natural Environment and Rural Communities Act 2006, Lincolnshire Biodiversity Action Plan, Lincolnshire Geodiversity Strategy and Local Nature Recovery Strategy.

Where adverse impacts are likely, development will only be supported where the need for and benefits of the development clearly outweigh these impacts. In such cases, appropriate mitigation or compensatory measures will be required.

Part Three: Mitigation of Potential Adverse Impacts

Development should avoid adverse impact on existing biodiversity and geodiversity features as a first principle, in line with the mitigation hierarchy. Where adverse impacts are unavoidable they must be adequately and proportionately mitigated. If full mitigation cannot be provided, compensation will be required as a last resort where there is no alternative.

Development will only be supported where the proposed measures for mitigation and/or compensation along with details of net gain are acceptable to the Local Planning Authority in terms of design and location, and are secured for the lifetime of the development with appropriate funding mechanisms that are capable of being secured by condition and/or legal agreement.

If significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission will be refused.”

A.6.1.32. Policy S61 “Biodiversity Opportunity and Delivering Measurable Net Gains” states that:

“Following application of the mitigation hierarchy, all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management.

*Development proposals should create new habitats, and links between habitats, in line with Central Lincolnshire Biodiversity Opportunity and Green Infrastructure Mapping evidence, the biodiversity opportunity area principles set out in **Appendix 4** to this Plan and the Local Nature Recovery Strategy (once completed), to maintain and enhance a network of wildlife sites and corridors, to minimise habitat fragmentation and provide opportunities for species to respond and adapt to climate change.*

Proposals for major and large scale development should seek to deliver wider environmental net gains where feasible.

Biodiversity Net Gain

The following part of the policy applies unless, and until, subsequently superseded, in whole or part, by national regulations or Government policy associated with the delivery of mandatory biodiversity net gain arising from the Environment Act 2021. Where conflict between the policy below and the provisions of Government regulations or national policy arises, then the latter should prevail.

All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England’s Biodiversity Metric.

Biodiversity net gain should be provided on-site wherever possible. Off-site measures will only be considered where it can be demonstrated that, after following the mitigation hierarchy, all reasonable opportunities to achieve measurable net gains on-site have been exhausted or where greater gains can be delivered off-site where the improvements can be demonstrated to be deliverable and are consistent with the Local Nature Recovery Strategy.

All development proposals, unless specifically exempted by Government, must provide clear and robust evidence for biodiversity net gains and losses in the form of a biodiversity gain plan, which should ideally be submitted with the planning application (or, if not, the submission and approval of a biodiversity gain plan before development commences will form a condition of any planning application approval), setting out:

- a) information about the steps to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;*
- b) the pre-development biodiversity value of the onsite habitat;*
- c) the post-development biodiversity value of the onsite habitat following implementation of the proposed ecological enhancements/interventions;*
- d) the ongoing management strategy for any proposals;*
- e) any registered off-site gain allocated to the development and the biodiversity value of that gain in relation to the development; and*
- f) exceptionally any biodiversity credits purchased for the development through a recognised and deliverable offsetting scheme.*

Demonstrating the value of the habitat (pre and post-development) with appropriate and robust evidence will be the responsibility of the applicant. Proposals which do not demonstrate that the post-development biodiversity value will exceed the pre-development value of the onsite habitat by a 10% net gain will be refused.

Ongoing management of any new or improved onsite and offsite habitats, together with monitoring and reporting, will need to be planned and funded for 30 years after completion of a development.”

Bassetlaw District Council (2010) Local Development Framework, Publication Core Strategy and Development Management Policies

- A.6.1.33. The Core Strategy for the Bassetlaw District sets out the overarching vision for the area up until 2026, including the policy approach to deliver this.
- A.6.1.34. Policy DM9 “Green Infrastructure; Biodiversity & Geodiversity; Landscape; Open Space and Sports Facilities” is related to our Project and states:

“A. Green Infrastructure

Development proposals will be expected to support the Council's strategic approach to the delivery, protection, and enhancement of multi-functional Green Infrastructure, to be achieved through the establishment of a network of green corridors and assets (please refer to the Council's Green Infrastructure work for a full list of Green Corridors and Nodes within, and running beyond, the District) at local, sub-regional, and regional levels. Particular support will be given to proposals that will further the development of:

