

The Drovers Solar Farm

Appendix 7.1: Consultation and Legislation, Planning Policy and Guidance (Clean)

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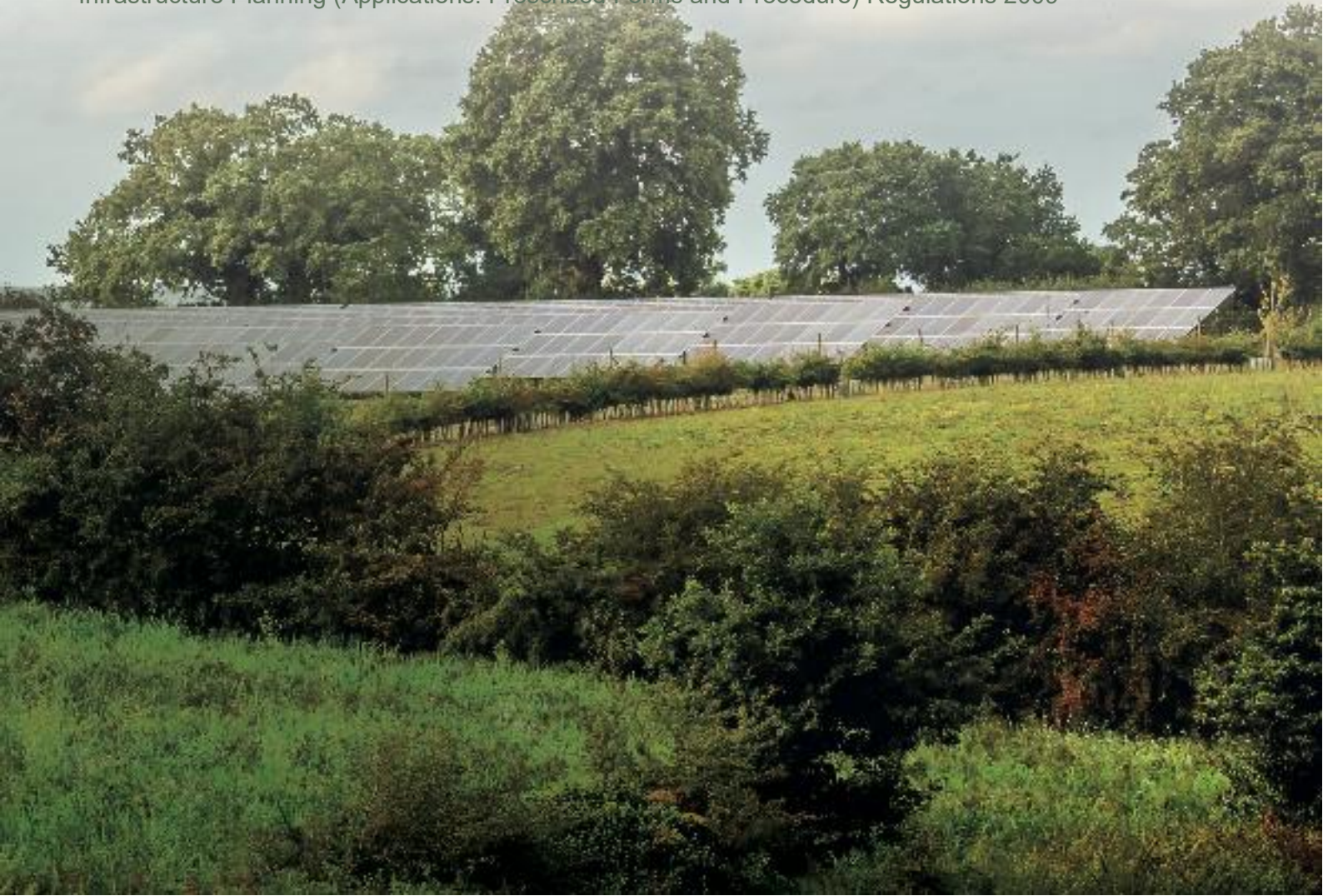
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7 Consultation and Legislation, Planning Policy and Guidance

7.1 Consultation

- 7.1.1 This document has been updated at Deadline 1 to include references to the Water Framework Directive & Biodiversity Net Gain Irreplaceable Habitats Regulations. The document references have not been updated from the original submission. Please refer to the **Guide to the Application [APP/1.3.2]** for the list of current versions of documents.

Scoping Opinion

- 7.1.2 A request for an EIA Scoping Opinion was sought from the Secretary of State (SoS) through the Planning Inspectorate (PINS) in November 2024. PINS subsequently issued the Scoping Opinion in December 2024.
- 7.1.3 The issues raised in the Scoping Opinion relating to ecology and biodiversity are summarised and responded to within Table 7-1 which demonstrates how the matters raised in the Scoping Opinion are addressed in this ES.



Table 7-1 Relevant Scoping Opinion Comments from Statutory Bodies relating to Ecology and Biodiversity

Consultee and Date	Comment and Scoping Opinion ID No.	How has the comment been addressed in the ES chapter	Location of response in ES Chapter
<p>The Planning Inspectorate, Scoping Opinion, December 2024</p>	<p>ID 321 Statutory Designations:</p> <p>“A full assessment of the direct and indirect effects on any national and international designated sites, such as Sites of Special Scientific Interest (SSSIs) and any mitigation measures to avoid, minimise or reduce any adverse significant effects should be set out in the ES.</p> <p>With respect to air quality impacts, the Breckland SPA, Breckland Forest SSSI and River Nar SSSI features and habitats may be sensitive to changes in air quality from construction traffic and the ES should consider these impacts in the assessment of any likely significant effects.</p> <p>The ES should include information to demonstrate whether or not the Proposed</p> <p>Development site is hydrologically linked to the River Nar SSSI and assess whether</p>	<p>A full assessment of direct and indirect effects on national and international designated sites, including Breckland SPA, Breckland Forest SSSI and River Nar SSSI, has been undertaken within ES Chapter 7: Ecology and Biodiversity [APP/6.2], including considerations with regard to air quality and water pollution.</p>	<p>Section 7.8 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>



	any significant effects are likely from water pollution.”		
The Planning Inspectorate, Scoping Opinion, December 2024	<p>ID322 Non-Statutory Designations:</p> <p>“The Applicant’s attention is drawn to the consultation responses received from the Environment Agency (Appendix 2 of this Opinion) on this matter.”</p>	The consultation responses received from the Environment Agency have been responded to directly later in this consultation table.	The consultation responses received from the Environment Agency have been responded to directly later in this consultation table.
The Planning Inspectorate, Scoping Opinion, December 2024	<p>ID 323 Specific surveys for Great Crested Newt (GCN):</p> <p>“GCN can travel up to 500m from their breeding ponds. As such, the Inspectorate considers that any ponds up to 500m from the site should be surveyed for the presence of GCN.</p> <p>In the absence of evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree that this matter should be scoped from the assessment.</p> <p>Evidence should be submitted with the ES demonstrating that relevant statutory bodies agree that GCN are likely to be absent, or which demonstrates no likely significant effects from the</p>	<p>Following receipt of these comments the survey area was expanded to 500m from the Solar PV Site, with additional ponds subject to Habitat Suitability Assessment and GCN eDNA.</p> <p>GCN are scoped into the assessment and included within ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>	<p>Results of this survey work are set out within ES Appendix 7.2: Baseline Ecological Survey Report [APP/6.4].</p> <p>Section 7.8 of ES Chapter 7: Ecology and Biodiversity [APP/6.2]</p>



	Proposed Development are not likely.”	Natural England’s Statutory consultation comments, following review of the PIER, include comments regarding Protected Species which refer to their standing advice. Further they list this group as ‘GREEN’ with regard to level of risk, as such, this group are low risk. Standing advice with regard to GCN has been adhered to during the survey work undertaken, which concludes GCN are likely absent from the Solar PV Site, and as such this satisfies Natural England’s requirements.	ES Appendix 7.2: Baseline Ecological Survey Report [APP/6.4]
The Planning Inspectorate, Scoping Opinion, December 2024	ID 324 Specific surveys for Otter and Water Vole: “Evidence demonstrating that these species are absent at the time that any DCO application is submitted and clear agreement with relevant statutory bodies, where possible, should be provided with the ES.”	No evidence of Otter or Water Vole was identified during any of the survey work undertaken at the Site. In addition, background records of Otter and Water Vole from the surrounding area are well-removed from the Site. As such, these species are considered absent from the Site.	ES Appendix 7.2: Baseline Ecological Survey Report [APP/6.4].
The Planning Inspectorate, Scoping Opinion, December 2024	ID 325 Study Area and Zone of Influence (Zol): “The ES should ensure that the study area reflects the Proposed Development’s Zone of Influence (Zol) and should consider the potential for effects to occur beyond fixed distances,	Clarification on the Study Area and Zones of Influence is set out within ES Chapter 7: Ecology and Biodiversity [APP/6.2] . Natural England’s subsequent consultation response in accordance with Section 42 of the Planning Act 2008 confirms the relevant designated sites considered to be of relevance to the application, all of which	Section 7.6 of ES Chapter 7: Ecology and Biodiversity [APP/6.2] .



