

# The Drovers Solar Farm

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## **Appendix 13.1: Consultation and Legislation, Planning Policy and Guidance**

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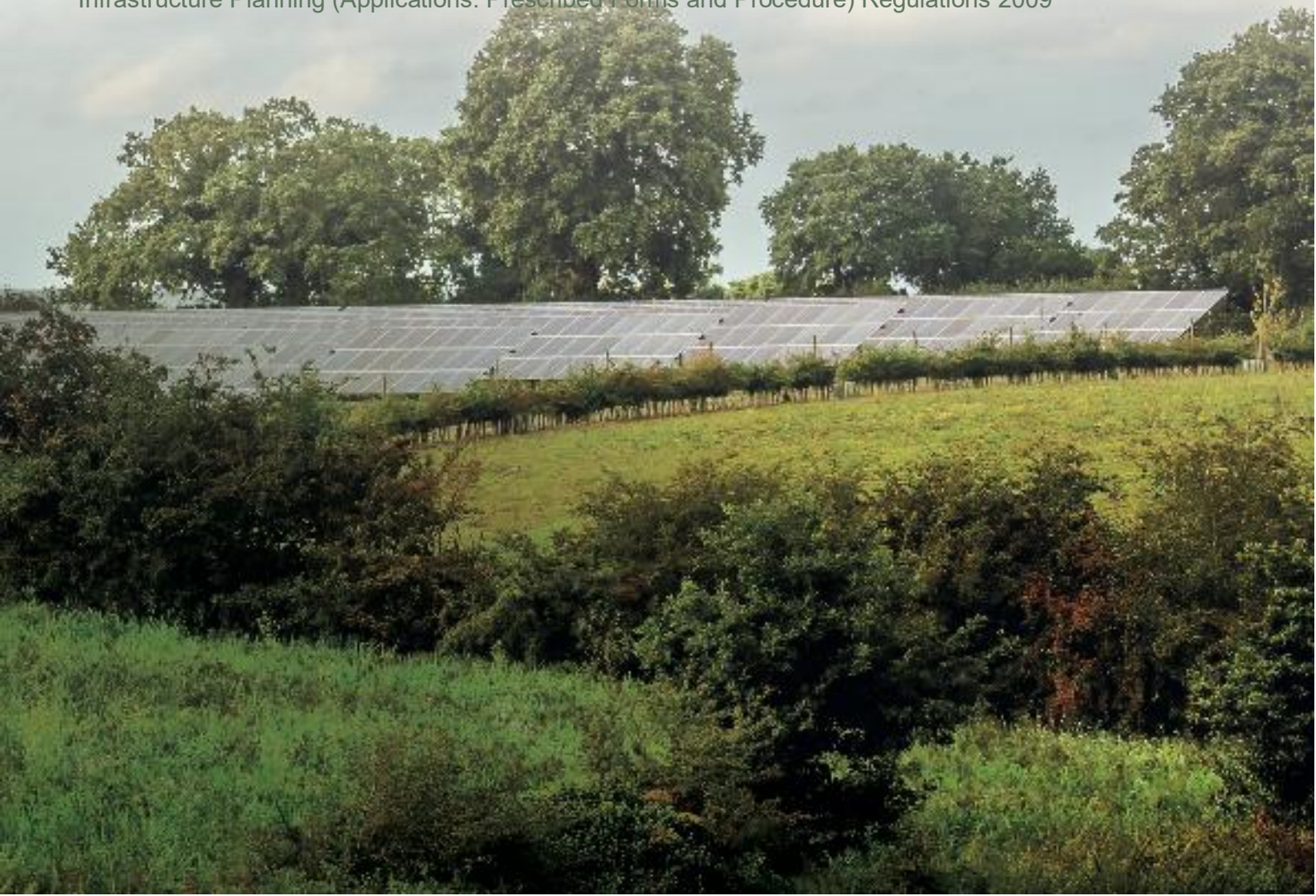
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APFP Regulation Reg 5(2)(a)

Planning Act 2008

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





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## 13 Consultation and Legislation, Planning Policy and Guidance

### 13.1 Consultation

#### Scoping Opinion

- 13.1.1 A request for an EIA Scoping Opinion was sought from the Secretary of State (SOS) through the Planning Inspectorate (PINS) in November 2024. PINS subsequently issued the Scoping Opinion in December 2024.
- 13.1.2 The issues raised in the Scoping Opinion relating to the climate are summarised in **Table 13-1** which demonstrates how the matters raised in the Scoping Opinion are addressed in this **ES Chapter 13: Climate Change [APP/6.2]**.