- *The Idle Valley Project;*
- *The Trent Vale Partnership;*
- *Sherwood Forest Regional Park.*

Development proposals (particularly for allocated sites) will be expected to demonstrate, in line with the Council's Green Infrastructure work, that:

- *they protect and enhance green infrastructure assets affected by the development and take opportunities to improve linkages between green corridors;*
- *where they overlap with or will affect existing green infrastructure nodes or corridors, such assets are protected and enhanced to improve public access and use;*
- *where opportunities exist, development proposals provide improvements to the green infrastructure network that benefit biodiversity through the incorporation of retained habitats and by the creation of new areas of habitat;*
- *they provide robust delivery mechanisms for, and means of ensuring the long-term management of, green infrastructure.*

Development that will result in the loss of existing green infrastructure may be supported where replacement provision is made that is considered to be of equal or greater value than that which will be lost. Where new development may have an adverse impact on green infrastructure, alternative scheme designs that minimize impact must be presented to the Council for consideration before the use of mitigation measures (e.g. off-site or through financial contributions for improvements elsewhere) is considered.

B. Biodiversity and Geodiversity

Development proposals will be expected to demonstrate that they will not adversely affect or result in the loss of features of recognized importance, including:

- *Trees and hedgerows subject to preservation orders;*
- *Ancient woodlands;*
- *Sites of Special Scientific Interest(SSSI);*
- *Regionally Important Geodiversity Sites;*
- *Local Wildlife Sites(Sites of Importance for Nature Conservation(SINC));and*
- *Local and UK Biodiversity Action Plan Habitats.*

Development that will result in the loss of such features may be supported where replacement provision is made that is considered to be of equal or greater value than that which will be lost and which is likely to result in a net gain in biodiversity. Where new development may have an adverse impact on such features, alternative scheme designs that minimize impact must be presented to the Council for consideration before the use of mitigation measures is considered. Where sufficient mitigation measures cannot be delivered, compensation measures must be provided as a last resort.

C. Landscape Character

New development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting. They will be expected to enhance the distinctive qualities of the landscape character area in which they would be situated, as identified in the Bassetlaw Landscape Character Assessment. Proposals will be expected to respond to the local recommendations made in the Assessment by conserving, restoring, reinforcing, or creating landscape forms and features accordingly.

D. Open Space and Sports Facilities

Development proposals will be expected to demonstrate that they will not adversely affect or result in the loss of protected open spaces and sports facilities (please see Proposals Map) identified in the Council's Open Space and Sports Facilities studies. Exceptions may be made if the open spaces or facilities are identified as surplus to demand in a given location and that alternative provision, or a contribution towards new or improved facilities elsewhere, would be preferable. Alternative scheme designs that minimize impact should be considered before the use of mitigation (on-site, off-site, or through contributions as appropriate).

New development proposals (particularly for allocated sites) will be expected to provide functional on-site open space and/or sports facilities (which will become protected for the purposes of this policy), as well as contributions for ongoing maintenance, to meet any deficiencies in local provision (when assessed against locally defined standards as set out in the Council's Open Space and Sports Facilities studies) that will be caused by the development or to provide contributions towards new or improved facilities elsewhere locally."

Draft Bassetlaw Local Plan (2023) 2020-2038: Main Modifications Version, August 2023

A.6.1.35. This Local Plan sets out Bassetlaw District's planning and policy framework, development strategy and site allocations to inform effective delivery of the overall vision up until 2038.

A.6.1.36. Policies set out in the Local Plan relate to our Project.

