

The Drovers Solar Farm

Appendix 4.1: Planning Policy for Reasonable Alternatives

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APFP Regulation Reg 5(2)(a)

Planning Act 2008

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





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4 Planning Policy

4.1 National and Local Planning Policy

National Legislation

- 1.1.1 The Infrastructure Planning (Environmental Impact Assessment) Regulation 2017 (Ref 4-1), Regulation 14(2) and Schedule 4, paragraph 2 require: *“A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects”* to be presented in the Environmental Statement (ES).
- 1.1.2 The Conservation of Habitats and Species Regulations 2017 (as amended) (Ref 4-2) provide a framework for the protection and assessment of important sites, habitats and species at a European level. The amended regulations transpose these into UK law, following the UK's exit from the EU. They set a requirement to consider alternatives in order to avoid significant harm to biodiversity and geological interests.

National Planning Policy

- 4.1.1 The Overarching National Policy Statement (NPS) for Energy (EN-1) 2024 (Ref 4-3) sets out the government's policy for the delivery of major energy infrastructure and will be the primary basis for decision making. Paragraphs 3.2.6 – 3.2.8 of EN-1 state that the Secretary of State should assess all applications for development consent for the types of infrastructure included by the NPS (including solar) on the basis that there is demonstrated urgent need for them, that substantial weight should be given to this need, and that the Secretary of State is not required to consider the specific contribution of any individual project to be satisfied that need is established.
- 4.1.2 Paragraph 4.3.9 of EN-1 states that *“as in any planning case, the relevance or otherwise to the decision-making process of the existence (or alleged existence) of alternatives to a proposed development is in the first instance a matter of law”*.
- 4.1.3 Paragraph 4.3.10 of EN-1 requires that *“The applicant must provide information proportionate to the scale of the project, ensuring that the information is sufficient to meet the requirements of the EIA Regulations.”*
- 4.1.4 NPS EN-1 confirms that, from a policy perspective, there is no general requirement to consider alternatives or to establish whether a development represents the best option; however, paragraph 4.3.15 of EN-1 states that *“Applicants are obliged to include in their ES, information about the reasonable alternatives they have studied. This should include an indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility.”*
- 1.1.3 Paragraph 4.3.16 and 4.3.17 of EN-1, states that, *‘In some circumstances, the NPSs may impose a policy requirement to consider alternatives... Where there is a policy or legal*



requirement to consider alternatives, the applicant should describe the alternatives considered in compliance with these requirements.'

- 4.1.5 Paragraph 4.3.22 of EN-1 requires that the Secretary of State should give appropriate weight to the consideration of alternatives. However, the consideration of alternatives should be carried out in a proportionate manner. Furthermore, only the alternatives that meet the objectives of the proposed development should be considered.
- 4.1.6 Paragraph 4.3.23 of EN-1 states that *"The Secretary of State should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security, climate change, and other environmental benefits) in the same timescale as the proposed development."*
- 4.1.7 Paragraph 4.3.24 of EN-1 states that *"The Secretary of State should not refuse an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site and should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals."*
- 4.1.8 Paragraph 4.3.26 of EN-1 states that *"if the Secretary of State concludes that a decision to grant consent to a hypothetical alternative proposal would not be in accordance with the policies set out in the relevant NPS, the existence of that alternative is unlikely to be important and relevant to the Secretary of State's decision."*
- 4.1.9 Paragraph 4.3.27 of EN-1 requires that any alternatives which mean the necessary development could not proceed, for example as the alternative is not commercially viable, can be excluded because they are not relevant to the Secretary of State's decision.
- 1.1.4 In respect of siting developments within areas of flood risk, paragraphs 5.8.6 to 5.8.12 of NPS EN-1 set out the relevant policy tests. These confirm the need to steer new development to areas at the lowest risk of flooding. Where this cannot be avoided, and there are no reasonable available sites in areas of lower risk, the Sequential Test must be applied to site selection. This test requires a detailed process to consider alternative sites that pose a lower flood risk than the selected site. The Applicant notes that the National Planning Practice Guidance (NPPG) was updated on 17 September 2025 in relation to the application of the Sequential Test for flood risk. Important changes relevant to the Scheme include:
- 1.1.5 Paragraph: 027a (Reference ID: 7-027a-20220825) has been updated to further emphasise that the Sequential Test should be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need. For infrastructure proposals of regional or national importance, the NPPG continues to recognise that this could be split across a number of alternative sites at lower risk of flooding, but has been updated to include clarification that this is only where those alternative sites would be capable of accommodating the development in a way which would still serve its intended market(s) as effectively.
- 1.1.6 Paragraph: 027 (Reference ID: 7-027-20220825) has been updated in relation to the application of Paragraph 175 of the NPPF, which applies to the use of the Sequential Test for areas known to be at risk now or in the future from any form of flooding. The update confirms that, in applying Paragraph 175, a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing



the risks identified e.g. by the Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the Sequential Test need not be applied.

- 1.1.7 In respect of designated landscapes, paragraphs 5.10.6 and 5.10.7 of NPS EN1 (Ref 4-3) set out the national policy protection afforded to designated landscapes with: *“National Parks, the Broads and AONBs [Areas of Outstanding Natural Beauty] have been confirmed by the government as having the highest status of protection in relation to landscape and natural beauty. Each of these designated areas has specific statutory purposes. Projects should be designed sensitively, given the various siting, operational, and other relevant constraints.[...]”*
- 4.1.10 NPS EN-3 for renewable energy infrastructure (Ref 4-4), and NPS EN-5 for electricity networks infrastructure (Ref 4-5), together with EN-1, are the primary decision-making policy document for the Secretary of State on nationally significant onshore renewable electricity generating stations in England and Wales and nationally significant offshore renewable electricity generating stations in waters in or adjacent to England.
- 4.1.11 Section 2.3 of EN-3 sets out the factors influencing site selection and design, and Section 2.10 sets out, at paragraphs 2.10.18 – 2.10.69, the factors that are likely to influence the key considerations involved in the siting of a solar farm. These include irradiance and site topography, availability of grid connection, proximity of a site to dwellings, agriculture land classification and land type, accessibility, and capacity of a site.
- 4.1.12 Paragraph 2.10.20 of EN-3 states: *“In order to maximise irradiance, applicants may choose a site and design its layout with variable and diverse panel types and aspects, and panel arrays may also follow the movement of the sun in order to further maximise the solar resource.”*
- 4.1.13 The availability of a grid connection point with capacity is recognised as being an important consideration in terms of project viability and site selection. Paragraphs 2.10.22 – 2.10.24 of EN-3 state: *“Many solar farms are connected into the local distribution network. The capacity of the local grid network to accept the likely output from a proposed solar farm is critical to the technical and commercial feasibility of a development proposal. Larger developments may seek connection to the transmission network if there is available network capacity and/or supportive infrastructure. In either case, the connection voltage, availability of network capacity, and the distance from the solar farm to the existing network can have a significant effect on the commercial feasibility of a development proposal.”*
- 4.1.14 Paragraphs 2.10.25 – 2.10.26 of EN-3 state: *“To maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs, applicants may choose a site based on nearby available grid export capacity. Where this is the case, applicants should consider the cumulative impacts of situating a solar farm in proximity to other energy-generating stations and infrastructure.”*
- 4.1.15 In terms of agriculture land classification and land type, paragraph 2.10.29 states: *“While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of “Best and Most Versatile” agricultural land where possible. ‘Best and Most Versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification.”*
- 4.1.16 Paragraph 2.10.30 of EN-3 states: *“Whilst the development of ground-mounted solar arrays is not prohibited on Best and Most Versatile agricultural land, or sites designated for their*



natural beauty, or recognised for ecological or archaeological importance, the impacts of such are expected to be considered and are discussed under paragraphs 2.10.73 – 92 and 2.10.107 – 2.10.126.”

