



# Norfolk County Council

## Local Impact Report

The Drovers Solar Farm (EN0110013)

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Deadline 1: 2<sup>nd</sup> June 2026

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## 2. Glossary of Acronyms

AIA	Arboricultural Impact Assessment	LIR	Local Impact Report
BSMP	Battery Safety Management Plan	LNRS	Local Nature Recovery Strategy
BESS	Battery Energy Storage System	LVIA	Landscape and Visual Impact Assessment
BMV	Best and Most Versatile (Agricultural Land)	MCA	Minerals Consultation Area
BNG	Biodiversity Net Gain	MSA	Minerals safeguarding area
CNP	Critical National Priority	NCC	Norfolk County Council
DCO	Development consent order	NESO	National Energy Systems Operator
DIO	Defence Infrastructure Organisation	NFPA	National Fire Protection Association
DS	Decommissioning Strategy	NFRS	Norfolk Fire and Rescue Service
EIA	Environmental Impact Assessment	NHES	Norfolk Historic Environment Service
EMF	Electromagnetic Fields	NMWLP	Norfolk Minerals and Waste Local Plan
EN-1	Overarching national policy statement for energy infrastructure	NSIP	Nationally significant infrastructure project
EN-3	National Policy Statement for Renewable Energy Infrastructure	oBSMP	outline Battery Safety Management Plan
EN-5	National policy statement for electricity networks infrastructure	oCEMP	outline Construction Environmental Management Plan
ES	Environmental statement	oESSCS	outline Employment, Skills and Supply Chain Strategy
ESSCS	Employment, Skills and Supply Chain Strategy	OHL	Overhead Line
ExA	Examining authority	PRoW	Public Right of Way
FRA	Flood risk assessment	SLVIA	Seascape, Landscape and Visual Impact Assessment
HER	Historic environment record	SoS	Secretary of State (for Energy Security and Net Zero)
HGV	Heavy goods vehicle	SSSI	Site of Special Scientific Interest
ISH	Issue Specific Hearing	SuDS	Sustainable drainage solutions
kV	Kilovolt	SWMP	Site Waste Management Plan
LHA	Local Highway Authority	TA	Transport assessment
LLFA	Lead local Flood Authority	UKPN	United Kingdom Power Networks
		WSI	Written scheme of investigation

## 3. Introduction

### 3.1 About Norfolk County Council

3.1.1 Norfolk County Council (NCC) is the upper-tier local government organisation for the county of Norfolk. It has a wide range of statutory and non-statutory responsibilities to provide services and discharge regulatory functions including, among other things, as:

- Minerals and waste planning authority
- Local highway authority (LHA)
- Responsibility for public rights of way (PRoW)
- Lead local flood authority (LLFA)
- Fire and rescue service
- Local authority with public health responsibilities
- Provider of archaeological services; and
- Maintaining Norfolk's historic environment record (HER)

3.1.2 NCC has considerable experience of nationally significant infrastructure projects (NSIPs). Ten projects with order limits within Norfolk have been consented to date. Five more are currently at a pre-application or application stage, and The Drovers solar farm has now reached the examination stage.

## 4 Executive summary

- 4.1 NCC has prepared this local impact report (LIR) to assist the examining authority's consideration of the likely impacts of the Drovers solar farm project within Norfolk. The report draws upon NCC's statutory roles as county planning authority, local highway authority (including responsibility for PRow), lead local flood authority, minerals and waste planning authority, fire and rescue service, and custodian of the historic environment record. It provides an assessment of the project's compliance with relevant national policy statements (NPS), local planning policy, and technical standards, and identifies where impacts are acceptable, where further information is required, and where mitigation or obligations must be secured through the development consent order (DCO) or associated legal agreements. NCC's position on individual impacts and the necessity of mitigation measures is notwithstanding the overarching objection set out in the County Council's relevant representation<sup>1</sup>.
- 4.2 At a strategic level in particular the project could, together with the other currently proposed solar farms in Norfolk, result in the cumulative loss of over 4,750 ha of agricultural land across Norfolk and because of the need for new transmission infrastructure (including pylon towers and overhead lines) have a significant impact on the sensitive River Nar Valley and the historic settlement of Castle Acre with its castle and priory.
- 4.3 Across several topic areas, most notably landscape, archaeology, and water resources, including flood risk, there are areas where NCC either does not agree that there are no significant residual impacts arising from the scale and technical design of the solar farm and grid connection infrastructure proposed or it considers that the submitted application is currently incomplete due to inconsistencies and limited information provided to support the application .
- 4.4 In relation to the landscape impacts, NCC considers that there are a number of issues in relation to professional judgement, interpretation of the assessment and the conclusions drawn. These were previously raised to ensure that potential adverse effects are fully understood and that suitable measures can be secured through the DCO. Some of these concerns still remain, and in particular the assessment of landscape value which places emphasis on the absence of formal designation which may underplay the experiential and recreational qualities, particularly in relation to the historic landscape.
- 4.5 In relation to archaeology, NCC considers that the potential impacts on below-ground archaeological remains from piling for PV panel mounting structures are not negligible. The cumulative impacts of the piling and cables will have an adverse impact on below-ground

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<sup>1</sup> Examination library reference: [\[RR-0043\]](#) (accessed 20/05/2026)

archaeology. The magnitude of the impact is in part dependant on the nature of the below-ground archaeological remains.

- 4.6 NCC also identifies substantial deficiencies and omissions in the applicant's flood risk assessment and associated drainage documentation, such that NCC, as the LLFA, must maintain an objection pending further technical information and design detail.
- 4.7 NCC is content that certain other topic areas, such as ecology, traffic and transport, socio-economics, health and wellbeing, arboriculture, minerals and waste, and fire and safety, are acceptable in principle, subject to the DCO requirements. The County Council is concerned that impacts on RAF Marham remain unresolved and that the mitigation proposals may themselves give rise to significant environmental impacts that need to be assessed and addressed before the application can be determined. Further details are set out in Section 6 below. Overall, while recognising the national need for energy security and resilience, the County Council concludes that a number of significant impacts must be addressed through further assessment, strengthened mitigation, and if necessary, legally secured obligations if the project is to comply with the relevant policy requirements and to minimise adverse effects within Norfolk.

## 5 Purpose and structure of this report

5.1 A LIR is defined by section 60 of the Planning Act 2008 as ‘a report in writing giving details of the likely impact of the proposed development on the authority’s area (or any part of that area)’. The national infrastructure planning guidance for the examination stage<sup>2</sup> says (at paragraph 006):

*“The LIR is a written report submitted by an affected local authority detailing the likely impact of the proposed development on any part of the local authority’s area and community. The LIR is based on the local authority’s existing body of local knowledge and robust evidence of local issues, including an appraisal of the proposed development’s compliance with local policy and guidance.”*

5.2 This LIR is submitted by NCC in relation to The Drovers solar farm proposed development. Unless otherwise stated, this LIR relies on the applicant’s description of the project in chapter 4 of the environmental statement (ES). Where NCC disagrees with the ES’s findings on any topic, this LIR aims to be explicit as to the nature and extent of the disagreement.

5.3 This LIR is structured as follows:

- Sections 1 and 2 provide a glossary and index tables for reference and to assist the reader.
- Sections 3-6 deal with introductory matters and provide an executive summary
- Sections 7-14 provide a detailed description of local impacts organised by topic

5.4 In each topic section we provide the relevant policy context, a description of the impacts, and an explanation of any requirements, obligations or other measures we consider necessary as a result of those impacts. Appendix A provides tables which collect NCC’s requests for changes to be made to the draft DCO text as set out in this LIR and also provide drafting proposals in relation to matters raised in NCC’s relevant representation where it is possible to do so.

5.5 The application was accepted for examination on 16<sup>th</sup> December 2025, which was before the final publication of the approved 2025 amendments to suite of NPSs. The 2025 versions of NPS 1, 3 and 5 came into force on 6 January 2026. Accordingly, the transitional provisions set out in Section 1.6 of EN-1 (2025) apply, and references to the 2023 versions of NPS 1, 3 and 5.

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<sup>2</sup> Available at: <https://www.gov.uk/guidance/planning-act-2008-examination-stage-for-nationally-significant-infrastructure-projects> (accessed 19/01/2026)

## 6 Impacts of the Proposed Project – Strategic Comments

6.1 NCC in its relevant representation, set out a number of strategic comments that cut across the detailed technical comments relating to the local environmental impacts. The following summarises those comments.

### *Loss of best and most versatile (BMV) agricultural land*

6.2 NPS EN-1, paragraph 5.11.12 makes clear that applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the agricultural land classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) and EN-5. Paragraph 3.10.136 states that the secretary of state (SoS) should take into account the economic and other benefits of the best and most versatile agricultural land. The SoS should ensure that the applicant has put forward appropriate mitigation measures to minimise impacts on soils or soil resources.

6.3 As set out in the relevant representation, NCC strongly opposes plans for the proposed Drovers solar farm which sits on 840 ha of agricultural land to the north of Swaffham.

6.4 In addition to this proposal there are three other major solar farms across Norfolk, which are of a large enough scale which means they will need to be determined as NSIPs. These projects include the neighbouring High Grove solar farm project (1,400 ha); the East Pye solar farm in South Norfolk (1,110 ha); and the Tasway solar farm in South Norfolk (1,100 ha). The latter scheme is understood to have been paused as it has not received a gate 2 grid connection offer from the National Energy Systems Operator (NESO).

6.5 These NSIPs could therefore result in the cumulative loss of over 4,000 ha of agricultural land across Norfolk. The County Council has repeatedly expressed concerns regarding the loss of best and most versatile (BMV) agricultural land in the context of this and other solar projects. It is understood that over 54% of the land taken up by this proposed solar farm would be on BMV land (i.e. Grade 1; 2; and 3a).

*Impacts on the Nar Valley*

- 6.6 NCC is concerned that the Drovers solar farm raises serious environmental concerns not only in terms of the solar panels proposed but also the ancillary supporting infrastructure required including; a converter station; battery storage facility; and grid connection infrastructure (400kV substation).
- 6.7 The County Council has made clear that it favours the use of fixed solar panels with a lower height (3.5 metres) rather than tracking panels (up to 4.5 metres) as they would have less visual and landscape impacts. The applicant has indicated that these matters have yet to be finalised. As such there remains concern regarding the potential impacts associated with tracking solar panels, which are of greater height, and are likely to be significantly more visible across this sensitive environmental and historic area.
- 6.8 The proposal will also involve new pylons connecting the solar farm to the 400kV transmission network. This raises significant concerns given this would involve new transmission infrastructure (pylon towers and overhead lines) in the sensitive Nar Valley and which is in close proximity to the historic settlement of Castle Acre with its castle and priory. Further and more detailed technical comments in relation to the landscape impacts are set out in section 7 below.

*Impact on local communities and business*

- 6.9 NCC is concerned that the scheme will cause significant disruption during its construction on local residents and businesses; particularly on the local road network. There are also serious concerns associated with the battery storage element of the proposal in relation to the County Council's role as Norfolk Fire and Rescue Service (NFRS). Detailed comments on highway matters and battery safety are set out in more detail below.

*Impacts on aviation*

- 6.10 The County Council has expressed concern that the impacts of glint and glare need to be thoroughly considered and has recommended that the applicant consult with the Ministry of Defence and the Civil Aviation Authority, RAF Marham, the airfield operator at the Great Friar Thornes Farm Airfield, the highway authority and potentially also National Highways. The examining authority will also be aware that the Defence Infrastructure Organisation (DIO) have submitted an objection to the scheme on the basis that it will be a source of multi-path reflections of the radar's transmissions. This would cause interference to the precision approach radar (PAR) impacting upon its ability to accurately detect and track aircraft during critical stages of their approach to runway 23 at RAF Marham. The Examining Authority will be aware from the discussion during Issue Specific Hearing 1 (ISH1) that there was considerable discussion about potential mitigation, from which it emerged that this would

most likely comprise the construction of additional bunds. NCC is concerned that this may result in mitigation proposals that themselves have the potential to have significant impacts on the landscape including historic landscape and flood risk and surface water management.

*Lack of benefits for Norfolk*

- 6.11 The County Council has advised the applicant on the need to actively engage with the County Council and other key stakeholders, including National Grid and United Kingdom Power Networks (UKPN), to explore and provide clarity as to how the project could bring benefits for the County in terms of clean energy supplies. There is no evidence that such engagement has taken place to any meaningful extent; and as such there remain serious concerns regarding the lack of benefits the project will bring to both residents and businesses in Norfolk in line with the County Council's climate and economic strategies.