	<p>particularly where sites are designated for mobile species such as birds and bats, or where there is hydrological connectivity. Effort should be made to agree the study area(s) with relevant consultation bodies."</p>	<p>are located within the identified Zol, confirming the identified Zol is appropriate in regard to designations. In relation to protected species, the Section 42 response refers to relevant standing advice. The identified Zol in relation to individual protected species is in line with those set out in relation to current standing advice, whilst NE identify protected species as 'green' risk within the response, such that this position appears to be agreed.</p>	
<p>The Planning Inspectorate, Scoping Opinion, December 2024</p>	<p>ID326 Baseline conditions – surveys: "The Inspectorate notes that some ecological surveys are ongoing or set to be completed in 2025. The ES should report the full survey findings and list all receptors identified as potentially present on site and assess significant effects where they are likely to occur."</p>	<p>Detailed ecological survey results set out within ES Chapter 7: Ecology and Biodiversity [APP/6.2] and accompanying ES Appendix 7.2: Baseline Ecological Survey Report [APP/6.4].</p>	<p>Section 7.6 of ES Chapter 7: Ecology and Biodiversity [APP/6.2] and ES Appendix 7.2: Baseline Ecological Survey Report [APP/6.4].</p>
<p>The Planning Inspectorate, Scoping Opinion, December 2024</p>	<p>ID327 Receptor Significance: "...should be clarified in the ES so that it is clear how ecological designations and their geographical scale have been interpreted in the assessment of likely significant effects."</p>	<p>Clarification on Receptor Significance is set out within ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>	<p>Section 7.5 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>



<p>The Planning Inspectorate, Scoping Opinion, December 2024</p>	<p>ID 328 Overhead lines – fragmentation of populations and habitats during operation:</p> <p>"The ES should consider the potential for overhead lines and related infrastructure to create a barrier to the movement of mobile species such as birds and bats during operation."</p>	<p>Consideration in relation to overhead power lines is set out within ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>	<p>Section 7.7 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>
<p>The Planning Inspectorate, Scoping Opinion, December 2024</p>	<p>ID329 Biodiversity Net Gain:</p> <p>"The Proposed Development would be expected to deliver the mandatory minimum 10% Biodiversity Net Gain (BNG) from late November 2025 for NSIPs and the ES should demonstrate how this would be achieved. "</p>	<p>Whilst the mandatory Biodiversity Net Gain (BNG) requirement for Development Consent Orders (DCOs) remains to be implemented (currently anticipated for May 2026), the Scheme has already committed to delivering over 10% BNG, as calculated within the statutory BNG metric and secured via the corresponding requirement in the DCO. The BNG Assessment Report has been submitted with the DCO Application.</p>	<p>Biodiversity Net Gain Assessment Report [APP/7.4].</p>
<p>The Planning Inspectorate, Scoping Opinion, December 2024</p>	<p>ID3211 Invasive Non-native species (INNS):</p> <p>"The ES should assess potential impacts from INNS where significant effects are likely to occur. Where mitigation measures are required, the ES should describe these measures and signpost how they would be secured through the DCO."</p>	<p>Survey work has been undertaken for Invasive Non-Native Species (INNS) including those listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). Extremely limited extents of INNS have been recorded within the Site in the form of Variegated Yellow Archangel and Three-cornered Garlic. Consideration of the Impacts of INNS have been addressed within the ES. Where mitigation measures are</p>	<p>Section 7.7 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>



		required, these are included within embedded mitigation for the Scheme.	
The Planning Inspectorate, Scoping Opinion, December 2024	ID 3212 Confidential Annexes: Specific survey and assessment data relating to the presence and locations of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution, or commercial exploitation resulting from publication of the information, should be provided in the ES as a confidential annex. All other assessment information should be included in an ES chapter, as normal, with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request."	Badger survey information and consideration is provided within a separate, confidential Appendix to the Baseline Ecological Survey Report [APP/6.4] and all other survey and appraisal information is set out within ES Chapter 7: Ecology and Biodiversity [APP/6.2] and the ES Appendix 7.2: Baseline Ecological Survey Report [APP/6.4] .	ES Appendix 7.2: Baseline Ecological Survey Report [APP/6.4]
Environment Agency EIA Scoping Opinion, December 2024	Site Boundary: "The EIA scoping report should consider all potential impacts within and adjacent to the Red Line Boundary or 'site boundary'. Currently the ecological surveys are restricted to land within the potential development boundary (Figure 2.3), not the whole site boundary. Land within the site boundary but out-with the	Noted. The Order limits have been refined throughout the design evolution of the Scheme and all land within the Order limits has been surveyed.	ES Appendix 7.2: Baseline Ecological Survey Report [APP/6.4]



	<p>potential development area is labelled 'potential mitigation and enhancement area' (Figure 2.2, 2.3). This land also needs to be included in the scope of the Environmental Statement (ES) and appropriate ecological surveys must be carried out."</p>		
<p>Environment Agency EIA Scoping Opinion, December 2024</p>	<p>Non-statutory Designations: "...the following CWS" should be scoped into the assessment:</p> <ul style="list-style-type: none"> • Land Adjacent to the River Nar (895, 945, 902) • Narford Lake • Priory Meadow • Land West of Castle Acre • Mill House Lake 	<p>These non-statutory designations are assessed within ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>	<p>Section 7.8 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>
<p>Environment Agency EIA Scoping Opinion, December 2024</p>	<p>Protected Species and Biodiversity: "Impact assessment on mammals using the site should include assessment of the fencing which will be used to enclose the site, and the impact this has on excluding mammals from their range."</p>	<p>Specific consideration in regard to the potential impacts of proposed fencing on mammals is included within ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>	<p>Section 7.8 ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>



<p>Natural England Environmental Impact Assessment Scoping Opinion, December 2024</p>	<p>Consideration of Impacts of the proposed development on: Breckland Special Protection Area (SPA), River Nar Site of Special Scientific Interest (SSSI), and Breckland Forest SSSI</p>	<p>A full assessment of direct and indirect effects on national and international designated sites, including Breckland SPA, River Nar SSSI, and Breckland Forest SSSI, has been undertaken within ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>	<p>Section 7.8 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>
<p>Natural England Environmental Impact Assessment Scoping Opinion, December 2024</p>	<p>Consideration of Impacts of air pollution from construction traffic on designated sites.</p>	<p>Impacts from air pollution from construction traffic on designated sites has been fully considered within ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>	<p>Section 7.8 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>
<p>Norfolk Wildlife Trust</p>	<p>Principles of avoidance of impacts for high quality habitats (including Priority Habitats, Habitats of Principal Importance and Irreplaceable Habitats), designated sites (including Local / County Wildlife Sites).</p>	<p>The mitigation hierarchy is central to the design process of the Scheme, and has been informed by specific survey work, including desk study set out within the Baseline Ecological Survey Report [APP/6.4], and assessed separately, in full, within ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>	<p>ES Appendix 7.2: Baseline Ecological Survey Report [APP/6.4] and Section 7.8 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>
	<p>BNG – a target of at least 50% is anticipated. Considerations for habitat creation, management, and achievability have been provided.</p>	<p>Whilst the mandatory BNG requirement for DCOs remains to be implemented (currently anticipated for May 2026), the Scheme has already committed to delivering over 10% BNG in habitat and hedgerow units, as calculated within the statutory BNG metric and secured via the corresponding requirement in the DCO. The BNG Assessment Report has been submitted with the DCO Application.</p>	<p>Biodiversity Net Gain Assessment Report [APP/7.4]</p>