**Table 13-1 Relevant Scoping Opinion Comments from Statutory Bodies relating to Climate Change**

Consultee and Date	Comment and Scoping Opinion ID No.	How has the comment been addressed in the ES chapter	Location of response in ES Chapter
The Planning Inspectorate, Scoping Opinion, December 2024	<p>3.12.7, Table 17.5 Climate change and adaption – Construction and decommissioning.</p> <p><i>“The Scoping Report does not provide an estimation of the expected Greenhouse Gas (GHG) emissions during construction and decommissioning. As such, the Inspectorate considers that insufficient information has been provided to rule out significant effects.</i></p> <p><i>The Inspectorate is therefore not in a position to scope this matter out. The ES should provide an assessment of the impact of GHG emissions from the construction and decommissioning of the Proposed Development on human health”.</i></p>	Detailed GHG emissions calculations are included within the <b>ES Chapter 13: Climate Change [APP/6.2]</b> , so this has been scoped in at PINS’ request.	<b>Section 13.10 of ES Chapter 13: Climate Change [APP/6.2].</b>
The Planning Inspectorate, Scoping Opinion, December 2024	3.9.1, Paragraph 14.9.1 and Table 14.7. Sea Level Rise to be Scoped Out	Noted and agreed with PINS. This has been scoped out of <b>ES Chapter 13: Climate Change [APP/6.2]</b> .	Scope agreed and no further action required.



Consultee and Date	Comment and Scoping Opinion ID No.	How has the comment been addressed in the ES chapter	Location of response in ES Chapter
Planning Inspectorate (on behalf of the Secretary of State) Scoping Opinion, December 2024	<p>Sea Level Rise</p> <p>The Scoping Report proposes to scope out sea level rise from the In-combination Climate Change Impact Assessment and Climate Change Resilience Assessment on the basis that the Proposed Development is approximately 25km from the coast. On this basis, the Inspectorate agrees that significant effects from sea level rise are not likely to occur and this matter can be scoped out of the ES.</p>	<p>This element has been scoped out of <b>ES Chapter 13: Climate Change [APP/6.2]</b>.</p>	<p>Scope agreed and no further action required.</p>



## Statutory Consultation and Preliminary Environmental Information Report (PEIR)

- 13.1.3 Statutory consultation was held between 21 May 2025 and 9 July 2025. No responses to the PEIR related to Climate Change, so no further information has been provided in the form of Statutory Consultation Responses.
- 13.1.4 Further engagement specific to Climate Change was not considered to be required following the consultation detailed above.

## 13.2 Legislation, Planning Policy and Guidance

### Legislation and Regulations

#### International Legislation

##### *The Kyoto Protocol (Ref 13-1)*

- 13.2.1 The Kyoto Protocol is a United Nations international treaty adopted in 1997 under the United Nations Framework Convention on Climate Change (UNFCCC). It set binding emission reduction targets for developed countries to reduce GHG emissions, with the goal of mitigating the effects of climate change. The GHG definitions from the Kyoto Protocol have been used to inform this assessment of Climate Change.

##### *The Paris Agreement (Ref 13-2)*

- 13.2.2 The Paris Agreement is a legally binding international treaty on climate change. It was adopted by 196 Parties at the UN Climate Change Conference (COP21) in Paris, France, on 12 December 2015. It entered into force on 4 November 2016 and was ratified by the UK later that month. Its overarching goal is to hold the increase in the global average temperature to well below 2°C above pre-industrial levels and pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels.

#### *Other Relevant*

- 13.2.3 The Glasgow Climate Pact (**Ref 13-3**), adopted at the 2021 United Nations Climate Change Conference (COP26) in Glasgow, Scotland and the Sharm El-Sheikh Implementation Plan (**Ref 13-4**), adopted at the 2022 United Nations Climate Change Conference (COP27) in Sharm El-Sheikh, Egypt reaffirmed the goal of the Paris Agreement.

#### UK Legislation

- 13.2.4 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (**Ref 13-5**) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 require that projects which might have significant effects on the environment to carry out





a formal impact assessment. The Infrastructure Planning Regulations cover projects that are classified as Nationally Significant Infrastructure Projects, which are regulated under the Planning Act 2008.