*Lack of strategic approach*

- 6.12 The County Council is concerned at the lack of a strategic approach to the siting of solar farms across the County and the cumulative impacts associated with multiple large scale solar farms will have on Norfolk's environment, and local communities and businesses affected as indicated above. The lack of any strategic foresight in solar farms coming forward in Norfolk is leading to large piecemeal developments coming forward across Norfolk following existing transmission lines (400kV). Reforms to the grid-connection system leading to the creation of the NESO was supposed to provide the necessary checks and balances to ensure a more strategic joined up approach to the delivery of renewable energy projects. In Norfolk that does not seem to have happened as this project while not receiving a firm gate 2 grid connection offer from the NESO, is nevertheless still actively being taken forward through the planning process. These grid connection issues are considered in more detail below.
- 6.13 The examination process to which the application is now subject to is designed to test the application as submitted and recommend either consent or refusal. Given the strong national policy support for electricity transmission projects, aside from raising significant concerns/opposition to the project, the County Council seeks to ensure the best possible outcome for Norfolk through avoidance, reduction, mitigation, and compensation measures that are feasible within the examination timetable.

*Grid Connection*

- 6.14 As part of the DCO application the grid connection is shown on the applicant's masterplan in the north-eastern part of the site and involves the proposed 400kV substation connecting into the 400 kV transmission network. As set out above, the proposal envisages the diversion of the existing 400 kV overhead line south to connect to the solar farm substation.

- 6.15 It was confirmed by the applicant at ISH1 that it does not yet hold a gate 1 grid connection offer from the NESO. It was also noted that National Grid Electricity Transmission (NGET) are not currently developing proposals to build a new substation within the project's order limits. The location of the new substation is still to be confirmed with siting studies to be reviewed post connection reform, and therefore maybe sited in a different location. Furthermore, NGET in its relevant representation has confirmed that it is not currently developing proposals to build a new substation within the project's order limits.
- 6.16 As NGET is currently unable to confirm the connection point at this stage, NCC has expressed its concern that it is not possible to fully assess the impacts of the proposal, in what is a sensitive natural and historic landscape.

*Alternatives*

- 6.17 NCC is disappointed that the application does not include an underground alternative for the proposed diversion of the existing dual circuit 400kV overhead line (OHL) into the new National Grid substation, as it had requested in response to the PIER statutory consultation. The application states that up to 10 new pylons will be built along the proposed diversion route leading into the new substation, although the proposed decommissioning of up to seven of the pylons on the existing alignment is welcome.
- 6.18 NPS EN-5, paragraph 2.9.14 requires applicants to demonstrate due consideration of costs and benefits of feasible alternatives, and the absence of undergrounding leaves a significant gap in mitigation for landscape and visual impacts. NCC urges the applicant to explore additional measures to reduce, mitigate, or compensate for residual impacts in line with the mitigation hierarchy set out in NPS EN-1.

## 7 Landscape and Visual

### Summary

7.1 NCC in its relevant representation identified a number of issues in relation to professional judgement, interpretation of the assessment and the conclusions drawn. These were raised to ensure that potential adverse effects are fully understood and that suitable measures can be secured through the DCO. Some of these concerns still remain, in particular that the assessment of landscape value which places emphasis on the absence of formal designation which may underplay the experiential and recreational qualities, particularly in relation the historic landscape. That the experience of recreational users of PRoW and promoted routes could be understated, and that the timing and effectiveness of proposed landscape mitigation measures, and the mitigation measures themselves represent a significant change and impact on the landscape, which may adversely impact on the users of PRoW and Norfolk and national trails in the area.

### Policy Context

7.2 The key policies governing the consideration of landscape and visual effects in this case can be found in section 5.10 (landscape and visual) of EN-1 and paragraphs 2.9.7 to 2.9.26 of EN-5. At a very high level, the NPS's acknowledge that landscape impacts are almost inevitable in the case of electricity infrastructure, but that in general this should not prevent projects from being consented. However, policy makes it clear that the mitigation hierarchy must be followed, including compensation for residual effects.

7.3 In addition to biodiversity net gain, EN-1 also makes clear that developments may deliver wider environmental gains and benefits, including most pertinently for landscape, through the following measures given in paragraph 4.6.13 of EN-1:

- landscape enhancement
- increased access to natural greenspace
- the enhancement, expansion or provision of trees and woodlands

7.4 Paragraph 5.10.6 of EN-1 requires projects to be designed carefully, with an aim of minimising harm to the landscape, providing reasonable mitigation where possible and appropriate.

7.5 The project does not pass through any nationally designated areas in Norfolk, but paragraph 5.10.12 does recognise that there are landscapes which are highly valued locally. In Norfolk, as discussed at ISH1, the Nar Valley is a particularly locally valued historic landscape, as set out in paragraph 3.4 of NCC's relevant representation. EN-1 paragraph 5.10.12 goes on to

say that locally valued landscapes should not be used in themselves to refuse consent. While this may be the case, NCC's view is that although locally valued landscapes do not justify refusal of an application, the applicant should still take a proactive approach to mitigation and compensation in such an area.

- 7.6 Paragraph 5.10.14 sets out that the SoS will have to judge whether the visual effects on sensitive receptors outweigh the benefits of the project. Because the Critical National Priority (CNP) presumption applies, it is unlikely that these effects would outweigh the benefits in the final analysis. This does not however provide an exemption from application of the mitigation hierarchy.
- 7.7 Principles informing landscape and visual impact assessment (LVIA) are dealt with in paragraphs 5.10.16 to 5.10.25 of EN-1.
- 7.8 In relation to the impacts on the historic environment, including the historic landscape, EN-5 adds, in paragraphs 2.10.86 and 2.10.87 that:
- Solar farms are likely to be in low lying areas of good exposure and as such may have a wider zone of visual influence than other types of onshore energy infrastructure.
- 7.9 However, while it may be the case that the development covers a significant surface area, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography, the area of a zone of visual influence could be appropriately minimised.
- 7.10 Paragraph 2.10.89 in the EN-5 sets out that applicants should carry out a LVIA and report it in the ES and that photomontage visualisations may be required to demonstrate the effects of a proposed solar farm, on sensitive or valued landscapes, particularly designated landscapes, the setting of heritage assets and any nearby residential areas or viewpoints. Paragraph 2.10.100 in relation to the historic environment refers to above ground impacts as including the effects on the setting of Listed Buildings and other designated heritage assets as well as on Historic Landscape Character.
- 7.11 Paragraph 2.10.109 and 2.10.110 in the EN-5 make clear that applicants should consider what steps can be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting and stress that the significance of a heritage asset derives not only from its physical presence but also from its setting, and consequently that careful consideration should be given to the impact of large-scale solar farms which depending on their scale, design, and prominence, may cause substantial harm to the significance of the asset.
- 7.12 Applicants may need to include visualisations to demonstrate the effects of a proposed solar farm on the setting of heritage assets.

7.13 In relation to overhead lines, EN-5 adds in paragraph 2.9.14, that:

*Where the nature or proposed route of an overhead line will likely result in particularly significant landscape and visual impacts, as would be assessed through seascape, landscape and visual impact assessment (SLVIA), the applicant should demonstrate that they have given due consideration to the costs and benefits of feasible alternatives to the overhead line. This could include, where appropriate re-routing, underground or subsea cables and the feasibility e.g. in cost, engineering or environmental terms of these. Applicants should note the policy position for nationally designated landscapes at paragraph 2.9.21 below.*

7.14 Paragraph 2.9.15 in the EN-5 then states that the ES should set out details of this consideration, including the “rationale for eschewing feasible alternatives to the overhead line, and the mitigation cost-calculation methodology that this rationale may rely on”.

7.15 Paragraphs 2.9.16 and 2.9.19 in the EN-5 set out the Holford Rules and Horlock Rules, which are the principles that should be embodied in the design of the proposal.

7.16 The part of EN-5 which is relevant to the consideration of undergrounding outside nationally designated landscape includes paragraphs 2.9.24 to 2.9.26. These set out that there are cases where, notwithstanding the general presumption of overhead lines outside of national landscapes, “a high potential for widespread and significant adverse landscape and/or visual impacts” may justify undergrounding for those particular segments. These paragraphs set out that the SoS should only grant development consent for underground lines where the benefits clearly outweigh the economic, social or environmental impacts of undergrounding, the mitigation hierarchy has been followed, and any technical obstacles are surmountable. In addition to the relative environmental effects of the two options, the comparative cost of alternatives is emphasised.

## Impacts

### *Landscape Impacts*

7.17 The ES Chapter 6: Landscape and Visual [APP-055]<sup>3</sup>, together with the supporting Figures and Appendices identifies effects in relation to the landscape and visual impact during the construction and operational phases. Likely effects have been assessed particularly in the relation to the construction, operational and decommissioning phases of the Scheme.

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<sup>3</sup>Examination library reference: [App-055](#) (accessed 20/05/2026)

- 7.18 While NCC recognises national policy support for renewable energy infrastructure, the scale and extent of the proposed scheme means that careful consideration is required to ensure landscape and visual effects are appropriately assessed, mitigated and where necessary, compensated.
- 7.19 NCC's comments set out in its relevant representation related to matters within NCC's remit, specifically:
- Landscape character and landscape value
  - Visual effects, including visual amenity
  - Effects on recreational routes and experiential landscape qualities
  - The adequacy, certainty and long-term delivery of landscape mitigation and management.
- 7.20 NCC has reviewed ES Chapter 6 alongside the supporting appendices. The LVIA follows industry standard guidance, including Guidelines for Landscape and Visual Impact Assessment (GLVIA3) and relevant technical notes.
- 7.21 NCC identified the issues set out in its relevant representation in relation to professional judgement, interpretation of the assessment and the conclusions drawn. These were raised to ensure that potential adverse effects are fully understood and that suitable measures can be secured through the DCO.
- 7.22 NCC still has key concerns relating to:
- The assessment of landscape value which places emphasis on the absence of formal designation, and which while correct, may as a result underplay the experiential and recreational qualities.
  - The experience of recreational users of PRoW and promoted routes which could be considered as understated.
  - That while clarification has been provided regarding the certainty, timing and effectiveness of proposed landscape mitigation measures, the changes to the landscape the mitigation measures themselves represent a significant change and impact on the landscape. These measures may also mean that users of PRoW and Norfolk and National Trails in the area may have an increased feeling of disconnection while moving through the area.

#### *Landscape Character Sensitivity and Value*

- 7.23 Chapter 6 clearly sets out that landscape sensitivity is derived from a combination of susceptibility and value. The LVIA baseline identifies landscape characteristics within the study area that include:

- Intact estate farmland patterns
- Wooded skylines and shelterbelts (forming defining horizons)
- Historic parkland and designed landscape elements
- Sparse settlements, tranquillity and relative remoteness
- The presence of PRow and promoted recreational routes.

7.24 These features are consistently identified within the baseline landscape character descriptions and supporting appendices. NCC considers that such characteristics are generally associated with increased susceptibility to large scale solar development, particularly where development introduces built form, perimeter fencing, substations and associated infrastructure over a wide area.

7.25 However, NCC is concerned that the subsequent judgements on landscape sensitivity do not appear to fully reflect this susceptibility. There is also potential that the mitigation measures specified will themselves increase the magnitude and significance of the effects. Landscape sensitivity is a key determinant in the assessment of magnitude and significance of effects – where susceptibility is underplayed there is a risk that significant landscape effects also become understated.

7.26 NCC understands that this is a matter of judgement not a methodological concern, but it considers that it is suitable to raise this concern and to again ask the applicant to:

- Provide further justification explaining how the identified susceptibility factors have been weighted in reaching the overall landscape sensitivity judgements.
- Clarify how perceptual qualities such as tranquillity, enclosure, skyline integrity and recreational function have influenced sensitivity conclusions.
- Confirm that sensitivity judgements are considering baseline online and not including assumptions about mitigation effectiveness. Including where this mitigation will itself produce an impact.

*Landscape Value*

7.27 Chapter 6 assesses the landscape value of the study area. NCC notes that while the assessment acknowledges the community level value, there is a strong emphasis on the absence of national or local designations when determining value. This is particularly important given the local significance of the historic landscape in and around the Nar Valley, as was made clear at ISH1.