	<p>Design of fencing to avoid dispersal impacts to small and medium sized mammals.</p>	<p>The operational area of the Scheme will be enclosed within perimeter fencing; however, dispersal impacts are not anticipated owing to the incorporation of above ground clearances and mammal gates. Further, the perimeter fencing will be set back from the boundary habitats retained as part of the embedded mitigation.</p>	<p>Section 7.7 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>
	<p>Visible lighting should be avoided to reduce impacts on nocturnal wildlife. Dark corridors should be retained.</p>	<p>Lighting is not required within the Solar PV Site for the operational phase. Lighting will centre on the Customer Substation, National Grid Substation and within the BESS compound, to maintain safe working conditions in winter months, for security purposes, and for maintenance activities. All lighting will seek to limit impacts on sensitive receptors. Accordingly, the Solar PV Site will not cast lighting into retained boundary habitats, such that dark corridors will be retained.</p>	<p>Section 7.7 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>
	<p>Long term management and monitoring for wildlife should be set out in a Landscape and Ecology Management Plan (LEMP) in accordance with the BNG.</p>	<p>An oLEMP [APP/7.11], detailing habitat creation, monitoring and management measures is provided as part of the DCO Application, which will become controlled through the detailed LEMP as secured via a requirement of the DCO.</p>	<p>outline Landscape and Ecological Management Plan (oLEMP) [APP/7.11]</p>
	<p>Created habitats should be retained in perpetuity following decommissioning to ensure</p>	<p>Created habitats will be retained for the duration of the operational phase, with the land returning to the landowner after</p>	<p>Section 7.7 of ES Chapter 7: Ecology and Biodiversity [APP/6.2]</p>



	positive contribution to nature recovery.	the decommissioning phase. Post-decommissioning, the landowners would choose how the land is to be used and managed; the landowner may return all of the land to agricultural use, although it is likely that established habitats such as hedgerows and woodland would be retained, given their potential benefits to agricultural land and the wider farming estate. New habitats associated with the National Grid Substation will be retained and managed accordingly after the decommissioning phase.	and section 5.6 of ES Chapter 5: The Scheme [APP/6.1]
Forestry Commission	Applicants should include measures to mitigate fully the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both the construction and operational phases. Appropriate buffers to such features to be implemented. Fragmentation and loss of woodland to be avoided, retention to be maximised.	Irreplaceable habitats (ancient and veteran trees) are to be retained within appropriate buffers as set out in Table 5.2 of ES Chapter 5: The Scheme [APP/6.1] , and Table 7.11 of ES Chapter 7: Ecology and Biodiversity [APP/6.2] . Woodland within the Site will be retained in the long term. Where temporary vegetation works are required within woodland to facilitate OHL alignment (as detailed within the oLEMP [APP/7.11]), works will be minimised and woodland habitat will continue to be maintained within these areas following the temporary works.	Section 7.7 of ES Chapter 7: Ecology and Biodiversity [APP/6.2] . oLEMP [APP/7.11]
Borough Council of King's Lynn & West Norfolk	To avoid impacts to irreplaceable habitats (Veteran and Ancient trees).	Irreplaceable habitats (ancient and veteran trees) are to be retained within appropriate buffers, as presented in	Section 7.7 of ES Chapter 7: Ecology and Biodiversity [APP/6.2] .



		Table 7.11 of ES Chapter 7: Ecology and Biodiversity [APP/6.2] .	
	Breeding Bird Surveys should take account of Breckland SPA species, and if identified as present within the Site, impacts arising from loss of habitat should be considered under Habitats Regulations Assessment. Air Quality impacts should also be considered in this regard.	Breeding Bird Surveys have been undertaken by a suitably qualified and experienced ornithologist throughout 2024, and in accordance with best practice guidance, such that Breckland SPA species would be detectable. Breckland Species Stone Curlew <i>Burhinus Oedicephalus</i> , Nightjar <i>Caprimulgus europaeus</i> and Woodlark <i>Lullula arborea</i> have not been recorded using the Site, and as such would not be subject to impacts arising from loss of habitat. Air quality impacts are considered within the ES.	ES Appendix 7.2: Baseline Ecological Survey Report [APP/6.4] . Paragraph 7.8.6 in ES Chapter 7: Ecology and Biodiversity [APP/6.2] .
Norfolk County Council And Breckland Council	The ES should take account of all relevant ecological impacts, including locally designated wildlife sites (by way of desk study to be undertaken with Norfolk Biodiversity Information Service). All surveys to be no more than 18 months old.	Ecological impacts are suitably addressed within the ES, including in relation to locally designated wildlife sites. The survey work to inform the ES has been completed over the course of the preceding 2 years (such that all survey data remains less than 2 years old in line with standard guidance, whilst reflecting relevant seasonal survey periods). Where necessary, site visits have been updated to ensure	ES Chapter 7: Ecology and Biodiversity [APP/6.2] and ES Appendix 7.2: Baseline Ecological Survey Report [APP/6.4] .



		survey information collected remains up to date.	
Little Dunham Parish Council	<p>“The ES must include substantial consideration for cumulative impacts of the proposed developments on the immediate local area, including;</p> <p>The existing wind turbines at South Packenham and Swaffham;</p> <p>The two major substations for Dudgeon and the Norfolk Wind Zone at Necton;</p> <p>The location for five proposed sub-stations;</p> <p>To connect the different sectors of the solar farm and the 5th to connect to the 400kV grid; and</p> <p>The proposed size and location of the battery units and the impacts on communities, water courses (surface and aquifers), flora and fauna in the event of a fire.</p>	Cumulative impacts from relevant cumulative schemes have been assessed in ES Chapter 7: Ecology and Biodiversity [APP/6.2] .	Section 7.11 of ES Chapter 7: Ecology and Biodiversity [APP/6.2] .
Castle Acre Parish Council	Request for ecological appraisals on habitat disruption and biodiversity loss, as well as noise and light pollution studies.	A full assessment of ecological impacts is provided within the ES, including to address considerations in relation to pollution (lighting, noise and spills/run-off) and their impact on ecological	Section 7.8 of ES Chapter 7: Ecology and Biodiversity [APP/6.2] .



	<p>The sites proximity to the River Nar SSSI and other habitats raises concerns about the potential disruption to wildlife and release of pollutants from battery storage systems. Ecological surveys requested to assess impacts of breeding and migratory species, Wildlife corridors should be assessed to ensure they will effectively connect habitats across the development. Cumulative impacts to be addressed. Aviation considerations owing to the nearby RAF Marham, and impacts with regard to the safety of birdlife.</p>	<p>receptors (including breeding and migratory species).</p>	
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Statutory Consultation and Preliminary Environmental Information Report (PEIR)

7.1.4 Statutory consultation was held between May 21st 2025 and 9th July 2025. Relevant responses to the PEIR relating to ecology and biodiversity and how these have been addressed through the ES are set out in Table 7-2.



Table 7-2 Responses to the PEIR relating to Ecology and Biodiversity

Consultee and Date	Comment	How has the comment been addressed in the ES chapter	Location of response in ES Chapter
Borough Council of King's Lynn and West Norfolk	Chapter 7 sets out that the proposed site boundary is some 0.5km south of the River Nar SSSI. The construction and decommissioning phase has the potential to lead to impacts on this chalk river habitat in particular, through run-off and other pollutants and via hydrological pathways. The Borough Council will assess impacts on protected sites when the Construction Environmental Management Plan and Decommissioning Environmental Management Plan become available.	Embedded mitigation measures to safeguard the River Nar SSSI are presented in ES Chapter 7: Ecology and Biodiversity [APP/6.2] , which provides a full assessment of potential impacts.	Section 7.7 and 7.8 of ES Chapter 7: Ecology and Biodiversity [APP/6.2] .
Castle Acre Parish Council	"5. Impact on the River Nar SSSI and Local Nature Recovery Goals. The site lies within the catchment of the River Nar, a protected chalk stream designated as a Site of Special Scientific Interest (SSSI) supporting a range of important Biodiversity Action Plan habitats, including chalk stream areas, fens, wet meadows and woodlands. One of only 220 chalk streams in the world and described by the Norfolk Rivers Trust as 'arguably Norfolk's most unspoilt and beautiful example' the Nar supports an outstanding assemblage of dragonflies as well as the Biodiversity	Embedded mitigation measures to safeguard the River Nar SSSI and full assessment of potential impacts has been undertaken in ES Chapter 7: Ecology and Biodiversity [APP/6.2] .	Section 7.7 and 7.8 of ES Chapter 7: Ecology and Biodiversity [APP/6.2] .