#### ***The Climate Change Act 2008 (Ref 13-6)***

- 13.2.5 The Climate Change Act 2008 sets a framework for reducing GHG emissions and a target for net zero emissions by 2050. Additionally, it requires the establishment of carbon budgets.

#### ***The Climate Change Act 2008 (2050 target amendment) Order 2019 (Ref 13-7)***

- 13.2.6 The Climate Change Act 2008 (2050 target amendment) Order 2019 changed the target for the UK to “net-zero” emissions by 2050.
- 13.2.7 Established under the Climate Change Act 2008, the following Orders set legally binding limits on the total amount of GHGs the UK can emit over a five-year period, called budgetary periods, towards the goal of net zero by 2050:
- Carbon Budgets Order (2009) **(Ref 13-8)**
  - Carbon Budget Order (2011) **(Ref 13-9)**
  - Carbon Budget Order (2016) **(Ref 13-10)**
  - Carbon Budget Order (2021) **(Ref 13-11)**
- 13.2.8 **Table 13-2** shows the Carbon budget periods and the binding limits on the total amount of GHGs expressed in Million Tonnes of carbon dioxide equivalent (MtCO<sub>2</sub>e).

**Table 13-2 UK National Carbon Budgets**

Carbon Budget	Total Budget (MtCO <sub>2</sub> e)
3rd (2018 – 2022)	2,544
4th (2023 – 2027)	1,950
5th (2028 – 2032)	1,725
6th (2033 – 2037)	965
7th (2038 – 2042)	535*

*\*7<sup>th</sup> Carbon budget under review by UK Government so not yet statutory. Recommended level by the Climate Change Committee (CCC).*

- 13.2.9 The 7th Carbon Budget covering the period from 2038 to 2042 is currently under review and the government has until 30 June 2026 to legislate for it. For the purpose of this assessment, the recommended level for the 7th Carbon Budget by the Climate Change Committee (CCC) has been applied **(Ref 13-12)**.





13.2.10 All assumptions past 2042 have used the draft 7th Carbon Budget.

### **Planning Policy**

#### **National Planning Policy**

13.2.11 The National Policy Statements (NPS) are a suite of documents issued by the Secretary of State, setting out the government's policy for delivery of major energy infrastructure and represent the primary policy tests against which this Development Consent Order (DCO) Application for the Scheme have been considered. Listed below are the details of the elements of NPS considered relevant to the Climate Change assessment.

13.2.12 The NPS guidance makes it easier for decision makers, applicants and the wider public to understand:

- Government policy on the need for nationally significant infrastructure projects (NSIPs)
- How applications for energy infrastructure will be assessed; and
- The way in which impacts and mitigations will be judged.

#### ***Overarching National Policy Statement for Energy (EN-1) (Ref 13-13)***

13.2.13 With particular reference to NPS EN-1 Sections 2.2 (Net zero by 2050), 2.3 (Meeting net zero), 2.4 (Decarbonising the power sector), 4.10 (Climate Change Adaptation and Resilience) and 5.3 (Greenhouse Gas Emissions); Paragraph 4.10.4 recognises the role of climate change adaptation in respect of GHG emissions, coastal change and flood risk.

13.2.14 Paragraphs 4.10.5 to 4.10.12 relate to the Applicant's assessment. Paragraphs 4.10.13 to 4.10.19 relate to the SoS's decision-making regarding adaptation measures and resilience in response to climate projections. The guidance states that applications for new generating stations and related infrastructure should be contained in a single application to the SoS or in separate applications submitted in tandem which have been prepared in an integrated way. The SoS should be satisfied that appropriate network connection arrangements are/will be in place for a given project regardless of whether one or multiple (linked) applications are submitted.

13.2.15 Paragraphs 5.3.4 to 5.3.7 are relevant to the applicant assessment relevant policy, assessment requirements, mitigation and paragraphs 5.3.8 to 5.3.12 include SoS decision making criteria regarding GHG emissions and mitigation. The guidance states that, all proposals for energy infrastructure projects should include a GHG assessment as part of their ES including:

- A whole life GHG assessment showing construction, operational and decommissioning GHG impacts
- An explanation of the steps that have been taken to drive down the climate change impacts at each of those stages
- Measurement of embodied GHG impact from the construction phase



- How reduction in energy demand and consumption during operation has been prioritised in comparison with other measures
- How operational emissions have been reduced as much as possible through the application of best available technology for that type of technology
- Calculation of operational energy consumption and associated carbon emissions
- Whether and how any residual GHG emissions will be (voluntarily) offset or removed using a recognised framework; and
- Where there are residual emissions, the level of emissions and the impact of those on national and international efforts to limit climate change, both alone and where relevant in combination with other developments at a regional or national level, or sector level, if sectoral targets are developed.