7.28 There is a risk that this approach may underrepresent certain important values such as:

- Experiential and perceptual value
- Recreational value
- The contribution of historical landscape features

7.29 Landscapes may be valued for reasons beyond formal designation and where value is understated the combined outcome for landscape sensitivity may not fully reflect the importance of the landscape to communities and users.

7.30 NCC would therefore like to ask the applicant to:

- Further clarify how experiential and recreational qualities that have been identified in the baseline have been considered when determining landscape value, particularly where landscapes are not formally designated but contribute to the perceived value and enjoyment of the area.
- Further consider recognition of higher community value in sensitivity judgements
- Further consider additional mitigation or enhancement measures where effects are identified while ensuring that these mitigation measures themselves do not cause detrimental impacts on enjoyment of the area.

#### *Recreational Receptors*

7.31 The LVIA identifies several PRoW and promoted routes within and around the study area. While visibility may be intermittent or filtered, NCC is concerned that the change in landscape character experienced along the routes may be more substantial than is reflected in the applicant's conclusions. For recreational users effects are not limited to individual viewpoints but instead relate to the cumulative experience of moving through the landscape. Consideration should be given to the effects of proposed mitigation measures such as hedgerow height increases, gapping up etc and how these may change the connection with the landscape of users of routes through and alongside the development.

7.32 NCC would like to ask the applicant to:

- Further consider the experiential change along the routes outside of individual viewpoints and how route specific mitigation measures through planting or landscape enhancements can be used to offset experiential change in way that does not itself create a negative experiential change to the connection with landscape provided by these routes.

7.33 Overall, the matters raised above are primarily concerned with the application of professional judgement rather than deficiencies in methodology, and consequently NCC is satisfied that these issues are capable of resolution through further clarification and consideration of the scheme.

#### Requirements, obligations and other measures

7.34 NCC has no comments at this stage on the draft DCO or the requirements set out in Schedule 2 in relation to landscape and visual impacts.

## 8 Ecology and Biodiversity

### Summary

- 8.1 NCC considers that the assessment of the impacts on ecology and biodiversity are broadly acceptable, but it considers that the buffer around outlier setts should, based of guidance from the Badger Trust, should be based on disturbance type around the sett not the sett type.
- 8.2 There are also trading errors within the Biodiversity Net Gain (BNG) Metric. The applicant has outlined that this is due to the need to update information relating to the Local Nature Recovery Strategy (LNRS).

### Policy Context

- 8.3 NPS EN-1 (December 2023), paragraph 5.4.17, makes clear that 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 and Wales), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats.
- 8.4 Paragraph 5.4.19 in the EN-1 states that the applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests, and that the design process should embed opportunities for nature inclusive design. It identifies that energy infrastructure projects have the potential to deliver significant benefits and enhancements beyond BNG, which result in wider environmental gains, but acknowledges that the scope of potential gains will be dependent on the type, scale, and location of each project (paragraph 5.4.21 EN-1).
- 8.5 NPS EN-3 (December 2025) in relation to solar farms identifies that they have the potential to increase the biodiversity value of a site, especially if the land was previously intensively managed. In some instances, this can result in significant benefits and enhancements beyond BNG, which result in wider environmental gains which is encouraged. It makes clear that applicants should consider any reasonable opportunities to maximise restoration, creation, and enhancement of wider biodiversity. 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.

### Impacts

- 8.6 The ES Chapter 7 Ecology and Biodiversity [APP-056]<sup>4</sup>, together with the supporting tables, figures and appendices identifies effects in relation to the impacts on ecology and biodiversity as a result of the scheme. The chapter identifies and proposes measures to address the

potential impacts and likely significant effects in relation to ecology and biodiversity, during the construction, operational and decommissioning phases.

- 8.7 No impacts to internationally designated sites are anticipated, however the surveys of birds linked to the Breckland special protection area (SPA) outline that while the area may not be used by birds under that designation, but it is possible that bird species may move into the area concerned. Therefore, the development should be considered as having a potential impact on the qualifying features of the SPA itself.
- 8.8 The DCO is within 500m of the River Nar site of specific scientific interest (SSSI). The report declares that there is not significant impact within the DCO red line but acknowledges that the Skylark Mitigation areas are closer to the SSSI. The impact of the Skylark Mitigation areas on the SSSI should also be considered.

*Buffer Area Round Badger Setts*

- 8.9 NCC raised a number of questions at the PIER stage and subsequently in its relevant representation in relation to the detailed consideration of ecology and biodiversity. It remains concerned that adequate buffer areas around badger setts should be maintained, in line with guidance from the Badger Trust and that any works which has the potential to disturb badgers may require a licence.
- 8.10 In the non-technical summary [APP-180]<sup>5</sup> paragraph 4.2.36 states that “Minimum offsets/buffers from existing landscape features have been embedded within the design of the scheme (Table 4-1) and are secured within the design principles, parameters and commitments [APP/5.8] by requirement of the DCO Application, see Table 4-1, with the exception of where access tracks, perimeter fencing, cabling and/or grid connection cables are required to cross an existing feature. These are secured within the DCO”.
- 8.11 Table 4-1 describes the buffer area round badger setts recommendations are:
- Buffer setts (main) – 30m
  - Buffer setts (outer) – 20m
- 8.12 As previously advised in NCC’s relevant representation it considers that the buffer around outlier setts should not be smaller. The area is based of guidance from the Badger Trust the buffer areas should be based on disturbance type around the sett not the sett type.

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<sup>4</sup>Examination library reference: [APP-056](#) (accessed 20/05/2026)

<sup>5</sup>Examination library reference: [APP-180](#) (accessed 11/05/2026)

**BNG**

- 8.13 It is noted that there are trading errors within the BNG Metric. The applicant has outlined that this is due to the need to update information therein as it pertains to the Local Nature Recovery Strategy (LNRS). NCC considers that these trading errors need to be resolved in advance of the determination of the DCO.

Requirements, obligations and other measures

- 8.14 NCC has no comments at this stage on the draft DCO or the requirements set out in schedule 2 in relation to ecology and biodiversity impacts.

**9 Archaeology**Summary

- 9.1 NCC considers that the potential impacts on below-ground archaeological remains from piling for PV panel mounting structures are not negligible. The cumulative impacts of the piling and cables will have an adverse impact on below-ground archaeology. The magnitude of the impact is in part dependant on the nature of the below-ground archaeological remains.
- 9.2 NCC also considers that the removal of piles and cables will have a destructive effect on below-ground archaeological remains which will need to be mitigated at the pre-construction stage.
- 9.3 NCC is in broad agreement with the ES appendix 8.7 outline archaeological mitigation strategy [APP-161]<sup>6</sup>. There are some differences of opinion between NCC and the applicant's archaeological consultants regarding the cumulative level of impact piling and cable for the solar arrays, and the need to have some level of testing by trial trenching of all areas of the scheme not previously trenched.

National Policy

- 9.4 An important feature of the historic environment policy in NPS EN-1 is that policies applying to designated heritage assets also apply to non-designated heritage assets of archaeological interest where they are "demonstrably of equivalent significance to scheduled monuments", as referenced in paragraph 5.9.6 in the EN-1. The lack of a designation cannot be taken as an indication of lower significance.

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<sup>6</sup>Examination library reference: [APP-161](#) (accessed 20/05/2026)

- 9.5 Paragraph 5.9.21 in the EN-1 requires that the risk to undiscovered heritage assets is mitigated by requirements which secure the correct procedures for identifying and treating heritage assets.
- 9.6 NPS EN-3 in paragraph 3.10.100 identifies that below ground impacts, although generally limited, may include direct impacts on archaeological deposits through ground disturbance associated with trenching, cabling, foundations, fencing, temporary haul routes etc.
- 9.7 The applicant should submit an appropriate desk-based assessment and, where necessary, a field evaluation. These should be carried out, using expertise where necessary and in consultation with the local planning authority, and should identify archaeological study areas and propose appropriate schemes of investigation, and design measures, to ensure the protection of relevant heritage assets (paragraph 3.10.104).
- 9.8 Field studies may include investigative work (and may include trial trenching beyond the boundary of the proposed site) to assess the impacts of any ground disturbance, such as proposed cabling, substation foundations or mounting supports for solar panels on archaeological assets (paragraph 3.10.105).
- 9.9 The extent of investigative work should be proportionate to the sensitivity of, and extent of proposed ground disturbance in, the associated study area (paragraph 3.10.106).
- 9.10 Applicants should take account of the results of historic environment assessments in their design proposal (paragraph 3.10.107), and paragraph 3.10.108 makes clear that applicants should consider what steps can be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.
- 9.11 Of particular significance in this case, paragraph 3.10.109 makes clear that as the significance of a heritage asset derives not only from its physical presence but also from its setting, careful consideration should be given to the impact of large-scale solar farms which depending on their scale, design and prominence, may cause substantial harm to the significance of the asset.

### Impacts

- 9.12 The impacts on archaeology are assessed in the ES chapter 8: Cultural Heritage and Archaeology [APP-057]<sup>7</sup>. Likely effects have been assessed for the construction, operation and decommissioning phases of the scheme.

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<sup>7</sup>Examination library reference: [APP-057](#) (accessed 03/05/2026)

- 9.13 NCC in its relevant representation advised that there has been a significant amount of contact and discussions with the applicants' archaeological consultant during the pre-application phase of the application, and that it has had previous sight of ES Chapter 8, Appendix 8.7: Outline Archaeological Mitigation Strategy (APP-161). An amended version of the document was agreed which includes the undertaking of further trenching with the amount and location of any additional trenching being proportionate to the overall cumulative impacts, and to be confirmed following completion of the detailed design. NCC otherwise agreed with the applicant's assessment of impacts on archaeological heritage assets as presented in ES Chapter 8 – Cultural Heritage and Archaeology.
- 9.14 NCC nevertheless has a number of comments in relation to the ES non-technical summary and the ES Chapter 8 – Cultural Heritage and Archaeology. These are as follows:
- 9.15 Paragraph 9.3.2 of the ES non-technical summary states that “No significant effects are anticipated from piling for the PV panel mounting structures, excavations for cabling and other below-ground elements of the scheme, and direct/indirect impacts on designated or non-designated heritage assets”.
- 9.16 NCC does not agree that this would be the case. NCC considers that potential impacts on below-ground archaeological remains from piling for PV panel mounting structures are not negligible. The cumulative impacts of the piling and cables will have an adverse impact on below-ground archaeological. The magnitude of the impact is in part dependant on the nature of the below-ground archaeological remains.
- 9.17 Paragraphs 9.3.5, 9.4.4, 9.5.5 state that there will be “No significant effects on archaeology and cultural heritage are anticipated as a result of the decommissioning phase”, that there will be “No significant effects have been identified for any receptors during the decommissioning phase, and therefore no additional mitigation measures are required” and that “There will be no residual effects on non-designated heritage assets and archaeological remains during the decommissioning phase”.
- 9.18 NCC considers that the removal of piles will have a destructive effect on below-ground archaeological remains which will need to be mitigated at the pre-construction stage.
- 9.19 ES Chapter 8 – Cultural Heritage and Archaeology, paragraphs 8.8.14 -8.8.15 state that the “impacts from piling for the ground mounted PV modules will be at a very low level, typically ranging between 0.1% and 0.05% by area, depending upon the separation between rows” and that “cabling within the Solar PV Site will have a greater impact than piling, yet will still be relatively low, typically involving c.110m in length per hectare at widths of between 1.6m and 0.6m. Unlike piles, however, this impact will not be evenly spread and has potential to cause more localised impact”. NCC considers that the cumulative impacts of the piling and

cables will have an adverse impact on below-ground archaeological remains which will need to be mitigated at pre-construction stage. The assessment of impact does not include the impact of the removal of the piles, which cause a buffer halo effect of impact greater than the diameter of the piles.