	<p>Action Plan mollusc species, Desmoulin's whorl snail, listed as 'endangered'.</p>		
	<p>As a large-scale solar farm taking up 825 hectares of agricultural land, it risks displacing birds from their natural habitats and is particularly detrimental to ground nesting birds and species that rely on open fields for foraging such as lapwing, skylark, yellowhammer, corn bunting and turtle dove, all species that are on the Birds of Conservation Concern Red List.</p>	<p>Nesting, including ground nesting, and wintering birds are fully considered within ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>	<p>Section 7.7 and 7.8 of ES Chapter 7: Ecology and Biodiversity [APP/6.2], ES Appendix 7.2: Baseline Ecological Survey Report [APP/6.4], and ES Appendix 7.3: Proposed Mitigation Strategy for Ground Nesting Birds Requiring Open Habitats [APP/6.4].</p>
	<p>Under NPPF Paragraphs 180–182, any development with potential to harm SSSIs or irreplaceable habitats must be avoided or rigorously mitigated.</p>	<p>Embedded mitigation measures to safeguard the River Nar SSSI and full assessment of potential impacts to relevant SSSIs and irreplaceable habitats has been undertaken in ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>	<p>Section 7.7 and 7.8 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>
	<p>The proposal risks habitat fragmentation, biodiversity loss, and increased surface runoff — all of which are contrary to the Environment Act 2021 and emerging Local Nature Recovery Strategies. The Neighbourhood Plan strongly supports biodiversity enhancement, not degradation.”</p>	<p>Design Principles seek to retain and enhance connectivity of habitat (through hedgerow planting, for example), retention and enhancement of Marl Pits, ponds, and large areas of Curlew and Skylark mitigation</p>	<p>Design Principles, Parameters and Commitments [APP/5.8].</p> <p>Section 7.7 and 7.8 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>



		<p>land, all secured in the oLEMP [APP/7.11].</p> <p>A BNG Assessment has been undertaken which demonstrates biodiversity net gains in habitat and hedgerow units will exceed 10%.</p>	
	<p>“7. Impact on Dark Skies Policies. Because as a parish council, we have adopted a Dark Sky Policy based on the NPPF’s Framework Clause 180c and Norfolk County Council’s Environmental Lighting Zones Policy, the impact of operational and security lighting from the proposed solar farm is an additional concern, adversely affecting the quality of our night skies and their value to nocturnal wildlife.”</p>	<p>Lighting impacts on nocturnal wildlife have been considered and assessed within ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>	<p>Section 7.8 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>
	<p>“9. Cumulative Impact and Policy Precedent. With more than 3,800 hectares of solar developments proposed across Norfolk, (including the neighbouring High Grove proposal) the cumulative impact on landscape character, biodiversity, and heritage must be assessed at a strategic level, considering the legal requirements to:</p> <ul style="list-style-type: none"> • protect designated and non-designated heritage assets and their setting. 	<p>Cumulative impacts from the Scheme together with other committed developments are considered within the ES. Cumulative impacts relating to heritage have been assessed in ES Chapter 8: Cultural Heritage and Archaeology [APP/6.2]; impacts relating to ecology have been assessed in ES Chapter 7: Ecology and Biodiversity [APP/6.2]; and impacts relating to open</p>	<p>Section 8.11, 7.11, and 6.11 of ES Chapters 6-8 [APP/6.2].</p>



	<ul style="list-style-type: none"> • conserve ecological networks and sensitive habitats. • avoid inappropriate development in open countryside and rural landscapes. 	<p>countryside and rural landscapes have been assessed in ES Chapter 6: Landscape and Visual Impact [APP/6.2].</p>	
	<p>We believe ‘The Drovers Solar Farm’ proposal is incompatible with Castle Acre’s heritage status, ecological importance, and some community-led planning objectives. It represents a form of unsustainable development that would cause long-term and unjustified harm to an irreplaceable historic and natural environment.”</p>	<p>Likely impacts relating to heritage have been assessed in ES Chapter 8: Cultural Heritage and Archaeology [APP/6.2]; impacts relating to ecology have been assessed in ES Chapter 7: Ecology and Biodiversity [APP/6.2]; and impacts relating to open countryside and rural landscapes have been assessed in ES Chapter 6: Landscape and Visual Impact [APP/6.2].</p>	<p>See ES Chapters 6-8 [APP/6.2].</p>
<p>Breckland Council</p>	<p>“4.0 Arboriculture - 4.1 Policy ENV06 of the Local Plan seeks to retain and protect trees and hedgerows wherever possible. Where the loss of such features is demonstrably unavoidable, adequate replacement provision, preferably by native species will be sought.”</p> <p>“4.0 Arboriculture - 4.4 The Scoping Opinion confirms that, whilst there is no ancient woodland within the site, there are a number of veteran trees which are irreplaceable habitats. The PEIR sets out that veteran trees will be retained and designed into the scheme. Breckland</p>	<p>Irreplaceable habitats (ancient and veteran trees) are to be retained within appropriate buffers. Woodland within the Site will be retained within the layout of the Scheme in the long term. Where vegetation removal is required (e.g. temporary vegetation works to facilitate OHL alignment and/or crossings required for new Access Tracks, perimeter fencing and Cabling – as identified within</p>	<p>Section 7.7 and 7.8 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p> <p>oLEMP [APP/7.11]</p>



	<p>Council wishes to emphasise Paragraph 10.2 of the Scoping Opinion which sets out, "The ES should assess the impacts of the proposal on the ancient woodland and any ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement". Attention is also drawn to paragraph 1939 (c) of the NPPF alongside footnote 70."</p> <p>"4.0 Arboriculture - 4.5 No Arboricultural Impact Assessment (AIA) has been provided with the consultation documents. As such, the council is not able to offer full comments regarding arboricultural impacts. Whilst it is noted that the PEIR sets out that a pre-construction Tree Survey and Arboricultural Method Statement would form part of a Construction Environmental Management Plan (CEMP), the Council wishes to emphasise the following comments of the Inspectorate (ID 3210): The Applicant should consider whether an arboriculture study area and arboriculture impact assessment report of the entirety of the site is required to support the ES, with agreement from the relevant consultation bodies, if possible, or alternatively explain in the ES why this is not considered necessary. The Applicant's attention is drawn to the consultation response received from King's Lynn and West Norfolk Borough Council (Appendix 2 of this Opinion) on this matter."</p>	<p>the oLEMP [APP/7.11] this will not result in any permanent removal of woodland habitats. Impacts upon these habitats is considered within ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p> <p>An Arboricultural Impact Assessment (AIA) has been undertaken (ES Appendix 16.4: Arboricultural Impact Assessment [APP/6.4]) and the results of this have been considered where appropriate in relation to ecological receptors (in particular with reference to veteran trees).</p>	
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	<p>4.0 Arboriculture - 4.6 Breckland's Tree and Countryside Officer has carried out a site visit and reviewed the statutory consultation documents. The officer considers the proposals to be broadly acceptable; however, recommends that the following parcels of land Bartholomew's Plantation, Harringtons Pit, Plot 69, and the area north of Fincham Drove - are excluded from the proposed solar allocation and any associated development. The officer considers that these parcels should instead be designated for ecological mitigation and landscape enhancement, in order to protect their environmental value and to support the broader green infrastructure objectives of the scheme.</p> <p>4.0 Arboriculture - 4.8 In any formal submission, the officer considers that the applicant should provide a comprehensive Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS), and Tree Survey, all prepared in accordance with BS 5837:2012 - Trees in Relation to Design, Demolition and Construction Recommendations. Additionally, a site-wide Landscape and Ecological Management Plan (LEMP) should be submitted, which must include detailed planting specifications, species selection, planting densities, and long-term management measures.</p> <p>11.0 Conclusion - 11.11 Whilst the Council wishes to defer to the advice of Natural</p>	<p>A BNG Assessment has been undertaken which</p>	
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	<p>England on biodiversity matters, it wishes to highlight the proposed Biodiversity Net Gain figure of 10% is significantly lower than the 50% proposed as part of Statutory Consultation for Highgrove Solar Farm. As such, it is considered that more could and should be done in this regard.</p>	<p>demonstrates biodiversity net gains in habitat and hedgerow units will exceed 10%.</p>	<p>Biodiversity Net Gain Assessment Report [APP/7.4]</p>
<p>Natural England, July 2025</p>	<p>“Air quality impacts from construction traffic on Norfolk Valley Fens SAC, River Nar SSSI, and Potter & Scarning Fens, East Dereham SSSI. Based on the information presented in the PEIR, Natural England concur that air quality impacts from construction traffic are unlikely to be significant alone. However, further consideration is required to determine if a likely significant effect in combination with other plans or projects can be ruled out.”</p> <p>“Water Quality Impacts on River Nar SSSI. Natural England advise that the Environmental Statement (ES) includes a detailed description of the potential sources of chemical spills and/or contaminated surface runoff and detailed mitigation measures.”</p>	<p>Consideration of Air Quality impacts from construction traffic is set out within this ES, with reference to information from the relevant chapter in relation to transport and highways. In addition, consideration in regard to potential for likely significant effects on European designations, including Norfolk Valley Fens SAC, is included within the Shadow Habitats Regulations Assessment [APP/7.3].</p> <p>Details are provided within the oLEMP [APP/7.11] and outline Decommissioning Strategy (oDS) [APP/7.10], and will also be provided within the subsequent LEMP and DS secured via requirements of the DCO.</p>	<p>Section 7.8 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p> <p>Shadow Habitats Regulations Assessment [APP/7.3].</p> <p>oLEMP [APP/7.11] and oDS [APP/7.10].</p>