13.2.16 Paragraph 5.3.7 requires a GHG Reduction Strategy to be produced. The reduction strategy measures are included within the **outline Construction Environmental Management Plan (oCEMP) [APP/7.6]** and **outline Operational Environmental Management Plan (oOEMP) [APP/7.8]**, rather than as a standalone document.

13.2.17 The guidance also states that a GHG assessment should be used to drive down GHG emissions at every stage of the Scheme's development and ensure that emissions are minimised as far as possible for the type of technology, taking into account the overall objectives of ensuring our supply of energy always remains secure, reliable and affordable, while transitioning to net zero.

13.2.18 Regarding the SoS decision making, the guidance states that the SoS should be content that the GHG emissions have been assessed as far as possible and all reasonable steps to reduce the GHG emissions have been taken. However, in light of the vital role energy infrastructure plays in the process of economy wide decarbonisation, the SoS must accept that there are likely to be some residual emissions from construction and decommissioning of energy infrastructure. Operational emissions will be addressed in a managed, economy-wide manner, to ensure consistency with carbon budgets, net zero and our international climate commitments. The SoS does not, therefore need to assess individual applications for planning consent against operational carbon emissions and their contribution to carbon budgets, net zero and international climate commitments.

### ***NPS for Renewable Energy Infrastructure EN-3 (Ref 13-14)***

13.2.19 NPS EN-3 Section 2.10 reaffirms the government commitment to sustained growth in solar capacity to align with the net-zero emissions by 2050 target. It recognises the important role of solar energy in delivering the government's goals for greater energy independence. The government seeks large scale ground-mount solar deployment across the UK. It recognised that solar farms are one of the most established renewable electricity technologies in the UK and the cheapest for of electricity generation.



- 13.2.20 Section 2.4 (Adaptation) and specially paragraph 2.4.11 for solar Photovoltaic (PV), emphasise that if the Scheme is proposed in a low-lying exposed site, the increased risk of flooding and the impact of higher temperatures should be particularly considered.

***NPS for Electricity Networks Infrastructure EN-5 (Ref 13-15)***

- 13.2.21 NPS EN-5 Paragraph 2.3.2 highlights the importance of climate change resilience. It states that the applicant should assess the vulnerability and resilience of the proposed infrastructure to climate change impacts, including:

- Flooding
- Effects of wind and storms on overhead lines
- Higher average temperatures leading to increased transmission losses
- Earth movement or subsidence caused by flooding or drought; and
- Coastal erosion.

- 13.2.22 The NPSs listed above came into effect on 17 January 2024. These NPSs set out the Government's energy policy for the delivery of nationally significant energy infrastructure, the need for new energy infrastructure, and guidance for the determination of an application for a DCO.

- 13.2.23 Draft versions of EN-1, EN-3 and EN-5 were published in May 2025. These continue to highlight the need for new nationally significant energy projects. With regards to Climate Change, emphasis continues to be placed on the government targets to be the first major economy to be net zero by 2050. This is reliant on large scale delivery of low carbon generation technologies, such as solar.

***National Planning Policy Framework (NPPF) (December 2024)<sup>1</sup> (Ref 13-16)***

- 13.2.24 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Section 14 highlights the importance of integrating climate change considerations into the planning system by promoting for development that reduces GHG emissions and enhances resilience against future climate risks. Paragraph 168 states that when determining applications for renewable and low carbon energy developments, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.

- 13.2.25 The NPPF states in paragraphs 170 to 182 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, it should be made safe for its lifetime

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<sup>1</sup>In February 2025, there was a correction to the NPPF. December 2024 is still the correct version.



without increasing flood risk elsewhere. Subsequently, it states that Plans should apply a sequential, risk-based approach to the location of development, considering all sources of flood risk and resilience.