A.6.1.37. Policy ST39 "Green and Blue Infrastructure" states that:

"The connectivity, quality, multifunctionality, biodiversity and amenity value of the green and blue infrastructure network will be enhanced, extended and managed through:

a) protecting and enhancing the landscape character and the distinctiveness of Green Gaps, Registered Parks and Gardens and ornamental parklands, registered Common Lands and Village Greens, and Local Green Spaces;

b) protecting, enhancing and restoring watercourses, ponds, lakes and water dependent habitats where appropriate;

c) providing for biodiversity net gain, including reconnecting vulnerable and priority habitats (see policy ST41);

d) protecting and enhancing ancient and mature woodland and hedgerows, and providing for tree planting to secure recreational benefits and/or to aid carbon offsetting climate change mitigation;

e) making appropriate provision for new green/blue infrastructure in new development including open space, allotments, playing fields and outdoor sports facilities, and natural and semi natural greenspace and bluespace; and/or incorporating and where practicable facilitating the improvement of existing provision through the design of development;

f) applying climate change mitigation and adaptation measures through new development, including flood risk and watercourse management;

g) linking walking and cycling routes, bridleways and public rights of way to and through development, where appropriate;

The function, setting, and biodiversity, landscape, access and recreational value of the following main and minor green corridors, as identified on the Policies Map will be protected and enhanced:

a) Main green corridors

i. Chesterfield Canal

ii. River Idle

iii. River Ryton

iv. River Trent

b) Minor green corridors

i. Trent Valley Way

ii. Cuckoo Way

iii. National Cycle Route 6

iv. River Maun

v. Robin Hood Way

vi. River Meden

vii. River Poulter

c) Major development proposals that lie wholly or partly within the minimum buffer zone of a main green corridor (30m measured from each side of the centre point), or a minor green corridor (15m measured from each side of the centre point) should be supported by an Ecological Impact Assessment and/or landscape statement proportionate to the type, nature and scale of the proposal. This should confirm the extent of the buffer zone in that location and demonstrate how the design and layout of the scheme will positively respond to its green/blue infrastructure location and minimise the environmental effects upon the green corridor.

All new green and blue infrastructure should be accompanied by appropriate management and maintenance arrangements.”

A.6.1.38. Policy ST40 “Biodiversity and Geodiversity” states that:

“The Council will seek to protect and enhance the biodiversity and geodiversity of Bassetlaw, including:

International Sites

a) a proposal that may impact on a Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site and/or the Sherwood Forest ppSPA will only be supported where it can be demonstrated that there will be no adverse effects on their integrity, unless there are no alternative solutions and it is justified by an 'imperative reasons of overriding public interest' assessment under the Habitats Regulations;

b) any scheme within the 5km buffer zone of the Sherwood Forest ppSPA will require a project level 'shadow level' Habitats Regulations Assessment to ensure any significant adverse effects on the Sherwood Forest ppSPA are identified and appropriately mitigated;

National Designations

c) a proposal (either individually or in combination with other developments) that may either directly or indirectly adversely impact a Site of Special Scientific Interest (SSSI), National Nature Reserve (NNR) or ancient woodland and their buffer zones will be refused, other than in wholly exceptional circumstances where it can be demonstrated that the benefits of the development in the location proposed clearly outweigh any harm to the special interest features of the asset. In such circumstances measures should be identified through an Ecological Impact Assessment to mitigate the adverse effects resulting from the development. proposals of 50 dwellings or more (which includes piecemeal planning applications for less than 50 dwellings within a wider site) that fall within an 'Impact Risk Zone' of a SSSI will be required to demonstrate that appropriate consideration has been given to the development's impact upon the integrity of that SSSI, including recreational impact. Where relevant, appropriate Bassetlaw Local Plan 2020-2038: Publication Version 160 mitigation measures will be sought, which may include an appropriate design and layout on a development site to protect the integrity of the SSSI, and/or a financial contribution to help mitigate identified impacts at the affected SSSI.

Local Designations and Locally Important Ecological Features

d) proposals having a direct or indirect adverse effect on a Local Nature Reserve, Local Wildlife Site or Local Geological Site and their buffer zones or other biodiversity/geodiversity asset, will only be supported where there are no reasonable alternatives; and the case for development clearly outweighs the need to safeguard the ecological, recreational and/or educational value of the site.