Norfolk County Council	Desk study – The Ecology team would like to understand when the desk study data was requested from NBIS?	The desk study data was requested from NBIS in April 2024 and September 2025.	Section 7.5.2 of ES Chapter 7: Ecology and Biodiversity [APP/6.2] .
	Non-Statutory Sites – The site encompasses Roadside Nature Reserve (RNR) 79 River Road, impacts on this site should be minimised.	Noted and agreed. Impacts on RNR 79 River Road have been fully considered within ES Chapter 7: Ecology and Biodiversity [APP/6.2] .	Section 7.8 of ES Chapter 7: Ecology and Biodiversity [APP/6.2] .
	Statutory Sites – Whilst the site is not within any statutory designated sites, it is within the secondary buffer of the Breckland Special Protection Area (SPA). In the documentation displaying Statutory sites it is important to display the Buffer zones for the Breckland SPA.	The Site is not located within the identified 1.5km Stone Curlew buffer zone identified by Natural England around relevant components of the Breckland SPA.	N/A
	Protected Species – Most of the species are not anticipated to have any significant adverse (excluding Reptiles) effects, however, this is reliant on information that will be present in the ES.	Survey work for protected species has been finalised and the results are included within ES Chapter 7: Ecology and Biodiversity [APP/6.2] and appendices.	ES Chapter 7: Ecology and Biodiversity [APP/6.2] and ES Appendix 7.2: Baseline Ecological Survey Report [APP/6.4] .
	Biodiversity Net Gain – No Biodiversity Net Gain (BNG) information has been submitted, however BNG is proposed to be applicable in May 2026 Biodiversity net gain for nationally significant infrastructure projects - GOV.UK, Further work is needed on BNG and this should involve early discussion with Norfolk County Council;	Whilst the mandatory BNG requirement for DCOs remains to be implemented (currently anticipated for May 2026), the Scheme has already committed to delivering over 10% BNG, as calculated within the statutory BNG metric and secured via the corresponding	Biodiversity Net Gain Assessment Report [APP/7.4]



	<p>Breckland Council; and King’s Lynn and West Norfolk Borough Council.</p>	<p>requirement in the DCO. The BNG Assessment Report has been submitted with the DCO Application.</p>	
	<p>There are numerous deer in the area and there is a potential for these to be corralled along tight corridors if appropriate space isn’t provided for the herds to move around safely without impacting on walking or cyclists.</p>	<p>The operational area of the Scheme will be enclosed within perimeter fencing; however, dispersal impacts are not anticipated owing to the incorporation of above ground clearances and mammal gates. Further, the perimeter fencing will be set back from the boundary habitats retained as part of the embedded mitigation.</p>	<p>Section 7.7 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>
<p>Forestry Commission</p>	<p>“Potential Impacts and relevant policy: Ancient and veteran trees: Ancient and veteran trees are irreplaceable habitats. Section 5.4.53 of EN1 – The Overarching National Policy Statement for Energy states: “The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of any irreplaceable habitats, including ancient woodland, and ancient and veteran trees unless there are wholly exceptional reasons and a suitable compensation strategy exists.” We would particularly refer you to further technical information set out in Natural England and Forestry Commission’s Standing Advice on Ancient Woodland – plus supporting Assessment Guide and “Keepers of Time”</p>	<p>Irreplaceable habitats (ancient and veteran trees) are to be retained within appropriate buffers. Woodland within the Site will be retained within the layout of the Scheme in the long term. Where vegetation removal is required (e.g. temporary vegetation works to facilitate OHL alignment and/or crossings required for new Access Tracks, perimeter fencing and Cabling – as identified within the oLEMP [APP/7.11]) this will not result in any permanent removal of</p>	<p>Section 7.7 of the Ecology and Biodiversity ES chapter [APP/6.2]. oLEMP [APP/7.11]</p>



	<p>– Ancient and Native Woodland and Trees Policy in England. The Joint NE/FC Standing Advice states that for ancient or veteran trees the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree’s canopy if that area is larger than 15 times the tree’s diameter. This will create a minimum root protection area. The Root Protection Zone (as specified in British Standard 5837) is there to protect the roots of trees, which often spread out further than the tree canopy. Protection measures include taking care not to cut tree roots (e.g., by trenching) or causing soil compaction around trees (e.g., through vehicle movements or stacking heavy equipment) or contamination from poisons (e.g., site stored fuel or chemicals). Due to the irreplaceable nature of ancient woodland and ancient and veteran trees, most temporary effects will result in irreplaceable damage. The RPA should be avoided and protected, especially in the cases where there is likely to be frequent construction traffic where roots are particularly vulnerable to compaction. Any effect from the incursion into RPA’s of veteran trees may not become immediately apparent and will need to be extensively monitored, even after construction.”</p>	<p>woodland habitats. Impacts upon these habitats is considered within ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>	
	<p>“Priority Habitat: There are several isolated fragmented areas of mixed deciduous woodland within the order area for solar PV installation. Mixed Deciduous woodlands</p>	<p>Impacts of the Scheme on Priority Habitats have been fully considered within ES Chapter 7: Ecology and</p>	<p>Section 7.8 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>



	<p>are on the National Forest Inventory and the Priority Habitat Inventory (England). They were recognized under the UK Biodiversity Action Plan as being the most threatened, requiring conservation action. The UK Biodiversity Action Plan has now been superseded but this priority status remains under the Natural Environment & Rural Communities Act 2006. (NERC) Sect 40 “Duty to conserve and enhance biodiversity” and Sect 41 – “List of habitats and species of principle importance in England”. Paragraph 187b of the NPPF (Dec 2024) states: “Planning policies and decisions should contribute to and enhance the natural environment recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.” Fragmentation is one of the greatest threats to mixed deciduous woodland. Loss of habitat connectivity is a particular concern where the woodland would become isolated in its landscape and surrounded by development on several sides. These woodlands can also suffer loss or deterioration from nearby development through damage to soils, roots and vegetation and changes to drainage and air pollution from an increase in traffic and dust, particularly during the construction phase of a development.”</p>	<p>Biodiversity [APP/6.2] and connectivity between habitat parcels enhanced within the Scheme.</p>	
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	<p>“Mitigation: The concept masterplan shows indicative areas for mitigation and enhancement, although does not specify what this enhancement will consist of. It is stated at hedgerows will be strengthened between woodlands. Paragraph 4.3.20 of the Overarching National Policy Statement for Energy (EN-1) states: “The Government has set 13 legally binding targets for England under the Environment Act 2021, covering the areas of: biodiversity; air quality; water; resource efficiency and waste reduction; tree and woodland cover; and Marine Protected Areas. Meeting the legally binding targets will be a shared endeavour that will require a whole of government approach to delivery. The Secretary of State have regard to the ambitions, goals and targets set out in the Government’s Environmental Improvement Plan 2023 for improving the natural environment and heritage. This includes having regard to the achievement of statutory targets set under the Environment Act.” It is important that woodland creation is not just used as screening at strategic locations and ensures habitat connectivity throughout the landscape. Ideally, we would like to see woodland creation carried out in 5ha blocks, or that connecting planting with existing woodlands should create blocks of at least 5ha. Connectivity across the site could be improved and enhanced with larger blocks of woodland creation and woodland edge. There is certainly the possibility of linking several of the isolated</p>	<p>The buffers to retained habitats are as set out in Table 5.2 of ES Chapter 5: The Scheme [APP/6.1], and Table 7.11 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p> <p>Whilst the mandatory BNG requirement for DCOs remains to be implemented (currently anticipated for May 2026), the Scheme has already committed to delivering over 10% BNG, as calculated within the statutory BNG metric and secured via the corresponding requirement in the DCO. The BNG Assessment Report has been submitted with the DCO Application.</p> <p>Habitats will be maintained and managed in line with the oLEMP [APP/7.11] and subsequent LEMP, secured via a requirement of the DCO.</p>	<p>ES Chapter 5: The Scheme [APP/6.1].</p> <p>Section 7.7 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p> <p>Biodiversity Net Gain Assessment Report [APP/7.4]</p> <p>oLEMP [APP/7.11]</p>
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	<p>woodlands within the site. Avoiding impacts and good landscape design: To meet planning policy and Government guidance, we would recommend:</p> <ul style="list-style-type: none">• Robust adherence to the Standing Advice, especially regarding buffer zones, to rule out loss or deterioration to ancient and veteran trees.• Maintain and where possible improve woodland condition.• Utilise biodiversity gains as part of avoiding woodland and tree impacts (especially ancient/veteran) which can also maximise biodiversity benefits by embracing irreplaceable and high priority habitats – for example focussing on ecological enhancements/creation of woodland edges.• Woodland creation and improvements to ecological connectivity. For example, there are potential opportunities to link fragmented woodland habitats across the site, which will increase habitat connectivity, making woodlands more resilient and benefitting biodiversity across the project area.• Overall increase in the tree canopy cover to contribute to the Government's target to increase tree and canopy		
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		<p>cover to 16.5% of land area in England by 2050.</p> <p>A UK Forestry Standard compliant woodland management plan, including deer and squirrel control, is created to ensure the long term maintenance of all new and existing woodland within the site.”</p>		
Sporle with Palgrave Parish Council		<p>“7. Impact on existing wildlife and biodiversity.</p> <p>The PC is not at all convinced that the assurances given of potential biodiversity net gain (BNG) with this development will occur. The Applicant has yet to do a full BNG assessment, so it is not possible to have any certainty of the levels of existing biodiversity and possible BNG. The construction phase is likely to cause a loss of biodiversity which will take time to restore, if at all possible, once into the operational phase. There is little evidence, so far, for the biodiversity gains that are being claimed for these industrial-style developments which are still in the early stages of their development and operation. There is a requirement within the planning legislation for developers to show that they can achieve BNG but what studies there are show much depends on the particular site and management regime to achieve any BNG. (Natural England Evidence review of the impact of solar farms on birds, bats and general ecology 2017; https://www.bsgecology.com/wp-content/uploads/2019/04/Solar-Panels-</p>	<p>Whilst the mandatory BNG requirement for DCOs remains to be implemented (currently anticipated for May 2026), the Scheme has already committed to delivering over 10% BNG, as calculated within the statutory BNG metric and secured via the corresponding requirement in the DCO. The BNG Assessment Report has been submitted with the DCO Application.</p>	<p>Biodiversity Net Gain Assessment Report [APP/7.4] and oLEMP [APP/7.11]</p>



