



Norfolk County Council

Deadline 4 Submission

The Drovers Solar Farm (EN0110013)

16th September 2026

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1. Glossary of Acronyms

BDC	Breckland District Council	ISH3	Issue Specific Hearing 3
DCO	Development Consent Order	LHA	Local Highway Authority
ExA	Examining authority	LLFA	Lead local Flood Authority
FRA	Flood Risk Assessment	NCC	Norfolk County Council
HER	Historic environment record	NSIP	Nationally significant infrastructure project
IDB	Internal Drainage Board	OS	Ordnance Survey
ISH	Issue Specific Hearing	SoS	Secretary of State
ISH2	Issue Specific Hearing 2		

Introduction

2. Deadline 4 Submission

- 2.1. This document sets out Norfolk County Council's ("NCC's" or "the County Council's") Deadline 4 submission in relation to The Drovers Solar Farm Development Consent Order ("DCO") application. It provides responses to matters requested by the Examining Authority (ExA) at Issue Specific Hearing 2 and Issue Specific Hearing 3 held on 8th and 9th September 2026 respectively, and takes into account the Deadline 3 submissions.
- 2.2. Deadline 3 required submissions by 24th July 2026, and included the following items:
- responses to ExQ2;
 - the applicant's updates – refer to Rule 6 letter, Annex F [[PD-006](#)]; and
 - comments on the Deadline 2 submissions and any other information requested by the ExA for Deadline 3
- 2.3. The comments set out in this submission are made by the County Council in its capacity as the Local Authority with a 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;
 - 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").
- 2.4. 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.

3. Scope of Comments

- 3.1. The updated Examination Library shows that 102 additional or amended documents were submitted at Deadline 3, of which 88 were submitted by the Applicant, The Drovers Solar Farm Limited. The comments set out below take into account these submissions and refer to them where appropriate.

- 3.2. The County Council attended and made oral submissions at Issue Specific Hearing (ISH) 2 and Issue Specific Hearing (ISH) 3, during which a number of actions by the County Council were requested by the Examining Authority, including those set out below
- 3.3. Some of these actions have been dependent upon the publication of the recordings and transcripts of ISH2 and ISH3, which were not published on the Planning Inspectorate webpages for The Drovers Solar Farm, until late in the afternoon of 15th September 2026 (notification received at 16:53). As a result it has not been possible for the County Council to respond in this submission to all the actions requested by the ExA at ISH2 and ISH3. Where this is the case the County Council will provide a response at Deadline 5, as set out below.
- 3.4. The responses follow the agenda item set out on the Agendas for ISH2 and ISH3, with comments on additional documents submitted at Deadline 3 inserted as appropriate.

Actions from ISH2 and ISH3

4. Issue Specific Hearing (ISH) 2

Item 1 Draft Development Consent Order

Part 2 - Principal Powers

Article 6(1) (a) to (c) - the applicant will be asked about Norfolk County Council's concern that there is not enough evidence for the disapplication of the Land Drainage Act.

Action/Response Required: NCC as the LLFA is asked to provide a written response to comments from Drovers Solar Farm Ltd re there not being enough evidence for the disapplication of the Land Drainage Act.

- 4.1. NCC as the LLFA acknowledges that the applicant has provided Environmental Statement Figure 12.1 Ephemeral Ditches [\[APP-115\]](#) that provides an initial indication of some ephemeral watercourses but not all the watercourses. The LLFA notes that ephemeral watercourses are not wet all year round, but this does not mean the watercourses are not connected to the wider network. Normally a topographic survey is provided for a development site (including those taking an NSIP planning route). The topographic survey identifies watercourse channels, structures within a watercourse and the topographic geometry of the site prior to development. This has not been undertaken or provided by the applicant. Watercourses have only been shown based on the OS background mapping with breaks in the marked channel. No watercourse tracing investigation has been undertaken to demonstrate whether or not there is a connection, such as 'lost' culverts between these segments of watercourse that are all along the mapped surface water flow route. There has not been any investigation as to where these ephemeral watercourses discharge to. These watercourses are in the vicinity of existing ponds, and it is not clear if these watercourses are

hydraulically connected to the ponds. The applicant has not provided evidence of ongoing watercourse flow monitoring.