- 4.1.17 Paragraph 2.10.31 of EN-3 requires the Applicant to “*explain their choice of site, noting the preference for development to be on suitable brownfield, industrial and low and medium grade agricultural land*”.
- 1.1.8 Paragraph 2.3.32 of EN-3 states “*Where sited on agricultural land, consideration may be given as to whether the proposal allows for continued agricultural use and/or can be colocated with other functions (for example, onshore wind generation, storage, hydrogen electrolyzers) to maximise the efficiency of land use.*”
- 1.1.9 Paragraph 2.10.34 encourages Applicants to prepare and implement a Soil Resources and Management Plan in order to minimise adverse impacts on soil health and potential land contamination.
- 4.1.18 Paragraphs 2.10.35 - 2.10.48 of EN-3 requires the Applicant to consider Accessibility, Public rights of ways, and security and lighting when considering the site.
- 4.1.19 NPS EN-3 sets out the factors influencing site selection and design for the Secretary of State to consider for decision making. Paragraph 2.10.145 states that “*The Secretary of State should take into account the economic and other benefits of the best and most versatile agricultural land. The Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to minimise impacts on soils or soil resources.*”
- 4.1.20 NPS EN-5 (Ref 4-5) sets out, in Section 2.2, the factors influencing site selection and design, the initiating and terminating points or development zone of new electricity network infrastructure. Paragraph 2.2.2 states that the “*siting is determined by:*

the location of new generating stations or other infrastructure requiring connection to the network, and/or

system capacity and resilience requirements determined by the Electricity System Operator.”

- 4.1.21 NPS EN-5 includes the following relevant policies on alternatives at paragraphs 2.2.7 – 2.2.9 which state: “*The connection between the initiating and terminating points of a proposed new electricity line will often not be via the most direct route. Siting constraints such as engineering, environmental, or community considerations will be important in determining a feasible route.*

There will usually be a degree of flexibility in the location of the development’s associated substations, and applicants should consider carefully their location, as well as their design.

In particular, the applicant should consider such characteristics as the local topography, the possibilities for screening of the infrastructure and/or other options to mitigate any impacts.”

National Planning Policy Framework

- 4.1.22 Paragraph 193 of the National Planning Policy Framework (12 December 2024) (Ref 4-6) sets out that:



“When determining planning applications, local planning authorities should apply the following principles 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), 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; 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 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.”

Local Planning Policy

- 4.1.23 Policy ENV02 (Biodiversity protection and enhancement) of the Breckland Local Plan (Ref 4-7) states that *“Development likely to have an adverse effect (either directly or indirectly) on a site of national, regional or local biodiversity, or geological interest, as identified on the Policies Map, will not be permitted unless ... it has been demonstrated, where development would result in significant harm, that it cannot be reasonably located on an alternative site that would result in less or no harm.”*
- 4.1.24 Policy ENV09 (Flood Risk & Surface Water Drainage) states that *“In the case of major development on unallocated sites, if the sequential test shows that it isn’t possible to use an alternative site, the applicant will need to submit an additional exception test in line with national policy on Flood Risk Assessments.”*

National Guidance

Guidance on the pre-application stage for Nationally Significant Infrastructure Projects (April 2024)

- 4.1.25 Guidance from the Ministry of Housing, Communities and Local Government and the Department for Levelling Up, Housing and Communities on the pre-application stage for NSIPs (Ref 4-8) states:

“Applicants are advised to fully document all optioneering exercises and decision-making on alternatives from the inception of their projects in their application, and reference this appropriately in their Environmental Statement.” (Paragraph 011 Reference ID 02-011-20240430)

- 4.1.26 It does, however, note that:

“There is no general requirement to consider alternatives for specific applications. The decision to make an Order granting development consent for an application is based on its own merits, not that there may be better or different alternatives either elsewhere or at a later stage.”



Applicants are also encouraged to set out in brief the main alternatives to their preferred scheme, as “this can demonstrate how project designs have been refined to take into account environmental, socio-economic and community effects”. (Paragraph 015 Reference ID 02-015 20240430).



4.2 References

- Ref 4-1 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
- Ref 4-2 The Conservation of Habitats and Species Regulations 2017
- Ref 4-3 Overarching National Policy Statement (NPS) EN-1, Department for Energy Security and Net Zero, (2023)
- Ref 4-4 National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3), Department for Energy Security and Net Zero, (2023)
- Ref 4-5 National Policy Statement (NPS) for Electricity Networks Infrastructure (EN-5), Department for Energy Security and Net Zero, (2023)
- Ref 4-6 The National Planning Policy Framework (2024)
- Ref 4-7 Breckland Local Plan, Breckland Council, (2023)
- Ref 4-8 Guidance Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects <https://www.gov.uk/guidance/planning-act-2008-pre-application-stage-for-nationally-significant-infrastructure-projects>



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