- 9.20 ES Chapter 8 – Cultural Heritage and Archaeology, paragraph 8.8.17 states that “trial trenching of the Site has established the depth of the archaeological horizon ranges from 0.2m to 0.8m, and as such, remains are shallow enough to be sensitive to the above impacts. The possible burnt mound in Field 23, the Iron Age settlement in fields 9 and 15, the Roman settlement in Field 9 and the Roman road between fields 9 and 15 (followed by Fincham Drove) are considered to have the most potential to address the research priorities of the region and are potentially of low (local) sensitivity. The remaining fields contain features relating to low-level agricultural activities of less interest”.
- 9.21 To date archaeological trial trenching has mainly targeted areas where geophysical survey detected anomalies potential archaeological origin, a very small part of the overall scheme. Apparent ‘blank’ areas within the geophysical survey have not been tested with trail trenching. The overall effectiveness of the geophysical survey has not been adequately tested.
- 9.22 Paragraph 8.1.18 states that the impacts resulting from piling for the PV panel mounting structures “would result in very low percentages of truncation and are considered to have a negligible impact. Excavations for cabling and other below ground elements of the scheme would result in partial truncation of archaeological remains resulting in a low impact. For archaeological remains of low sensitivity (as indicated by the informative trial trenching to be present within the site), this negligible and low magnitude of impact to archaeological remains, prior to additional mitigation measures being put in place, would result in a neutral and minor adverse effects, which is not significant in EIA terms”.
- 9.23 NCC considers that the potential impacts on below-ground archaeological remains from piling for PV panel mounting structures are not negligible. The cumulative impacts of the piling and cables will have an adverse impact on below-ground archaeology. The magnitude of the impact is in part dependant on the nature of the below-ground archaeological remains.
- 9.24 Paragraph 8.9.4 states that “informative trenching will be undertaken in the remaining areas of the site not subject to previous trenching. It has been agreed with the Norfolk Historic Environment Service (NHES) that the amount and location of any additional trenching will be targeted on areas of higher impact and proportionate to the overall impact. As such the amount and location of the trenches can only be confirmed following detailed design”. At present NCC consider that the applicants’ archaeological consultants are underestimating the cumulative overall impact of the piled, cables and subsequent removal of the piles.

- 9.25 Paragraph 8.9.14 states that “there are no significant effects identified for any receptors at the decommissioning phase and as such, no additional mitigation measures are required. However, it is suggested that the detailed Decommissioning Strategy (DS), to be prepared in accordance with the outline DS [APP/7.10] submitted with the DCO Application, will be submitted to the relevant local planning authority in consultation with the NHES, which will be sufficient to safeguard any archaeological remains during the decommissioning phase. Such measures will include locating the decommissioning compounds in areas of low sensitivity to both the archaeological resource and the settings of designated heritage assets, and ensuring that minimal below ground disturbance is undertaken in the removal of infrastructure”. NCC considers that the removal of piles will have a destructive effect on below-ground archaeological remains which will need to be mitigated at the pre-construction stage.
- 9.26 In relation to the ES Appendix 8.7 outline Archaeological Mitigation Strategy [APP-161]<sup>8</sup>, NCC is in broad agreement with the strategy. There are some differences of opinion between NCC and the applicant’s archaeological consultants regarding; the cumulative level of impact piling and cable for the solar arrays; and the need to have some level of testing by trial trenching of all areas of the scheme not previously trenched.

Requirements, obligations and other measures

- 9.27 NCC has no comments at this stage on the draft DCO, or the requirements set out in schedule 2 in relation to the impacts on archaeology.

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<sup>8</sup>Examination library reference: [APP-161](#) (accessed 21/05/2026)

## 10 Traffic and Transport

### Summary

- 10.1 NCC considers route C unsuitable for construction traffic from the Narford Road junction with the A47 due to substandard road widths. Similarly, it considers that Big Wood Lane and South Acre Road should not be promoted for construction traffic. Additional detailed technical comments are included in NCC's relevant representation.
- 10.2 The applicant has confirmed that route C will be removed from any updated documentation. NCC otherwise considers the current cumulative traffic information to be acceptable.

### Policy context

- 10.3 The overarching NPS for energy, EN-1, sets clear requirements for assessment of traffic and transport effects in paragraphs 5.14.5 to 5.14.11.
- 10.4 Paragraph 5.14.12 makes it mandatory to consider demand management measures where mitigation is necessary, including identifying opportunities to:
- Reduce the need to travel by consolidating trips
  - Locate development in areas already accessible by active travel and public transport
  - Provide opportunities for shared mobility
  - Re-mode by shifting travel to a sustainable mode that is more beneficial to the network
  - Retime travel outside of the known peak times
  - Reroute to use parts of the network that are less busy
- 10.5 Paragraph 5.14.15 provides a framework for requirements which the SoS may attach to consents which would result in substantial HGV traffic. These requirements may:
- Control numbers of HGV movements to and from the site in a specified period during its construction and possibly on the routing of such movements.
  - Make sufficient provision for HGV parking, and associated high quality drive facilities either on the site or at dedicated facilities elsewhere, to support driver welfare, avoid 'overspill' parking on public roads, prolonged queuing on approach roads and uncontrolled on-street HGV parking in normal operating conditions.
  - Ensure satisfactory arrangements for reasonably foreseeable abnormal disruption, in consultation with network providers and the responsible police force.
- 10.6 EN-3, provides further detail in relation to the development of solar farms, identifying a number of accessibility related issues that may need to be considered. Paragraphs 3.10.20 to 3.10.24 identify the following issues:

- That applicants will need to consider the suitability of the access routes to the proposed site for both the construction and operation of the solar farm with the former likely to raise more issues.
- That because potential solar farm sites are largely in rural areas, access for the delivery of solar arrays and associated infrastructure during construction can be a significant consideration for solar farm siting.
- That developers will usually need to construct on-site access routes for operation and maintenance activities, such as footpaths, earthworks, or landscaping.
- In addition, that access routes will need to be constructed to connect solar farms to the public road network.
- That applications should include the full extent of the access routes necessary for operation and maintenance and an assessment of their effects.

- 10.7 Paragraph 3.10.112 recognises that many solar farms will be sited in areas served by a minor road network, and that public perception of the construction phase of solar farm will derive mainly from the effects of traffic movements, which is likely to involve smaller vehicles than typical onshore energy infrastructure but may be more voluminous.
- 10.8 Applicants should assess the various potential routes to the site for delivery of materials and components where the source of the materials is known at the time of the application and select the route that is the most appropriate (paragraph 3.10.114).
- 10.9 Where the exact location of the source of construction materials, such as crushed stone or concrete is not be known at the time of the application applicants should assess the worst-case impact of additional vehicles on the likely potential routes (paragraph 3.10.115).
- 10.10 Applicants should ensure all sections of roads and bridges on the proposed delivery route can accommodate the weight and volume of the loads and width of vehicles (paragraph 3.10.116).
- 10.11 Also, of particular significance is paragraph 3.10.117, which states that where a cumulative impact is likely because multiple energy infrastructure developments are proposing to use a common port and/or access route and pass through the same towns and villages, applicants should include a cumulative transport assessment as part of the ES. This should consider the impacts of abnormal traffic movements relating to the project in question in combination with those from any other relevant development. Consultation with the relevant local highways authorities is likely to be necessary.

## Impacts

- 10.12 The traffic and transport impacts of the development are assessed in the ES Chapter 9: Transport and Access [APP-058]<sup>9</sup>, which is also supported by a separate Transport Assessment [Appendix 9.2] [APP-163]<sup>10</sup>.
- 10.13 NCC in its relevant representation expressed concern that the proposed construction traffic and access arrangements present significant challenges due to routing constraints. Specifically, it considers route C unsuitable for construction traffic from the Narford Road junction with the A47 due to substandard road widths. Similarly, it considers that Big Wood Lane and South Acre Road should not be promoted for construction traffic. Additional detailed technical comments are included in NCC's relevant representation, for the sake of brevity these have not been repeated in this LIR.
- 10.14 The applicant has subsequently confirmed that route C will be removed from any updated documentation. NCC otherwise considers the current cumulative traffic information to be acceptable. NCC Highways have no further comments on the requirement 8 as standard highway condition.

## Requirements, obligations and other measures

### *Operational Traffic Management Plan*

- 10.15 NCC has no comments at this stage on the requirement 8 or requirement 15 relating to the submission of an operational traffic management plan as standard highway condition.

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<sup>9</sup>Examination library reference: [APP-058](#) (accessed 21/05/2026)

<sup>10</sup>Examination library reference: [APP-163](#) (accessed 21/05/2026)

## 11 Water Resources (including Flood Risk)

### Summary

- 11.1 The application is currently incomplete due to inconsistencies and limited information provided to support the application. The submitted Flood Risk Assessment (FRA) (ES Appendix 12.2: Flood Risk Assessment (Clean) (Revision 1) [AS-053]<sup>11</sup> is not adequate. The application lacks information that demonstrates commitment to ensuring there is no increase in flood risk on site or elsewhere. In addition, NCC advised that there are a number of instances where the information provided is unclear and clarification is required to understand what is being proposed.
- 11.2 The NCC LLFA is continuing to work with the applicant's flood risk consultant to address the issues set out above, although it considers that they will need to gather more site specific information and further information will be required.

### Policy context

- 11.3 The key policy related to flood risk is contained in section 5.8 of EN-1. The requirements of EN-1 are largely aligned with provisions in the national planning policy framework.
- 11.4 In the EN-1 for energy projects which have drainage implications, paragraph 5.8.37 makes clear that approval for the project's drainage system, including during the construction period, will form part of the development consent issued by the SoS. The SoS will therefore need to be satisfied that the proposed drainage system complies with any national standards published by Ministers under paragraph 5(1) of schedule 3 to the Flood and Water Management Act 2010.
- 11.5 In addition, the DCO, or any associated planning obligations, will need to make provision for appropriate operation and maintenance of any SuDS throughout the project's lifetime (paragraph 5.8.38).
- 11.6 Paragraph 5.8.39 states that where relevant, the SoS should be satisfied that the most appropriate body, including the relevant LLFA is being given the responsibility for maintaining any SuDS, taking into account the nature and security of the infrastructure on the proposed site, and that where the flood risk management authority continues to have concerns and objects to the grant of development consent on the grounds of flood risk (Paragraph 5.8.40) the SoS can grant consent, but needs to be satisfied before deciding whether or not to do so that all reasonable steps have been taken by the applicant and the authority to try to resolve the concerns.

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<sup>11</sup>Examination library reference: [AS-053](#) (accessed 15/05/2026)

## Impacts

### *Flood Risk Assessment*

- 11.7 The impacts on the water resources are assessed in the ES Chapter 12 Water Resources [APP-061]<sup>11</sup>. Likely effects have been assessed for the construction, operation and decommissioning phases of the Scheme.
- 11.8 In its relevant representations, NCC, in its role as LLFA, made clear that it considers that the application is currently incomplete due to inconsistencies and limited information provided to support the application. In short, the submitted Flood Risk Assessment (FRA) is not adequate. The application lacks information that demonstrates commitment to ensuring there is no increase in flood risk on site or elsewhere. In addition, NCC advised that there are a number of instances where the information provided is unclear and clarification is required to understand what is being proposed. Despite these comments and a further meeting with the applicant's flood risk consultant held on 18<sup>th</sup> May, it remains NCC's view that it is not clear whether the proposed development is able to manage change in surface water runoff from areas of the site without increasing flood risk either onsite or elsewhere and therefore that further information will be required. The following provides a summary of NCC's LLFA's comments:
- The information in the FRA and the ES is not adequately supported with appropriate technical information, the proposed design does not contain enough information for a drainage strategy to be suitable development and the information in the FRA and ES has many inconsistencies, contradictions and gaps.
  - There are inconsistencies and contradictions between both the FRA and the various relevant chapters in the ES. All this can be resolved but at the moment both the FRA and the relevant ES chapters need further work to be undertaken including some more consideration of the proposed development design and site-specific data.
  - Key points would include the lack of design detail relating to the impermeability of the proposed development platforms, access tracks and construction compounds.

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<sup>11</sup>Examination library reference: [APP-061](#) (accessed 21/05/2026)

- The recently updated national fire chiefs' guidance for Battery Energy Storage System (BESS) sites has reduced the distance before the BESS units resulting in an increase density of units. As each unit is stood on a concrete plinth foundation this would increase the impermeable area and result in large areas of surface water attenuation being required.
- The applicant has not consistently confirmed what the proposed surface water drainage features would include. The DIO supported this view in their comments (at ISH1) when they too acknowledged there was lack of information about where the proposed drainage features would be located.
- The information supporting the FRA and the drainage is incomplete. At the moment there is no preliminary site-specific infiltration testing in areas of interest.
- The drainage strategy is not able to confirm where the surface water drainage would discharge too and is unable evidence whether this would be to the ground or whether discharge to a watercourse is viable.
- The LLFA has identified its concerns in relation to the prepared hydraulic modelling and that there is a lack of information about the data and approach contained in the modelling report. The model is important in the assessment of flood risk along a combined surface water flow path and ordinary watercourse. If this is not undertaken in an appropriate manner, then it not only undermines the FRA but also the relevant ES assessment.
- There are inconsistencies and gaps in the ES assessment method for considering flood risk from surface water and ordinary watercourses.
- Ultimately, there is not enough detail on the scheme, site specific information or appropriate drainage design information to determine what the proposed surface water management scheme is and whether it is viable.