- 4.2. In relation to the hydraulic modelling the applicant has undertaken on the eastern side of the site, the applicant's own surface water modelling exercise identifies an overlap with the identified watercourses (Environmental Statement Figure 12.1 Ephemeral Ditches [\[APP-115\]](#) and ES Appendix 12.2 Flood Risk Assessment [\[REP3-065\]](#). It is noted that the area modelled by the Environment Agency fluvial model for the River Nar Tributary [\[Check the long term flood risk for an area in England - GOV.UK\]](#) that runs alongside the road between Bailey Street to Castle Acre Road (A1065) (thought to be called Lexham Lane) runs up to the western side of the A1065 before changing to a surface water model. The applicant has prepared a surface water model, that does not include an channel topographic or culvert structure information, that covers both the fluvial and surface water model. There is likely to be a culvert under the road to enable the flow of the ordinary watercourse that is a tributary to the River Nar. The baseline model has not improved the applicant's understanding of the site specific flood risk and has not improved the quality of the hydraulic modelling available.
- 4.3. Furthermore, some of the flood extents on the Environment Agency's flood risk maps for surface water and from rivers and the sea align with the approximate location of some of the ordinary watercourses. The applicant has shown that ordinary watercourses are within the site area. Therefore, the Land Drainage Act would apply. The LLFA notes the Environment Agency supports the view that Ordinary Watercourses are present on site in their ExQ2 response [\[REP3-095\]](#).
- 4.4. The LLFA notes that the applicant has indicated ordinary watercourse consents are considered a duplication of consenting. This is not the case. Other NSIP schemes both in Norfolk, such as the Sheringham and Dudgeon Extension Projects [\[EN010109\]](#), A47 North Tuddenham to Easton [\[TR010038\]](#), Norfolk Vanguard [\[EN010079\]](#), Norfolk Boreas [\[EN010087\]](#) and Norwich to Tilbury [\[EN020027\]](#), are all examples where the Land Drainage Act has been preserved in the DCO protective provisions. The Land Drainage Act is an important tool in the management of flow in ordinary watercourses. At present, there are no protective provisions within the current draft DCO to reinstate relevant Land Drainage Consenting activities. Therefore, the LLFA does not consider it appropriate to disapply section 23 of the Land Drainage Act 1991. As the applicant has demonstrated that there is at least one ordinary watercourse on site, the LLFA considers the applicant's proposed disapplication of the Land Drainage Act 1991 appears to be a premature and inappropriate approach as the Land Drainage Act 1991 remains relevant. The applicant has not undertaken sufficient investigation and design development at this time to adequately define the works proposed and their location. Ordinary Watercourse Consents would only apply to a small area of the site where works would need to occur within the channel. It should be noted that if there is no need for works in a watercourse, then there would be no requirement for an

application under the Land Drainage Act. NCC encourages applicants to discuss their potential in-channel works with the LLFA officers to determine whether a consent is required. Therefore, at this time, there is not enough evidence for the disapplication of the Land Drainage Act as it is shown to be a relevant consideration to the proposed development.

- 4.5. The LLFA reminds the applicant that to disapply the legislative regime, those with relevant consenting activities under that legislation need to give consent to for its disapplication. As there are ordinary watercourses on site, the applicant has not undertaken or provided a suitable evidence base and has not proposed any relevant protective provisions, the LLFA would not consent under Section 150 of the Planning Act 2008 to the removal of consent requirements of Section 23 of the Land Drainage Act 1991.

Part 6 - Miscellaneous and General

Article 49 Maintenance of drainage works – the applicant will be asked to comment on the EA's view that it does not consider these provisions are necessary.

Action/Response Required: NCC as the LLFA are asked to respond to comments that provisions of Article 49 are not necessary.

- 4.6. The LLFA has reviewed Article 49 and the Environment Agency's comments on Article 49 [[REP3-095](#)]. The LLFA has also reviewed previous NSIPs in Norfolk, both recent and older, and is unable to find a similar Article in the made or draft DCOs. The LLFA agrees with the Environment Agency's comments that they do not have responsibility for the land drainage consenting on ordinary watercourses. The LLFA also agrees with the Environment Agency's summary of their responsibilities in relation to Main Rivers and pollution management. However, the LLFA notes the Environment Agency continues to reference the Internal Drainage Board (IDB). The LLFA notes that Norfolk Rivers IDB has an area of responsibility for the River Nar and its tributaries that extends to the northern side of Plantation Road (the road that runs west to east between Rougham Road and A1065). The ordinary watercourse to the south of Plantation Road would be in the jurisdiction of the LLFA.
- 4.7. NCC does not see the need for Article 49. The occupier/owner of land within the proposed site boundary would normally be responsible for the maintenance and management of the land and its drainage. NCC LLFA, the Environment Agency and the IDB's within the Norfolk area are all clear that anyone living on, owning or leasing land next to a watercourse has rights and responsibility for its maintenance. It is the presumption in common law, in the absence of any evidence to the contrary. This is made clear in the NCC LLFA online guidance [Living next to a watercourse - Watercourse maintenance in Norfolk - Norfolk County Council](#), which is supported by the Environment Agency and the IDB.
- 4.8. The LLFA agrees with the Environment Agency's perspective that Article 49 should be removed from the draft DCO.