#### ***Clean Power 2030 Action Plan (Ref 13-17)***

- 13.2.26 The government's Clean Power 2030 Action Plan provides a clear policy framework that supports the development of renewable energy projects. It establishes a target, that, over the course of a year under normal weather conditions, at least 95% of Great Britain's (GB) electricity generation is from low-carbon ("clean") sources, and that those sources generate more electricity than GB consumes; reducing the carbon intensity of our generation from 171 gCO<sub>2</sub>e/kWh in 2023 to well below 50 gCO<sub>2</sub>e/kWh in 2030 and beyond. This will be achieved through a significant expansion of renewable energy capacity, including 45-47 GW of solar power complemented by 23-27 GW of battery capacity by 2030, and 45-69 GW of solar power complemented by 24-29 GW of batteries by 2035.

#### ***UK Third Climate Change Risk Assessment 2022 (Ref 13-18)***

- 13.2.27 The Climate Change Act 2008 mandates that the UK Government conducts a Climate Change Risk (CCR) Assessment every five years and creates an adaptation program to address identified risks. The UK CCR Assessment for 2022 was released in January 2022. The third CCR Assessment highlights the dangers of inaction regarding climate change and stresses that the UK's pioneering net zero strategy must incorporate adaptation measures to ensure future resilience. This involves further development of the domestic renewable energy sector.

#### ***The UK's Nationally Determined Contribution (NDC) (Ref 13-19)***

- 13.2.28 The policy outlines the country's commitment to reducing GHG emissions in accordance with the Paris Agreement on climate change. Specifically, the UK aims to achieve a reduction of GHG emissions by at least 68% by 2030, relative to 1990 levels. As part of this commitment, the NDC] emphasizes the development of solar energy as a key strategy for reducing dependence on fossil fuels and lowering the nation's carbon footprint.

#### ***Climate Change: Third National Adaptation Programme (2023 – 2028) (NAP3) (Ref 13-20)***

- 13.2.29 The NAP3 was published by the Department for Environment, Food and Rural Affairs (Defra) and sets out the key actions for 2023 to 2028 that the government and others will take to adapt to the impacts of climate change in the UK. The report forms part of the 5-yearly cycle of requirements laid down in the Climate Change Act 2008 (**Ref 13-12**) and includes the strategy for the fourth round of climate adaptation under the Adaptation Reporting Power.



## Local Planning Policy

- 13.2.30 The Scheme is located within the administrative areas of Norfolk County Council (NCC) and Breckland Council (BC), who are the host authorities. Local planning policies which are relevant to Climate Change and have informed the Climate Change assessment in **ES Chapter 13: Climate Change [APP/6.2]** are detailed below.

### *Norfolk County Council Climate Strategy (2023) (Ref 13-21)*

- 13.2.31 The Norfolk County Council Climate Strategy (2023) reflects the county's commitment to address climate change and reduce carbon emissions. It aims to increase the adoption of renewable energy sources such as solar energy.

### *Breckland District Council Local Plan (2023) (Ref 13-22)*

- 13.2.32 The Breckland District Council Local Plan states in 'Breckland's Strategic Vision':

*"By 2036 Breckland's settlements and its wider rural area will have developed in a sustainable manner appropriate for the rural nature of the District; building on its achievements and strengths to deliver an improved quality of life for its next generation of residents, an improved experience for its visitors, and will be better placed to attract investment and jobs into the District. Breckland's communities will be more sustainable, prosperous, safe, healthy and vibrant. The economy will be diversified and well connected, with a growing number of skilled workforce and population. New growth will be balanced, ensuring that the District adapts to, and mitigates against the impacts of climate change."*

### *Breckland 2021-2035 Sustainability Strategy (Ref. 13-23)*

- 13.2.33 Breckland District Council declared a climate emergency on 19 September 2019 and agreed to work towards the development of the Breckland Sustainability Strategy. Since then, the council has committed to reducing the level of greenhouse gases within the district and to achieving net zero as an organisation by 2035.

## Other Guidance

- 13.2.34 The assessment has been carried out in accordance with the following other guidance documents.

### *World Business Council for Sustainable Development and World Resources Institute GHG Protocol guidelines (Ref. 13-24)*

- 13.2.35 The Greenhouse Gas Protocol (GHG Protocol) is a globally recognised standard for measuring and managing GHG emissions. It provides a consistent framework for GHG reporting.