	<p>and-Wildlife-Review-2019.pdf; https://www.rspb.org.uk/whats-happening/news/solar-farms-managed-for-nature-boost-birdnumbers-and-biodiversity). Therefore, much will depend on the management of the development both during construction and operation which will be difficult to achieve over the whole of such a large development and such a long period.”</p>		
	<p>“8. Long term disruption</p> <p>As the developments listed, plus probably others yet to come to light, are put in train, there will be a continuing period of disruption to the whole area as one project follows another. This will have adverse impacts on wildlife, traffic and peoples’ mental health and wellbeing.”</p>	<p>Cumulative effects of the Scheme along with other relevant committed developments are considered within each technical ES chapter (ES Chapters 6-16) [APP/6.2], as appropriate.</p>	<p>ES Volume 2 [APP/6.2]</p>
	<p>“7. Deer Management</p> <p>There has been no thought given to proper deer management within the scheme. Totally enclosing approximately 800Ha of habitat and feeding ground for wild deer (muntjac, Chinese water deer, Roe and Red deer and possibly Fallow too) will lead to increased road traffic accidents, vehicle insurance claims and in the increased biodiversity impact on adjacent unfenced habitats. It is widely agreed there are 2 million deer in the UK and that this is likely to increase as there are no natural predators and that culling is not at such a</p>	<p>The Scheme will be enclosed within perimeter fencing; however, dispersal impacts are not anticipated owing to the incorporation of above ground clearances and mammal gates. Further, the perimeter fencing will be set back from the boundary habitats retained as part of the embedded mitigation.</p>	<p>Section 7.7 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>



	<p>level that the numbers are likely to keep increasing for the foreseeable future. The enclosing of the solar panel areas will mean that the damage caused by the deer will be concentrated in the intervening areas. A response to such developments by the Forestry Commission says: 'Where the proposals include fencing the site, this is likely to increase herbivore browsing and grazing to areas in close proximity to these sites, and impacts are likely to increase in surrounding woodlands, and the wider landscape where hedgerows, stewardship schemes are likely to be impacted upon with the associated impact to species reliant in these areas. Recommendation would be to increase culls in this area prior to the project commencement to help mitigate this and to continue deer management. There is also the potential of herbivores gaining access to within the site and impacting any biodiversity measures requested as part of the planning process so this would need to be regularly monitored. In addition, large scale fencing is going to change how deer move through the landscape, and this may increase the numbers of deer crossing local roads. Deer vehicle collisions increase as deer crossings increase. We already have high risk of deer collisions in the area, and an assessment of this risk increasing should occur. If culls occur prior to commencement the risks should reduce.' It has been recognised locally in the Broads national park that deer numbers are higher than the landscape can accommodate.</p>		
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	<p>This could be the case in the area covered by the development, but no survey has been undertaken. Deer are transitory creatures and move through the landscape. It is important that there are wide corridors between the solar panel areas. Our concerns are that narrow corridors between panel areas will only concentrate deer movements and likely to cause accidents on the A1065 and A47 as well as local smaller roads. Accounts of deer panicking when encountering walkers on the Peddars Way along Procession Lane in Sporle where the land owner has deer-fenced both sides already reveals there is a problem. We would ask that the Applicant does further work to provide the complete scheme with a deer management plan engaging surrounding landowners who would be affected and adjusts the design of the scheme accordingly not only to facilitate deer and other wildlife movement through the dOL but also in the wider landscape. It will be particularly important to work with the High Groves development.”</p>		
	<p>“Biodiversity and wildlife</p> <p>The PC request that they will have the results of further survey work and assessment on the impact of the development on biodiversity and wildlife by the project and the detailed BNG likely. This is so that we can comment and suggest further mitigation.”</p>	<p>The survey work undertaken to inform the assessment of impacts on ecology and biodiversity has been provided in the Ecology and Biodiversity Appendices in Volume 4 of the ES [APP/6.4].</p>	<p>ES Appendix 7.2: Baseline Ecological Survey Report [APP/6.4] and Biodiversity Net Gain Assessment Report [APP/7.4]</p>



	<p>“Hedges and Trees</p> <p>It is recognised that existing hedgerows and trees will be largely retained and gaps filled and hedges taken out during construction will be replaced. However, it is recognised that mature diseased trees particular from Ash dieback will need to be removed. The PC wants to emphasise the need for hedges to be allowed to thicken out at the base to 3.5-6m wide to allow not only thick dense material to shield panels from view in winter but also to create good wildlife corridors for nesting birds and small mammals. The hedges should be allowed to grow to at least 3.5m with a domed top using native sourced plants. Maintenance should be minimal in terms of trimming but recognise they will need managing with a full maintenance plan covering the full establishment, mulching and weeding of plants. Shelter belts of mixed native woodland should be 20m thick to provide a dense barrier from solar arrays and particularly around individual residences. These should be principally coppicing species of native trees and shrubs (min 2000 plants/ha) to grow a buffer belt with a diverse understorey structure. We would welcome planting of native species individual hedge standard trees into existing and new hedges where appropriate, recognising the plans to recreate the historic nature of the drove routes through the site. Separate fencing and protection of Ancient, Semi-natural woodland, new woodland belts and</p>	<p>Details of appropriate buffers are provided within the ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p> <p>Details of new planting and management are provided within the oLEMP [APP/7.11], which includes specifications for the hedgerow minimum and optimal heights and proposed tree species for woodland areas.</p> <p>These will include native planting, including standard trees within hedgerows, appropriate management to maintain suitable specifications such as corridor widths within wide buffers. Where appropriate, fencing will be used to provide protection from browsing livestock (eg sheep) In line with the comments, specific measures will differ according to specific location across the site and will therefore be detailed within the detailed LEMP.</p>	<p>Section 7.7 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p> <p>ES Chapter 5: The Scheme [APP/6.1]</p> <p>oLEMP [APP/7.11]</p>
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	<p>hedgerows must be considered on a site-by-site basis particularly in light of possible sheep grazing and browsing wild-deer populations.”</p>		
	<p>“Grassland</p> <p>We are concerned that the grassland proposed under and around the solar panels is well and actively managed over the operational phase of the project. Of particular concern is the possibility of invasive species taking over, such as ragwort and thistles and the need for a programme of selective weed control. It is important that areas are sown with native wildflower mix with seed of UK provenance and site appropriate to reflect soil type and fertility, if we are to see improved habitat for insects and pollinators, ground nesting birds, bats, owls and raptors and small mammals. If sheep grazing is to be encouraged, grazing should be particularly, but not exclusively, after summer flowering and seed-setting.”</p>	<p>Details of new planting and management are provided within the oLEMP [APP/7.11], including provision for spot herbicide treatment and specification of wildflower mix to be used where this is appropriate and/or necessary (subject to ongoing monitoring of conditions, including in relation to colonisation by any invasive or deleterious species). Specific measures will differ according to individual locations, treatment and habitat development recorded across the Order limits and will therefore be set out within the detailed LEMP, albeit principles are provided within the oLEMP [APP/7.11].</p>	<p>ES Chapter 5: The Scheme [APP/6.1]</p> <p>oLEMP [APP/7.11]</p>
	<p>“Ponds</p> <p>The PC would want to encourage the improvement of the existing ponds across the development but would ask that, where</p>	<p>Consideration in regard to pond habitat is included in ES Chapter 7: Ecology and Biodiversity [APP/6.2]. No evident ghost ponds have been identified within the Site</p>	<p>Section 7.7 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>