11.9 The LLFA is continuing to work with the applicant's flood risk consultant to address the issues set out above, although it considers that they will need to gather more site-specific information, and further information will be required.

11.10 The LLFA's full comments were included as Appendix 1 of NCC's relevant representations, these remain relevant but for the sake of brevity have not been repeated here.

#### Requirements, obligations and other measures

11.11 NCC have no comments at this stage on the draft DCO, or the requirements set out in schedule 2 in relation to the impacts on water resources, including flood risk.

## 12 Socio-economics, Recreation and Tourism

### Summary

- 12.1 The relevant national policy in EN-1 explains that development consent may include requirements for employment and skills plans to secure local economic benefits. Within this framework, the County Council identifies the opportunities to secure positive employment and skills outcomes as the main issue.

### Policy context

- 12.2 The overarching NPS for energy, EN-1, paragraph 5.13.12 sets out that the SoS “may wish to include a requirement that specifies the approval by the local authority of an employment and skills plan detailing arrangements to promote local employment and skills development opportunities, including apprenticeships, education, engagement with local schools and colleges and training programmes to be enacted.”
- 12.3 EN-1, paragraph 5.11.24 also makes clear that where green infrastructure is affected, the SoS should consider imposing requirements to ensure the functionality and connectivity of the green infrastructure network is maintained in the vicinity of the development and that any necessary works are undertaken, where possible, to mitigate any adverse impact and, where appropriate, to improve that network and other areas of open space including appropriate access to national trails and other PRoW and new coastal access routes.
- 12.4 Similarly 5.11.30 recognises that PRoW, national trails, and other rights of access to land are important recreational facilities for example for walkers, cyclists and horse riders, and states that the SoS should expect applicants to take appropriate mitigation measures to address adverse effects on coastal access, national trails, other rights of way and open access land and, where appropriate, to consider what opportunities there may be to improve or create new access. In considering revisions to an existing right of way, consideration should be given to the use, character, attractiveness, and convenience of the right of way.
- 12.5 NPS EN-3, paragraphs 3.10.27 to 3.10.30 sets out that applicants are encouraged to design the layout and appearance of the site to ensure continued recreational use of PRoW, where possible during construction, and in particular during operation of the site. Applicants are encouraged where possible to minimise the visual outlook from existing PRoW, considering the impacts this may have on any other visual amenities in the surrounding landscape. Applicants should consider and maximise opportunities to facilitate enhancements to the PRoW and the adoption of new PRoW through site layout and design of access and they should set out detail on how public rights of way would be managed to ensure they are safe to use is set out in an outline PRoW Management Plan.

Impacts

*Socio-Economics*

- 12.6 The assessment of the socio-economic impacts of the development are set out in the ES Chapter 14: Socio-Economics [APP-063]<sup>12</sup>. The chapter identifies and proposes measures to address the potential impacts and likely significant effects on socio-economics, during the construction, operational and maintenance, and decommissioning phases. It concludes that there will be no significant adverse effects.
- 12.7 NCC in its relevant representation acknowledged that the applicant has estimated, taking the net direct and net indirect jobs together, that the project is expected to support 1,145 net additional jobs during the construction phase (extending over a twenty-four-month period), with between 285 and 575 of these being taken by local residents.
- 12.8 It also noted that an outline Employment, Skills and Supply Chain Strategy (ESSCS) has been prepared which sets the applicant’s strategy for promoting competition, innovation, and skills in relation to the DCO application for the construction, operation, maintenance, and decommissioning of The Drovers solar farm.
- 12.9 It also requested that the applicant should provide appropriate compensation packages for those homes and businesses directly affected by both the construction works, and any long-term impacts. No explicit proposals for any such compensation packages are included in the application. It also requested that the applicant provide a community benefit fund.
- 12.10 NCC welcomes the inclusion of a draft requirement to secure the preparation an ESSCS prior to commencement. NCC considers that the requirement appropriately provides for approval by NCC, in consultation with the NCC’s skills and employment team, and ensures the detailed ESSCS is prepared in accordance with the outline strategy.
- 12.11 It will be important that the detailed ESSCS includes clear targets, delivery arrangements and monitoring mechanisms, and that it is developed in continued engagement with the County Council to ensure alignment with local labour market priorities and the County Council’s Employment and Skills Framework.
- 12.12 NCC’s comments otherwise remain as set out in its relevant representation.

Requirements, obligations and other measures

- 12.13 NCC has no comments at this stage on the draft DCO or the requirements set out in schedule 2 in relation to the socio-economic and tourism impacts.

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<sup>12</sup>Examination library reference: [APP-063](#) (accessed 21/05/2026)

### *Public Rights of Way*

- 12.14 As part of the Scheme design, there are approximately 3.5km of permissive path proposed within the order limits. Specific measures focus on the creation of permissive paths to the southeast of the order limits, linking to off-site permissive paths associated with High Grove solar farm to achieve a continuous permissive path referred to as the “Swaffham Link” between Swaffham, South Acre, the Nar Valley and surrounding villages. NCC welcomes the increase in access this provides and considers this should be secured beyond the lifetime of the project.
- 12.15 NCC acknowledges the measures that will be in place during construction and requests that discussions required around temporary closures or effects on PRow are entered into at as early a stage as possible.
- 12.16 Mitigation measures for PRow during operation phase are clear. Consideration should be given to ensure that these do not in themselves produce an impact on the experience and enjoyment of the landscape.
- 12.17 Consideration should also be given to ensure that the impact of the development on the feel of movement through the landscape is being adequately mitigated as discussed in the landscape and visual chapter.
- 12.18 Input should be sought from the national trails team at NCC regarding impact on the Peddars Way national trail and any mitigation.

### Requirements, obligations and other measures

- 12.19 NCC has no comments at this stage on the draft DCO or the requirements set out in schedule 2 in relation to the impacts on recreation, including PRow.

## **13 Health and Wellbeing**

### Summary

- 13.1 NCC has a responsibility under section 2B of the National Health Service Act 2006 to improve the public health of people in Norfolk. As part of this role, we consider the effects of development proposals on public health when responding to planning applications and applications for development consent. NCC does not comment on matters such as noise or pollution which fall within the statutory duties of district councils.
- 13.2 NCC welcomes the inclusion of a standalone human health chapter which now considers that the proposed development is likely to have a minimal overall effect on local health and

wellbeing. Nonetheless, there remains potential for minor positive and negative impacts locally, with the principal area of concern relating to residents' mental wellbeing, particularly where changes to the local environment (i.e. around landscape character) and concerns associated with the development may contribute to stress, anxiety or reduced wellbeing.

### Policy context

- 13.3 Although the EIA regulations specifically refer to effects on human health, EN-1 considers health briefly and mainly from the perspective of environmental health considerations. Paragraph 4.1.7 of EN-1 makes clear that the CNP presumption does not apply where residual impacts present an unacceptable risk to human health. Section 4.4 of EN-1 briefly sets out that the ES should assess effects on health and identify measures to avoid, reduce or compensate impacts. It also makes clear that health issues which are not subject to separate regulation can be considered in setting requirements to mitigate health effects.

### Impacts

- 13.4 Health and well-being are assessed in the ES Chapter 15: Human Health [APP-064]<sup>13</sup> which presents the findings of the Environmental Impact Assessment (EIA) of effects on human health as a result of the scheme.
- 13.5 NCC in its relevant representation welcomed the inclusion of a standalone human health chapter and commended the applicant for taking on board comments made at the scoping and PEIR consultation stages. NCC public health noted the chapter's conclusion that the project is likely to result in positive health and wellbeing impacts, particularly in relation to employment, education and training, and physical activity.
- 13.6 Overall, NCC public health now considers that the proposed development is likely to have a minimal overall effect on local health and wellbeing. Nonetheless, there remains potential for minor positive and negative impacts locally.
- 13.7 NCC notes the findings of the human health chapter of the ES, which identifies likely positive effects in relation to employment, education and training, and physical activity. NCC also welcomes the provision of 4.7km of new permissive paths, which may improve opportunities for recreational access and support physical activity.

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<sup>13</sup>Examination library reference: [APP-064](#) (accessed 25/05/2026)

- 13.8 In terms of potential adverse effects, NCC considers that the principal area of concern relates to residents' mental wellbeing, particularly where changes to the local environment (i.e. around landscape character) and concerns associated with the development may contribute to stress, anxiety or reduced wellbeing. These effects may be compounded by the proximity of the proposed High Grove solar (EN0110010), giving rise to the potential for cumulative impacts. Although some degree of such impact may be unavoidable in developments of this nature, clear communication and effective engagement with affected communities can help to minimise concern. There is also the potential for mental wellbeing impacts surrounding the perceived impacts of electromagnetic fields (EMFs). NCC welcomes the applicant's commitment to providing clear and accessible information to the public on EMF levels through the community liaison group, as proactive and transparent communication is essential for addressing concerns that local residents may have.

Requirements, obligations and other measures

- 13.9 NCC has not identified any need for mitigation beyond that which is proposed by the applicant. NCC has no comments at this stage on the draft DCO or the requirements set out in schedule 2 in relation to the impacts on public health.

## 14 Arboriculture

### Summary

- 14.1 NCC is concerned about foreseeable negative impacts to trees adjacent to the highway that did not appear to be considered within ES Chapter 16: Other Environmental Matters [APP-065]<sup>14</sup> or the AIA [APP-178]. ES Appendix 9.2: Traffic Assessment indicates that vegetation removal (including removal of trees) will be required to achieve the proposed visibility splays and signage. If the impacts are not avoided or insufficiently mitigated, then alternative access routes will need to be considered.

### Policy context

- 14.2 Paragraph 4.3.20 of EN-1 sets out that the SoS should have regard to the legally binding targets established under the Environment Act 2021, which include targets relating to tree and woodland cover.
- 14.3 Section 4.6 of EN-1 sets out the approach to environmental and BNG, and paragraph 4.6.10 makes clear that BNG must be applied only after the mitigation hierarchy has been followed, and that it does not change or replace existing environmental obligations. Paragraph 4.6.13 further indicates that wider environmental gains should also be considered, such as landscape enhancement, improved access to natural greenspace, and the expansion or provision of trees and woodlands.
- 14.4 Section 5.4 of EN-1 addresses biodiversity and geological conservation more broadly. Paragraphs 5.4.13 and 5.4.14 emphasise the importance of regional and local sites, while paragraphs 5.4.15 and 5.4.16 provide specific protections for ancient woodland, ancient trees, veteran trees and other forms of irreplaceable habitat, with reference to the accompanying Keepers of Time policy document (paragraph 5.4.15)<sup>15</sup>.

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<sup>14</sup>Examination library reference: [APP-065](#) (accessed 21/05/2026)

<sup>15</sup>See: Keepers of Time: ancient and native woodland and trees policy in England. Available at: <https://www.gov.uk/government/publications/keepers-of-time-ancient-and-native-woodland-and-trees-policy-in-england/keepers-of-time-ancient-and-native-woodland-and-trees-policy-in-england> (accessed 19/01/2026)

- 14.5 Paragraph 5.4.33 stipulates that applicants should include measures to fully mitigate all direct and indirect impacts on ancient woodland, ancient and veteran trees and other irreplaceable habitats throughout both construction and operation. Paragraph 5.4.55 states that the SoS should not grant development consent for any proposal that would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and ancient or veteran trees, unless wholly exceptional reasons can be demonstrated and a suitable compensation strategy is provided.
- 14.6 NPS EN-3 paragraph 3.10.91 states that 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. In addition, paragraph 3.10.92 states that the impact of the proposed development on established trees and hedges should be informed by a tree survey and arboricultural/hedge assessment as appropriate and paragraph 3.10.122 makes clear that applicants should consider the potential to mitigate landscape and visual impacts through, for example, screening with native hedges, trees and woodlands.
- 14.7 The NPS for Electricity Networks Infrastructure (EN-5), paragraph 2.5.1 explains that the linear nature of electricity networks infrastructure may provide opportunities to reconnect important habitats by creating green corridors, developing biodiversity stepping zones, and reinstating appropriate hedgerows. It also notes that such infrastructure can provide opportunities to improve public access to the environment, for example by enabling footpaths and cycleways to be delivered alongside associated environmental enhancements.