### *Environmental Impact Assessment Guide to: Assessing Greenhouse Gas Emissions and Evaluating their Significance. Institute of Environmental*



***Management and Assessment (2022) Institute of Sustainability and Environmental Professionals (ISEP) (Ref 13-25)***

- 13.2.36 This Environmental Impact Assessment (EIA) guidance provides a framework for evaluating the greenhouse gas emissions from a development project. It includes methods for quantifying emissions, assessing their significance, and identifying mitigation measures.

***Climate Change Adaption Practitioner Guidance (2022) (ISEP) (Ref 13-26)***

- 13.2.37 This guidance provides steps for assessing climate risks, developing adaptation strategies, and implementing measures to enhance resilience.

***Environmental Impact Assessment Guide to: Climate Change Resilience and Adaptation (2020) (ISEP) (Ref 13-27)***

- 13.2.38 This EIA guidance provides steps for assessing climate resilience and in-combination climate impacts.

***Planning Policy Guidance (PPG) (Ref 13-28)***

- 13.2.39 The Climate Change section of the PPG advises how to identify suitable mitigation and adaptation measures in the planning process to address the impacts of climate change.

***Greenhouse Gas Reporting: Conversion Factors 2025 (Ref 13-29)***

- 13.2.40 The UK Government issues emission conversion factors for use to report on greenhouse gas emissions. The 2025 conversion factors were published in June 2025.



## References

- Ref 13-1 Kyoto Protocol. 1998
- Ref 13-2 Paris Agreement, United Nations Framework Convention on Climate Change (UNFCCC), 2015
- Ref 13-3 Glasgow Climate Pact, UNFCCC, 2022
- Ref 13-4 Sharm el-Sheikh Implementation Plan, UNFCCC, 2022
- Ref 13-5 Infrastructure Planning (Environmental Impact Assessment) Regulations, Her Majesty's Stationery Office (HMSO), 2017
- Ref 13-6 Climate Change Act 2008, HM Government, 2008
- Ref 13-7 Climate Change Act 2008 (2050 target amendment), 2019
- Ref 13-8 Carbon Budgets Order (2009), HM Government, 2009
- Ref 13-9 Carbon Budget Order 2011, HM Government, 2011
- Ref 13-10 Carbon Budget Order 2016, HM Government, 2016
- Ref 13-11 Carbon Budget Order 2021, HM Government, 2021
- Ref 13-12 Climate Change Committee (2025). The Seventh Carbon Budget.
- Ref 13-13 Overarching National Policy Statement for Energy (EN-1). Department for Energy Security & Net Zero, 2023
- Ref 13-14 Overarching National Policy Statement for Energy (EN-3). Department for Energy Security & Net Zero, 2023
- Ref 13-15 Overarching National Policy Statement for Energy (EN-5). Department for Energy Security & Net Zero, 2023
- Ref 13-16 National Planning Policy Framework. Ministry of Housing, Communities & Local Government, 2023
- Ref 13-17 Clean Power 2030 Action Plan, DESNZ, 2024
- Ref 13-18 UK Climate Change Risk Assessment, 2022
- Ref 13-19 The UK's Nationally Determined Contribution (NDC), 2022
- Ref 13-20 Climate Change: Third National Adaptation Programme (NAP3) (2023 – 2028)
- Ref 13-21 Norfolk County Council Climate Change Strategy (2023)
- Ref 13-22 Breckland District Council Local Plan (2023)
- Ref 13-23 Breckland Sustainability Strategy 2021-2035
- Ref 13-24 World Business Council for Sustainable Development and World Resources Institute (2004) The GHG Protocol: A Corporate Accounting and Reporting Standard. Revised Edition





- Ref 13-25 Environmental Impact Assessment Guide to: Assessing Greenhouse Gas Emissions and Evaluating their Significance. Institute of Environment and Sustainability Professionals (ISEP) (formerly IEMA)
- Ref 13-26 Climate Change Adaptation Practitioner Guidance, ISEP, 2022
- Ref 13-27 Environmental Impact Assessment Guide to Climate Change Resilience and Adaptation, ISEP, 2020
- Ref 13-28 Planning Policy Guidance (PPG) Climate Change
- Ref 13-29 UK Government GHG Conversion Factors for Company Reporting, Department for Energy Security and Net Zero, 2025



**THE DROVES**  
SOLAR FARM