	<p>possible, new ponds be created to encourage wildlife and biodiversity as well as provide drainage. There appears to be no survey of possible ‘ghost’ ponds (former ponds that have been filled in) in the dOL area which could be restored. This should be undertaken and a plan made to restore those that can be. It is important that the existing ponds are linked up with the existing and created wildlife corridors so that this allows wildlife access to water and facilitates movement through the landscape.”</p>	<p>as a result of the survey work undertaken to inform the DCO Application. Specific management of existing ponds within wider green corridors will be undertaken as detailed within the oLEMP [APP/7.11].</p>	<p>oLEMP [APP/7.11]</p>
	<p>“Buffer strips</p> <p>It is noted that the PEIR states that buffer strips between PV panels and hedges will be 8m with a 4m minimum gap between individual panels and surrounding fencing. We would request that there is a clear 12m strip between fences and hedges and tree lines. Similar width buffer strips should also be made around ponds. This is for the following reasons: We are concerned that with the erection of 2m high deer fencing this is not a large enough gap to provide adequate wildlife corridors. Wider buffer strips will ensure that foot paths are not dominated by hedge or trees one side and PV panels the other side ensuring a more pleasant walk for users.”</p>	<p>Consideration of buffer strip widths and associated suitability in combination with habitat provision is set out in ES Chapter 7: Ecology and Biodiversity [APP/6.2], including reference to faunal species groups.</p>	<p>Section 7.7 of ES Chapter 7: Ecology and Biodiversity [APP/6.2].</p>
	<p>“Management of panel areas</p>	<p>An oLEMP [APP/7.11] has been prepared which details the management measures to</p>	<p>oLEMP [APP/7.11]</p>



	<p>No outline management plans have been put in place for the operation of the site. We are concerned that the length of the operational phase will mean that over time management of the site will not be as tight with resulting problems: Loss of biodiversity and detrimental effects on wildlife</p> <ul style="list-style-type: none">• Poor maintenance of the species-rich grassland proposed under the solar arrays that lead to bare patches causing soil erosion and sediment build up in the drainage system• Poor maintenance of the species-rich grassland proposed under the solar arrays that lead to increased fire risk in times of drought”	<p>be implemented for the lifetime of the Scheme, to be further refined and detailed in the LEMP, secured via a requirement of the DCO.</p>	
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- 7.1.5 A further round of targeted consultation was undertaken between 3 September 2025 and 1 October 2025 following changes to the development boundary area of the Scheme presented in the PEIR and during Stage Two Statutory Consultation. Further detail regarding the targeted consultation is provided in **ES Chapter 1: Introduction [APP/6.1]**.

7.2 Legislation, Planning Policy and Guidance

- 7.2.1 An overview of the legislation, planning policy and guidance against which the Scheme has been considered for the Ecology and Biodiversity assessment is set out below. A further summary of relevant legislation is set out in **ES Appendix 7.2: Baseline Ecological Survey Report [APP/6.4]**.

Legislation and Regulations

- 7.2.2 In summary, the key pieces of legislation relating to nature conservation in the UK, which are of relevance to the Scheme are:

Conservation of Habitats and Species Regulations 2017 (as amended)

- The Regulations enact the European Union's Habitats Directive (92/43/EEC) in the UK. The Habitats Directive was designed to contribute to the maintenance of biodiversity within member states through the conservation of sites, known in the UK as Special Areas of Conservation (SACs), containing habitats and species selected as being of EC importance (as listed in Annexes I and II of the Habitats Directive respectively). Member states are required to take measures to maintain or restore these natural and semi-natural habitats and wild species at a favourable conservation status.
- The Regulations also require the compilation and maintenance of a register of European sites, to include SACs and Special Protection Areas (SPAs)¹ classified under Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). These sites constitute the Natura 2000 network. The Regulations impose restrictions on planning decisions likely to significantly affect SPAs or SACs.
- The Regulations also provide protection to European Protected Species of animals that largely overlaps with the WCA 1981, albeit the provisions are generally stricter. Under Regulation 43 it is an offence, inter alia, to:
 - Deliberately capture, injure or kill any wild animal of a European Protected Species
 - Deliberately disturb any wild animals of any such species, including in particular any disturbance likely to impair their ability to survive, to breed or reproduce, to rear or

¹ Special Protection Areas (SPAs) are protected sites classified in accordance with Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC) (aka the Birds Directive), which came into force in April 1979. SPAs are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species.



nurture their young, to hibernate or migrate, or which is likely to affect significantly their local distribution or abundance

- Deliberately take or destroy the eggs of such an animal
- Damage or destroy a breeding site or resting place of such an animal
- Similar protection is afforded to European Protected Species of plants, as detailed under Regulation 47
- The Regulations do provide a licensing system that permits otherwise illegal activities in relation to European Protected Species, subject to certain tests being fulfilled
- The statutory requirement to provide at least 10% Biodiversity Net Gain under the Environment Act 2021 does not currently apply to NSIPs under DCO, however, the latest Government update indicates that new NSIP applications submitted from November 2025 onwards will be subject to the requirements of a Biodiversity Net Gain assessment with details to be confirmed.

Wildlife and Countryside Act 1981 (as amended)

- The WCA Act provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs) identified for their flora, fauna, geological or physiographical features. The Act contains strict measures for the protection and management of SSSIs.
- The Act also refers to the treatment of UK wildlife including protected species listed under Schedules 1 (birds), 5 (mammals, herpetofauna, fish, invertebrates) and 8 (plants).
- Under Section 1(1) of the Act, all wild birds are protected such that it is an offence to intentionally:
 - Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird whilst in use* or being built
 - Take or destroy an egg of any wild bird
 - The nests of birds that re-use their nests as listed under Schedule ZA1, e.g. Golden Eagle, are protected against taking, damage or destruction irrespective of whether they are in use or not
- Offences in respect of Schedule 1 birds are subject to special, i.e. higher, penalties. Schedule 1 birds also receive greater protection such that it is an offence to intentionally or recklessly:
 - Disturb any wild bird included in Schedule 1 while it is building a nest or while it is in, on or near a nest containing eggs or young
 - Disturb dependent young of such a bird
- Under Section 9(1) of the Act, it is an offence to:
 - Intentionally kill, injure or take any wild animal included in Schedule 5
- In addition, under Section 9(4) it is an offence to intentionally or recklessly:



- Obstruct access to, any structure or place which any wild animal included in Schedule 5 uses for shelter or protection; or
- Disturb any wild animal included in Schedule 5 while occupying a structure or place which it uses for that purpose
- Under Section 13(1) it is an offence:
 - To intentionally pick, uproot or destroy any wild plant listed in Schedule 8; or
 - Unless the authorised person, to intentionally uproot any wild plant not included in Schedule 8
- The Act also contains measures (S.14) for preventing the establishment of non-native species that may be detrimental to native wildlife, prohibiting the introduction into the wild of animals (releases or allows to escape) and plants (plants or causes to grow) listed under Schedule 9

Protection of Badgers Act 1992

- The Act aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain. It should be noted that the legislation is not intended to prevent properly authorised development. Under the Act it is an offence to:
 - Wilfully kill, injure, take, possess or cruelly ill-treat* a Badger, or attempt to do so
 - To intentionally or recklessly interfere with a sett# (this includes disturbing Badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it)

*The intentional elimination of sufficient foraging area to support a known social group of Badgers may, in certain circumstances, be construed as an offence

#A sett is defined as “any structure or place which displays signs indicating current use by a Badger”. Natural England advice (June 2009) is that a sett is protected so long as such signs remain present, which in practice could potentially be for some time after the last actual occupation by Badger. Interference with a sett includes blocking tunnels or damaging the sett in any way.
- Licences can be obtained from the Statutory Nature Conservation Organisation (SNCO) for development activities that would otherwise be unlawful under the legislation, provided there is suitable justification. The SNCO for England is Natural England

Hedgerows Regulations 1997

- ‘Important’ hedgerows (as defined by the Regulations) are protected from removal (up-rooting or otherwise destroying). Various criteria specified in the Regulations are employed to identify ‘important’ hedgerows for wildlife, landscape or historical reasons.