Schedule 13 – Documents to be Certified

The applicant will be asked whether the Design principles, parameters and commitments document provides adequate parameters to address concerns raised by NCC regarding whether ground reinstatement relates to predevelopment or finished ground levels, nor whether imported materials used to create platforms will be fully removed.

Action/Response Required: NCC is asked to provide a response to comments from Drovers Solar Farm Ltd on ground reinstatement.

- 4.9. NCC has previously commented that the removal of piles (and cables) will have a destructive effect on below-ground archaeological remains which will need to be mitigated at pre-construction stage.
- 4.10. The same principle applies to the creation and removal reinstatement of creation of platforms and aviation radar mitigation bunds. It does not really matter if the material to create the platforms or bunds is imported or derived from within the site. Crushing and compaction can impact negatively on below-ground archaeological remains. It is usual engineering practice to remove topsoil from any area where substantial and stable earthworks are to be created.
- 4.11. The addition of aviation radar mitigation bunds to the scheme greatly increases the potential levels of impact of the scheme as a whole on below-ground archaeological remains rendering the previous stance on the applicant archaeological consultants' null and void.

This very, very much greater level of potential impacts on below-ground archaeological remains can be dealt with within the framework of the existing draft requirement wording and draft archaeological mitigation strategy.

Item 3 Biodiversity

The applicant will be asked for an update regarding the disagreement with NCC over its assertion that there are foreseeable negative impacts to trees adjacent to the highway that have not been assessed within Section 16.4 of the Environmental Statement.

Action/Response Required: NCC is to have a follow up meeting with the Drovers Solar Farm Ltd on the extent of disagreement over the negative impacts on trees adjacent to the highway (with BDC present) and report on this.

- 4.12. NCC's discussion is discussion with BDC and the applicant and it is anticipated that it will take place in the week commencing 5th October 2026. NCC will aim to provide an update at Deadline 5 once the meeting has taken place.

Item 5 Transport and Access

The applicant will be asked for an update about whether queries and comments raised by NCC, regarding access and cumulative traffic impacts respectively, have been adequately resolved.

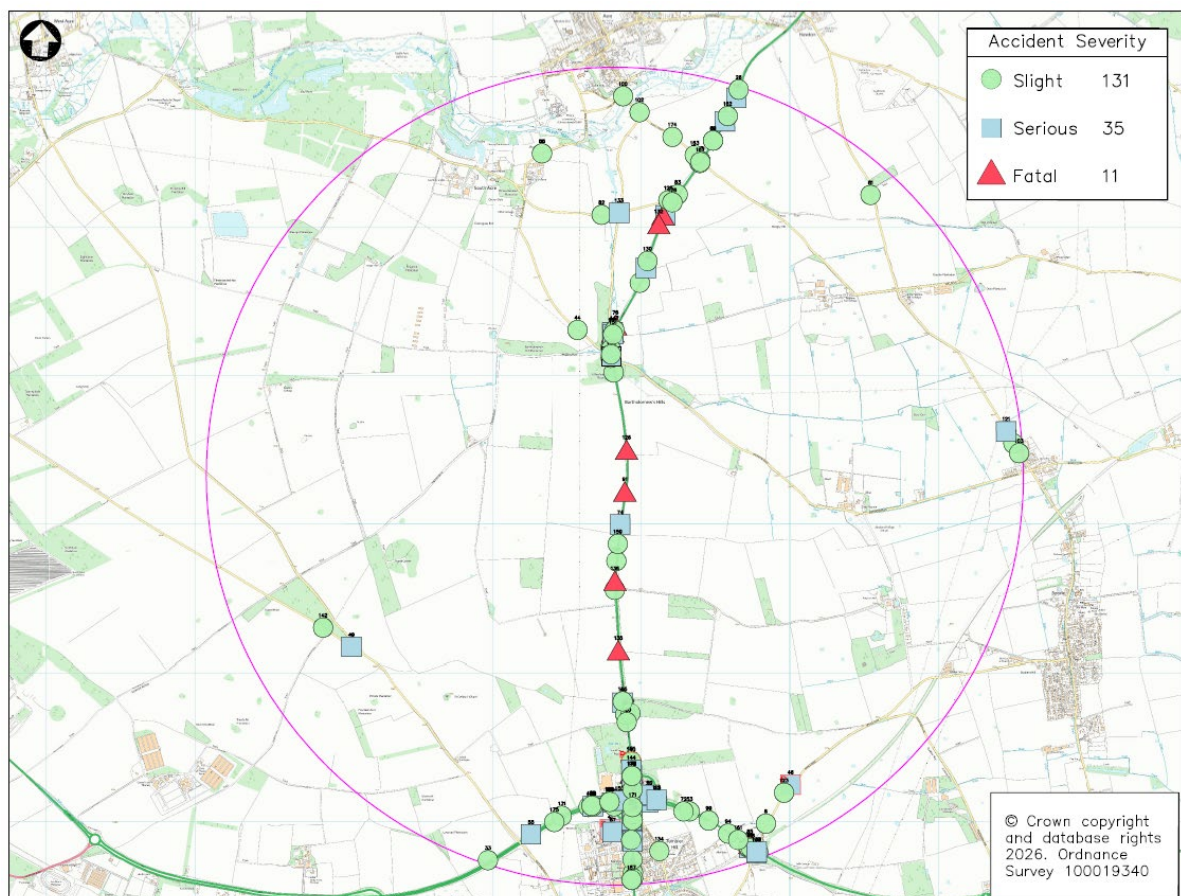
NCC as the Local Highway Authority (LHA) is asked to provide a traffic accident analysis for the last 20-30 years on the A1065.