## Impacts

### *Tree loss*

- 14.8 The impacts on trees are considered as part of the ES Chapter 16: Other Environmental Matters and is supported by Appendix 16.4 Arboricultural Impact Assessment (AIA) [APP-178]<sup>15</sup>. The AIA provides an assessment of the potential impacts upon existing trees, groups of trees, woodlands and hedgerows. The non-technical summary and (at high level) Appendix 16.4: AIA has been reviewed as a desk-based exercise.

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<sup>15</sup>Examination library reference: [APP-178](#) (accessed 21/05/2026)

- 14.9 NCC in its relevant representation expressed concern about foreseeable negative impacts to trees adjacent to the highway that did not appear to be considered within the ES Chapter 16: Other Environmental Matters or the AIA.
- 14.10 ES Appendix 9.2: Traffic Assessment indicates that vegetation removal (including removal of trees) will be required to achieve the proposed visibility splays and signage.
- 14.11 The impacts should be considered within the AIA. If the impacts are not avoided or insufficiently mitigated, then alternative access routes will need to be considered.
- 14.12 It is assumed that trees adjacent to the highway are under the ownership of the adjacent landowner and not NCC Highways, but no checks have been made on this. It is expected that the scheme confirms tree ownership, especially where impacts are foreseeable, and to have the permission of the tree owner prior to carrying out any works to facilitate this development.

Requirements, obligations and other Measures

- 14.13 NCC has no comments at this stage on the draft DCO or the requirements set out in schedule 2 in relation to the impacts on trees.

## 15 Minerals and Waste

### Summary

- 15.1 NCC does not consider that the proposed development will result in needless sterilisation of safeguarded mineral resources. This is due to the temporary, all be it a long-term temporary, nature of the project, the founding methods to be used for the project, and the limited areas of safeguarded mineral resources within the project boundary.
- 15.2 NCC is also pleased to note that the ES Chapter 16: Other Environmental Matters contains an assessment of the waste management capacity in the vicinity of the project boundary and considers the potential impacts from the waste quantities generated by the construction and operation of the project. An outline Construction Environmental Management Plan (oCEMP) [APP-186]<sup>16</sup> has been developed based on these assessments and will be secured through the DCO. A Site Waste Management Plan (SWMP) will be developed as part of an Operational Environmental Plan to address waste prevention, reuse, recycling and recovery during the operational phase, a SWMP for the construction phase will be submitted under a requirement of the DCO. NCC as the mineral and waste planning authority considers that the measures within the draft DCO are appropriate to address the potential mineral and waste issues raised by the proposed development.

### Policy context

- 15.3 The overarching NPS for energy, EN-1, only deals with minerals safeguarding briefly. Paragraph 5.11.19 says:
- “Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place.”
- 15.4 Later in the statement, paragraph 5.11.28 says that the SoS should ensure that appropriate mitigation measures are in place to safeguard mineral resources where a proposed development would have an impact on a Mineral Safeguarding Area (MSA).
- 15.5 Section 5.15 resource and waste management, paragraph 5.15.4 recognises that all large infrastructure projects are likely to generate some hazardous and non-hazardous waste.

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<sup>16</sup>Examination library reference: [APP-186](#) (accessed 21/05/2026)

- 15.6 Paragraph 5.15.1 sets out that Government policy on hazardous and non-hazardous waste is intended to protect human health and the environment by producing less waste and by using it as a resource wherever possible. Where this is not possible and disposal is required as a last resort, waste management regulation ensures that waste is disposed of in a way that is least damaging to the environment and to human health and paragraph 5.15.2 states that sustainable waste management is to be implemented through the waste hierarchy, and that the disposal of waste should only be considered where other waste management options are not available or where it is the best overall environmental outcome (paragraph 5.15.3).
- 15.7 The applicant should accordingly set out the arrangements that are proposed for managing any waste produced and prepare a report that sets out the sustainable management of waste and use of resources throughout any relevant demolition, excavation and construction activities (paragraph 5.15.8). The arrangements described and a report setting out the sustainable management of waste and use of resources should include information on how re-use and recycling will be maximised in addition to the proposed waste recovery and disposal system for all waste generated by the development. They should also include an assessment of the impact of the waste arising from development on the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation (paragraph 5.15.9).

*Norfolk Minerals and Waste Local Plan 2023-2038*

- 15.8 NCC is the minerals planning authority for Norfolk and produced the Norfolk Minerals and Waste Local Plan 2023-2038<sup>17</sup> ("NMWLP"). The NMWLP has two policies which concern the safeguarding of mineral resources and facilities.
- 15.9 Policy MP10 relates to the safeguarding of minerals handling and manufacturing facilities and is reproduced in full below. For specified types of facility, the policy requires applicants to produce a minerals infrastructure impact assessment. NCC will oppose development where the proposal would prevent or prejudice the use of safeguarded facilities.

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<sup>17</sup>NMWLP available: <https://www.norfolk.gov.uk/article/39052/Norfolk-Minerals-and-Waste-Local-Plan> (accessed 27/01/2026)

15.10 Policy MP11 concerns the safeguarding of mineral resources which are included in the policies map as an MSA or a Mineral Consultation Area (MCA). Policy MP11 is reproduced below. The policy sets out that existing, permitted and allocated mineral extraction sites are safeguarded, alongside Norfolk's silica sand, Carstone and sand and gravel resources. Both extraction sites and mineral resources are included in the MSA. For extraction sites the MCA extends beyond the MSA by a buffer of 250m. For mineral resources the MCA has the same extent as the MSA. The policy requires investigations to assess whether any mineral resource has economic value and if so whether prior extraction would be economical. Carstone has specific conservation uses which should be taken account of in any mineral resource assessment.

### Impacts

- 15.11 The ES Chapter 16: Other Environmental Matters includes a waste assessment, which identifies that a number of management plans will be prepared to manage the soils, resources and wastes on the site during the construction, operational and decommissioning phases of the development.
- 15.12 NCC in its relevant representation stated that it does not consider that the proposed development will result in needless sterilisation of safeguarded mineral resources. This is due to the temporary, all be it long-term temporary, nature of the project, the founding methods to be used for the project, and the limited areas of safeguarded mineral resources within the project boundary.
- 15.13 NCC was pleased to note that the ES Chapter 16: Other Environmental Matters contains an assessment of the waste management capacity in the vicinity of the project boundary and considers the potential impacts from the waste quantities generated by the construction and operation of the project. An oCEMP [APP-186]<sup>18</sup> has been developed based on these assessments and will be secured through the DCO. Table 19 of the oCEMP states that the re-use of materials will take place on-site wherever feasible, such as excavated soil. A Site Waste Management Plan (SWMP) will be developed as part of an Operational Environmental Plan to address waste prevention, reuse, recycling and recovery during the operational phase, a SWMP for the construction phase will be submitted under a requirement of the DCO.

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<sup>18</sup>Examination library reference: [APP-186](#) (accessed 21/05/2026)

### Requirements, Obligations and Other Measures

- 15.14 NCC as the mineral and waste planning authority considers that the measures within the draft DCO are appropriate to address the potential mineral and waste issues raised by the proposed development.

## **16 Fire and Safety**

### Summary

- 16.1 The primary concern for NCC set out its relevant representation focused on the concerns raised by Norfolk Fire and Rescue Service relating to the safe operation of the BESS, with the scheme is anticipated to include approximately 393 BESS units.

### Policy context

- 16.2 NPS EN-1 set out general considerations in relation to safety. Paragraph 4.7.12 states that in considering applications, the SoS should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy. Section 4.13 then set details of range of safety considerations and paragraph 4.13.2 identifies that some technologies, will be regulated by specific health and safety legislation
- 16.3 Paragraph 4.13.7 then makes clear that if a safety report is required it is important that the applicant discusses with the relevant competent authority the type of information that should be provided at the design and development stage, and what form this should take. This will enable the competent authority to review as much information as possible before construction begins, in order to assess whether the inherent features of the design are sufficient to prevent, control and mitigate major accidents.
- 16.4 The SoS must then be satisfied that a safety assessment has been prepared, where required, and that the competent authority has raised no safety objections (paragraph 4.13.8).

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<sup>19</sup>Examination library reference: [APP-054](#) (accessed 21/05/2026)

Impacts

*Battery Energy Storage System (BESS),*

- 16.5 The primary concern for NCC set out its relevant representation focused on the concerns raised by Norfolk Fire and Rescue Service relating to the safe operation of the BESS, with the ES Chapter 5: The Scheme [APP-054]<sup>18</sup> identifying that the scheme is anticipated to include approximately 393 BESS units (paragraph 5.2.26).
- 16.6 Paragraph 5.3.31 identifies that the BESS and components used to construct the facility will be certified to UL 9540 (2023) and/or BS EN IEC 62933-5-2 standards and that future standards which supersede these standards will be used as appropriate. It also identifies that the BESS units would have installed fire detection, explosion prevention, and suppression systems in accordance with National Fire Protection Association (NFPA) 855 requirements and National Fire Chiefs Council guidance, as confirmed in the outline Battery Safety Management Plan (oBSMP) [APP-194]<sup>20</sup>.
- 16.7 The oBSMP<sup>19</sup> provides the basis for the safety management processes and procedures required to satisfy the identified safety requirements for a BESS system. As required by the DCO, prior to the commencement of construction of the BESS, the applicant will prepare a detailed Battery Safety Management Plan (BSMP) that aligns with the provisions set out within this oBSMP<sup>19</sup>.
- 16.8 Other fire safety measures include spacing requirements between the BESS units and other infrastructure has also been included within the oBSMP<sup>19</sup>. Provision would also be made for fire water containment (paragraph 5.3.32).
- 16.9 NCC has confirmed that any the detailed BSMP will need to be formally agreed by Norfolk Fire and Rescue Service, and it requires that a requirement in the DCO on this matter should be included, which is proposed (Requirement 6). It has also advised that risk control recommendations for all BESS installations should be subject to a suitable fire risk assessment and the development and production (amongst others) of the following strategies and plans:
- A risk reduction and mitigation strategy that covers the design, construction, installation, operation and decommissioning phases of the project to minimise the impact of an incident.

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<sup>20</sup>Examination library reference: [APP-194](#) (accessed 21/05/2026)

- An emergency response plan in consultation with Norfolk Fire & Rescue Service, which details site specific information regarding the hazards, locations of hydrants or stored water supplies, electrical isolators, measures to be taken during an incident and responses required post incident. Coordination should also include regular onsite training and familiarisation for operational fire service personnel.
- An environmental impact and risk assessment must be completed. This must include firefighting water run-off including containment and treatment as necessary. Air pollution must also be considered.
- A transport strategy to minimise the impact of additional vehicle movements and prevent an increase in the potential number of traffic incidents, especially in largely rural settings.

16.10 Norfolk Fire & Rescue Service further advises that where appropriate, these plans should be supported with specific fire tests. Property insurers should be involved at an early stage in discussions to agree on a suitable fire strategy for BESS installations. The potential for both property loss and business interruption should be considered. The fire protection and mitigation strategy should be determined on a case-by-case basis, based on battery technology type, BESS site location, layout, compartment construction, system criticality, and other relevant factors. It should be multilayered and include a combination of; good design, thermal runaway avoidance, early detection, and automatic suppression. Manual fire control provision and planning, including water supplies, should be commensurate with BESS and other site fire hazards.

16.11 Norfolk Fire and Rescue do not have any further comments at this stage.

Requirements, obligations and other measures

16.12 NCC have no comments at this stage on the draft DCO or the requirements set out in schedule 2 in relation to the impacts on recreation, including PRow.

# Appendix A – Requested changes to the draft DCO

This Appendix collects NCC’s proposed changes to the draft development consent order. This covers changes proposed in both the LIR and the relevant representation, as well as any consequential changes rendered necessary as a result of substantive changes. NCC considers it likely that further issues requiring amendments to the draft DCO will emerge throughout the examination. NCC may therefore need to submit further requests for changes to the draft DCO at future deadlines.