Countryside and Rights of Way (CRoW) Act 2000

- The CRoW Act provides increased measures for the management and protection of SSSIs and strengthens wildlife enforcement legislation. Schedule 12 of the Act amends the species provisions of the WCA 1981, strengthening the legal protection for threatened species. The Act also introduced a duty on Government to have regard to the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity.

Natural Environment and Rural Communities Act 2006

- Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as local planning authorities, in implementing their duty under Section 40 of the Act, to have regard to the conservation of biodiversity in England, when exercising their normal functions. 56 habitats and 943 species of principal importance are included on the S41 list. These are all the habitats and species in England that were identified as requiring action in the UK Biodiversity Action Plan (BAP).

Wild Mammals (Protection) Act 1996

- An Act to make provision for the protection of wild mammals from certain cruel acts; and for connected purposes. Covers ill-treatment of wild mammals; inclusive of any person who mutilates, kicks, beats, nails or otherwise impales, stabs, burns, stones, crushes, drowns, drags or asphyxiates any wild mammal with intent to inflict unnecessary suffering shall be guilty of an offence.

Schedule 7A of the Town and Country Planning Act 1990 (as amended) (as inserted by Schedule 14 of the Environment Act 2021)

- The Environment Act 2021 establishes a comprehensive legal framework for environmental improvement within the UK, forming one of the key measures to deliver the vision set out under the 25 Year Environment Plan. In particular, as part of this process, the Environment Act 2021 sets out a number of measures in order to introduce mandatory requirements for Biodiversity Net Gain within the planning system, including a requirement for developments to deliver 10% gains in biodiversity value.
- In respect of Orders Granting Development Consent for Nationally Significant Infrastructure Projects (under The Planning Act 2008), Schedule 15 of The Environment Act 2021 sets out Principal Amendments to the Planning Act 2008 in order to implement the relevant BNG requirements. Under the Royal Assent, this Schedule will come into force on a date to be determined by regulations appointed by the Secretary of State, and accordingly remains to be implemented at the current time. The government originally committed to BNG requirements applying from November 2025, however currently available government advice (e.g. at www.gov.uk, accessed 22 October 2025) indicates that BNG will be introduced for NSIPs from May 2026.



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

- The Water Framework Directive (WFD) establishes a legal framework for the protection of all surface waters including rivers, lakes, transitional waters, coastal waters and groundwater.

The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024

- The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 set out the definition and list of irreplaceable habitats insofar as these relate to BNG (for the purposes of Part 2 of Schedule 7A of the Town and Country Planning Act 1990). These habitats cannot easily be recreated and are therefore treated separately in relation to BNG, with any impacts requiring bespoke mitigation.

Planning Policy

National Planning Policy

7.2.3 The National Policy Statements (NPS) are a suite of documents issued by the SoS, setting out the government's policy for delivery of major energy infrastructure and represent the primary policy tests against which this DCO Application for the Scheme will be considered. Listed below are the details of the elements of NPS considered relevant to the Ecology and Biodiversity assessment.

- Overarching National Policy Statement for Energy (NPS EN-1) (Ref 7-1) describes the Government's national policy for the delivery of major energy infrastructure, forming the primary policy for SoS decision making for such developments. Parts 4 and 5 of NPS EN-1 details the policies on the assessment of common impacts across the range of energy-technologies, with section 4.3 entitled 'Environmental Effects/Considerations', specifying the policy concerning assessment of likely significant effects, section 4.6 entitled 'Environmental and Biodiversity Net Gain', specifying policy with regard to net gains for biodiversity, and section 5.4 entitled 'Biodiversity and Geological Conservation', specifying the predominant policy concerning impacts of major energy infrastructure on Biodiversity. This includes guidance on the assessment and mitigation of these impacts
- National Policy Statement for Renewable Energy Infrastructure (NPS EN-3) (Ref 7-2) is a relevant technology-specific NPS, of which Section 1.7 details government policy with regard to sustainability appraisal and Habitats Regulations Assessment (HRA), paragraphs 2.10.154 - 156 details technical considerations, and paragraphs 2.10.75 – 2.10.92 of NPS EN-3 details government policy on developments for Solar Photovoltaic Generation and incorporates specific considerations in regard to biodiversity, ecological, geological and water management
- National Policy Statement for Electricity Networks Infrastructure (NPS EN-5) (Ref 7-3) details government policy on electrical infrastructure. With regard to biodiversity, NPS EN-5 broadly refers to policies set out in NPS EN-1 and NPS EN-3, however section



2.5 details environment and BNG considerations and section 2.11 details Secretary of State decision making

- 7.2.4 The National Planning Policy Framework (NPPF) as revised in December 2024 sets out national planning policies that reflect priorities of the Government for operation of the planning system and the economic, social, and environmental aspects of the development and use of land. The NPPF has a strong emphasis on sustainable development, with a presumption in favour of such development. The NPPF has the potential to be considered important and relevant to the SoS' consideration of the Scheme. Below provides details of the elements of the NPPF that are relevant to this chapter, and how and where they are covered in the ES.
- 7.2.5 The NPPF is accompanied by Planning Practice Guidance on “Biodiversity, ecosystems and green infrastructure” and ODPM Circular 06/2005 (Ref 7-4).
- 7.2.6 NPPF takes forward the Government’s strategic objective to halt overall biodiversity loss, as set out at Paragraph 187, which states that planning policies and decisions should contribute to and enhance the natural and local environment by: *“minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs”*.
- 7.2.7 The approach to dealing with biodiversity in the context of planning applications is set out at Paragraph 193:
- “When determining planning applications, local planning authorities should apply the following principles:*
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
 - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
 - d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”*

The above approach encapsulates the ‘mitigation hierarchy’ described in British Standard BS 42020:2013 (Ref 7-5), which sets out the following step-wise process:



- Avoidance – avoiding adverse effects through good design
- Mitigation – where it is unavoidable, mitigation measures should be employed to minimise adverse effects
- Compensation – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm
- Enhancement – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects

Local Planning Policy

7.2.8 The Scheme is located within the administrative areas of Norfolk County Council (NCC) and Breckland Council (BC), who are the host authorities. The following local policies which are relevant to Ecology and Biodiversity and have informed the Ecology and Biodiversity assessment are set out within the Breckland Local Plan (Ref 7-6), which are therefore of relevance to the Scheme:

- Breckland Local Plan Policy ENV02 – Biodiversity Protection and Enhancement
- Breckland Local Plan Policy ENV03 – The Brecks Protected Habitats & Species
- Breckland Local Plan Policy ENV06 – Trees, Hedgerows and Development

Other Guidance

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

- Guidelines for Ecological Impact Assessment in the UK and Ireland (CIEEM, September 2024) (Ref 7-7)
- Natural England Standing Advice. Protected Species and development: advice for local planning authorities (Ref 7-8)
- Norfolk Local Nature Recovery Strategy (LNRS) (Ref 7-1)



References

- Ref 7-1 Department for Energy Security & Net Zero (2023) Overarching National Policy Statement for Energy (EN-1)
- Ref 7-2 Department for Energy Security & Nat Zero (2023) National Policy Statement for Renewable Energy Infrastructure (EN-3)
- Ref 7-3 Department for Energy Security & Net Zero (2023) National Policy Statement for Electricity Networks Infrastructure (EN-5)
- Ref 7-4 Office of the Deputy Prime Minister (2005) 'Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System'
- Ref 7-5 British Standards Institution (2013) 'BS 42020:2013. Biodiversity – Code of Practice for Planning and Development'
- Ref 7-6 Breckland Council (2023) Breckland Local Plan
- Ref 7-7 CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine, ver. 1.3 (updated September 2024)
- Ref 7-8 Natural England and Department for Environment, Food & Rural Affairs (2025) Protected species and development: advice for local planning authorities
- Ref 7- 1 Norfolk County Council (2025) Norfolk Local Nature Recovery Strategy



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