In all cases, where the principle of development is considered appropriate the mitigation hierarchy must be applied so that:

a) firstly harm is avoided wherever possible; then

b) appropriate mitigation is provided to ensure no net loss or a net gain of priority habitat and local populations of priority species;

c) as a last resort, compensation is delivered to offset any residual damage to biodiversity;

d) they protect, restore, enhance and provide appropriate buffers around wildlife and geological features at a local and wider landscape-scale to deliver robust ecological networks, to help deliver priorities in the draft Nottinghamshire Biodiversity Opportunity Model for Bassetlaw and Idle Valley 2018¹⁴ or any successor;

e) they establish additional ecological links to the Nature Recovery Network.

Biodiversity Net Gain

In line with national legislation, all new development should make provision for net biodiversity gain on site, or where it can be demonstrated that for design reasons this is not practicable, off site through an equivalent financial contribution.

A commuted sum equivalent to 30 years maintenance will be sought to manage the biodiversity assets in the long term.”

A.6.1.39. Policy ST41 “Trees, woodlands and hedgerows” states that:

“The Council will protect existing trees, woodland and hedgerows and secure additional planting that increases canopy cover in the interests of biodiversity, amenity and climate change adaptation by:

a) retaining, protecting and improving woodland and trees subject to Tree Preservation Orders (TPOs), trees within conservation areas, and ‘important’ hedgerows as defined by the Hedgerows Regulations 1997;

b) making Tree Preservation Orders;

c) giving consideration to trees and hedgerows both on individual merit as well as their contribution to amenity and interaction as part of a group within the broader landscape setting;

d) resisting the loss or deterioration of ancient woodland and ancient or veteran trees unless there are wholly exceptional reasons and a suitable compensation strategy exists;

e) seeking from major development provision for new trees or an equivalent financial contribution to help mitigate the impacts of climate change in accordance with Policy ST50.

Where development would adversely affect trees or hedgerows the application must be accompanied by:

a) an accurate tree survey and arboriculture assessment, undertaken by an experienced arboriculturist, of all existing trees and hedgerows on site in accordance with BS5837 (Trees in relation to design, demolition and construction – Recommendations) 2012¹⁷;

b) details of protective measures to be put in place during the development to ensure the health and safety of each specimen and hedgerow to be retained;

c) an avoidance and mitigation strategy to include replacement planting for specimens of at least equal amenity and ecological value of a local provenance; and

d) a detailed management plan providing details of maintenance arrangements for 10 years.”

National Guidance

Planning Policy Guidance (2023) – Guidance Natural Environment (2019)

- A.6.1.40. This guidance sets out the key issues in implementing the policies which protect and enhance the natural environment, also taking into consideration any local requirements. This guidance gives further specific information on land and soil of environmental value, green infrastructure, biodiversity (including geodiversity and ecosystems) and landscape considerations.

Chartered Institute Ecology and Environmental Management (2018, updated 2022) Guidelines for Ecological Impact Assessment in the UK and Ireland

- A.6.1.41. The aim of these guidelines is to promote good practice when producing ecological impact assessments across a variety of environments, relevant to the UK and Ireland. In regard to our Project, these guidelines can be used to help provide decision makers with a rigorous EclA which details any relevant likely ecological effects as a result of our Project.

British Standards Institution (2013) Biodiversity – Code of Practice for Planning and Development (BS 42020:2013)

- A.6.1.42. This British Standard provides “recommendations on professional ethics, conduct, competence and judgement that are intended to give confidence that proposals for biodiversity conservation, and consequent decisions/actions taken, are sound and appropriate.”

Local Guidance

Lincolnshire Biodiversity Partnership (2011) Lincolnshire Biodiversity Action Plan 2011-2020 (3rd Edition)

- A.6.1.43. This Action Plan was developed in collaboration with local authorities and other stakeholders to set overarching priorities for conservation of wildlife within the county of Lincolnshire, in line with local authority obligations within the NERC Act 2006.

Nottinghamshire Biodiversity Action Group (date unknown) Local Biodiversity Action Plan

- A.6.1.44. This Action Plan is specific to the local Nottinghamshire area and helps to ensure that wider national targets for species and habitats are effectively actioned at local level. This Action Plan identifies targets to the local area, provides a basis for monitoring progress, aims to raise awareness of local

biodiversity conservation, and aims to ensure that this conservation is maintained through a long-term approach.



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