Table 1: Proposed substantive changes to articles and requirements

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
	Requirements		
	Interpretation		
	1. In this Schedule, “relevant planning authority” means Breckland Council.		
	Commencement of the authorised development		
	2.—(1) The authorised development must not be commenced after the expiration of the applicable period. (2) The undertaker must notify the relevant planning authority within fourteen days of the date of final commissioning for a part or parts of the authorised development that the final commissioning of that part or parts has taken place.		
	Approved details and amendments to them		
	3.—(1) The undertaker may submit any amendments to any approved document to the relevant planning authority for approval and, following approval, the relevant approved document is to be taken to include the amendments approved under this paragraph.		

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
	<p>(2) The relevant planning authority must not approve any amendments under subparagraph (1) to any approved document unless it has been demonstrated to the satisfaction of the relevant planning authority that the subject matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p> <p>(3) In this paragraph, “approved document” means any document certified under article 42 (certification of plans and documents, etc.) and any plans, details or schemes which have been approved pursuant to any requirement.</p>		
	<p>Community liaison group</p> <p>4.—(1) Prior to the commencement of the authorised development the undertaker must submit to the relevant planning authority for approval the terms of reference for a community liaison group whose aim is to facilitate liaison between representatives of people living in the vicinity of the Order limits and other relevant organisations in relation to the construction of the authorised development.</p> <p>(2) The community liaison group must be established prior to commencement of the authorised development and must be administered by the undertaker and operated in accordance with the approved terms of reference.</p>		

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
	<p>(3) The community liaison group is to continue to meet until the first anniversary of the date of final commissioning of the authorised development unless otherwise agreed with the relevant planning authority.</p>		
	<p>Detailed design approval</p> <p>5. No part of Work Nos. 1, 2 or 3A may commence until details of—</p> <p>(a) the layout;</p> <p>(b) scale;</p> <p>(c) proposed finished ground levels;</p> <p>(d) external appearance;</p> <p>(e) hard surfacing materials; and</p> <p>(f) vehicular and pedestrian access, parking and circulation areas, relating to that part have been submitted and approved by the relevant planning authority for that part.</p> <p>(2) The details submitted must accord with Table 3-1, 3-2 and 3-3 (as applicable) of the design principles, parameters and commitments.</p> <p>(3) The authorised development must be carried out in accordance with the approved details.</p> <p>(4) Work No. 3B must be carried out in accordance with Table 3-3 of the design principles, parameters and commitments.</p>	<p>The appropriate drainage arrangements need to be included in requirement 5, there is currently no mention of drainage or cross referencing to the drainage design of these areas of hard surfacing.</p>	<p>Requirement 5 Detailed Design Approval includes information about the hard surfacing materials but there is no mention of drainage or cross referencing to the drainage design of these areas of hard surfacing. It is necessary for appropriate drainage arrangements to be included within this work otherwise it is likely there would be an increase in surface water flood risk.</p>
	<p>Battery safety management</p> <p>6.—(1) Work No. 2 must not commence until a battery safety management plan has been submitted to and approved by the relevant planning authority.</p> <p>(2) The battery safety management plan must be substantially in accordance with</p>		

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
	<p>the outline battery safety management plan.</p> <p>(3) The relevant planning authority must consult with Norfolk Fire and Rescue Service and the Environment Agency before determining an application for approval of the battery safety management plan.</p> <p>(4) The battery safety management plan must be implemented as approved.</p>		
	Landscape and ecological management plan		
	<p>7.—(1) No part of the authorised development may commence until a written landscape and ecological management plan has been submitted to and approved by the relevant planning authority for that part in consultation with the relevant statutory nature conservation body. (2) The landscape and ecological management plan must be substantially in accordance with the outline landscape and ecological management plan. (3) The landscape and ecological management plan must be implemented as approved.</p>		
	Operational traffic management plan		
	<p>8.—(1) Prior to the date of final commissioning for any part of the authorised development, an operational traffic management plan for that part must be submitted to and approved by the relevant planning authority.</p> <p>(2) The operational traffic management plan must be substantially in accordance with</p>		

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
	<p>the outline operational traffic management plan.</p> <p>(3) The operational traffic management plan must be implemented as approved.</p>		
	<p>Biodiversity net gain</p> <p>9.—(1) No part of the authorised development may commence until a biodiversity net gain strategy has been submitted to and approved by the relevant planning authority for that part in consultation with the relevant statutory nature conservation body.</p> <p>(2) The biodiversity net gain strategy must include details of how the strategy will secure a minimum of 10% biodiversity net gain in habitat units and a minimum of 10% biodiversity net gain in hedgerow units for the authorised development during the operation of the authorised development, and the metric that has been used to calculate that those percentages will be reached.</p> <p>(3) The biodiversity net gain strategy must be substantially in accordance with the outline landscape and ecological management plan and must be implemented as approved.</p>		
	<p>Fencing and other means of enclosure</p> <p>10.—(1) No part of the authorised development may commence until written details of all proposed temporary fences, walls or other means of enclosure, including those set out in the construction</p>		

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
	<p>environmental management plan, for that part have been submitted to and approved by the relevant planning authority.</p> <p>(2) No part of the authorised development may commence until written details of all permanent fences, walls or other means of enclosure for that part have been submitted to and approved by the relevant planning authority.</p> <p>(3) The written details provided under sub-paragraph (2) must be substantially in accordance with the relevant design principles, parameters and commitments.</p> <p>(4) Any construction site must remain securely fenced in accordance with the approved details under sub-paragraph (1) or (2) at all times during construction of the authorised development.</p> <p>(5) Any temporary fencing must be removed on completion of the part of construction of the authorised development for which it was used.</p> <p>(6) Any approved permanent fencing for a part of the authorised development must be completed before the date of final commissioning in respect of that part.</p>		
	<p>Surface and foul water drainage</p> <p>11.—(1) No part of the authorised development may commence until written details of the surface water drainage scheme and (if any) foul water drainage system for that part have been submitted to and approved by the relevant planning</p>	<p>Environment Agency replaced with Lead Local Flood Authority, and the requirement separated into two separate requirements to reflect that surface water and foul water are managed by separate organisations.</p>	<p>In requirement 11 there is no mention of the need to consult the Lead Local Flood Authority, but rather the Environment Agency. As there is no main river on the site, but there is surface water flood risk and flood risk from ordinary watercourses, the Environment Agency are not the relevant organisation. Furthermore, as both the</p>

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
	<p>authority in consultation with the Environment Agency and Anglian Water Services Limited or its successor in function as the relevant water undertaker.</p> <p>(2) Any approved scheme must be implemented as approved.</p>	<p>The LLFA suggests a separate requirement is listed for each phase of the development drainage design.</p>	<p>surface water and foul water are managed by separate organisations, it is not clear why they are covered in one shared requirement. Therefore, the draft requirement does not reflect the consultation of the right organisations.</p> <p>The LLFA also notes that Requirement 11 would need to be discharged at the same time as Requirement 5 as the design and scale of the drainage system is intrinsically linked to the amount of hard surfacing materials. In addition, the LLFA notes that all phases of the development (construction, operation and decommissioning) would be covered by requirement 11. This could result in a delay to the scheme should there be design issues such as in relation to the construction and decommissioning phases where less information will be available at the time of preparation. The LLFA suggests that a separate requirement is listed for each phase of the development drainage design.</p>
	<p>Archaeology</p> <p>12.—(1) The authorised development must not be commenced until a programme of archaeological investigation has been carried out in accordance with the outline archaeological mitigation strategy.</p> <p>(2) No part of the authorised development may be commenced until a written scheme of investigation for that part has been</p>	<p>12.—(1) The authorised development must not be commenced until a programme of archaeological investigation has been carried out in accordance with the outline archaeological mitigation strategy.</p> <p>(2) No part of the authorised development may be commenced until a <b>detailed or site-specific</b> written scheme of investigation for that part has been submitted to and approved by the relevant planning authority.</p>	<p>The revised requirement wording brings it in line with standard archaeological condition wording; this ensures appropriate post-excavation and reporting and is in compliance with Historic England guidance <a href="https://historicengland.org.uk/images-books/publications/morphe-project-managers-guide/">https://historicengland.org.uk/images-books/publications/morphe-project-managers-guide/</a></p>

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
	<p>submitted to and approved by the relevant planning authority.</p> <p>(3) The written scheme of investigation must be substantially in accordance with the outline archaeological mitigation strategy.</p> <p>(4) The written scheme of investigation must be implemented as approved.</p>	<p>(3) Written schemes of investigation must be substantially in accordance with the outline archaeological mitigation strategy.</p> <p>(4) No development on any part of the authorised development shall take place other than in accordance with the detailed or site-specific written scheme of investigation approved under Part 2 of Requirement 12 and any addenda to that detailed or site-specific written scheme of investigation covering subsequent phases of mitigation</p> <p>(5) No part of the authorised development shall or put into first use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition Part 2 of Requirement 12 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.</p>	
	<p>Construction Environmental Management Plan</p> <p>13.—(1) No part of the authorised development may commence until a construction environmental management plan for that part has been submitted to and approved by the relevant planning authority.</p> <p>(2) The construction environmental management plan must be substantially in accordance with the outline construction environmental management plan.</p>		

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
	(3) All construction works associated with the authorised development must be carried out in accordance with the approved construction environmental management plan.		
	Operational environmental management plan		
	14.—(1) Prior to the date of final commissioning for any part of the authorised development, an operational environmental management plan for that part must be submitted to and approved by the relevant planning authority.		
	(2) The operational environmental management plan must be substantially in accordance with the outline operational environmental management plan.		
	(3) The operational environmental management plan must be implemented as approved.		
	Construction traffic management plan		
	15.—(1) No part of the authorised development may commence until a construction traffic management plan for that part must be submitted to and approved by the relevant planning authority.		
	(2) The construction traffic management plan must be substantially in accordance with the outline construction traffic management plan.		
	(3) Before approving the construction traffic management plan the relevant planning		

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
	<p>authority must consult with the relevant highway authority.</p> <p>(4) All construction works associated with the authorised development must be carried out in accordance with the approved construction traffic management plan.</p>		
	Public rights of way and permissive paths		
	<p>16.—(1) No part of the authorised development may commence until a public right of way and permissive path management plan for that part has been submitted to and approved by the relevant planning authority.</p> <p>(2) The public right of way and permissive path management plan must be substantially in accordance with the outline public right of way and permissive path management plan.</p> <p>(3) Before approving the public right of way and permissive path management plan the relevant planning authority shall consult with the relevant highway authority.</p> <p>(4) The public right of way and permissive path management plan must be implemented as approved.</p> <p>(5) The permission for the public to make use of any permissive path listed within the public right of way and permissive path management plan ceases on the date of decommissioning for that part of the authorised development.</p>		
	Soil management		

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
	<p>17.—(1) No part of the authorised development may commence until a soil management plan for that part has been submitted to and approved by the relevant planning authority.</p> <p>(2) Any soil management plan submitted in accordance with this paragraph must be substantially in accordance with the outline soil management plan as relevant to the activities to which it relates.</p> <p>(3) The soil management plan must be implemented as approved.</p>		
	Skills, supply chain and employment		
	<p>18.—(1) No part of the authorised development may commence until an employment, skills and supply chain strategy in relation to that part has been submitted to and approved by the relevant planning authority in consultation with Norfolk County Council.</p> <p>(2) The employment, skills and supply chain strategy must be substantially in accordance with the outline employment, skills and supply chain strategy.</p> <p>(3) Any plan under this paragraph must identify opportunities for individuals and businesses to access employment and supply chain opportunities associated with that part of the authorised development and the means for publicising such opportunities.</p>		

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
	(4) The employment, skills and supply chain strategy must be implemented as approved.		
	Site Waste Management		
	19.—(1) No part of the authorised development may commence until a site waste management plan for that part has been submitted to and approved by the relevant planning authority in consultation with Norfolk County Council as the waste planning authority.		
	(2) The site waste management plan must be implemented as approved.		
	Decommissioning and restoration		
	20.—(1) The date of decommissioning for each part of the authorised development must be no later than 60 years following the date of final commissioning.		
	(2) Unless otherwise agreed with the relevant planning authority, no later than 12 months prior to the date the undertaker intends to decommission any part of the authorised development, the undertaker must notify the relevant planning authority of the intended date of decommissioning for that part of the authorised development.		
	(3) Unless otherwise agreed with the relevant planning authority, no later than ten weeks prior to the intended date of decommissioning of any part of the authorised development notified pursuant to sub-paragraph (2), the undertaker must submit to the relevant planning authority for that part a decommissioning strategy for		