- 4.13. NCC as the LHA has reviewed the traffic accident data for the A1065 between Swaffham and Castle Acre for the last 30 years. The data indicates a total of 177 recorded collisions over the period, comprising:

- 131 slight collisions
- 35 serious collisions
- 11 fatal collisions

The type and distribution of the collision is shown on the Figure 1 below

Figure 1: The Drovers – 30 year persona injury accidents (30 June 1996 – 1 July 2026) – Collision Map



Item 6 – Land and Soil

The applicant will be asked questions on outstanding concerns from BDC relating to Cumulative agricultural implications should be viewed in the context of the wider pattern of renewable energy development coming forward across the county) (not actually asked for but we should do this)

NCC to provide note on cumulative impact on terms of loss of agricultural land referencing the Beacon Fen decision.

- 4.1. NCC in support of the concerns expressed by Breckland District Council (BDC) commented on the cumulative loss of agricultural land to proposed solar farm developments and in particular in relation to the three current proposals that are or are to be subject to DCO applications, including The Drovers Solar Farm [[EN0110013](#)], High Grove Solar [[EN0110010](#)]
- 4.2. and East Pye Solar [[EN0110014](#)]. As stated in the discussion during ISH2 NCC is concerned about the cumulative impact of the proposed solar farm proposals across Norfolk in terms of the loss of agricultural land.
- 4.3. NCC drew the ExAs attention to the [Secretary of State's \(SoS's\) Decision Letter](#) on the Beacon Fen Energy Park DCO application [[EN010151](#)] and in particular that the SoS gave 'great negative weight' to the cumulative effects of the proposed development and other solar development on agricultural land (paragraphs. 4.68 - 4.69).
- 4.4. In Beacon Fen Energy Park case it was noted that Beacon Fen and all the other considered solar farms would have equated 2% of agricultural land within Lincolnshire County Council boundaries.
- 4.5. NCC's analysis of the Renewable Energy Planning Database indicates that around 5822ha of Norfolk (including the Drovers) is being considered for solar development. The total amount of agricultural land is about 479,000 ha (as stated in the Environmental Statement Chapter 11 Soils and Agriculture [[AS-080](#)]) so the percentage of coverage in Norfolk would be 1.2%

5. Issue Specific Hearing 3

Item 1 - Landscape and Visual

The applicant will be asked to provide an update regarding the potential implications for the landscape and visual effects resulting from the potential mitigation options for aviation effects.

NCC has not expressly been asked to comment on this, but would nevertheless wish to make the following comments.

- 5.1. As stated during the discussion at ISH3 NCC is concerned that mitigation options for aviation affects for which no details have yet been provided by the applicant and consequently they have not been assessed as part of the Environmental Statement Chapter 6: Landscape and Visual [AS-016]. NCC is concerned, if as discussed at ISH3, the options involve the construction of bunds and/fencing of 4.5m in height, that these would be substantial structures in their own right, with the potential to have a significant adverse landscape and visual impact. In absence of any details including the extent and dimensions of any such bunds or fencing, NCC is concerned that the Environmental Statement Chapter 6: Landscape and Visual [AS-016], should be updated before the application is determined, and that any decision on the application without an updated assessment is potentially unlawful.
- 5.2. NCC notes that the recording and Transcript of ISH3 have not at the time of writing (15th September 2026) been made available on the Planning Inspectorate webpages for The Drovers Solar Farm. NCC may wish to comment further on this matter when they have been published, in which case it will do so at Deadline 5.

Item 3 - Population

The applicant will be asked about Norfolk County Council's (NCC) concern that the change in landscape character may be more substantial than reflected in the applicant's conclusions, as the effect for recreational users is cumulative rather than experienced at individual viewpoints.

NCC is asked to provide a response to the applicants comments on this matter.

- 5.3. The recording and Transcript of ISH3 have not at the time of writing (15th September 2026) been made available on the Planning Inspectorate webpages for The Drovers Solar Farm. NCC will accordingly is unable to comment as yet but will provide a response at Deadline 5.