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	<p>approval in consultation with Norfolk County Council.</p> <p>(4) The decommissioning strategy must be substantially in accordance with the outline decommissioning strategy and must include a timetable for its implementation.</p> <p>(5) No decommissioning works must be carried out until the relevant planning authority has approved the decommissioning strategy submitted in relation to those works, in consultation with the Environment Agency.</p> <p>(6) The decommissioning strategy must be implemented as approved.</p> <p>(7) Within 28 days of any part of the authorised development permanently ceasing to generate electricity on a commercial basis, the undertaker must notify the relevant planning authority.</p> <p>(8) This requirement is without prejudice to any other consents or permissions that may be required to decommission any part of the authorised development.</p>		
	<p>Article 4</p> <p>Temporary use of land for constructing the authorised development</p> <p>31.—(1) The undertaker may, in connection with the construction of the authorised development but subject to article 22 (time limit for exercise of authority to possess land temporarily or to acquire land compulsorily)—</p> <p>(a) enter on and take temporary possession of—</p>	<p>(c) construct temporary works (including means of access), <b>drainage</b>, haul roads, security fencing, bridges, structures and buildings on that land;</p>	<p>In Part 4, in relation to the "temporary use of land for constructing the authorised development", Paragraph 31. (1)b enables the applicant to "remove any buildings, structures, agricultural plant and apparatus, electric lines, drainage, fences, debris and vegetation from that land;" However, in</p>

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	<p>(i) so much of the land specified in column (1) of the table in Schedule 11 (land of which temporary possession may be taken) for the purpose specified in relation to the land in column (2) of that table; and</p> <p>(ii) any other Order land in respect of which no notice of entry has been served under section 11 (powers of entry)(a) of the 1965 Act and no declaration has been made under section 4 (execution of declaration)(b) of the 1981 Act;</p> <p>(b) remove any buildings, structures, agricultural plant and apparatus, electric lines, drainage, fences, debris and vegetation from that land;</p> <p>(c) construct temporary works (including means of access), haul roads, security fencing, bridges, structures and buildings on that land;</p> <p>(d) use the land for the purposes of a temporary working site with access to the working site in connection with the authorised development;</p> <p>(e) construct any works on that land as are mentioned in Schedule 1 (authorised development); and</p> <p>(f) carry out mitigation works on that land required under the requirements in Schedule 2 (requirements).</p>		<p>Paragraph 31.(1)c the applicant is able to "construct temporary works (including means of access), haul roads, security fencing, bridges, structures and buildings on that land;" There are inconsistencies in the activities associated with the temporary works areas that result in the rights to removal of existing drainage arrangements (Paragraph 31. (1)b) but no responsibility to install the temporary drainage requirements (Paragraph 31. (1)c). This approach is not consistent with the key principle of NPPF on which EN-1 is based. NPPF (paragraph 170) and EN-1 (paragraph 5.8.27) agree there should be no increase in flood risk onsite or elsewhere throughout the lifetime of the proposed development, which would include the temporary construction phase. This approach is supported by the LLFA's Developer Guidance that is publicly available. By having the right to remove existing drainage but with no responsibility to install drainage on a temporary works area, there is the potential for an increase in surface water flood risk from the temporary works areas. While in Works No. 7 which provides a limited description of the temporary construction and decommissioning areas, (f) "site drainage" is specifically mentioned. The NCC LLFA suggests that "drainage" is included into the wording of Paragraph 31.(1)c to address the Norfolk LLFA's concern.</p>

<i>Insertion, deletion or amendment</i>	<i>Original text</i>	<i>Proposed change</i>	<i>Explanation of change</i>
	<p>Work No. 2— an energy storage facility comprising—</p> <ul style="list-style-type: none"> <li>(a) battery energy storage system units each containing fire protection systems and components;</li> <li>(b) a structure protecting the battery energy storage cells comprised in Work No. 2(a) and ancillary equipment, being either one container or multiple containers joined to each other, mounted on a reinforced concrete foundation slab or concrete piling;</li> <li>(c) interconnection units including heating, ventilation and air conditioning or liquid cooling systems and temperature management either housed within the containers comprised in Work No. 2(b), attached to the side or top of each of the containers, or located separate from but near to each of the containers; 36</li> <li>(d) conversion units including inverters, transformers, switchgear and energy management system;</li> <li>(e) monitoring and control systems housed within a container with Work No. 2(c) or located separately in its own container or control room;</li> <li>(f) electrical cabling including electrical cables connecting Work No. 2 to Work No. 3A;</li> <li>(g) bunded impermeable surface or other form of containment system to manage surface water drainage;</li> <li>(h) water storage facility for the purposes of firefighting water supply; and</li> </ul>	<p>The LLFA suggests that "drainage" is included into the wording to address Norfolk LLFA's concerns.</p>	<p>The NCC LLFA notes that in Works No. 2, there is an increase in impermeable area with no associated commitment to manage surface water runoff. Yet in the other Works No.s there is specific reference to either drainage or sustainable drainage. The LLFA suggests that "drainage" is included into the wording to address Norfolk LLFA's concern.</p>

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	(i) bunded impermeable surface or other form of containment system and associated infrastructure to contain used firewater.		
	<p>Work No. 5D— works including—</p> <p>(i) the dismantling and removal of all existing overhead transmission electric line and pylons including foundations;</p> <p>(ii) maintenance and use of existing private tracks;</p> <p>(iii) laying down of internal access tracks, ramps, bridges, means of access and footpaths; and</p> <p>(iv) temporary footpath diversions, signage and information boards.</p>	<p>The LLFA suggests that "drainage" is included into the wording to address Norfolk LLFA's concerns.</p>	<p>The NCC LLFA notes that in Works No.5D, there is an increase in impermeable area with no associated commitment to manage surface water runoff. Yet in the other Works No.s there is specific reference to either drainage or sustainable drainage. The LLFA suggests that "drainage" is included into the wording to address Norfolk LLFA's concern.</p>
	<p>Schedule 1            Authorised Development            Work No. 6— works including—</p> <p>(a) fencing, gates, boundary treatment and other means of enclosure;</p> <p>(b) works for the provision of security and monitoring measures including CCTV columns, lighting columns and lighting, cameras, weather stations, communication infrastructure, and perimeter fencing;</p> <p>(c) landscaping and biodiversity mitigation and enhancement measures including planting;</p> <p>(d) improvement, maintenance and use of existing private tracks;</p> <p>(e) laying down of internal access tracks, ramps, bridges, means of access and footpaths;</p> <p>(f) temporary footpath diversions, signage and information boards;</p> <p>(g) earthworks;</p>	<p>In Works No. 6 it is not clear what impermeable areas the sustainable drainage systems will be serving.</p>	

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	<p>(h) sustainable drainage system ponds, runoff outfalls, general drainage and irrigation infrastructure and improvements or extensions to existing drainage and irrigation systems;</p> <p>(i) acoustic barriers;</p> <p>(j) electricity and telecommunications connections; and</p> <p>(k) secondary temporary construction and decommissioning laydown areas.</p>		
	<p>Work No. 11— works to create and maintain ecological mitigation measures, including—</p> <p>(a) fencing, gates, boundary treatment and other means of enclosure;</p> <p>(b) earth works including bunds, embankments, ponds, trenching and swales;</p> <p>(c) landscaping and biodiversity mitigation and enhancement measures including planting;</p> <p>(d) signage and information boards;</p> <p>(e) means of access; and</p> <p>(f) drainage.</p> <p>In connection with and in addition to Work Nos. 1 to 11 further associated development within the Order limits including—</p> <p>(a) fencing, gates, boundary treatment and other means of enclosure;</p> <p>(b) bunds, embankments, trenching and swales;</p> <p>(c) works to the existing irrigation system and works to alter the position and extent of such irrigation system;</p> <p>(d) surface water drainage systems, storm water attenuation systems including storage</p>	<p>It is not clear why the applicant has included an unnumbered Works item, after Works No. 11, for associated development within the order limits. Also, it is not clear what additional associated development works this would relate to as most of the associated development works appear to have already been listed within the other Works No.</p>	

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	<p>basins, oil water separators, including channelling and culverting and works to existing drainage networks;</p> <p>(e) electrical, gas, water, foul water drainage and telecommunications infrastructure connections, diversions and works to, and works to alter the position of, such services and utilities connections;</p> <p>(f) works to alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;</p> <p>(g) ramps, bridges and other means of access;</p> <p>(h) works for the provision of security and monitoring measures such as CCTV columns, lighting columns and lighting, cameras, lightning protection masts, weather stations, storage containers, communication infrastructure, and perimeter fencing;</p> <p>(i) improvement, maintenance and use of existing private tracks;</p> <p>(j) temporary footpath diversions and footpath enhancement;</p> <p>(k) signs, interpretation boards or any other information display board;</p> <p>(l) landscaping and biodiversity mitigation and enhancement measures and related works;</p> <p>(m) habitat creation and enhancement;</p> <p>(n) site establishments and preparation works including site clearance (including vegetation removal, demolition of existing buildings and structures); earthworks (including soil stripping and storage and site levelling) and excavations; the alteration of</p>		

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	<p>the position of services and utilities; and works for the protection of buildings and land;</p> <p>(o) works to maintain and repair streets and access roads;</p> <p>(p) tunnelling, boring and drilling works; and</p> <p>(q) other works to mitigate any adverse effects of the construction, maintenance, operation or decommissioning of the authorised development,</p> <p>and further comprising such other works or operations for the purposes of or in connection with the construction, operation and maintenance of the authorised development and which fall within the scope of the environmental impact assessment recorded in the environmental statement.</p>		
	<p>Schedule 3</p> <p>Legislation to be disapplied</p> <p>1. The following provisions do not apply insofar as they relate to the construction of any numbered work or the carrying out of any operation required for the purpose of, or in connection with, the construction, operation, maintenance or decommissioning of the authorised development and so far as the provisions still in force are incompatible with the powers contained within this Order—</p> <p>(a) Norfolk Drainage Act 1815(a); and</p> <p>(b) Outwell, Stow Bardolph, Wimbotsham and Downham Drainage Act 1798(b).</p>		<p>The LLFA notes that the applicant seeks to disapply the Norfolk Drainage Act 1815(a) and The Outwell, Stow Bardolph, Wimbotsham and Downham Drainage Act 1798(b). The LLFA does not have a copy of the text to understand the implications of disapplying these Acts.</p>
	<p>Part 3</p> <p>Streets</p> <p>Power to alter layout, etc., of streets</p>		<p>NCC recommends that the street works in schedule 5 should also be subject to NCC consent, unless other protective provisions or</p>

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	<p>10.—(1) The undertaker may for the purposes of the authorised development alter the layout of, and carry out the works to, the streets—</p> <p>(a) specified in column 2 of the table in Part 1 (permanent alteration of layout) of Schedule 5 (alteration of streets) permanently in the manner specified in relation to that street in column 3; and</p> <p>(b) specified in column 2 of the table in Part 2 (temporary alteration of layout) of Schedule 5 temporarily in the manner specified in relation to that street in column 3.</p> <p>(2) Without prejudice to the specific powers conferred by paragraph (1), but subject to paragraphs (3) and (4), the undertaker may, for the purposes of constructing, operating or maintaining the authorised development, alter the layout of any street and, without limitation on the scope of this paragraph, the undertaker may—</p> <p>(a) alter the level or increase the width of any kerb, footway, cycle track or verge;</p> <p>(b) make and maintain passing places; and</p> <p>(c) alter, remove, replace or relocate any street furniture, including but without limitation any bollards, lighting columns or street signs.</p>	<p>Amending Article 10 (4) to refer to paragraphs (1) and (2).</p>	<p>relevant highways agreement is put in place. This could be achieved by amending Article 10 (4) to refer to paragraphs (1) and (2).</p>

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	<p>(3) The undertaker must restore any street that has been temporarily altered under this Order to the reasonable satisfaction of the street authority.</p> <p>(4) The powers conferred by paragraph (2) may not be exercised without the consent of the street authority, such consent to be in a form reasonably required by the street authority.</p> <p>(5) Paragraphs (3) and (4) do not apply where the undertaker is the street authority for a street in which the works are being carried out.</p>		